



The Planning Inspectorate

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Orsolya Hegedus
Havant Borough Council
Public Service Plaza
Civic Centre Road
Havant
Hampshire
PO9 2AX

10 March 2023

Dear Ally Hegedus,

Town and Country Planning Act 1990
Appeal by Mr A Beasley
Site Address: 11 Clinton Road, WATERLOOVILLE, PO7 6DT

The Inspector is conscious of the judgement in *Finney v Welsh Ministers & Others [2019]* EWCA Civ 1868, where the Court of Appeal held that an application under s73 of the Town and Country Planning Act 1990 (as amended) may not be used to obtain a permission that would require a variation to the terms of the "operative" part of the planning permission, i.e. the description of the development for which planning permission had originally been granted.

The description of the development for which planning permission had originally been granted in this case is: "*Retrospective application for change of use of section of existing rear outbuilding for hair and beauty salon. (Revised Hours of Opening: 09.00-18.00 (Tuesday, Wednesday, Friday) and 09.00-15.30 (alternate Saturdays)*".

The views of the Council and the appellant are sought regarding the implications of the *Finney* judgement to the present appeal and the potential for conflict with the original description of the development. Please provide any comments you wish to make by no later than Wednesday 15 March 2023.

Yours sincerely,

Jasmine Rogers
Jasmine Rogers

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