



Appeal Decision

Site visit made on 5 November 2025

by A Knight BA PG Dip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 November 2025

Appeal Ref: APP/U2235/W/25/3366470

8 Orchard Place, Coxheath, Kent ME17 4PF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Mr and Mrs Kehinde & Bolanle Aigberua against Maidstone Borough Council.
 - The application Ref is 24/501418/FULL.
 - The development proposed is the creation of a new three bedroom attached dwelling.
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Decision

1. The appeal is invalid, and I am unable to proceed to consider the planning merits of the case.

Reasons

2. Article 7(c)(i) of the Development Management Procedures Order (2015) (the DMPO) requires planning applications to include “a plan which identifies the land to which the application relates”.
3. Planning Practice Guidance (PPG) regarding the making of an application 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..... A blue line should be drawn around any other land owned by the applicant, close to or adjoining the application site”¹.
4. Section 327A of the Town and Country Planning Act (1990) (as amended) (the Act) states that a local planning authority must not entertain an application if it fails to comply with the pertinent requirements of, in this case, the DMPO.
5. The appellant owns the last house in a terrace (No 8) and the land beyond it, on which they propose to build a new house (No 8a). The application included drawings to show: Proposed plans and elevations; Landscaping, RPA's, parking and floor plans, and; Parking and BNG details. These all show, in plan view, an area edged in red on which, broadly, No 8a would be built, alongside another area partly edged in blue, which broadly encompasses No 8.
6. On each drawing, however, parts of No 8a are shown as falling outside the red line, and within the area partly edged in blue. This includes at least a part of the front and rear roof of No 8a and, based on the use of dashed lines on the elevation drawings to indicate the extent of dwellings in the terrace, also appears to include

¹ Paragraph: 024 Reference ID: 14-024-20140306

parts of the ground and first floor walls of No 8a. It is not evidently possible to build the proposed dwelling without using land outside the red line.

7. This apparent discrepancy has been highlighted as part of a third-party objection and, as such, has been drawn to the attention of the appellant. Despite this, I have very little before me that explains or justifies it, much less anything to reassure me that I may properly proceed to determine the appeal.
8. I recognise that the Council opted to validate the application, but S79 of the Act empowers the Secretary of State to deal with the application as if it had been made to him in the first instance. It follows that I am entitled to make a fresh judgement on validity.
9. To comply with the advice of the PPG all land necessary to carry out the proposed development should be included within the red line, but that is not the case with this application. I have little reason to consider the application to satisfy the DMPO and am bound by S327A of the Act not to entertain it. Consequently, the appeal should not continue, and I am unable to consider the planning merits of the scheme.

A Knight

INSPECTOR