

NON-VALIDATION APPEAL

If you need this document in large print, on audio tape, in Braille or in another language, please contact our Helpline on 0300 123 1590.

Please use a separate form for each appeal.

Before completing this form, please read our associated guidance:

<https://www.gov.wales/planning-appeals-guidance-non-validation-appeals>

WARNING: Your appeal must be received by Planning and Environment Decisions Wales (PEDW) within two weeks of the date of the Local Planning Authority's notice stating that the application is invalid.

IF YOU ARE NOT COMPLETING ELECTRONICALLY, PLEASE PRINT CLEARLY IN CAPITALS USING BLACK INK

**A. APPELLANT – Only the person(s) served with the Notice of Invalidity may appeal.
If this is not the case the appeal may not be registered.**

Name	Spence Gadsby
Organisation Name (if applicable)	Ty Green Ltd.

B. AGENT (if any) FOR THE APPEAL

Name	Spence Gadsby
Organisation Name (if applicable)	Ty Green Ltd.
Reference	24/0524

C. LOCAL PLANNING AUTHORITY (LPA)

Name of the LPA	Newport
Date of issue of the LPA's notice of invalidity	17th September 2024
Reference number on the notice	24/0524

D. APPEAL SITE ADDRESS

Land affected
(please give
full address)

Land North Of Rock Cottage, Arcade Road, Penhow, Newport, South Wales,

Post code

E. DESCRIPTION OF DEVELOPMENT

Please enter details of the proposed development. This should normally be taken from the planning application form.

CONVERSION OF BUILDING INTO RESIDENTIAL USE TO INCLUDE A SMALL SIDE EXTENSION, CONSTRUCTION OF DETACHED DOMESTIC STABLE BLOCK, STANDALONE BAT HOUSE AND ASSOCIATED WORKS INCLUDING LANDSCAPING, FORMATION OF A SMALL DOMESTIC GARDEN, IMPROVEMENTS TO ACCESS AND PROVISION OF TWO

F. TYPE OF APPLICATION

This appeal relates to:

Please tick appropriate boxes.

(2) An application for planning permission on the following grounds.

- a. The application complies with the requirement identified in the notice.
- b. The application is not one to which the requirement applies.
- c. The requirement is not a validation requirement in relation to the application.
- d. The information or evidence that the LPA has required is not reasonable, having regard to the nature and scale of the proposed development and/or it is not reasonable for the LPA to think that the matter to which the requirement relates will be a material consideration in the determination of the application.

OR

(3) An application for consent, agreement or approval required by any condition or limitation subject to which planning permission has been granted on the following grounds (e.g. a reserved matters application, a prior approval application, or an application to discharge a condition etc.).

- a. The application included the information, or was accompanied by the documents or other materials identified in the notice.
 - b. The provision of the information, documents or materials being sought is not required in order to comply with the terms of the planning permission.
 - c. The prescribed period begins to run irrespective of whether the information, documents or materials being sought are provided.
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G. GROUNDS OF APPEAL. Please specify if different Grounds apply to different requirements from the Notice.

The primary issue with the Invalid Notice is that Newport City Council had previously agreed upon and confirmed the red line boundary as valid. This confirmation occurred during discussions and via email before the application was officially validated. To now claim that the application is invalid due to the red line boundary is inconsistent and contradicts the council's earlier position, which deemed the boundary acceptable. I have documented evidence of this agreement.

While the red line boundary has been adjusted since the first application, this modification was made following the council's explicit approval. Importantly, the boundary remains within the original blue boundary, which marks the ownership of the applicant's site and has been consistent across both the original and current applications. This consistency shows that the application still relates to the same site, and the council's change in position is unjustified.

Additionally, this application has been valid for over three months, during which it underwent the full consultation process and was brought before a Planning Committee meeting. It was only at this very late stage, just days before a scheduled site visit, that the council issued the Invalid Notice. This action raises serious concerns and questions whether this is a standard procedure or an unprecedented step outside normal planning practices.

During the Planning Committee meeting on 04/09/2024, at 10:34 into the video recording, the council's representative stated in her presentation "It clearly is a resubmission following refusal" and that it was "benefiting from the usual free go in terms of application fees." This public acknowledgment directly supports the fact that the application was treated as a valid resubmission under the agreed conditions, further highlighting the inconsistency of the council's sudden claim that it was invalidated in error.

