



Appeal Decision

Site Visit made on 5 July 2021

by M Bale BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 July 2021

Appeal Ref: APP/X1165/D/21/3271860

14 Cliff Road, Paignton TQ4 6DG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr Gary Bishop against the decision of Torbay Council.
 - The application Ref P/2020/0793, dated 10 August 2020, was refused by notice dated 28 January 2021.
 - The application sought planning permission for dormer oft [*sic.*] conversion; replacement garage and rear extension without complying with a condition attached to planning permission Ref P/2008/1343/PA, dated 14 November 2008.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The appeal relates to a proposal under S73 of the Town and Country Planning Act 1990. Such is a proposal to carry out development without complying with a condition, subject to which a previous planning permission was granted.
3. In essence, the proposal seeks to carry out development pursuant to a different set of plans to those originally permitted by the Council. I understand that the Council advised the appellant how to proceed and, indeed, S73 is often used in this way. However, the process requires a condition listing the approved plans and, while plans are stated on the Decision Notice for information, the original planning permission in this case contains no such condition. There is, therefore, no proposal under S73 before me.
4. Accordingly, I have considered the matter no further and the appeal is dismissed.

M Bale

INSPECTOR