

Urgent Update: Planning Committee 16 November 2023

Item 15 Pages 49 - 61

Broken Tree, Forstal Lane, Coxheath, Maidstone, Kent

APPLICATIONS: 23/502481/FULL

Officers

Officers are recommending withdrawal of the above planning application from the committee agenda as the scheme currently proposed cannot be done under s.73 TCPA. The request relates to the legal principle established by the judgment (Finney v Welsh Ministers [2018] 3073 (Admin)), where the High Court provided further guidance on the application of what is known as the Arrowcroft principle. This guidance identifies that s.73 TCPA 1990 may be used to amend a planning permission so long as the amendment does not amount to a fundamental alteration. This principle applies even where that amendment would contradict or go beyond the "operative" part of the planning permission - i.e. the description of development. Therefore, officers consider that a full planning application is required.