



Appeal Decision

Site visit made on 3 January 2025

by **G Sylvester BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 3 February 2025

Appeal Ref: APP/Z2260/D/24/3349372

138 Ramsgate Road, Broadstairs, Kent CT10 2ER

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr A Mart against the decision of Thanet District Council.
 - The application Ref is FH/TH/24/0348.
 - The development proposed is an extension to existing dropped kerb.
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Decision

1. The appeal is not valid, and I shall therefore take no further action upon it.

Reasons

2. All planning applications are subject to statutory requirements with regard to the information that must accompany them. Article 7 of The Town and Country Planning (Development Management Procedure) (England) Order 2015 (the Regulations) confirms that an application for planning permission must be accompanied by a plan which identifies the land to which the application relates.
3. Section 327A(2) of the Town and Country Planning Act 1990 (the Act) requires the local planning authority not to entertain such an application if it fails to comply with any requirement of the Act, or any provision made under it, as to the form or manner in which the application must be made.
4. This is further reflected in the Planning Practice Guidance^{1,2} (PPG) which states that applicants for planning permission will need to submit a location plan to ensure that the exact location of the application site is clear. The application site should be edged clearly with a red line on the location plan and it should include all land necessary to carry out the proposed development (e.g. land required for access to the site from a public highway, visibility splays, landscaping, car parking and open areas around buildings).
5. In the present case the application site edged with a red line on the location plan does not include all land necessary to carry out the proposed development and it therefore fails to comply with the requirement of the Act in this regard. Furthermore, whilst I have not considered the planning merits of the case, in the event that I was minded to allow the appeal, any conditions imposed would need to relate to the application site in order to be effective and enforceable. As the proposed development is not within the application site, any such conditions would not be binding upon it.

¹ Paragraph: 023 Reference ID: 14-023-20140306

² Paragraph: 024 Reference ID: 14-024-20140306

6. The Regulations require that an owner of land must be notified of a development proposal affecting their land and given an opportunity to comment on proposals. In this case, the signed ownership certificate relates only to the application site edged with a red line on the location plan, which does not include all land necessary to carry out the proposed development. I can therefore make no assumption that the appellant is the owner of all land necessary to carry out the proposed development. It follows that the owner of the land might be unaware of the planning application or this appeal and be denied an opportunity to comment, thus prejudicing their interests, contrary to the Regulations.
7. I acknowledge that the local planning authority determined the planning application the subject of this appeal. However, Section 79(1) of the Act empowers the Secretary of State to deal with the application as if it had been made to them in the first instance. It follows that I am entitled to make a fresh judgement on validity. Section 79(6) of the Act provides that if, before or during the determination of an appeal, the Secretary of State forms the opinion that planning permission for that development could not have been granted by the local planning authority, he may decline to determine the appeal.
8. For the reasons given above, I have concluded the appeal to be invalid. The procedural shortcomings of the current submission are not readily capable of any reasonable remedy. New drawings would be required, formal notices would need to be served on all landowners affected, and the revised application would need to be publicised more generally. The opportunity would need to be given for interested parties to respond, and then for parties to comment on any representations received.
9. I am therefore not in a position to progress matters or to consider the planning merits of the case. Accordingly, I decline to determine the appeal and shall take no further action upon it.

G Sylvester

INSPECTOR