

The Planning Inspectorate

PLANNING APPEAL FORM (Online Version)

WARNING: The appeal **and** essential supporting documents **must** reach the Inspectorate within the appeal period. **If your appeal and essential supporting documents are not received in time, we will not accept the appeal.**

Appeal Reference: APP/J3530/W/19/3242636

A. APPELLANT DETAILS

The name of the person(s) making the appeal must appear as an applicant on the planning application form.

Name

Company/Group Name

Address

Preferred contact method Email Post

B. AGENT DETAILS

Do you have an Agent acting on your behalf? Yes No

Name

Company/Group Name

Address

Phone number

Email

Preferred contact method Email Post

C. LOCAL PLANNING AUTHORITY (LPA) DETAILS

Name of the Local Planning Authority

LPA reference number

Date of the application

Did the LPA validate and register your application? Yes No

Did the LPA issue a decision? Yes No

Date of LPA's decision

D. APPEAL SITE ADDRESS

Is the address of the affected land the same as the appellant's address? Yes No

Does the appeal relate to an existing property? Yes No

Address

Is the appeal site within a Green Belt? Yes No

Are there any health and safety issues at, or near, the site which the Inspector would need to take into account when visiting the site? Yes No

E. DESCRIPTION OF THE DEVELOPMENT

Has the description of the development changed from that stated on the application form? Yes No

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

Area (in hectares) of the whole appeal site [e.g. 1234.56]

Does the proposal include demolition of non-listed buildings within a conservation area? Yes No

F. REASON FOR THE APPEAL

The reason for the appeal is that the LPA has:

1. Refused planning permission for the development.
2. Refused permission to vary or remove a condition(s).
3. Refused prior approval of permitted development rights.
4. Granted planning permission for the development subject to conditions to which you object.
5. Refused approval of the matters reserved under an outline planning permission.
6. Granted approval of the matters reserved under an outline planning permission subject to conditions to which you object.
7. Refused to approve any matter required by a condition on a previous planning permission (other than those specified above).
8. Failed to give notice of its decision within the appropriate period (usually 8 weeks) on an application for permission or approval.
9. Failed to give notice of its decision within the appropriate period because of a dispute over provision of local list documentation.

G. CHOICE OF PROCEDURE

There are three different procedures that the appeal could follow. Please select one.

1. Written Representations

2. Hearing

3. Inquiry

You must give detailed reasons below or in a separate document why you think an inquiry is necessary. The reasons are set out in

the box below

Please see Statement of Case for wider reasons. However for the benefit of this form:

1.40 Annexe K of the August 2019 PINS Appeals Procedural Guide sets out the circumstances when the Inquiry Procedure is most appropriate. Taking the criteria in Annexe K in turn:

- Is there a clearly explained need for the evidence to be tested through formal questioning by an advocate?
- The issue of design needs to be fully examined in a manner not conducive to round table discussions.
- It is unlikely that the parties will be able to present their own cases effectively without the support of advocates.
- Are the issues complex?
- At this stage, unless a number of issues in the Statement of Common Ground can be resolved in principal, then the interrelationship and overlap between planning history, local plan matters, design, polices etc. are complex.
- The application of the tilted balance will require careful consideration of relevant case law.
- Has the appeal generated substantial local interest to warrant an inquiry as opposed to dealing with the case by a hearing?
- The proposal has generated significant local interest with larger number of local people writing to the planning application in support than objection. Whilst many of the individuals may not wish to take an active part in the inquiry, they are likely to want to observe formal proceedings, particularly in the context of a recently adopted Neighbourhood Plan.

1.41 For the reasons set out above it is submitted that a Public Inquiry is the appropriate method for the determination of this appeal.

(a) How many witnesses do you intend to call?

3

(b) How long do they need to give their evidence?

Each appellant witness may require at least three hours for Evidence, cross examination and re-examination.

(c) How long do you estimate the inquiry will last?

3 day(s)

H. FULL STATEMENT OF CASE

see 'Appeal Documents' section

Do you have a separate list of appendices to accompany your full statement of case?

Yes

No

see 'Appeal Documents' section

(a) Do you intend to submit a planning obligation (a section 106 agreement or a unilateral undertaking) with this appeal? (Please attach draft version if available)

Yes

No

see 'Appeal Documents' section

(b) Have you made a costs application with this appeal?

Yes No



I. (part one) SITE OWNERSHIP CERTIFICATES

Which certificate applies?

