



Appeal Decision

Site visit made on 3 February 2026

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

an Inspector appointed by the Secretary of State

Decision date: 27 February 2026

Appeal Ref: APP/F2605/W/25/3375865

The Old Queens Head, Attleborough Road, Great Ellingham NR17 1LQ

- 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 Davidge Developments Limited against the decision of Breckland Council.
 - The application Ref is PL/2025/0463/FMIN.
 - The development proposed is construction of 3No self-build dwellings.
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Decision

1. The appeal is invalid and therefore I am unable to determine it.

Preliminary Matters

2. The description of development in the banner heading above has been taken from the decision notice and is more accurate than that on the application form. Correspondence has been received from the appellant confirming acceptance.
3. Section 79(6) of the Town and Country Planning Act 1990 (as amended) 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, they may decline to determine the appeal or to proceed with the determination.

Reasons

4. Article 13(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (the DMPO) sets out that an applicant for planning permission must give requisite notice of the application to any person, other than the applicant, who on the prescribed date is an owner of the land to which the application relates. Article 14 of the DMPO requires where an application for planning permission is made, the applicant must certify that the relevant requirements of Article 13 have been satisfied.
5. Furthermore, the Planning Practice Guidance advises that the planning system entitles anyone to apply for permission to develop any plot of land. However, an applicant is required to notify owners of the land, and they must sign an ownership certificate to which the application relates.
6. On the application form the appellant has completed Ownership Certificate A which indicates that 21 days before the date of the application nobody except the applicant was the owner of any part of the land and that none of the land is, or is part of, an agricultural holding. Similarly, on the appeal form the appellant has

completed Ownership Certificate A which indicates the same as above, but 21 days before the date of the appeal instead.

7. However, the introductory paragraphs of the appellant's Appeal Statement of Case¹ state that the appellant is acting as agent on behalf of the landowner. Correspondence with the appellant has confirmed this position.
8. It is acknowledged that members of the landowner's family are referenced in several supporting documents submitted with the appeal and that the appellant has stated that it is the landowner's family's intention to occupy the proposed dwellings. However, the Unilateral Undertaking (UU) before me that seeks to secure the self-build status of the proposed dwellings is incomplete, having not been signed by the landowner. Furthermore, although signed Self-build Confirmation Statements² have been provided, they are vague in identifying the precise location of the site they relate to on Attleborough Road and do not contain any reference to this proposal, such as the Council's application reference number.
9. I have found that the original application did not comply with the requirements of the DMPO and thus is invalid. Furthermore, the information provided with the appeal is insufficient for me to be satisfied that the failure to comply with statutory requirements has since been rectified. I am therefore unable to determine the appeal, and it is not necessary for me to consider the merits of the development.

Conclusion

10. For the reasons given above, I conclude that planning permission could not have been granted by the local planning authority due to the procedural failings that I have identified, and I am unable to consider the planning merits of the appeal. I therefore conclude that the appeal is invalid, I decline to determine it and shall take no further action.

L Fern

INSPECTOR

¹ Prepared by Limitless Developments.

² Prepared by Limitless Developments, dated 16 May 2025 and signed by members of the landowner's family.