

[REDACTED]

From: paul collins [REDACTED]
Sent: 18 December 2018 12:02
To: David Easton; Neil Crowther
Cc: [REDACTED]; Planning.Responses
Subject: FW: Y/32/18/PL - Bonhams Field Main Road Yapton BN18 0DX

Dear Mr Easton

Please can I have an answer to my e mail below as it relates to application Y/32/18PL.

This application has been made under *S73 of the Town and Country Planning Act 1990 Determination of applications to develop land without compliance with conditions previously attached and 5) in that section states: "Planning permission must not be granted under this section to the extent that it has effect to change a condition subject to which a previous planning permission was granted by extending the time within which—
(a) a development must be started;
(b) an application for approval of reserved matters (within the meaning of section 92) must be made"*

I am sure that the Council would not wish to be seen to be acting unlawfully and Officers could save a lot of time and effort for themselves and others by either returning the application to the applicant as invalid (it should not have been validated in the first place), refusing the application under delegated powers or seeking its withdrawal.

Thanks

Paul Collins BA (Hons) DipTP MRTPI



From: paul collins [REDACTED]
Sent: Wednesday, December 12, 2018 1:24 PM
To: 'David Easton' <David.Easton@arun.gov.uk>; 'Neil Crowther' <Neil.Crowther@arun.gov.uk>; 'Simon Davis' <Simon.Davis@arun.gov.uk>
Cc: 'clerk@yaptonpc.gov.uk' [REDACTED]; 'Planning.Responses' [REDACTED]
Subject: Y/32/18/PL - Bonhams Field Main Road Yapton BN18 0DX/Y/44/17 OUT - Stakers Farm

Dear All

I have noted that this application is described as being an application for the *"Variation of condition 2 imposed under Y/1/17/OUT relating to rewording of condition to read 'the development hereby permitted shall begin not later than one year from the date of the approval of the last of the reserved matters to be approved' and has been made by the applicant under Section 73 of the Act.*

As you should be aware **PPG Paragraph: 014 Reference ID: 17a-014-20140306 states:**

Are there any restrictions on what section 73 can be used for?

Planning permission cannot be granted under section 73 to extend the time limit within which a development must be started or an application for approval of reserved matters must be made.

Therefore the S73 application submitted is invalid and a lawful decision regarding same cannot be made as if the applicant wishes to vary the time limit condition imposed they may only do so by making a fresh application under the Planning Acts.

Furthermore I note that no decision has yet been issued in respect of Y/44/17 OUT and that the foregoing relating to any immediately adjoining site is obviously a material consideration that has arisen since the DCC resolution to do so and this application (Y/44/17 OUT) should, therefore, be returned to the DCC for reconsideration in the light of same before any decision is issued.

Please can you place this e mail on the files as a representation and also advise as to the Council's intentions given the foregoing.

Thanks

Paul Collins BA (Hons) DipTP MRTPI

