



Appeal Decision

Site visit made on 24 October 2022

by J Hills MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th November 2022

Appeal Ref: APP/W1145/W/21/3286261

7 Atlantic Way, Westward Ho!, Bideford EX39 1HX

- 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 approval to details required by a condition of a planning permission.
 - The appeal is made by Mr Bernard King against Torridge District Council.
 - The application Ref 1/0472/2021/REMM, dated 23 April 2021, sought approval of details pursuant to condition 2 of planning permission Ref 1/1106/2016/OUTM granted on 17 August 2017.
 - The development proposed is reserved matters application for the demolition of bedsits and erection of up to 20 flats.
 - The details for which approval is sought are access, appearance, landscaping, layout, and scale.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Notwithstanding the description of development set out above, which is taken from the application form, it is clear from the plans and accompanying details that the development comprises a reserved matters application for the demolition of existing bedsits and the erection of 16 flats pursuant to application 1/1106/2016/OUTM. The Council dealt with the proposal on this basis and so shall I.
3. I note that there are inconsistencies in relation to site areas identified within the OP and the reserved matters application (RM). The RM includes two location plans where one reflects the outline site and the other does not. Even if I were to consider the appeal on the basis of the approved outline site, the details submitted in support of the RM rely on additional land not covered by the OP to facilitate the proposed development, primarily access. I therefore find that the proposal is not consistent with the terms of the OP and there is no possibility that the appeal could be allowed. On this basis, I have not considered the planning merits of the proposal.
4. I note the Appellant's comments in respect of the processing of the application, however this has little bearing on my decision which is based on a point of planning law.

Conclusion

5. For the reasons given above I conclude that the appeal should be dismissed and details pursuant to condition 2 of planning permission Ref 1/1106/2016/OUTM granted on 17 August 2017 are refused.

J Hills

INSPECTOR