
Appeal Decision

Site visit made on 28 January 2026

by Jennifer Wallace BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6th February 2026

Appeal Ref: APP/X3540/W/25/3373605

68B High Street, Lowestoft, Suffolk NR32 1JB

- 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 East Suffolk Properties LTD against the decision of East Suffolk Council.
 - The application Ref is DC/25/2423/FUL.
 - The development proposed is replacement of 2no. windows.
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Decision

1. The appeal is not determined, for the reasons set out below.

Procedural Matters

2. Section 79(1) of the Town and Country Planning Act 1990 (the Act) allows the Secretary of State to deal with an appeal as if it had been made to him in the first instance and s79(6) confirms that if during the determination of an appeal in respect of an application for planning permission, the Secretary of State forms the opinion that planning permission for the development could not have been granted by the local planning authority, he may decline to determine the appeal. Section 65 of the Act sets out requirements with respect to giving notice of applications for planning permission and s65(5) is clear that a local planning authority shall not entertain an application for planning permission unless any requirements imposed by this section have been satisfied.
3. Regulation 7 of The Town and Country Planning (Development Management Procedure) (England) Order 2015 (the Regulations) confirms that an application for planning permission must be accompanied by a plan which identifies the land to which the application relates. Although not part of the legislation, the Planning Practice Guidance (PPG) advises 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”¹.
4. The red line plan does follow the marked boundary of 68 High Street on the OS base plan. I have no reason to think that the appellant has acted in anything other than good faith in the preparation and submission of the application. However, the boundaries on the site location plan clearly do not align with the position of the windows. The red line therefore does not include all land necessary to carry out the proposed development.
5. There is a discretion to allow an appeal to proceed notwithstanding a failure to comply with the statutory requirements. This discretion should only be exercised

¹ Making an application Paragraph: 024 Reference ID: 14-024-20140306 Revision date: 06 03 2014

following full regard to all the circumstances². However, it would not be possible to allow the appeal where the plans are not accurate. Nor can I be certain that the interests of the landowner would not be prejudiced or that issues that may arise during any further consultation period could be adequately addressed during the appeal process as this is not designed to evolve a scheme.

6. I have found that the planning application the subject of this appeal was not validly made as the plans submitted with it did not identify all the land to which it related. Consequently, the correct steps to notify landowners were not taken. There would be the potential for there to be prejudice to interested parties were measures taken to address this during the appeal process. I therefore decline to determine the appeal.

Jennifer Wallace

INSPECTOR

² Maximus Networks Ltd v SSHCLG & Others [2018] EWHC 1933 (Admin)