

Cornwall Council

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Application number: PA25/07148

Agent: Devon & Cornwall Planning
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5 Church Street
Stoke
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PL3 4DT

Applicant: Mrs Camilla Southworth
1-3 Buller Road
Torpoint
Cornwall
PL11 2LD
England

**Town And Country Planning Act 1990 (As Amended)
Town And Country Planning (Development Management Procedure) (England)
Order 2015**

Grant of Outline Planning Permission

CORNWALL COUNCIL, being the Local Planning Authority, **HEREBY GRANTS CONDITIONAL PERMISSION**, subject to the conditions set out on the attached schedule, for the development proposed in the following application received on 19 September 2025 and accompanying plan(s):

Description of Development: Outline Planning Permission with some matters reserved for Demolition of existing library, erection of replacement library/community hub, public open space and up to 14 dwellings and associated means of access only (all other matters reserved)

Location of Development: Torpoint Library And Former Police Station Site
Fore Street
Torpoint
PL11 2AG

Parish: Torpoint

YOUR ATTENTION IS DRAWN TO THE ATTACHED NOTES.

DATED: 16 December 2025

Louise Wood - Service Director Planning and
Housing (Chief Planning Officer)

CONDITIONS:

- 1 Details of the appearance, landscaping, layout and scale, (hereinafter called the reserved matters) shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

Reason: In accordance with the requirements of Section 92 of the Town and Country Planning Act 1990 (as amended) and in accordance with the requirements of Articles 1, 2 and 4 of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

- 2 An application for approval of reserved matters must be made no later than the expiration of 5 years from the date of this decision and the development hereby approved shall commence no later than 2 years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: In accordance with the requirements of Section 92 of the Town and Country Planning Act 1990 (as amended) and in accordance with the requirements of Articles 1, 2 and 4 of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

- 3 The development hereby permitted shall be carried out in accordance with the plans listed below under the heading "Plans Referred to in Consideration of this Application".

Reason: For the avoidance of doubt and in the interests of proper planning.

- 4 If, at the point of commencement of any development other than demolition of any phase, sub-phase or development parcel, the Cornwall Council owns a relevant legal interest in that phase, sub-phase or development parcel, no development (except for demolition) shall take place of that phase, sub-phase or development parcel unless and until a Memorandum of Understanding has been submitted to and approved by the Local Planning Authority which:
 - (a) Details how the obligations in the Preliminary Heads of Terms dated 15/12/2025 will be delivered in respect of the phase, sub-phase, or development parcel; and
 - (b) Includes an undertaking that the Cornwall Council will not dispose of any interest in that phase, sub-phase or development parcel unless and until

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the disponent has entered into a planning obligation pursuant to Section 106 of the Town and Country Planning Act 1990 with all parties with a relevant interest in that phase, sub-phase or development parcel which gives effect to the Preliminary Heads of Terms dated 15/12/2025 with the intent that all of the covenants contained therein will be enforceable without limit of time not only against all of the owners of the land, but also their successors in title and any person corporate or otherwise claiming through or under them an interest or estate in the land).

The obligations in the Heads of Terms must thereafter be delivered in accordance with the approved Memorandum of Understanding.

Reason: Due to ownership of the site remaining with the Council until the site is sold it is not possible to grant planning permission following the completion of a Section 106 Obligation. The condition will allow the timely issuing of the planning permission whilst ensuring the development will accord with the aims of Policies 1 and 28 of the Cornwall Local Plan Strategic Policies 2010-2030 and paragraphs 56, 57 and 58 of the National Planning Policy Framework 2024. A pre-commencement condition is necessary as it is essential to ensure a mechanism is in place to secure the required planning obligations, without otherwise the development would be unacceptable.

