



Appeal Decision

Site visit made on 20 May 2025

by **N Bowden BA(Hons) Dip TP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 09 June 2025

Appeal Ref: APP/J1915/D/24/3357412

13 Highfield Farm, Mangrove Lane, Brickendon, Hertfordshire SG13 8QJ

- 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 Samuel Harding against the decision of East Hertfordshire District Council.
 - The application Ref is 3/24/1265/HH.
 - The development proposed is retention of outbuilding.
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Decision

1. The appeal is invalid and I decline to determine it.

Preliminary Matters

2. Section 79(1) of the Town and Country Planning Act 1990 (as amended) provides that the Secretary of State, may deal with an appeal as if it were an application for planning permission that had been made to him in the first instance.
3. The Town and Country Planning (Development Management Procedure) (England) Order 2015 (the Order) sets out the general requirements for applications for planning permission. Article 13 requires requisite notice to be given to any person (other than the applicant) who on the prescribed date is the owner of the land to which the application relates.
4. The Planning Practice Guidance advises that applicants, when providing an ownership certificate, must confirm that an appropriate notice has been served on any other owners of the land to which the application relates. An application is not valid, and therefore cannot be determined, unless the relevant certificate has been completed.

Reasons

5. At the point of determination by the Council, I have no evidence to indicate that the submission was not valid. However, during the course of the appeal, the appellant advised that the property had been sold and transferred to new ownership. No updated certificate under Article 13 of the Order to show that the requisite notice has been served on the new owners has been provided.
6. There is no suggestion of any deliberate attempt by the appellant to issue a false or misleading ownership certificate at the time of the original application. However, a grant of permission now, without due evidence that the new owners have been informed, would deprive parties who have a legal interest in the land of their rightful opportunity of making representations prior to the issue of any planning permission, were I minded to do so.

7. As no confirmation has been provided to me to indicate that the requisite notice has been served on the new owners, I am unable to make a determination on this appeal without causing prejudice to them. Therefore, I conclude that the appeal is invalid, I decline to determine it and shall take no further action.

N Bowden

INSPECTOR