



Appeal Decision

Site visit made on 22 July 2025

by **D Ellis MPlan MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 23rd October 2025

Appeal Ref: APP/P0240/W/25/3363527

Land off Markyate Road, Slip End, Luton LU1 4DG

- 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 Qun Ma of Nex Space Limited against the decision of Central Bedfordshire Council.
 - The application Ref is CB/24/01927/FULL.
 - The development proposed is amenity structure and erection of 4no. greenhouses for horticultural purposes.
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Decision

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

Procedural Matters

2. The appellant and the Council were invited to provide their views on the validity of the appeal. I have taken their comments into consideration.

Reasons

3. The power to grant planning permission is contained in section 70(1) of the Town and Country Planning Act 1990 (as amended) (the Act), whilst Article 7 of The Town and Country Planning (Development Management Procedure) (England) Order 2015 (DMPO) specifies the general requirements relevant to applications for planning permission.
4. The proposal meets the definition of 'major development' as set out in the DMPO and therefore Article 9 (Design and Access Statements) of the DMPO is relevant.
5. Article 9(2)(b) states that an application for planning permission must be accompanied by a design and access statement which includes "...how issues relating to access to the development have been dealt with."
6. Article 9(3)(c) states that a design and access statement must "...explain the policy adopted as to access, and how policies relating to access in relevant local development documents have been taken into account."
7. Whilst the appeal was accompanied by a document entitled Planning, Design and Access Statement (June 2024), this document does not mention the access to the site and as such it fails to comply with Articles 9(2)(b) and 9(3)(c) of the DMPO. The appellant's comments regarding the validity of the appeal are also silent on this matter. It is also noted that the description of development, as set out on the Planning Application form, does not include any reference to access or egress and

clearly answers no to the question concerning whether a new or altered vehicular access is proposed to or from the public highway.

Conclusion

8. Section 79(6) of the 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.
9. For the reasons given above, I conclude the appeal to be invalid. 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.

D Ellis

INSPECTOR