CERTIFICATE A

I certify that, on the day 21 days before the date of this appeal, nobody, except the appellant, was the owner of any part of the land to which the appeal relates;



CERTIFICATE B

I certify that the appellant (or the agent) has given the requisite notice to everyone else who, on the day 21 days before the date of this appeal, was the owner of any part of the land to which the appeal relates, as listed below:



Owner's Name: Trustees of R J Sheepshanks 1996 Settlement
Address at which notice was served: 9 New Square, Lincolns Inn, London WC2A 3QN
Date the notice was served: 14/11/2019

Owner's Name: Walnut Tree Property Ltd
Address at which notice was served: Fairbairn House, 31 Esplanade, St. Hellier, Jersey, JE1 1FT
Date the notice was served: 14/11/2019

Owner's Name: Executors of Estate of R J Sheepshanks
Address at which notice was served: 9 New Square, Lincoln's Inn, London, WC2A 3QN
Date the notice was served: 14/11/2019

Owner's Name: Liliias Mulgrave Sheepshanks OBE
Address at which notice was served: The Rookery, Eyke, IP12 2RR
Date the notice was served: 14/11/2019

CERTIFICATE C and D

If you do not know who owns all or part of the appeal site, complete either Certificate C or Certificate D and attach it below.



I. (part two) AGRICULTURAL HOLDINGS

We need to know whether the appeal site forms part of an agricultural holding.

(a) None of the land to which the appeal relates is, or is part of, an agricultural holding.



(b)(i) The appeal site is, or is part of, an agricultural holding, and the appellant is the sole agricultural tenant.



(b)(ii) The appeal site is, or is part of, an agricultural holding and the appellant (or the agent) has given the requisite notice to every person (other than the appellant) who, on the day 21 days before the date of the appeal, was a tenant of an agricultural holding on all or part of the land to which the appeal relates, as listed below.



Tenant's Name: Rookery Farms
Address at which notice was served: The Rookery, Eyke, IP12 2RR
Date the notice was served: 14/11/2019

J. SUPPORTING DOCUMENTS

01. A copy of the original application form sent to the LPA.



02. A copy of the site ownership certificate and agricultural holdings certificate submitted to the LPA at application stage (if these did not form part of the LPA's planning application form).



03. A copy of the LPA's decision notice (if issued). Or, in the event of the failure of the LPA to give a decision, if possible please enclose a copy of the LPA's letter in which they acknowledged the application.



04. A site plan (preferably on a copy of an Ordnance Survey map at not less than 10,000 scale) showing the general location of the proposed development and its boundary. This plan should show two named roads so as to assist identifying the location of the appeal site or premises. The application site should be edged or shaded in red and any other adjoining land owned or controlled



by the appellant (if any) edged or shaded blue.

05. (a) Copies of all plans, drawings and documents sent to the LPA as part of the application. The plans and drawings should show all boundaries and coloured markings given on those sent to the LPA.

05. (b) A list of all plans, drawings and documents (stating drawing numbers) submitted with the application to the LPA.

05.(c) A list of all plans, drawings and documents upon which the LPA made their decision.

06. (a) Copies of any additional plans, drawings and documents sent to the LPA but which did not form part of the original application.

06. (b) A list of all plans, drawings and documents (stating drawing numbers) which did not form part of the original application.

07. A copy of the design and access statement sent to the LPA (if required).

08. A copy of a draft statement of common ground if you have indicated the appeal should follow the hearing or inquiry procedure.

09. (a) Additional plans, drawings or documents relating to the application but not previously seen by the LPA. Acceptance of these will be at the Inspector's discretion.

09. (b) A list of all plans and drawings (stating drawing numbers) submitted but not previously seen by the LPA.

10. Any relevant correspondence with the LPA. Including any supporting information submitted with your application in accordance with the list of local requirements.

11. If the appeal is against the LPA's refusal or failure to approve the matters reserved under an outline permission, please enclose:

(a) the relevant outline application;

(b) all plans sent at outline application stage;

(c) the original outline planning permission.

12. If the appeal is against the LPA's refusal or failure to decide an application which relates to a condition, we must have a copy of the original permission with the condition attached.

13. A copy of any Environmental Statement plus certificates and notices relating to publicity (if one was sent with the application, or required by the LPA).

14. If the appeal is against the LPA's refusal or failure to decide an application because of a dispute over local list documentation, a copy of the letter sent to the LPA which explained why the document was not necessary and asked the LPA to waive the requirement that it be provided with the application.

K. OTHER APPEALS

Have you sent other appeals for this or nearby sites to us which have not yet been decided?

Yes

No



L. CHECK SIGN AND DATE

(All supporting documents must be received by us within the time limit)

I confirm that all sections have been fully completed and that the details are correct to the best of my knowledge.

I confirm that I will send a copy of this appeal form and supporting documents (including the full statement of case) to the LPA today.

Signature	Mr. Steven Bainbridge
Date	05/12/2019 21:48:21
Name	Mr. Steven Bainbridge
On behalf of	Mr. Anthony Hardy

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 2018. Further information about our Data Protection policy can be found on our website under Privacy Statement.

M. NOW SEND

Send a copy to the LPA

Send a copy of the completed appeal form and any supporting documents (including the full statement of case) not previously sent as part of the application to the LPA. If you do not send them a copy of this form and documents, we may not accept your appeal.

To do this by email:

- open and save a copy of your appeal form
- locating your local planning authority's email address:
<https://www.gov.uk/government/publications/sending-a-copy-of-the-appeal-form-to-the-council>
- attaching the saved appeal form including any supporting documents

To send them by post, send them to the address from which the decision notice was sent (or to the address shown on any letters received from the LPA).