- 5 If, at the point of commencement of any development other than demolition of any phase, sub-phase or development parcel, any party other than Cornwall Council owns a relevant legal interest in that phase, sub-phase or development parcel, no development (except for demolition) shall take place of that phase, sub-phase or development parcel unless and until all parties with a relevant interest in the phase, sub-phase or development parcel has entered into a planning obligation pursuant to Section 106 of the Town and Country Planning Act 1990 giving effect to the Preliminary Heads of Terms dated 15/12/2025 with the intent that all of the covenants contained therein will be enforceable without limit of time not only against all of the owners of the land, but also their successors in title and any person corporate or otherwise claiming through or under them an interest or estate in the land).

Reason: Due to ownership of the site remaining with the Council until the site is sold it is not possible to grant planning permission following the completion of a Section 106 Obligation. The condition will allow the timely issuing of the planning permission whilst ensuring the development will accord with the aims of Policies 1 and 28 of the Cornwall Local Plan Strategic Policies 2010-2030 and paragraphs 56, 57 and 58 of the National Planning Policy Framework 2024. A pre-commencement condition is necessary as it is essential to ensure a mechanism is in place to secure the required planning obligations, without otherwise the development would be unacceptable.

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- 6 The development shall not commence until a Phasing Scheme for the development which sets out the sequence in which the various elements of the development will be constructed and brought into use has been submitted to and approved by the Local Planning Authority. Alongside general phasing timelines, the Phasing Scheme shall incorporate the following:

- That the existing library shall not be demolished until the new and re-provided library and community hub is completed and in operation; and
- Measures to ensure the completion of the public realm within a timely period following demolition of the library.

The development shall be carried out in accordance with the approved Phasing Scheme.

Reason: To ensure the development is comprehensively planned and phased to maximise practical integration between different land uses within and beyond the site, in accordance with Policies 1 and 12 of the Cornwall Local Plan. A pre-commencement condition is necessary to understand agree any phasing and construction works prior to the development taking place.

- 7 No development, other than demolition of any buildings or structures, shall commence until an assessment of the risks posed by any contamination shall have been submitted to and approved in writing by the local planning authority. This assessment must be undertaken by a suitably qualified contaminated land practitioner, in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Land contamination risk management (LCRM), (or equivalent British Standard and Land contamination risk management if replaced), and shall assess any contamination on the site, whether or not it originates on the site. The assessment shall include:

- i. a survey of the extent, scale and nature of contamination;
- ii. the potential risks to:
 - human health;
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes;
 - adjoining land;
 - ground waters and surface waters;
 - ecological systems; and
 - archaeological sites and ancient monuments.

Reason: To ensure that the health risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to

controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance Policy 16 of the Cornwall Local Plan Strategic Policies 2010 - 2030, Adopted November 2016.

A pre-commencement condition is required in this case because it is essential to establish before any works takes place the nature and extent of any ground contamination in order to safeguard the health of workers taking part in the development of the site and to ensure the appropriate design and subsequent safe occupation of the development.

- 8 No development shall take place where (following the risk assessment) land affected by contamination is found which poses risks identified as unacceptable in the risk assessment, until a detailed remediation scheme shall have been submitted to and approved in writing by the local planning authority. The scheme shall include an appraisal of remediation options, identification of the preferred option(s), the proposed remediation objectives and remediation criteria, and a description and programme of the works to be undertaken including the verification plan. The remediation scheme shall be sufficiently detailed and thorough to ensure that upon completion the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 in relation to its intended use.

Reason: To ensure that the health risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy 16 of the Cornwall Local Plan Strategic Policies 2010 - 2030, Adopted November 2016. A pre-commencement condition is required in this case because it is essential to establish before any works takes place the nature and extent of any ground contamination in order to safeguard the health of workers taking part in the development of the site and to ensure the appropriate design and subsequent safe occupation of the development.

- 9 The approved remediation scheme in condition 8 shall be carried out and upon completion a verification report by a suitably qualified contaminated land practitioner that demonstrates the effectiveness of the remediation shall be submitted to and approved in writing by the local planning authority before the development [or relevant phase of development] is occupied.

