

# UPDATE: Supreme Court refuses permission to appeal in Finney

Today the Supreme Court (Lady Black, Lord Lloyd-Jones and Lord Sales JJSC) refused the Welsh Ministers' application for permission to appeal in the case of *Finney v Welsh Ministers* [2019] EWCA Civ 1868. It is therefore now settled law that section 73 of the Town and Country Planning Act 1990 may not be used to amend the operative part of a planning permission or to impose a condition which would be inconsistent with the operative part of the original planning permission. Put simply, a condition that changes the description of the development is unlawful. See her previous report on the Court of Appeal case here: <https://www.ts-p.co.uk/news/court-of-appeal-gives-clear-direction-to-local-authorities-in-a-landmark-decision-for-s73-cases>

The above article is posted by Thomson Snell & Passmore at the following address:

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