



Appeal Decision

Site visit made on 22 June 2021

by C Cresswell BSc (Hons) MA MBA MRTPI

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

Decision date: 20 July 2021

Appeal Ref: APP/X1165/W/21/3270661

49 Hill Park Road, Brixham, Devon TQ5 9EU

- 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 approval required under Schedule 2, Part 1, Class AA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr Alan Cash against the decision of Torbay Council.
 - The application Ref P/2021/0101, is dated 19 January 2021.
 - The development proposed is additional storey extension.
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Decision

1. The appeal is dismissed.

Reasons

2. I understand that the Council has not validated the planning application or followed the usual notification procedures. As such, I am unable to determine that neighbouring residents are fully aware of the proposal or have been given a fair opportunity to comment on it. If I were to allow the appeal, the interests of these parties could therefore be prejudiced. This would not accord with the principles of natural justice which are enshrined within planning law.
3. I note the dispute between the Council and the appellant regarding fees and the subsequent breakdown in communication which led to the appeal being made. However, as I am dismissing the appeal for other reasons, I do not address these matters any further. Nor have I considered the planning merits of the proposed development.
4. For the reasons given above, the appeal is dismissed.

C Cresswell

INSPECTOR