



Appeal Decision

Site visit made on 14 April 2025

by Mr R Walker BA HONS DIPTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 May 2025

Appeal Ref: APP/U2750/W/24/3357655

Church Farmhouse, Thornton Le Street, Thirsk, North Yorkshire YO7 4DS

- 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 & Mrs Crow against the decision of North Yorkshire Council.
 - The application Ref is ZB23/01088/FUL.
 - The development proposed was originally described as the creation of a replacement workshop (Use Class E).
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Decision

1. On the basis of my conclusions below, no further action will be taken in connection with this appeal.

Preliminary Matters

2. Section 79(6) of the Town and Country Planning Act 1990 provides that if, before or during the determination of an appeal, the Secretary of State (SoS) forms the opinion that planning permission for that development could not have been granted by the local planning authority, the SoS may decline to determine the appeal. In other words, I am entitled to make a fresh judgement on the validity of the application.

Reasons

3. 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 confirms that an application for planning permission must be accompanied by a plan which identifies the land to which the application relates.
4. Although not part of the legislation, the Planning Practice Guidance¹ (PPG) advises that *"The application site should be edged clearly with a red line on the location plan. It should include all land necessary to carry out the proposed development (eg land required for access to the site from a public highway, visibility splays, landscaping, car parking and open areas around buildings)"*.
5. An initial Site Location Plan (Dwg No: S665 PL 001) included a red line around the existing buildings to be demolished and the area for the proposed replacement workshop. The red line did not include land required for access to the application site from the public highway or the proposed turning circle shown on the Proposed Site Plan (Dwg No: S665 PL003).

¹ Paragraph: 024 Reference ID: 14-024-20140306

6. During the application process, amended plans were submitted to the Council. These included an amended Site Location Plan (Dwg No: S665 PL 001 Rev A) with an amended red line and a Proposed Site Plan Option A (Dwg No: S665 PL003) showing the proposed replacement workshop being relocated within that amended red line. A Site Section drawing (Dwg No: S665 PL006) was also submitted, which shows the replacement workshop building in a different position and falling, in part, outside of the red line in the amended Site Location Plan.
7. Setting aside the differences between the location of the replacement workshop building in the Cross Section compared with the Proposed Site Plan Option A. In both the original and amended site location plans, the red lines defining the application site do not include the access to the replacement building from the public highway and turning area for the vehicles arriving at the workshop building. The appellant has indicated that the red line show what was intended by the application. However, in doing so this excluded land that is necessary to carry out the development. On this basis the planning application the subject of this appeal was not validly made.
8. This procedural failing may appear somewhat trivial. However, it is important that applications and appeals comply with national guidance/requirements. All parties to appeal proceedings have a responsibility to avoid unnecessary delays and the submission of amendments during the appeal at this stage, would delay any determination of the appeal and is a matter that should have been resolved before an appeal was submitted. There would also be the potential for there to be prejudice to interested parties were measures taken to address this matter during the appeal process.
9. The failure to comply with the PPG means that the application is invalid. Consequently, I do not intend to take any further action in respect of this appeal. In reaching this conclusion I make no comment on the merits of what is proposed.

Mr R Walker

INSPECTOR