

**Wiltshire Council**

**Northern Area Planning Committee**

**Wednesday 23 August 2023**

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**Item 5 – Public Participation**

**From Caroline White, Broad Town Parish Clerk**

**Question (N23-01)**

What action can be taken or what are the ramifications if a planning applicant knowingly lies or withholds pertinent facts on a planning application which is subsequently approved? Who is responsible for ensuring that the planning application states the facts fully and accurately?

**Response:**

**What action can be taken or what are the ramifications if a planning applicant knowingly lies or withholds pertinent facts on a planning application which is subsequently approved?**

Once a planning application is approved it is the final decision of the Council unless a judicial review is lodged. In certain circumstances Section 97 of the Town and Country Planning Act 1990 (“the TCPA”) allows councils to revoke or modify a planning consent “to such extent as they consider expedient” with regard to the development plan and any other material considerations. If incorrect information is present on plans, then enforcement action can be taken if the proposal is not built in accordance with the approved plans.

**Who is responsible for ensuring that the planning application states the facts fully and accurately?**

The onus is on the applicant to ensure that the information presented in the planning application is accurate. If the planning officer believes something to be inaccurate or misleading, they can challenge the applicant for evidence to ensure the information is accurate and if it is material in the determination of the application, they can take the appropriate course of action.