
Appeal Decision

Site visit made on 16 January 2018

by L Fleming BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 24 January 2018

Appeal Ref: APP/T5150/W/17/3180763

157 Cricklewood Broadway, London NW2 3HY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr P Patel against the Council of the London Borough of Brent.
 - The application Ref 16/5273, is dated 4 June 2016.
 - The development proposed is mansard roof extension to create a third floor and erection of a first floor and erection of first floor rear extension to provide two additional self-contained flats – studio flat on the first floor and one-bedroom flat on the third floor.
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Decision

1. The appeal is dismissed.

Background and Main Issue

2. The Council considers that the information and plans submitted with the application do not meet the necessary statutory requirements. The appeal is made against the Council's failure to give a decision within the appropriate period because of a dispute over the provision of information required to validate the application.
3. The main issue is therefore whether the application contains adequate information to enable it to be validated and determined.

Reasons

4. The Planning Practice Guidance (PPG) sets out what is required to make a valid application for planning permission¹. It requires a completed application form, compliance with national information requirements, the correct fee, and provision of local information requirements.
5. The PPG states the national information requirements² are plans and drawings and as a minimum, applicants will need to submit a 'location plan' that shows the application site in relation to the surrounding area and additional plans and drawings will in most cases be necessary to describe the proposed development as required by article 7(1)(c)(ii) of the Town and Country Planning (Development Management Procedure (England) (Order) 2015.

¹ Paragraph: 016 Reference ID: 14-016-20140306

² Paragraph: 022 Reference ID: 14-022-20140306 & Paragraph: 023 Reference ID: 14-023-20140306

6. The application was made 4 June 2016. The Council wrote to the appellant 14 December 2016 stating the application was invalid due to missing details on the plans, missing plans and an inaccurate description of development. The appellant submitted amended and additional plans 11 January 2017. The Council emailed the appellant 17 January 2017 querying whether parts of the proposed development had already taken place and seeking agreement for a revised description. I am not aware of any further correspondence between the appellant and the Council up until the appeal was lodged 12 July 2017.
7. The Council accept that the plans and drawings are accurate and show the proposed building works. However, the description of development provided on the application form refers to both the erection of a first floor and the erection of a first floor rear extension which is inaccurate. Furthermore, if the Council are correct in that part of the proposal is already in place this would also need to be reflected in the description of development and on the basis of the limited information before me I am unable to reach a definitive conclusion on this matter.
8. Thus, I find the Council's request for clarification with regard to whether any part of the proposal was already in place and to seek to agree a more accurate development description is reasonable.
9. Therefore although the Council failed to give notice of its decision on the application within the statutory period, having regard to the evidence before me, I can only dismiss the appeal on the basis that the information before me does not allow me to understand the proposals without doubt. I therefore cannot properly assess it and I am led to the conclusion that the application does not contain adequate information to enable it to be validated and determined.

Conclusion

10. For the reasons set out above and having regard to all other matters raised I conclude that the appeal should be dismissed.

L Fleming

INSPECTOR