



Appeal Decision

Site visit made on 20 May 2025

by **Gary Deane BSc (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 10 July 2025

Appeal Ref: APP/M5450/W/24/3357995

215-219 High Road, Harrow Weald, Harrow HA3 5EE

- 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 H Farooqi against the decision of the Council of the London Borough of Harrow.
 - The application reference is PL/1043/24.
 - The development is described as retention of metal staircase leading to first floor, metal staircase leading to second floor, second floor open terrace and metal railing.
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Decision

1. I decline to determine the appeal and propose to take no further action.

Reasons

2. The red line plan submitted by the Agent in response to a reason for refusal shows an area for the development that significantly differs to the boundary of the site that is illustrated on the drawing that accompanied the planning application. In addition, the new red line plan does not include all the land for the development, as required in the Planning Practice Guidance (PPG), which states 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)” (my emphasis).
3. The red line plan submitted with the original planning application did include this area. However, it did not include the land upon which the staircase in question is stationed on the ground.
4. These discrepancies are not minor. The site, as developed, is materially different from the red line areas. From the representations made, it could include land that is unregistered. In those circumstances, I cannot be certain that the local planning authority’s consultation has been carried out correctly or that the correct Certifications have been completed as required by the Order¹.
5. Article 7(1) of the Order advises that an application for planning permission must be accompanied by a plan which identifies the land to which the application relates. Section 327A of the above 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

¹ Town and Country Planning (Development Management Procedure) (England) Order 2015

provision made under it, as to the form or manner in which the application must be made. This is further reflected in the PPG, to which I have referred.

6. To remedy the procedural shortcomings of the submission, new drawings would be required, formal notices would need to be served on all owners affected, and the scheme would need to be publicised. The opportunity would need to be given for interested parties to respond, and for parties to comment on any representations received. Given those requirements, it would be inappropriate to proceed with the appeal as it stands. To do so could incur a serious risk of prejudice to interested parties, something which the above Act, the Order and the PPG all seek to avoid.
7. The extent of remediation required would go beyond the terms of relevant case law². More generally, the Procedural Guide³ advises that if an appeal is made the appeal process should not be used to evolve a scheme. It explains how important it is that what is considered by the Inspector is essentially what was considered by the local planning authority, and on which interested people's views were sought.

Conclusion

8. Section 79(6) of the above 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. That outcome arises in this case because the red line plans are incorrect.
9. For the reasons given above, I conclude that the appeal is invalid. The procedural shortcomings of the submission are not readily capable of any reasonable remedy. I am, therefore, not in a position to progress matters and so proceed to consider the planning merits of the case. Accordingly, I decline to determine the appeal and propose to take no further action.

Gary Deane

INSPECTOR

² Paragraphs M.2.2, M.2.3 and M.2.4 of the Procedural Guide: Planning appeals – England

³ Paragraph M.2.1