



The Planning Inspectorate

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Mr Simon Hawley
Harris Lamb Limited
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Your Ref: P1138/SH
Our Ref: s62A/2015/0002/Seafield Farm
Attachment(s): None.
Date: 7 October 2015

[Sent via e-mail]

Dear Mr Hawley

Town and Country Planning Act 1990 (Section 62A Applications)
Application for Temporary planning permission for the retention of the buildings known as the "Chiller" building and the "Link" building at Seafield Farm for Class B8 Storage and Distribution use until 28 October 2016 at Seafield Farm, Seafield Lane, Beoley, Worcestershire B98 9DB

Further to your application and to my email of 10 September. I acknowledge the receipt of the planning fee received on 30 September 2015. I have now examined your application form and the accompanying plans and documents. When assessed against the national validation criteria the following information has not been supplied and would be required to complete the application:

- a design and access statement ¹
- A floor plan of the buildings (chiller and link) would also be helpful in considering the submission.

However the following information is also relevant. The provisions of s76C of the Town and Country Planning Act 1990 enable s70C of the same Act to be applied. Together they give the power to *"...decline to determine an application for planning permission for the development of any land if granting planning permission for the development would involve granting, whether in relation to the whole or any part of the land to which a pre-existing enforcement notice relates, planning permission in respect of the whole or any part of the matters specified in the enforcement notice as constituting a breach of planning control."*

In this case the planning history of the site has been taken into consideration particularly the two enforcement notices (dated 9 May 2013 and 21 June 2013) and the decisions dismissing the associated appeals (reference numbers

¹ Regulation 7 of The Town and Country Planning (Section 62A Applications)(Procedure and Consequential Amendments) Order 2013

APP/P1805/C/13/2200098 and APP/P1805/C/13/2202661, issued on 28 October 2014).

The breach of planning control alleged in the notice dated 9 2013 (as corrected) is:

Without planning permission the extension and alteration of a building, "the chiller building" and a building structure, "the link building".

The breach alleged in the notice dated 21 June 2013 (as corrected) is:

Without planning permission, the making of a material change of use of the land from agricultural use, and the processing, storage and dispatch of poultry to a mixed use comprising agricultural use, the processing, storage and dispatch of poultry, and the storage of chilled pre-packaged food and drink by the introduction of the storage of chilled pre-packaged food and drink.

The description of the proposal for the planning application which has been submitted is:

Temporary planning permission for the retention of the buildings known as the "Chiller" building and the "Link" building at Seafield Farm for Class B8 Storage and Distribution use until 28 October 2016.

The proposed development relates to matters specified as the breach of planning control in both the pre-existing enforcement notices described above. As such s70C may be applied.

I have also taken into account the more recent decision by Bromsgrove District Council to decline a request made under s173A(1)(b) of the Town and Country Planning Act 1990 to extend the time for compliance in relation to the enforcement notices in force on this site.

Although it is not required by s70C, I have taken into account the additional evidence submitted with the application, however I do not consider that this evidence is likely to successfully overcome the previous planning concerns such that it is sufficiently persuasive to exercise my discretion not to decline to determine the application in accordance with the clear legislative intent of s70C which is to prevent the delay of enforcement action by retrospective applications.

In the light of the above, and in accordance with the provisions available to the Planning Inspectorate under s76C and s70C of the Town and Country Planning Act 1990, as the planning authority in respect of this application (made under s62A), the Planning Inspectorate declines to determine your client's application.

I have made arrangements for the planning application papers to be returned to you although one copy has been kept for our records. The planning fee will be returned to you in due course.

Yours sincerely,

Janet Wilson

Head of Major Applications and Consents