

[REDACTED]

Please upload the below to the above application: Confirmation of an EoT



[REDACTED]

Hi Maria

Thank you. Can we agree an extension of time till Friday 8th May and I will review with my client and see how we deal with this.

Regards

Philip Dudley
Director

[REDACTED]



ARCHITECTURAL DESIGN & PLANNING SERVICES

[REDACTED]

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[REDACTED]

Hi Philip,

There is no problem with an extension of time and I apologize for a last minute.

I have considered as a strait forward, however there is not such an application.
This is rather awkward situation.

I am always confused from this planning issue; on one hand you have all this permitted Developments (PA and others) which they many times have rather dramatic consequences and on the other hand such an exercise for a simple change...

I am sorry for that since intension is good.

Kind regards

Maria



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[REDACTED]

Hi Maria

Thank you for your comments.

I need time to consult with my client and his solicitor on this one as this is a major issue. My client has sold all the properties and currently has a funder funding the build. I need time to work out how we get over this and what cause of action we need to take.

I know the decision date is today but I need an extension of time to consult with my client before you make any decisions as we do not want a refusal as this will potential mean the funding withdrawing funds and the buyers pulling out which will put my client in a very difficult financial position. Considering the current circumstances we are in this is not going to help.

I am happy to agree an extension of time as you will appreciate this is last minute and does not give me any time to consider the options.

Can we agree on extension of time for a week so I can review.

Regards

Philip Dudley
Director



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[REDACTED]

Hi Philip,

I would like to ask you to withdraw the above application, since it is not possible to approve it under section 73. The explanation why is below:

Preparing the approval for the variation of condition I have realized that what you propose would change the description of the original application: 'Demolition of existing building and erection of 6No. dwellings, 2x 3 bedroom and 4x 2 bedroom with associated access and car parking.'

The result of variation is 4x3 2x2, practically acceptable but from the legal point of view not.

I was trying hard to find a solution and consulting our Legal if there is some discretion.

Their response is below:

The Court of Appeal in *Finney*:

Lewison LJ found that, when considering applications under TCPA 1990, s 73, **LPAs could only vary or remove the conditions attached to a previous permission and could not amend the description of the development to which the conditions were attached, or, in other words, the 'operative part' of the permission.**

This would appear to amend the description, therefore in line with *Finney* could not be permitted under s73.

Kind regards

Maria

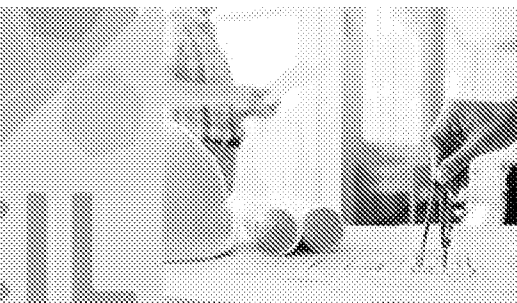


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