



Appeal Decision

Site visit made on 9 September 2025

by **R Bartlett PGDip URP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 22 September 2025

Appeal Ref: APP/M2840/W/25/3363749

13 Ironwood Avenue, Desborough, North Northamptonshire, NN14 2JJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against the failure of the local planning authority to give notice within the prescribed period of a decision on an application for planning permission following the failure to respond to a notice served under Article 12(1) of the Town and Country Planning (Development Management Procedure (England) Order 2015 (as amended).
- The appeal is made by Mrs Fernanda Van Raepensbusch and Mr Paul Meurisse against North Northamptonshire Council.
- The application Ref is NK/2025/0015.
- The development proposed is described as:
 - “1. This is a straightforward application to obtain planning permission for the certificate of lawful development NK/2024/0537. Both are identical. Its aim is to provide legal certainty during the duration of the work (which will happen in phases in order to cause minimal disruption to the owners living in the dwelling during the whole duration of the work).
 - 2. The proposed development of this planning application is identical to the development that has already been accepted - as confirmed through the certificate of lawful development NK/2024/0537 - as development permitted by law (that is the permitted development order as Statutory Instrument). There is no need to 'validate' the plans of this planning application because it is a pure copy of what has already been validated and is now being referred to by the certificate of lawful development NK/2024/0537 as its underlying basis. Because the proposed development (referred to as PD because it is development permitted by law) has been accepted by law, the 'determination' of this planning application simply needs to mention 'What is permitted by law as proposed development, should always be granted planning permission. As such, planning permission is granted unconditionally for this proposed development'.
 - 3. The certificate of lawful development NK/2024/0537 refers to all validated and accepted plans upon which it is based. As such, it can only create confusion if we add any plans for this planning permission which is identical to (thus with no change compared to) the certificate of lawful development NK/2024/0537. For the record, we have nevertheless added a copy of all these plans underlying the certificate of lawful development NK/2024/0537. As such, all these plans were simply downloaded from the NCC website so as to be sure that they are identical between the requested planning permission and the certificate of lawful development NK/2024/0537.
 - 4. We add two documents representing our property title. One document is a downloaded copy of our property title with the Land Registry as official source of property titles. The other document is a copy of our TP1 property title deed signed by the seller (the builder) and by ourselves as buyer, additionally signed by the conveyancing solicitor as witness of the deed.
 - 5. In addition to the location plan with property borders, and the block plan of existing and PD, we have added: 4 elevation plans (for front, rear, side west, side east elevations) for existing and PD; 3 floor plans (ground floor, first floor, second floor) for existing and PD; a site plan with indication of PD compared to the existing. As above mentioned, all these are simply a downloaded copy of the plans accepted already as part of the recent certificate of lawful development NK/2024/0537.

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the planning application is valid.

Reasons

3. Article 7(1) of The Town and Country Planning (Development Management Procedure) (England) Order 2015 (the DMPO) sets out the general requirements for planning applications. These include amongst other things that the application must be made in writing to the Local Planning Authority (LPA) on a form published by the Secretary of State (or a form to substantially the same effect) and include the particulars specified or referred to in the form. Further guidance can be found in the Planning Practice Guidance (PPG).
4. The application form was dated 11 January 2025 and was submitted to the LPA via the Planning Portal. The LPA acknowledged receipt of the application on 14 January 2025. On 23 January 2025, the LPA wrote to the appellants advising them that they were unable to register the application because the statutory requirements had not been met. This was because the description of development, the external materials to be used in the construction of the proposed development, and the drawings and documents submitted in support of the proposed development had not been clearly stated on the application form.
5. To rectify the matter, some simple minor amendments and additions to the application form were necessary, which would have taken very little time, and incurred no additional cost to the appellants. Essentially, all that was required to make the application valid, and to avoid the need for the protracted complaints, disputes, and this appeal, was i) an amendment to the description of development to confirm or include that the proposed development was a three-storey rear extension; ii) an amendment to the materials question to advise that the external materials to be used in the construction of the proposed extension would match those of the existing dwelling; and iii) a list of supporting drawings and documents submitted with the application.
6. As planning applications are subject to publicity and consultation, it is important that each application submitted, correctly describes the act of development for which planning permission is sought, in a clear and concise manner that members of the public can easily understand, for example when viewing a site notice displayed on a streetlight. The description of development should be just that. Any additional information relating to the planning history of the site, the reasons for submitting the application or the need for the development, can be provided in separate supporting documents.
7. The lengthy and complicated description of development in the banner heading above, which is taken from the application form, does not confirm anywhere within it what the act of development proposed is. It simply needed to state that planning permission is sought for a three-storey rear extension. Instead, it refers to a previous application number for a certificate of lawful development but does not explain what development that application was for.
8. The PPG states that before publicising and consulting on an application, the LPA should be satisfied that the description of development provided by the applicant is accurate. It states that the LPA should not amend the description of development without first discussing any revised wording with the applicant or their agent. Whilst it goes on to state that checking the accuracy of the description of development should not delay the validation of an application, in this case the LPA could clearly not progress to publicising and consulting on the application given the applicants

reluctance to amend the description of development. In the absence of an agreed accurate description of development, it would be unclear to members of the public what act of development was being proposed, granted or refused.

