



Appeal Decision

Site visit made on 21 May 2025

by **J Hobbs MRTPI MCD BSc (hons)**

an Inspector appointed by the Secretary of State

Decision date: 7 July 2025

Appeal Ref: APP/A5270/W/24/3358103

Pavement Outside 40-42 The Broadway, Greenford, London, UB6 9PT

- 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 Nathan Still of In Focus Public Networks Limited against the decision of the Council of the London Borough of Ealing.
 - The application Ref is 243132FUL.
 - The development proposed is the installation of a modern, multifunction Hub unit featuring an integral advertisement display and defibrillator.
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Decision

1. The appeal is invalid and therefore I am unable to determine it.

Preliminary Matters

2. The appellant's company name specified on the Appeal Form was different to what was specified on the Application Form. The appellant confirmed in writing that the correct name is In Focus Public Networks Limited.
3. The description of development in the banner above is taken from the Application Form. I have removed reference to "The application relates to ..." as this does not refer to an act of development.
4. Section 79(6) of The Town and Country Planning Act 1990 provides that if, before or during the determination of the appeal, the Secretary of State forms the opinion that planning permission for that development could not have been granted by the local planning authority, they may decline to determine the appeal.

Reasons

5. Article 7 of The Town and Country Planning (Development Management Procedure) (England) Order 2015 (DMPO) sets out the general requirements for applications for planning permission. This includes the need to submit a plan which identifies the land to which the application relates and any other plans, drawings and information necessary to describe the development.
6. The Planning Practice Guidance¹ (PPG) indicates that as a minimum applicants will need to submit a location plan that shows the application site. The PPG² advises what information should be included on a location plan. It states that the application site should be edged clearly with a red line, and it should include all land necessary to carry out the proposed development.

¹ Planning Practice Guidance – 'Making an application' Paragraph: 023 Reference ID: 14-023-20140306

² Planning Practice Guidance – 'Making an application' Paragraph: 024 Reference ID: 14-024-20140306

7. The planning application and this appeal were accompanied by a suite of planning drawings³ which included a Site Location Plan and a Proposed Site Plan. However, the red line boundary delineating the application site on the Site Location Plan does not cover the area where the proposed development is shown on the Proposed Site Plan. Therefore, the Site Location Plan does not include all land necessary to carry out the proposed development. Accordingly, the Council could not have granted planning permission for the proposed development.
8. It is unclear whether the Council was aware of this procedural failing when they determined the planning application. Nevertheless, I sought comments from both the appellant and the Council on this matter. The appellant acknowledged that the application site on the Site Location Plan did not extend far enough to cover the siting of the proposed development. The appellant did contend that the Proposed Site Plan was correct and showed sufficient detail to make it clear where the proposed development would be, and that the discrepancy was not raised at the time of the application and indicated it was not critical to the determination of the case, based on the planning merits. The appellant requested the appeal proceed on the basis of the submissions, notwithstanding the error on the Site Location Plan.
9. However, established caselaw⁴ indicates that an Inspector can only consider the merits of an application and determine an appeal if they are satisfied that a valid planning application has been made in the first instance. Whether the Council validated and determined the application is not determinative; an Inspector must consider and reach their own conclusion on validity.
10. If an application is invalid, the Secretary of State has no jurisdiction to determine a subsequent appeal, and it must be turned away as invalid. In this instance, the planning application did not comply with the requirements of the DMPO and thus it was invalid. I am therefore unable to determine the appeal, and it is not necessary for me to consider the planning merits of the proposal.

Conclusion

11. For the above reasons, I conclude that planning permission could not have been granted by the local planning authority due to the procedural failings that I have identified, and I am unable to consider the planning merits of the appeal. I therefore conclude that the appeal is invalid, I decline to determine it and shall take no further action.

J Hobbs

INSPECTOR

³ Communication Hub Proposal, Site Plan & Images Ref. A02596

⁴ *Geall (Marc John) v Secretary of State for the Environment, Transport and the Regions* [1999] JPL 909; [1998] EGCS 183; [1999] 78 P & CR 264