Reason: To ensure that the health risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers,

neighbours and other offsite receptors in accordance with Policy 16 of the Cornwall Local Plan Strategic Policies 2010 - 2030, Adopted November 2016.

- 10 Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported in writing immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development [or relevant phase of development] is resumed or continued.

Reason: To ensure that the health risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy 16 of the Cornwall Local Plan Strategic Policies 2010 - 2030, Adopted November 2016.

- 11 No development approved by this permission shall be commenced until details of a scheme for the provision of surface water management has been submitted to and approved by the Local Planning Authority. The details shall include:

1. A description of the foul and surface water drainage systems operation.
2. Details of the final drainage schemes including ground investigation, groundwater monitoring and infiltration testing results, calculations and layout.
3. A Construction Surface Water Management Plan.
4. A Construction Quality Control Plan.
5. A plan indicating the provisions for exceedance pathways, overland flow routes and proposed detention features.
6. A timetable of construction.
7. Confirmation of who will maintain the drainage systems and a plan for the future management and maintenance, including responsibilities for the drainage systems and overland flow routes. The plan must include a drawing which clearly indicates the management responsibility for each drainage element, and schedule of maintenance.

The surface water drainage systems shall fully manage surface water flows resulting from the developed site up to the 1 in 100-year peak rainfall event plus a minimum allowance of 50% for the impacts of climate change. Flows discharged from the site will be no greater than the agreed greenfield rate for all rainfall events.

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The Developer must inform the Local Planning Authority of any variation from the details provided and agree these in full before such variations are undertaken.

Thereafter, the approved scheme shall be implemented in accordance with the details and timetable so agreed. The surface water drainage scheme shall be managed and maintained in accordance with the approved details for the lifetime of the development.

Reason: To prevent the increased risk of flooding and minimise the risk of pollution of surface water by ensuring the provision of a satisfactory means of surface water control and disposal, in accordance with Policy 26 of the Cornwall Local Plan. A pre-commencement condition is necessary in this instance as it is essential that surface water drainage systems are designed into the scheme from the outset, including during construction.

ADVISORY NOTE

Variable infiltration rates and raised groundwater levels can be found throughout Cornwall. The Lead Local Flood Authority advises that infiltration testing, and groundwater monitoring should be undertaken in accordance with our guidance, and the results of such testing used to inform the drainage design. Failure to complete such testing could result in failure of the drainage systems and place the development approved by this consent and surrounding property at risk of flooding. Should the development proceed without adequate drainage provision, this will be at the developers own risk.

- 12 No development shall take place until a Construction Environment Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. This Plan shall include details of all permits, contingency plans and mitigation measures that will be put in place to control the risk of pollution to air, soil and controlled waters, protect biodiversity and avoid, minimise and manage the productions of wastes with particular attention being paid to the constraints and risks of the site. The Plan shall also include, but not be limited to, details of noise control measures, dust control measures, hours of construction works, roles and responsibilities, monitoring and reporting, emergency responses, community and stakeholder relations and training. The development shall be carried out in accordance with the approved Construction Environmental Management Plan.

Reason: To ensure that the development is undertaken in a manner which reduces any potential adverse impact upon the residential amenities currently enjoyed by existing residents and businesses, and avoids impacts through the construction period to habitats, species and Statutory designated site, in accordance with Policies 12, 13 and 23 of the Cornwall Local Plan. A pre-commencement condition is necessary to ensure that works can be completed

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safely and reducing amenity impacts so far as possible, with the measures agreed and in place before works commence.

13 Any reserved matters application for "layout" shall include details of a scheme for the stopping up of the highway to accommodate the new public realm. Such details shall include:

- the current site
- what the area will look when the development is completed
- the site and highway boundaries
- the highway(s) that you are applying to stop up
- the highway to be stopped up - in zebra hatching or black outline
- new highways - in stipple
- improvements - in cross-hatching
- new footpaths - in vertical hatching

The approved features shall be installed in accordance with a timetable to be submitted alongside the details.