9. I acknowledge that the proposed extension has previously been granted a certificate of lawful development, confirming that it could be constructed under The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO), subject to the provisions and conditions set out within it. I also understand that the appellants are seeking full planning permission for an identical proposal due to concerns that the provisions of the GPDO could potentially be amended before work on the extension and associated alterations to the dwelling are completed. However, such background and supporting information is not necessary to describe the development proposed.
10. Whilst the presence of a lawful development certificate is a material consideration in the determination of a new application for planning permission on the same site, it does not alter the legal requirements relating to the information that must be submitted to validate an application for planning permission or the need to assess such an application having regard to the development plan, national planning policy and other material considerations. As each application must be validated and determined based upon its own merits and the information submitted with it, it is not sufficient to simply refer to a previous application and the information submitted with it. Whilst LPA's may have easy access to its previous application records, others may not. Even where planning records are available online to members of the public, these are not always entirely accurate and up to date.
11. I have had regard to the appellants email complaint to the LPA dated 31 January 2025, in which it is stated that the title for their application had been "3-storey rear extension: planning permission for permitted development application NK/2024/0537". However, none of the submitted application documents before me were titled as such, and I have not been provided with any evidence to suggest that the appellants sought to amend the application form accordingly, or notified the validation team in writing of their agreement to this description prior to submitting this appeal. Furthermore, I note that the appeal form also refers only to the previous lawful development certificate and does not describe the act of development which is proposed.
12. The LPA responded to the appellants complaint by email on 27 January 2025, acknowledging its contents and advising that feedback colleagues would log their concerns. It is unfortunate that no further advice was issued to the appellants at this stage, to assist them with moving their application forward, particularly as they were not being professionally represented and the outstanding matters were simple ones, that could have been easily resolved by a brief conversation to better explain what was required and why. The PPG advises that it is expected that both the applicant and LPA should make every effort to resolve disagreements about the information needed and that informal negotiation is clearly in the interests of both parties. In this respect I note that the LPA has submitted no information in support of its actions and there is no evidence before me to indicate any further advice, or assistance was offered to the appellants after the LPA issued its initial invalid letter.
13. An Article 12 validation dispute notice was sent by the appellants to the LPA on 11 March 2025, which was more than 8 weeks after the application had been submitted. As such, the LPA was required to respond within 7 working days, and it

has not been disputed by the LPA that no response was made. However, rather than justify why the requested information was not supplied or was not required to meet the statutory tests, the appellants again focus on other matters that are not relevant to the validation of the application.

14. Whilst the LPA's description of development in the heading of its invalid letter is also incorrect, in that it refers to the development as a resubmission, which is neither correct or relevant to the description of development proposed by the application, the appellants were not required to agree with this, only to amend their own description of development on the application form to ensure it specified what development is proposed. There is nothing before me to suggest that the Council insisted upon the removal of the reference to the previous lawful development certificate application, albeit this is unnecessary. As a certificate of lawful development is a document, as opposed to an act of development, it would not be appropriate to process and determine the application without the appellants agreement to amend the description to reflect this.
15. With regard to the external materials proposed to be used in the development not being specified on the application form, the appellants claim that details of materials were unnecessary because they were simply applying for planning permission for a development that already benefitted from a lawful development certificate. However, in the case of development with a deemed grant of planning permission under the GPDO, that development is subject to the conditions set out within the GPDO. To benefit from the permitted development right, matching materials would have been required, although members of the public consulted on the application may not be aware of this. An application for planning permission would not automatically be subject to the same conditions as an application granted permission by a development order. As such, the materials should have been specified on the application forms and/or the drawings, to provide certainty to the LPA and interested parties. For most householder applications, this is usually simply a matter of stating "to match existing". However, had the LPA been minded to grant planning permission for the proposed development, a matching materials condition could have been imposed and as such this should not prevent validation.
16. Likewise, a list of supporting documents and plans should have been included on the forms to provide certainty as to which plans were to be considered, particularly as this site has been the subject of numerous planning applications and appeals. However, the absence of a list of supporting plans and documents from the application form would not usually be essential to enable a householder application to be processed, understood and determined.
17. I therefore conclude that the application fails to meet the national requirements due to the incorrect completion of the necessary application form and incorrect provision of the particulars specified and referred to within it. As the application is invalid, it is not appropriate for me to go onto consider the proposal.

Conclusion

18. For the reasons given above, I conclude that the appeal should be dismissed.

R Bartlett

INSPECTOR