



LOCAL GOVERNMENT ACT 2000

**REGISTER OF URGENT DECISIONS
TAKEN BY THE CHIEF EXECUTIVE**

NORTH DEVON COUNCIL CONSTITUTION
– Part 3 Annexe 2: Officer Delegations –
Chief Executive



Reference No:

1) SUBJECT:

Planning decision reference 75902 in respect of 1 Lyndale Terrace, Anstey Way, Instow, Devon, EX39 4HS

2) REQUESTED DECISION:

Authority for the revocation of the above mentioned permission under s97 of the Town and Country Planning Act 1990.

3) STATEMENT OF THE REASONS FOR THE REQUEST AND WHY IT IS URGENT:

This urgent decision is requested due to the human error of publishing the decision notice without attaching conditions. There were 13 conditions that were to be applied to the Council's decision notice in respect of the Application, securing amenity, drainage, ecology and parking conditions to make the development acceptable in planning terms. Without these conditions, this could have serious consequences for the Local Planning Authority. It is important for this to be resolved as soon as possible without causing further inconvenience or loss to the applicant. Revocation of the decision and the issue of a correct decision would therefore be appropriate taking into account the development plan and all other material considerations.

4) FINANCIAL IMPLICATIONS:

Under the Town and Country Planning Act 1990 there is scope for the applicant to apply for compensation due to the loss and delay they have encountered. The Director of Resources and Deputy Chief Executive has a contingency in place for this, although the applicant has since signed to confirm they will not oppose this revocation nor seek compensation.

5) ANY ALTERNATIVE OPTIONS CONSIDERED AND REJECTED:

In considering this matter, the Council has contemplated judicially reviewing its own decision to seek to quash the Decision Notice. However, it was decided that the revocation route as provided for by s97 TCPA is likely a more efficient and quicker route provided that the applicant is in agreement, which is the case here.

6) A RECORD OF ANY CONFLICT OF INTEREST DECLARED: None

7) A NOTE OF ANY DISPENSATION IF GRANTED: None

8) LIST OF BACKGROUND PAPERS

- Decision Notice to be revoked dated 8 April 2024

9) CONSULTATION UNDERTAKEN:

The following have been consulted on this urgent decision:

Consultee	Consulted Yes/No	Date
Leader of Council (<i>or Deputy Leader</i>)	Yes	09.05.2024
Chair of Committee (with the Authority to take the decision) (<i>or Vice-Chair</i>)	N/A	N/A
Lead Member	Yes	09.05.2024
Ward Member(s)	No	N/A
Head of Service (name)	Yes - Ken Miles	09.05.2024
Finance	Yes	09.05.2024
Legal	Yes	09.05.2024

10) OFFICER REQUESTING URGENT DECISION TO BE TAKEN BY THE CHIEF EXECUTIVE:

Tracey Blackmore, Service Manager for Development Management

11) APPROVED BY CHIEF EXECUTIVE: YES

12) DATE OF DECISION: 10th May 2024

13) CHIEF EXECUTIVE'S COMMENTS: After considering the development plan and all other material considerations I consider that it is expedient to revoke the permission

14) DATE TO BE PRESENTED TO STRATEGY AND RESOURCES COMMITTEE:

3 June 2024

GUIDANCE NOTES

NOTE:

PROCEDURE FOR URGENT DECISIONS:

1. Completed form to be passed to the Chief Executive following consultation with the interested parties.
2. If a decision is specific to a Ward, efforts should be made to ascertain the views of the local Councillor (s).
3. The Chief Executive will make his decision.

PROCEDURE FOR URGENT DECISION MAKING AS PER THE CONSTITUTION

Officer Delegations: the Chief Executive:

Urgent Decision Making

3.48 To take a decision on any matter falling within the remit of any Committee in cases of urgency where it is not reasonably practicable to obtain prior approval of a Committee SUBJECT TO:

3.48.1 the prior consultation, where practicable, with the Leader or Deputy Leader and the Chair or Vice Chair of the relevant Committee, and

3.48.2 the proviso that this power will not extend to the determination of any application submitted pursuant to the Planning Acts or under the Licensing Act 2003 or the Gambling Act 2005, and

3.48.3 the decision being reported to the next meeting of the relevant Committee and the next meeting of Strategy and Resources