



Appeal Decision

Hearing Held on 10 December 2019

Site visit made on 10 December 2019

by Lesley Coffey BA Hons BTP MRTPI

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

Decision date: 07 February 2020

Appeal Ref: APP/J2210/W/18/32145114

Land North of Thanet Way, West of Greenhill Road, Herne Bay CT6 7PE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Michael Cash against the decision of Canterbury City Council.
 - The application Ref 18/00117, dated 15 January 2018, was refused by notice dated 30 April 2018.
 - The development proposed is Gypsy/Traveller site comprising 4 mobile homes and 4 touring caravans, as well as vehicular access and parking.
-

Decision

1. Since both the application and the appeal are invalid by virtue of the failure to serve notice on the owner of the appeal site in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015 no further action will be taken in connection with this appeal.

Reasons

2. The appeal site is located on the north side of Thanet Way and forms part of a long strip of largely undeveloped land. At the site visit it became apparent that the application did not relate to the appellant's land which adjoined the eastern boundary of the appeal site as shown on the submitted plans.
3. Both the application and appeal form were accompanied by certificate A under the Town and Country Planning (Development Management Procedure) (England) Order 2015. These certified that the applicant/appellant was the only owner of the land. As acknowledged by the appellant, this is incorrect since he does not own the land shown on the application plans. There is a genuine risk that the owner of the land concerned may be unaware that the appeal scheme relates to their land and would therefore be significantly prejudiced were the appeal to be determined on the basis of the submitted plans.
4. The requirements in relation to certificates are contained in the Town & Country Planning Act 1990 and the Town and Country Planning (Development Management Procedure) (England) Order 2015 which require notices to be served on owners of the land and requires the applicant to certify compliance in the application.

5. Section 65 of the 1990 Act states that a local planning authority "shall not entertain" an application unless the requirements are met. In this instance the requirements have not been met and therefore it is not possible for me to entertain the appeal. The appellant does not wish to withdraw the appeal and consequently I propose to take no further action in relation to this appeal.
6. I have concluded that both the application and the appeal are invalid by virtue of the failure to serve notice on the owner of the appeal site in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015 and in these circumstances the appeal does not fall to be considered.

Lesley Coffey

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Mr Brian Woods	Planning Consultant
Mr Michael Cash	Appellant

FOR THE LOCAL PLANNING AUTHORITY:

Oliver Ansell	Planning Officer
---------------	------------------

DOCUMENTS

- 1 Plan No.J002868/DD03A
- 2 Hearing Notification letter submitted by the Council
- 3 Policy OS8 Extract from Canterbury District Local Plan submitted by the Council
- 4 Copy of planning permission for retail development on Thanet Way (Reference 18/02242) submitted by the Council
- 5 Policy map extract showing location of Local Wildlife Site submitted by the Council
- 6 Comments in relation to submitted ecology report submitted by the Council
- 7 Letter dated 2 January 2020 from the Appellant confirming that the Application was invalid