



---

## Appeal Decision

Site visit made on 26 November 2025

by **D Cleary MTCP MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 08 May 2026**

---

**Appeal Ref: APP/M2840/W/25/3372233**

**49 Greening Road, Rothwell, Kettering, Northamptonshire NN14 6JB**

- 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 Gurdeep Bhamra against North Northamptonshire Council.
  - The application Ref is NK/2025/0166.
  - The development proposed is the change of use of existing outbuilding to separate independent dwelling house.
- 

### Decision

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

### Procedural matters

2. In the banner above, I have used the description of development given by the Local Planning Authority (the LPA), rather than that which is detailed on the application form. This is because it describes the proposed development more concisely.
3. Section 79(6) of The Town and Country Planning Act 1990 (the Act) provides that if, before or during the determination of the appeal, the Secretary of State forms the opinion that planning permission for that development could not have been granted by the LPA, they may decline to determine the appeal. This can include applications for planning permission that have not been validly made.
4. The appellant and the LPA were invited to provide their views on the validity of the appeal. I have taken their comments into consideration.

### Reasons

5. Article 7(1) of the Order<sup>1</sup> advises, amongst other things, that an application for planning permission must be accompanied by any other plans, drawings and information necessary to describe the development which is the subject of the application. Planning Practice Guidance<sup>2</sup> (the Guidance) states that additional plans and drawings will in most cases be necessary to describe the proposed development.
6. Section 327A of the Act requires the LPA not to entertain such an application if it fails to comply with any requirement of the Act, or any provision made under it, as to the form or manner in which the application must be made.

---

<sup>1</sup> The Town and Country Planning (Development Management Procedure) (England) Order 2015

<sup>2</sup> Paragraph: 023 Reference ID: 14-023-20140306

7. The planning application was accompanied by a location plan, a block plan and one further plan showing the elevations and floor plans<sup>3</sup>. The elevations and floor plans are indicated as being “proposed”. The internal arrangements on the floor plan show a gymnasium and a shower room with w/c. The floor plan does not show the layout of the new dwelling which is the development that is proposed. Therefore, the floor plan does not detail the internal layout which is sought. The block plan shows the extent of the application site. This is shown around the whole of the curtilage of the existing property. However, the plan does not show how the existing plot would be sub-divided. It fails to detail the extent of the proposed new planning unit i.e. it does not show the extent of the proposed external spaces, or clearly identify any dedicated parking space(s) for the new planning unit.
8. Detailed and accurate “proposed” plans are necessary to demonstrate the development which has been applied for. As I do not have accurate plans which demonstrate this, an assessment of the effects of the development could be based on assumptions. Therefore, the merits of the development cannot be adequately assessed.
9. Furthermore, if I was minded to allow the appeal, without the necessary “proposed” plans, I would not be able to impose an approved plans condition. Such a condition would be necessary to identify the development which has been approved and, for compliance, how the development should be carried out. Therefore, I consider that the application submitted to the LPA to have been invalid, and they could not have lawfully granted planning permission.
10. I acknowledge that planning permission has been granted for the ancillary use of the building as habitable floorspace associated with No.49 Greening Road<sup>4</sup>. That permission included the same floor plan which has been submitted with the current appeal. However, that permission is for a development which is materially different to the material change of use which is now proposed. A replication of the same floor plan is not appropriate as it does not demonstrate the layout of the proposed dwelling.
11. To remedy the procedural shortcomings of the submission new plans would be required to clearly show the development which is proposed. This would be a materially different submission to that which was considered by the LPA and any interested parties. Furthermore, the amended scheme would need to be publicised to give interested parties the opportunity to comment.
12. To proceed with the appeal otherwise would be both inappropriate and incur a risk of serious prejudice to interested parties. This is something which the Act, the Order and the Guidance all seek to avoid.
13. An Inspector can only consider the merits of an application and determine a subsequent appeal if they are satisfied that a valid application was made in the first instance. Whether the Council validated the application is not determinative. In this instance, the planning application did not comply with the requirements of the DMPO or the Guidance and was therefore invalid. Therefore, I have no jurisdiction to determine the appeal or consider the planning merits of the development.

---

<sup>3</sup> Plan Reference: 221008-P-0002 R01 (dated 07/09/2021)

<sup>4</sup> Application Ref: NK/2023/0783 (Appeal Ref: 3341143)

## Conclusions

14. For the reasons given above, I conclude the appeal to be invalid. The procedural shortcomings of the current submission are not readily capable of any reasonable remedy. I am therefore not in a position to progress matters and cannot proceed to consider the planning merits of the case. Accordingly, I decline to determine the appeal and propose to take no further action.

*D Cleary*

INSPECTOR