



<b>Full Council</b>	<b>Tuesday, 23 September 2025</b>	<b>Matter for Information and Decision</b>
---------------------	---------------------------------------	--

**Report Title:** **Proposed Revocation of Planning Permission 25/00204/FUL - 117A Gartree Road, Oadby, Leicestershire, LE2 2FF**

**Report Author(s):** **Samuel Ball (Legal & Democratic Services Manager / Monitoring Officer) (Solicitor)**

<b>Purpose of Report:</b>	To seek Full Council's approval to make a Planning Revocation Order under section 97 of the Town and Country Planning Act 1990 to revoke the planning permission granted in error under planning reference number 25/00204/FUL for a single-storey front garage extension at 117A Gartree Road, Oadby, Leicestershire, LE2 2FF.
<b>Report Summary:</b>	The permission was issued under delegated authority in error, as under the Council's Constitution, applications made by an elected Member's spouse must be determined by the Development Control Committee. The error arose from the applicant's planning agent's failure to complete the relevant declaration on the application form, which meant that the case was not flagged for appropriate referral. An Order is the only mechanism to lawfully revoke the permission.
<b>Recommendation(s):</b>	<p><b>A. That the making of a Revocation Order under section 97 of the Town and Country Planning Act 1990 to revoke planning permission 25/00204/FUL be approved;</b></p> <p><b>B. That Officers be authorised to complete all associated statutory publicity, notification and procedural requirements in relation to the making of Revocation Order; and</b></p> <p><b>C. That the Revocation Order be confirmed (and the permission revoked) if no objections are received by the Secretary of State from any interested person(s) following the expiration of the relevant notice period.</b></p>
<b>Senior Leadership, Head of Service, Manager, Officer and Other Contact(s):</b>	Samuel Ball (Legal & Democratic Services Manager / Monitoring Officer) (Solicitor) (0116) 257 2643 <a href="mailto:samuel.ball@oadby-wigston.gov.uk">samuel.ball@oadby-wigston.gov.uk</a>
<b>Strategic Objectives:</b>	Not applicable.
<b>Vision and Values:</b>	Not applicable.
<b>Report Implications:-</b>	
Legal:	The implications are as set out at paragraphs 2 and 3 of this report.
Financial:	The implications are as set out at paragraph 3.3 of this report.
Corporate Risk Management:	Reputation Damage (CR4) Regulatory Governance (CR6)
Equalities and Equalities Assessment (EA):	There are no implications arising from this report. EA not applicable.

Human Rights:	There are no implications directly arising from this report.
Health and Safety:	There are no implications arising from this report.
<b>Statutory Officers' Comments:-</b>	
Head of Paid Service:	The report is satisfactory.
Chief Finance Officer:	The report is satisfactory.
Monitoring Officer:	As the author, the report is satisfactory.
<b>Consultees:</b>	<ul style="list-style-type: none"> <li>The Applicant / Applicant's Planning Agent</li> </ul>
<b>Background Papers:</b>	<ul style="list-style-type: none"> <li>Planning app. no. 25/00204/FUL - 117A Gartree Road, Oadby, Leicestershire, LE2 2FF - Single storey front extension to garage</li> <li>Town and Country Planning Act 1990</li> <li>Town and Country Planning (Control of Advertisements) (England) Regulations 2007</li> </ul>
<b>Appendices:</b>	None.

## 1. Background Information

- 1.1 A planning application for a single-storey front garage extension at 117A Gartree Road, Oadby (planning ref. no. 25/00204/FUL) was received by the Local Planning Authority on 2 June 2025 and validated on 24 June 2025 ("the Application"). The applicant was/is the spouse of a current elected Member. The application was prepared and submitted by the applicant's planning agent. Following the appropriate planning consultation exercises being undertaken, the application was subsequently considered and approved by Officers under delegated authority and permission granted on 7 August 2025 ("the Permission").
- 1.2 A complaint under the Members' Code of Conduct was received by the Monitoring Officer on 13 August 2025 which queried the grant of the Permission under Officers' delegated authority in the circumstances described. Upon investigation, it became apparent that the application form, which required disclosure of any relationship to an elected Member, was not completed correctly by the planning agent. Consequently, the Application was not identified as requiring referral to the Development Control Committee to be determined as is required by the Council's Constitution to ensure and promote openness and transparency.
- 1.3 The investigation concluded that that the grant of the Permission under Officers' delegated authority was issued in error because of an administrative and procedural oversight arising because of an inadvertent mistake by the planning agent. The Code of Conduct complaint was informally resolved on 14 August 2025 upon the Monitoring Officer being satisfied that there was no finding or suggestion of any deliberate act or impropriety by the elected Member to circumvent established procedures or to otherwise elicit preferential treatment.

