



Ministry of Housing,
Communities &
Local Government

Caroline Lucas MP
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The Rt Hon James Brokenshire MP
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Dear Caroline,

Thank you for your letter of 1 March asking me to exercise my powers of revocation in respect of the planning permission granted on 3 June 2015 for the surface mining of coal on a site near Leadgate, Consett. I recognise the strength of the views which have been expressed by you.

I should explain that although there is a reserve power to revoke planning permission, it has been used very rarely and it is the Department's policy that such an intervention can only be justified in exceptional circumstances. 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. This policy was set out in a parliamentary question response by the then Planning Minister, Yvette Cooper, on 16 March 2006, a copy of which is attached. Should planning permission be revoked, the considerable cost of paying compensation would generally fall wholly upon the Local Authority.

I have carefully considered the issues you have raised in light of the policy on revocation as explained above. In light of this, I have concluded that it would not be appropriate to exercise the powers.

I am grateful to you however for raising this matter with me.

Yours ever,

RT HON JAMES BROKENSHERE MP

Town and Country Planning Act

Mr. Amess: To ask the Deputy Prime Minister (1) if he will make a statement on the operation of section 97 of the Town and Country Planning Act 1990, as amended; [54202]

(2) if he will list the occasions when he has revoked planning permission under section 100 of the Town and Country Planning Act 1990, as amended, since 1997; [54203]

(3) what recent representations he has received about his powers under section 100 of the Town and Country Planning Act 1990, as amended; and if he will make a statement. [54204]

Yvette Cooper: Local planning authorities have power under s97 of the Town and Country Planning Act 1990 to make an order revoking or modifying a planning permission, prior to it being implemented, where they consider it expedient to do so. They should have regard to the development plan and to any other material consideration. This is not a routine justification since the fact that planning permission was granted indicates that the development was considered acceptable at the time. If an order is opposed, it has to be confirmed by the Secretary of State before it can take effect.

The Secretary of State has power, under s100 of the Town and Country Planning Act 1990, to revoke or modify a planning permission granted by a local planning authority. Revocation or modification can only be made before a planning permission is implemented. The Secretary of State can use these powers as he thinks fit, after consultation with the local planning authority. Such intervention by the Secretary of State can only be justified in exceptional circumstances. However, the Secretary of State will generally use this power only if the original decision is judged to be grossly wrong, so that damage is likely to be done to the wider public interest.

Where orders come before the Secretary of State the decision will be taken only after considering the evidence by way of written representations, a hearing or a public local inquiry. The more controversial cases will almost inevitably go to inquiry.

Since 1997 the Secretary of State has used this power on 5 March 1998 to make a modification order to remove A1 retail use from outline planning permission for an industrial site granted by Alnwick district council and on 9 March 2000 to make a revocation and a modification order in respect of proposals for a factory outlet shopping village in an isolated location in Restormel, Cornwall.

The Office does not record representations received about the powers of the Secretary of State to revoke planning permissions.