



Appeal Decision

Site visit made on 18 August 2025

by **L Clark BA(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 31st October 2025

Appeal Ref: APP/T5150/D/25/3366728

44 Hill View Gardens, Brent, London NW9 0TE

- The appeal is made under section 78 of the Town 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 Prior approval under Article 3(1) and Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
- The appeal is made by Mrs Svitlana Krekhovetska-Pastukh against the Council of the London Borough of Brent.
- The application Ref is 25/1342.
- The development proposed is erection of rear single storey extension with flat roof and Velux lights 6.0m deep

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether sufficient information was initially submitted to make the application valid.

Reasons

3. Under Article 3(1), Schedule 2, Part 1, Class A, of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (the GPDO), development is permitted for the enlargement, improvement or other alterations of a dwellinghouse, subject to limitations and conditions. Paragraph A.4.(3) sets out that the local planning authority may refuse an application where, in the opinion of the authority (a) the proposed development does not comply with, or (b) the developer has provided insufficient information to enable the authority to establish whether the proposed development complies with, the conditions, limitations or restrictions applicable to development permitted by Class A, which exceeds the limits in paragraph A.1(f) but is allowed by paragraph A.1(g).
4. No fee was paid in connection with the prior approval application, with the appellant relying on exemptions set out in The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012 (as amended) (the Fees Regulations), and the fee paid in relation to their planning application¹.
5. Whilst the appellant has not indicated which part of the Fee Regulations they rely upon for their appeal, the Council has clarified that it is Regulation 14(1A). Given the appellant has been silent on the matter, from the evidence before me, I have no reason to take a different view.

¹ PP-13995056

6. Regulation 14(1A) sets out, amongst other things, that it shall not apply to impose a fee in relation to an application of a type described in in paragraph (1) (za), (zab), (zac), (zb) or (zc) where –
 - (a) a fee is payable under these Regulations for an application for planning permission made in respect of proposals for development of a site which includes buildings or other land which are the subject of the approval application, and
 - (b) that application for planning permission is made on the same date and by, or on behalf of, the same applicant as the approval application.
7. The stipulation of Regulation 14(1A) (b) is that the application is made to a local planning authority on the same date and by, or on behalf of, the same applicant as the approval application.
8. Neither the Town and Country Planning (Development Management Procedure) (England) Order 2015 (the Procedure Order), nor the Fees Regulations, have a definition of what ‘made to a local planning authority’ is, and in light of this, I rely upon its general sense of the wording, in that an application is ‘made’ when it is received by the local planning authority.
9. I note that both applications² were submitted via the Planning Portal and not the local planning authority directly. However, notwithstanding this, whilst the Council does not dispute that both applications were created on the Planning Portal on 5 May 2025, the extract within the appellant's email sent to the Council on 29 May 2025 clearly shows that the application was not ‘submitted’ nor ‘received’ by the local planning authority until 7 May 2025.
10. Even if payment was ‘initiated’ on 5 May 2025, the appellant does not dispute that the Council can receive applications at different times due to an application being held until payments are cleared.
11. I acknowledge that the time delay between submitting the applications and payment being received by the Council falls outside the control of the appellant, and that this is no doubt very frustrating. However, the dates within the appellant's email are clearly different.
12. Given that the application dates of the two applications differ from one another, the exemption criteria upon which the appellant has relied is therefore not applicable in this instance, and a fee is required. The local planning authority in this case did not have sufficient information to make the application valid.

Other Matters

13. The Council has referred in its Statement to a matter of Costs; however, no application for Costs has been submitted by either party.

Conclusion

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

L Clark

INSPECTOR

² PP-13995142 and PP-13995056