Reason: To ensure a suitable highway layout can be achieved in accordance with policies 12 and 27 of the Cornwall Local Plan Strategic Policies 2020- 2030.

14 Any reserved matters application for "appearance" shall include details of a scheme for the incorporation of bat boxes and bird boxes and bee bricks at a minimum rate of one measure per dwelling. Such details shall include the location and specific details of each feature. The approved features shall be installed prior to the occupation of the dwellings to which they relate and shall thereafter be retained and maintained as such.

Reason: To accord with policy G1-10 of the Climate Emergency Development Plan Document 2023 and policies 1, 2 and 23 of the Cornwall Local Plan Strategic Policies 2020- 2030.

15 The development hereby approved shall be carried out in accordance with the mitigation measures set out at Section 6 of the Preliminary Ecological Appraisal (ref 250412 rev01) by EcoLogic.

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Reason: In the interests of the protection of wildlife and their habitats through the provision of appropriate mitigation and enhancement measures and in accordance with policies 23 and 25 of the Cornwall Local Plan 2010-2030.

- 16 **IMPORTANT - Biodiversity Net Gain Statutory Condition**
The development granted by this notice must not begin unless:
(a) a Biodiversity Gain Plan has been submitted to the planning authority, and
(b) the planning authority has approved the plan, or
(c) the development is exempt from the biodiversity gain condition

Details about how to comply with this statutory condition and when development is exempt from it are set out below within the notes.

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PLANS REFERRED TO IN CONSIDERATION OF THIS APPLICATION:

Existing 250417 L 01 02 REV A received 19/09/25

Proposed 250417 L 01 04 REV A received 19/09/25

Existing 250417 L 01 03 REV A received 19/09/25

Site/location Plan 250417 L 01 01 REV A received 19/09/25

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ANY ADDITIONAL INFORMATION:

- PLEASE NOTE: This planning permission is subject to mandatory biodiversity net gain (BNG). Further approval of a Biodiversity Gain Plan, pursuant to the requirements of the General Biodiversity Gain Condition, is required before any development can lawfully commence.

General Biodiversity Gain Condition

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that every planning permission granted in England, unless exempt, is deemed to have been granted subject to the condition (the "General Biodiversity Gain Condition") that development may not begin unless:

- a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- b) the planning authority has approved the Biodiversity Gain Plan.

The relevant planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan, is Cornwall Council.

Detailed guidance on the process and requirements for discharging the general biodiversity gain condition can be found on the council's website.

<https://www.cornwall.gov.uk/planning-and-building-control/planning-advice-and-guidance/biodiversity-net-gain-bng/>

IMPORTANT

Commencing development which is subject to the General Biodiversity Gain Condition without an approved Biodiversity Gain Plan is unlawful and may result in your development becoming subject to planning enforcement action.

Exemptions and Transitional Commencement Arrangements

If the development does not fall into at least one of the following exempt categories, a Biodiversity Gain Plan must be submitted and approved before the development can lawfully commence:

1. The application for planning permission was made before 12 February 2024.
2. The planning permission is for retrospective development (within the meaning of section 73A of the Town and Country Planning Act 1990 - planning permission for development already carried out).
3. The planning permission was granted on an application made under section 73 of the Town and Country Planning Act 1990 and:
 - i The original planning permission¹ to which the section 73 planning permission relates was granted before 12 February 2024; or

