



Appeal Decision

Site visit made on 20 August 2024

by Eleni Randle BSc (hons) MSc FRICS FAAV MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 August 2024

Appeal Ref: APP/K0235/D/24/3345652

13 Butland Way, Wootton, Bedford, MK43 9QU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Jim Ajani against the decision of Bedford Borough Council.
 - The application reference is 24/00488/S73A.
 - The development proposed is raise the garden wall/fence by 0.3 metres with wooden panels to an overall height of 2.3 metres.
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Decision

1. The appeal is dismissed.

Background and Procedural Matters

2. I have utilised the Council's description of the proposal within the header of this decision letter as I feel it describes the proposal more concisely than that within the application form.
3. The appeal proposal seeks permission for a raised garden wall/fence which would stand, according to the appellant's description within the application form, at a height in the region of 2.3 metres. I note the appellant's request, given that they are now appealing the decision, to change the application reference to include FUL (as opposed to S73A), however, it is not within the scope of this appeal to amend a reference number of an application which is allocated by the Council at the point of validation.
4. The decision notice confirms the list of plans upon which a decision was made which includes a location plan (OS 100042766 V01) and a site layout as proposed plan (OS100054135 V02). Also taken into account, as listed within the decision notice, was the application form itself. All documents, within the Council's decision notice, are stated to have been received on 11 April 2024. Despite this I note, from the application form, that the application was not submitted by the then applicant until 31 May 2024.
5. I therefore assume that the plans referred to, by the Council, in terms of having been received on the 11 April 2024 is in reference to the location plan which is stated (on the plan itself) to have been produced on 11 April 2024. I can see that the site layout as proposed was produced on 14 March 2024. The appellant's statement of case states that version 3 of a plan, submitted as part of this appeal, was submitted on 31 May 2024.
6. The version 3 plan, attached to the appellant's statement, appears to be of the same OS reference number, and production date, with additional labelling as to the height of the fencing in question. I have no evidence before me within this

appeal (such as inclusion of an email or similar) to support that the plan was sent, and subsequently received, by the Council during the determination period and, on that basis, I can consider the plans upon which the Council's decision has been stated to have been made. Even if I had taken into account the version 3 plan provided by the appellant the appeal would still fail as the plan still fails to provide sufficient detail to allow appropriate assessment of the proposals.

7. In this case, two plans have been submitted which either have a solid red line around part of the site and one with a red dashed line with no annotation. From my site visit I assume that the red dashed line denotes the appeal site boundary but where no fencing is in place. Whilst I understand, from the development description, that the intention is to raise the garden wall/fence by 0.3 metres with wooden panels (to an overall height of 2.3 metres). Despite this, I have no plans before me which are of sufficient detail to define the proposal within the context of the appeal site in order to be able to assess the proposal with regard to character, design, scale, layout and the impact of the proposals upon neighbouring amenity.
8. Regardless of the application type, all applications should be accompanied by sufficient detail to allow appropriate assessment of the proposals as well as, in the event permission is granted, sufficient plans to be secured by condition to control and define the development for the avoidance of doubt and in the interests of proper planning. It is therefore questionable whether the application, in its current format, should have been validated by the Council.
9. I note that the Council outlines that they state they have repeatedly advised the appellant that they have applied for the wrong type of application as well as not having provided sufficient information or plans but, despite this, it is stated that the appellant has chosen not to respond or comply with such requests and indeed the appellant outlines that they do not agree with this statement of events. I acknowledge the comments of both parties, however, neither party has applied for costs as part of this appeal, and it is not within the scope of this appeal to consider the handling of the application which I have considered based upon the information before me.
10. It is not possible to consider the proposal on its own merits against the Local Plan as is required for all planning applications due to the insufficient information and plans which have been provided by the appellant. Regardless of the interaction between the Council, and the appellant, or the application type in this case (insofar as whether the development has been undertaken at the point of determination) given my findings on the procedural matters as outlined above, with those being determinative, it is not necessary for me to consider the merits of any other issues raised in this case, as they would not alter my overall decision.

Conclusion

11. For the reasons outlined above, and taking account all other matters raised, I conclude that the appeal should be dismissed.

Eleni Randle

INSPECTOR