



Archaeological Planning Condition

We purchased a plot with outline planning permission (OPP), and are now in the late stages of applying for detailed approval. But, we've discovered that the County Archaeologist has deemed an archaeological survey necessary. There was no mention of this in the conditions attached to the OPP. Can we appeal against the decision and/or recover any costs from the vendor?

Outline applications are submitted to consider the principle of developing a site for a particular land use. Therefore the LPA (local planning authority) should consider all relevant issues through consultations with relevant stakeholders such as the archaeology department. However, without knowing the full details of the outline application submission, its date and viewing the decision, it's hard to comment on why this issue was not initially considered. It may have been overlooked by the LPA, but there may be other reasons.

Legislation has changed in respect of outline applications in recent years and this may impact on why archaeology was not considered. It may be worth raising such issues with the LPA and the case officer to try and establish a compromise — but this is likely to be case dependent.

From the information you provide it seems that the request is being made as part of the local submission requirements and therefore this survey will be required in order to ensure that the full application is valid when submitted. Whilst there is no condition relating to this issue, the LPA will not validate your application without it. Again, in order to allow your reserved matters application to be validated, the survey would be required. You may wish to enter into negotiations with the LPA in order to refine the extent and methodology required for the survey to possibly reduce the time and cost associated with this work.

In terms of the purchase of the plot and recovering costs, you may wish to take legal advice. However, from my understanding it is unlikely that you would have grounds for action against the previous owner — unless you can prove that they were aware of the archaeological issue at the time of the sale.