

From: Steve Lawrence [REDACTED]
Sent: 02 August 2016 13:35
To: David Eaves
Cc: HRFC Secretary; gordon; Martin Miller
Subject: APP/15/01414

Dear David,

Proposed housing development next to Havant Rugby Football Club

thank you for your letter 26.7.16 re-notifying the amended designs to the Club.

I was concerned to see on-line that the Club's previous representation had been taken off the 'documents' tab and that several of the document description labels said 'Appellant's case'. Can these glitches please be adjusted.

The only change to the design seems to be the provision of car parking and extension of the red line to show access to a public highway (Fraser Road). More on this below.

None of the Club's concerns and request for a noise survey to be carried out on match days to establish whether an acceptable living environment could be attained have been addressed.

I do hope the local planning authority will give them the proper consideration they deserve.

The Club maintains its objection to the amended proposals and requests that Members determine this application, when it is in a fit state to be considered.

This brings me to my last point. Enlargement of the 'red line' means that the Local Planning Authority may no longer 'entertain' the application. The reasoning for this is follows -

TCPA 90 s.58(1) provides the legal basis for planning permission on application. It then defers the details to a development order. In England the relevant order is the Development Management Order, which provides at Article 6(1)(c)(i) that any such application shall be accompanied by a plan which identifies the land. Ownership certificates have to be submitted based on the application site - they cannot subsequently be amended (see R (Pridmore v Salisbury DC 2004, para 24); consultation and publicity need to be undertaken, which in part is related to the geographical location and boundary of the site; the permission that follows is directly related to and in response to the application. All of the above indicate that it is not possible to extend a red line after the event. Indeed the principles of Pridmore would suggest that it may not be lawful to extend the red line during the consideration of the application. One cannot rewrite history by seeking to amend a red line boundary. In my view the council cannot 'entertain' the application under s.96A which seeks to include further land as such would have to fail the definition of 'non-material'.

The Club therefore suggests that the only course open now is to have the application APP/15/01414 withdrawn in writing and that if the applicant wishes to proceed as submitted they need to submit a brand new application.

Yours sincerely

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Director

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