

Date: 13 January 2025
Application: 242893



**WOKINGHAM
BOROUGH COUNCIL**

Mr Jason Clemons
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Dear Mr. Clemons,

NOTIFICATION OF DECLINE TO DETERMINE

Planning application: 242893

Applicant Name: Mr John Bateman

Site Address: Brick Barns White Hill Remenham Hill Wokingham RG9 3HN

Proposal: Full application for the formation of an access track and erection of timber planters, plus erection of a ground maintenance store (Building 4). (Part retrospective)

The above planning application was validated on the 10 December 2024. I have considered this application and decided to decline to determine the application.

Section 70C of the TCPA 1990 (as amended) provides that:

- (1) A local planning authority in England may decline to determine an application for planning permission or permission in principle 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.*
- (2) For the purposes of the operation of this section in relation to any particular application for planning permission or permission in principle, a "pre-existing enforcement notice" is an enforcement notice issued before the application was received by the local planning authority.*

The site is subject to an extant Enforcement Notice and subsequent dismissed appeal (APP/X0360/C/23/3325869). The Notice requires full compliance by 9 February 2025.

For the reasons set out in the attached report, the Council considers that the s.70C power to decline to determine is available in the present case and the Council further considers that it is appropriate to exercise that power.

The application is therefore returned to the applicant and is regarded by the Council as withdrawn in accordance with the PPG ('Making an application' section, para 14-059).

The Council expects full compliance with the Enforcement Notice and reminds your client that non-compliance with the notice is a criminal offence.

There is no statutory obligation to refund a planning fee if the local planning authority decide to decline to determine an application. Regulation 3(5) of the Town and Country Planning (Fees for Applications, etc.) (England) Regulations 2012 specifies that fees should be returned for invalid applications only. The guidance within the PPG ('Dealing with 'repeat applications' for development that has already been refused') which covers the power to decline to determine planning applications is silent on the issue which suggests that the fees paid do not have to be returned to the applicant. Accordingly, the Council will not be refunding the fee.

Yours sincerely,



Service Manager