



Appeal Decision

Site visit made on 4 April 2023

by Paul Cooper MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 April 2021

Appeal Ref: APP/A0665/W/22/3309575

12 Hill Garth Road, Newton by Tattenhall, Chester CH3 9FW

- 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 Mr Sam Poulton against Cheshire West & Chester Council.
 - The application Ref 22/02449/FUL, is dated 30 June 2022.
 - The development proposed is erection of single garage.
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Decision

1. The appeal is allowed, and Planning Permission is granted for the erection of single garage at 12 Hill Garth Road, Newton by Tattenhall, Chester CH3 9FW in accordance with the terms of the application Ref 22/02449/FUL and the plans with it, subject to the conditions below :-
 - 1) The development hereby permitted shall be begun within three years of the date of this permission.
 - 2) The development hereby approved shall be carried out in accordance with the plans submitted with the application.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby approved shall be as specified on the application form and the approved plans.

Procedural Matter

2. The appeal was made on the grounds of non-determination of the application within the eight-week time limit. I have been advised that the Planning Officer was not aware of the appeal being made until after the application was determined on 20 January 2023. No Decision Notice was issued. Once an appeal is made, jurisdiction for the decision transfers to the Secretary of State, via the Planning Inspectorate.
3. The Council have supplied me with the completed Officer Report, and a short Statement that notes the Council were experiencing a high volume of applications and did not determine the application within the eight-week target date, have no objections to the application, and request that the appeal be allowed.
4. In light of the above, as the Council have no Reasons for Refusal, there are no issues to consider as part of this appeal. I see no reason to question the assessment of the Council.

Conditions

5. The Council have requested that the three standard conditions that relate to timeliness, in accordance with submitted plans, and correct materials be added to any consent. These are imposed in the interests of proper planning and I have no reason to question these or add any conditions.

Conclusion

6. In the absence of any objection from the Council, I conclude that the appeal should succeed.

Paul Cooper

INSPECTOR