



Department for
Communities and
Local Government

Karin De Vries
Chair of Fulford Parish Council
The Cemetry Lodge
Fordlands Road
York
YO19 4QG

Please ask for: Fiona Hobbs
Tel: 0303 44 48066
Email: Fiona.hobbs@communities.gsi.gov.uk
Your ref:
Our ref: NPCU/REVS100/C2471/76534

Via email: fulfordpc@gmail.com

Date: 13 May 2016

Dear Ms Vries

Re: Planning Application No 01/01315/OUT Germany Beck Site East of Fordlands Road Fulford York

Thank you for your email of 15 April 2016 addressed to the Brandon Lewis MP, Minister of State for Housing and Planning requesting that the Secretary of State for Communities and Local Government considers that he use the revocation powers under S.100 of the Town and Country Planning Act 1990 in relation to the above permission granted on 9 May 2007.

The Government is clear that localism and decentralisation are at the heart of their planning agenda and the Secretary of State only gets involved in a small number of applications, normally where issues of more than local importance arise. Local planning authorities have the statutory responsibility for considering proposals for development. Authorities have to determine planning applications in accordance with the local development plan for the area unless material considerations indicate otherwise; and they must take into account any representations received. Once planning permission has been granted, local planning authorities also have powers under the Town and Country Planning Act 1990, to revoke, modify or order discontinuance.

Although the Secretary of State also has the power to revoke planning permissions, the powers have been used very rarely. A Ministerial statement (made in 2006) confirmed that such an intervention can only be justified in exceptional circumstances; and that the power will generally be used only if the original decision is judged to be 'grossly wrong', so that damage is likely to be done to the wider

public interest. Should the Secretary of State revoke a planning permission, the considerable cost of paying compensation would generally fall wholly upon the Local Authority.

The Secretary of State has carefully considered this case against his policy on revocation and modification of planning applications, as set out in the Written Ministerial Statement dated 16 March 2006 by the then Planning Minister. The Secretary of State has carefully considered all the representations and available evidence and has concluded that it is not expedient for him to revoke the permission.

A separate note is attached setting out the circumstances and the manner in which the validity of the Secretary of State's decision may be challenged in the High Court.

Yours sincerely

Fiona Hobbs

Fiona Hobbs
Planning Casework Officer