The council's issuance of the Invalid Notice just days before a scheduled site visit appears to be a deliberate attempt to prevent the Planning Committee from making an informed decision based on the merits of the site. This timing, coupled with the cancellation of the site visit, raises significant concerns about the fairness and transparency of the process and undermines the committee's role in assessing the application.

In my opinion this invalidation seems to be an attempt to block this application from moving to appeal and to prevent a formal decision on this application possibly to prevent anyone from scrutinising the council's actions, which have included misrepresentations and misleading statements throughout the officer's reports and the entire process. This pattern of obstruction suggests that the council is actively working to avoid accountability and transparency.

If the decision is made that a £920 fee must be paid and the application process must restart, it raises serious concerns about the inefficient use of taxpayers' money. Over the past three months, significant resources have already been expended, including officer salaries, consultancy fees, and efforts to challenge the application. To then repeat this entire process, likely arriving at the same conclusion, seems like a needless and inefficient expenditure of public funds. Such an approach not only squanders resources but also undermines trust in the planning system's integrity and efficiency.

Given these grounds, I request that the Planning Inspectorate dismisses the Invalid Notice and allows the application to proceed on its merits, ensuring that the application is judged fairly and transparently.

H. ESSENTIAL SUPPORTING DOCUMENTS

The documents listed in 1–4 below, must be sent with your appeal form. If we do not receive all your appeal documents by the end of the 2 week appeal period, we may not deal with it.

Please tick the boxes to show which documents you are enclosing.

- | | | |
|----|--|--------------------------|
| 1. | A copy of the LPA's Notice of Invalidity pursuant to article 8(3A) or article 23(5) | <input type="checkbox"/> |
| 2. | A copy of the application as submitted to the LPA | <input type="checkbox"/> |
| 3. | A copy of any forms, documents, plans, drawings, statements, declarations, certificates, particulars or evidence submitted to the LPA in connection with the application | <input type="checkbox"/> |

Copies of the following must also be sent, if appropriate:

- | | | |
|----|---|--------------------------|
| 4. | A copy of the decision notice granting planning permission (where the appeal relates to an application for consent, agreement or approval required by a condition or limitation subject to which that permission was granted) | <input type="checkbox"/> |
|----|---|--------------------------|

CHECK DECLARATION AND DATE

- | | YES | NO |
|---|--------------------------|--------------------------|
| I have completed all parts of the form. | <input type="checkbox"/> | <input type="checkbox"/> |
| I have sent a copy of the completed form and documents to the LPA. | <input type="checkbox"/> | <input type="checkbox"/> |
| I understand that you may use the information I have given for official purposes in connection with the Town and Country Planning Act 1990 and details including my name, the site description and my grounds of appeal will appear on the planning casework portal. By submitting this form I am agreeing to the use of the information I provide in this way. | <input type="checkbox"/> | <input type="checkbox"/> |

Name (in capitals)	<input type="text" value="SPENCE GADSBY"/>
Date	<input type="text" value="19/09/2024"/>
On behalf of (if applicable)	<input type="text"/>

Personal Details (these will not be made publicly available)

1. APPELLANT PERSONAL DETAILS

Address

Post code

Daytime telephone

E-mail

I prefer to be contacted by

E-mail

Post

2. AGENT PERSONAL DETAILS (if any)

Address

10 New Road, Caldicot,

Post code

NP26 4HG

Daytime telephone

07427657573

E-mail

spence@tygreen.co.uk

I prefer to be contacted by

E-mail

 /

Post

SEND

1 COPY of this appeal form with supporting documents to us at:

Planning and Environment Decisions Wales
Crown Buildings
Cathays Park
CARDIFF
CF10 3NQ

E-mail: PEDW.Casework@gov.wales

Helpline: 0300 123 1590

Please keep a copy for your records

When we receive your appeal form, we will write to let you know if your appeal is valid, who is dealing with it and what happens next.

1 COPY of this appeal form with supporting documents to:

- the address from which the notice of invalidity was sent; or
- the address shown on any letters received from the LPA.

The gathering and subsequent processing of the personal data supplied by you in this form, is in accordance with the terms of our registration under the Data Protection Act 1998. Further information about Data Protection Policy can be found at <https://gov.wales/welsh-government-privacy-notice>