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- ii ii) The application for the original planning permission to which the section 73 planning permission relates was made before 12 February 2024.
 - iii 4. The permission which has been granted is for one (or more) of the following:
 - iv a) Development which is not 'major development' (within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015) where:
 - v i) The application for planning permission was made before 2 April 2024; or
 - vi ii) Planning permission is granted which has effect before 2 April 2024; or
 - vii iii) Planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 where the original permission¹ to which the section 73 permission relates was exempt by virtue of (i) or (ii).
 - b) Development below the de minimis threshold, meaning development which:
 - i) does not impact an on-site priority habitat (a habitat specified in the list published under section 41 of the Natural Environment and Rural Communities Act 2006); and
 - ii) impacts less than 25 square metres of on-site area habitat and less than 5 metres in length of on-site linear habitat where those habitats have a value greater than zero (as defined in the statutory metric).
 - c) Development of a biodiversity gain site, meaning development which is undertaken solely or mainly for the purpose of fulfilling, in whole or in part, the Biodiversity Gain Planning condition which applies in relation to another development.
 - d) Self and Custom Build Development, meaning development which:
 - i) Consists of no more than 9 dwellings;
 - ii) Is carried out on a site which has an area no larger than 0.5 hectares; and
 - iii) consists exclusively of dwellings which are self-build or custom housebuilding (as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015).
 - e) Development forming part of, or ancillary to, the high speed railway transport network (High Speed 2) comprising connections between all or any of the places or parts of the transport network specified in section 1(2) of the High Speed Rail (Preparation) Act 2013.
- 1 "original planning permission" means a planning permission which is the first in a sequence of two or more planning permissions, where the second and any subsequent planning permissions are section 73 planning permissions.

Irreplaceable Habitat

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If the on-site habitat includes irreplaceable habitat, within the meaning of The Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024, there are additional requirements for the content and approval of the Biodiversity Gain Plan.

The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

The planning authority can only approve the Biodiversity Gain Plan if satisfied that the adverse effect of the development on irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact, which does not include the use of biodiversity credits.

Section 73D of the Town and Country Planning Act 1990

If planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 (application to develop land without compliance with conditions previously attached) and a Biodiversity Gain Plan was approved in relation to the previous planning permission ("the earlier Biodiversity Gain Plan") there are circumstances when the earlier Biodiversity Gain Plan is regarded as approved for the purpose of discharging the biodiversity gain condition subject to which the section 73 planning permission is granted.

Those circumstances are that the conditions subject to which the section 73 permission is granted:

- i) Do not affect the post-development value of the onsite habitat as specified in the earlier Biodiversity Gain Plan, and
- ii) In the case of planning permission for a development where all or any part of the on-site habitat is irreplaceable habitat, the conditions do not change the effect of the development on the biodiversity of that on-site habitat (including any arrangements made to compensate for any such effect) as specified in the earlier Biodiversity Gain Plan.

Biodiversity Net Gain - Phased Development

Should planning permission be granted for phased development (within the meaning of paragraph 19 of Schedule 7A to the Town and Country Planning Act 1990), the modifications in respect of the General Biodiversity Gain Condition, which are set out in Part 2 of The Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations 2024, apply.

These modifications are that Biodiversity Gain Plans are required to be submitted to, and approved by, the planning authority in two stages: the Overall Gain Plan before any development can commence, and the Phase Gain Plan before each phase of development can commence.

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- Please note that the proposed development set out in this application will be liable for a charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended). The amount of the liability will be calculated when the related reserved matters application is determined. Further information about CIL is available at www.cornwall.gov.uk/cil.

In dealing with this application, the local planning authority have worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with a planning application, on this occasion this has included :

Discussions/negotiations ongoing with LPA throughout determination of planning application

Dedicated phone number of the case officer for the Applicant/Agent

Close liaison with the Town and Parish Councils in accordance with the protocol.

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NOTES

Appeals to the Secretary of State

If the applicant is aggrieved by the decision of the local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then they may appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990. If you want to appeal, then you must do so within 6 months of the date of this notice (or 12 weeks from the date of this notice in the case of householder appeals made in relation to applications submitted on or after 6 April 2009). Appeals must be made to the Planning Inspectorate using a form which can be obtained from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or online at www.planningportal.co.uk/pes. A copy of the completed appeal form must also be submitted to the Council.

Please Note:- If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are on GOV.UK. (<https://www.gov.uk/government/collections/casework-dealt-with-by-inquiries>).

The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

Purchase Notices

If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on Cornwall Council. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice. If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of service of the enforcement notice.