## 2. Revocation Procedure

- 2.1 The process for revoking the Permission is as set out in the Town and Country Planning Act 1990 ("the Act"). Section 97 of the Act allows the Council to revoke the Permission to such extent as it considers it expedient by a Planning Revocation Order ("an Order").
- 2.2 When resolving to make such an Order, the Council must have regard to the development plan and to any other material considerations. Such an Order cannot be made once the operations authorised by the Permission have been completed. In this case, the building

operations have not been completed, nor will they be completed, insofar as the applicant has confirmed that the Permission is no longer required due to a change of circumstances.

- 2.3 Section 99 of the Act states that where an Order is unopposed, it will come into effect on the expiration of the relevant notice period and without the need to submit the Order to the Secretary of State for confirmation, providing that the Council within 28 days:
- 2.3.1 serves a notice on the owners, occupiers and all persons who in the Council's opinion will be affected by the Order and secures those parties' written permission; and
  - 2.3.2 advertises in a local newspaper that such an Order has been made and no other interested person(s) from the date the advertisement wishes the matter to be referred to the Secretary of State before such an Order can be so confirmed.
- 2.4 Section 98 of the Act states that where an Order is opposed by any owner, occupier and/or any other interested person(s), the Order shall not take effect unless it is first confirmed by the Secretary of State who must give an opportunity for both the objector(s) and the Council to appear before them before making a determination in relation to the Order.
- 2.5 In the circumstances, the Monitoring Officer is of the considered opinion that an Order will not be opposed, given that the owners-occupier's permission is understood to be forthcoming, and it being more likely than not no other interested person(s) would have such an interest in the matter requiring the Order to be referred to the Secretary of State accordingly.

### **3. Expediency to Revoke and Material Considerations**

- 3.1 When considering whether it is expedient to revoke the Permission, the Council should take into account the circumstances in which the decision was made. In this case:
- 3.1.1 The Permission was incorrectly issued under Officers' delegated authority when, under the Council's Constitution, it should have been referred to the Development Control Committee ("the Committee") to determine because the application was made by the spouse of a current elected Member. As a result, the decision was made outside the proper delegation framework and is therefore vulnerable to successful legal challenge, for example by way of judicial review, on the basis that it was taken *ultra vires* (that is, beyond the legal powers of Officers to determine);
  - 3.1.2 The error arose from an administrative and procedural oversight, insofar as the application form, which required disclosure of any relationship between the applicant and an elected Member, was not completed correctly by the planning agent. Without this information, Officers did not identify the need for referral. Officers are entitled to rely on the accuracy of application forms and, given the volume of applications and turnover of staff, it would be unreasonable to expect Officers to have immediate implied knowledge of elected Members' relationships and property interests; and
  - 3.1.3 Although inadvertent, the safeguard requiring referral to Committee is essential to ensuring openness and transparency in the Council's planning processes. It provides assurance that applications involving Members or their relatives are determined collectively and in public. Allowing the Permission to otherwise stand would risk undermining the public's confidence in the Council's governance and create a perception of bias or preferential treatment, even where none was intended.
- 3.2 A further material consideration is that revocation is the only proper and lawful means of correcting this defect: submitting a new application, for example, would not nullify the Permission already granted, which would remain capable of implementation. The statutory revocation process under the Act is therefore required to remove the existing Permission. In

this case, this power is available because no works have yet commenced, allowing the matter to be corrected without prejudicing any rights reserved to the applicant.

- 3.3 A final material consideration is the potential for compensation under section 107 of the Act where the Permission is revoked. In this case, the financial risk is considered to be very limited. The Permission is no longer required, no works have commenced nor are anticipated to commence, and no financial outlay appears to have been incurred in reliance on the Permission once issued. As such, it is unlikely that the applicant has suffered, or will suffer, any loss that would give rise to a compensatable claim, and the public interest in correcting the procedural error outweighs any potential negligible financial implications.
- 3.4 In all the circumstances, revocation is considered expedient to address the oversight and to protect the integrity of the Council's decision-making. The public interest in maintaining transparency and adherence to the Constitution outweighs any inconvenience caused.

#### **4. Officers' Delegated Decision**

- 4.1 For clarity, Members are not being asked to revisit the planning merits of the Application itself. The sole issue for consideration is whether it is expedient to revoke the Permission on the grounds of expediency and any other material considerations as is set out above.

#### **5. Recommendation and Next Steps**

- 5.1 Accordingly, Members are asked to approve the making of an Order under section 97 of the Act in respect of the Permission with reference 25/00204/FUL at 117A Gartree Road, Oadby, and to authorise Officers to complete all statutory publicity, notification and procedural requirements. If no objections are received, the Order will be confirmed by the Council and take effect under section 99 of the Act. If in the event objections are received, the Order will be referred to the Secretary of State for determination under section 98 of the Act.