



Appeal Decision

Site visit made on 15 March 2022

by G Bayliss BA (Hons) MA MA MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 11th May 2022

Appeal Ref: APP/Z4310/W/21/3285556

The Coach House, 17a Alexandra Drive, Liverpool L17 8TB

- 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 Professor Nicola Barker against Liverpool City Council.
 - The application Ref 21H/1861, is dated 5 July 2021.
 - The development proposed is to replace wooden windows with uPVC windows, replace uPVC front door with composite, replace wooden patio doors with uPVC patio doors and install a canopy over front door.
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Decision

1. The appeal is invalid and I am unable to proceed to consider the planning merits of the case.

Reasons

2. The appeal was made against the failure of the Local Planning Authority (LPA) to reach a decision on the application within the relevant statutory timeframe. The LPA has explained at appeal that it was unable to determine the application as it did not comply with national and local validation criteria and was therefore not validated.
3. Article 7(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 sets out the particulars that must accompany an application for planning permission. This includes a requirement for any other plans, drawings and information necessary to describe the development which is the subject of the application. The LPA's local validation checklist assists further with the level of information required.
4. Further to this, Section 327A(2) of the Town and Country Planning Act 1990, amongst other things, also states that 'the local planning authority must not entertain such an application if it fails to comply with the requirement'. Under Section 79(6) of the Town and Country Planning Act 1990 the Secretary of State is empowered to decline to determine an appeal if it is found that the LPA could not have granted planning permission.
5. Whilst some details of the proposed windows and the patio door were submitted by the applicant to the LPA in order to seek the validation of the application, no drawn details and/or adequate written description was submitted detailing the proposed replacement uPVC front door or the canopy over the front door. Both of these latter proposals were included in the description of development.

6. Consequently, based on the information submitted with the planning application and during the course of this appeal, it has not been possible for me to understand the full nature of the appellant's proposals. The appeal should, therefore, not continue and I am unable to consider the planning merits of the case.

G Bayliss

INSPECTOR