

LONDON BOROUGH OF HAVERING
TOWN AND COUNTRY PLANNING ACT 1990

AGENT

Miss Emma Firbank
17 Crawshaw Road
Pudsey
LS28 7UB

APPLICANT

Mr Vijay Gohil
14 WOODLANDS AVENUE
HORNCHURCH
RM11 2QU

APPLICATION NO: P0991.22

In pursuance of their powers as Local Planning Authority, the Council have considered your application and have decided to **REFUSE PLANNING PERMISSION** for the following development :

Proposal: Variation of Condition No. 2 (Accordance with Plans) of Planning Permission Ref: P1274.21 dated 02/09/2021 to allow for an extension to first floor western wing and inclusion of new front garden wall.

Location: 14 WOODLANDS AVENUE
HORNCHURCH

The above decision is based on the details in drawing(s):

0423(EX)01B
0423(EX)02A
0423(PR)01H
0423(PR)02I
0423(PR)04G
0423(PR)05F
0423(PR)06E
0423(PR)07D
0423(PR)08

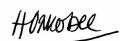
for the following reason(s):

- 1** Given the addition of proposed new front boundary walls incorporating vehicular access and a pedestrian gate, which would have material impact upon the street-scene and potential impact upon the health of the trees, the proposed development would materially differ from the description of the approved scheme with respect to the original decision notice. Hence the proposed variation could not be varied under Section 73 of the Act. The description of development would be changed which would be against the advice given in National Planning Practice Guidance and contrary to the finding of the Court of Appeal judgement in *Finney v Welsh Ministers & Ors* (Rev 1) (2019) EWCA CIV 1868 and therefore the application would require a fresh planning application.

INFORMATIVE(S)

- 1 Statement Required by Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015: Consideration was given to seeking amendments, but given conflict with adopted planning policy, it was necessary to issue a decision as close to the statutory timeframe as possible as opposed to seeking amendments which would have significantly delayed the application.

Dated: 15th August 2022



Helen Oakerbee
Assistant Director of Planning
London Borough of Havering
Town Hall, Main Road
Romford RM1 3BB

IMPORTANT - attention is drawn to the notes overleaf

NOTES IN CONNECTION WITH REFUSAL OF APPLICATIONS FOR PLANNING PERMISSION

GENERAL DEVELOPMENT PROCEDURE ORDER 1995

PART 2

TOWN AND COUNTRY PLANNING ACT 1990

Appeals to the Secretary of State

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

As this is a decision to refuse planning permission for a householder application, if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice. However, if an enforcement notice is subsequently served relating to the same or substantially similar land and development and you want to appeal you must do so within 28 days of the service of the enforcement notice, or within 12 weeks of the date of this notice, whichever period expires earlier.

Appeals must be made using a form which you can get from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or online at www.planningportal.gov.uk/pcs.

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 the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. 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.

You are reminded that Building Regulations approval may also be required for these works. You must contact the Building Control Manager or Building Inspector to confirm if permission is required.

Note: Following a change in government legislation a fee is now required for the request for Submission of details pursuant to discharge of conditions in order to comply with the Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment) (England) Regulations, which came into force from 06/04/2008. A fee of £116 per request (or £34 where the related permission was for extending or altering a dwellinghouse) will be required.