

Hampstead Garden Suburb Trust

GUIDANCE NOTE FOR APPLICANTS ON THE TRUST'S REVIEW PROCEDURE

The Scheme of Management operated by the Trust under Section 19 of the Leasehold Reform Act 1967 does not contain any provision for appealing against refusal of Trust Council consent. Neither do leases contain any provisions for appealing against landlord's consent where the Trust is the freeholder.

Every application is always considered on its merits. Under both the Scheme and some leases the Trust must not unreasonably withhold its consent. The Trust Council is keen, wherever possible, to reach a mutually satisfactory solution with applicants and will sometimes defer determination of an application so that amendments can be made. In other cases the Trust will refuse consent. This note explains the circumstances in which an applicant will be given an opportunity to have their application reconsidered following a refusal.

The Trust Council will review an application which they have previously refused if some new factor relevant to their decision, for example archive information, is drawn to their attention and they are satisfied it amounts to a material change in the information they had when they determined the application.

The granting of Planning Permission or Listed Building Consent would not be considered decisive factors in allowing a review, as these approvals are granted by separate bodies under different legislation and do not override Trust Council decisions taken under the Scheme of Management or leases. Usually parallel applications must be made to both the local planning authority and the Trust, and both bodies must consent before development can be undertaken.

If the Trust Council considers there are grounds to review an application where consent had previously been refused then two Trust Council members will examine the case in some depth and report back to the Trust Council. This may involve a site visit. There is no fee for this procedure.

It should be stressed that the Trust Council will review very few applications as most requests fall outside the criteria set down in this guidance note.