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

You may wish to keep a copy of the completed form for your records.

N. APPEAL DOCUMENTS

We will not be able to validate the appeal until all the necessary supporting documents are received.

Please remember that all supporting documentation needs to be received by us within the appropriate deadline for the case type. Please ensure that any correspondence you send to us is clearly marked with the appeal reference number.

You will not be sent any further reminders.

The documents listed below were uploaded with this form:

Relates to Section:	FULL STATEMENT OF CASE
Document Description:	A copy of the full statement of case.
File name:	Note for Planning Inspectorate.pdf
Relates to Section:	FULL STATEMENT OF CASE
Document Description:	A separate list of appendices to accompany your full statement of case
File name:	2019 SoC contents page.pdf
Relates to Section:	FULL STATEMENT OF CASE
Document Description:	A planning obligation (a section 106 agreement or a unilateral undertaking).
File name:	CA App7 Draft s106 19_1499.pdf
Relates to Section:	SUPPORTING DOCUMENTS
Document Description:	01. A copy of the original application sent to the LPA.
File name:	19 1499 app form.pdf
Relates to Section:	SUPPORTING DOCUMENTS
Document Description:	02. A copy of the site ownership certificate and agricultural holdings certificate submitted to the LPA at application stage (these are usually part of the LPA's planning application form).
File name:	19 1499 certs.pdf
Relates to Section:	SUPPORTING DOCUMENTS
Document Description:	03. A copy of the LPA's decision notice (if issued). Or, in the event of the failure of the LPA to give a decision, if possible please enclose a copy of the LPA's letter in which they acknowledged the application.
File name:	19 1499 Refusal notice.pdf
Relates to Section:	SUPPORTING DOCUMENTS
Document Description:	04. A site plan (preferably on a copy of an Ordnance Survey map at not less than 10,000 scale) showing the general location of the proposed development and its boundary. This plan should show two named roads so as to assist identifying the location of the appeal site or premises. The application site should be edged or shaded in red and any other adjoining land owned or controlled by the appellant (if any) edged or shaded blue.
File name:	Site Plan SLP1_.pdf
Relates to Section:	SUPPORTING DOCUMENTS
Document Description:	05.a. Copies of all plans, drawings and documents sent to the LPA as part of the application. The plans and drawings should show all boundaries and coloured markings given on those sent to the LPA.
File name:	Land west of Garden Square Free-go Cover Letter.pdf
File name:	External Materials Schedule.pdf
File name:	ApplicationForm.pdf
File name:	ApplicationFormNoPersonalData.pdf
File name:	Elevations and Floorplans part 4.pdf
File name:	Air Quality Assessment.pdf
File name:	Access and Parking Plan.pdf

File name: CIL Additional Information.pdf
File name: Tree survey Land West of Garden Square.pdf
File name: Elevations and Floorplans Overview.pdf
File name: Odour Assessment.pdf
File name: Site Plan SLP1_.pdf
File name: Sewers Survey.pdf
File name: Topographical Survey.pdf
File name: HRA Land West of Garden Square.pdf
File name: site context plan.pdf
File name: Transport Statement Land West of Garden Square.pdf
File name: Flood Risk Assessment May 2018 part 3.pdf
File name: Ground Contamination Report part 2.pdf
File name: Ground Contamination Report part 1.pdf
File name: Viability report Land West of Garden Square.pdf
File name: Archaeological Evaluation Report.pdf
File name: Elevations and Floorplans part 3.pdf
File name: Flood Risk Assessment May 2018 part 2.pdf
File name: Flood Risk Assessment May 2018 part 1.pdf
File name: Geophysical Survey Report (Archaeology).pdf
File name: Preliminary Ecological Appraisal.pdf
File name: Elevations and Floorplans part 1.pdf
File name: Flood Risk Assessment April 2019 Addendum.pdf
File name: Site layout plan on aerial photo base.pdf
File name: Elevations and Floorplans part 2.pdf
File name: Strategic landscaping plan on OS base.pdf
File name: Site layout plan on OS base.pdf
File name: Strategic landscaping plan on aerial photo base.pdf

Relates to Section: SUPPORTING DOCUMENTS
Document Description: 05.b. A list of all plans, drawings and documents (stating drawing numbers) submitted with the application to the LPA.
File name: 05B LIST.pdf

Relates to Section: SUPPORTING DOCUMENTS
Document Description: 06.a. Copies of any additional plans, drawings and documents sent to the LPA but which did not form part of the original application (e.g. drawings for illustrative purposes).
File name: CA App6 Draft s106 19_1499.pdf

Relates to Section: SUPPORTING DOCUMENTS
Document Description: 06.b. A list of all plans, drawings and documents (stating drawing numbers) which did not form part of the original application.
File name: 06b list.pdf

Relates to Section: SUPPORTING DOCUMENTS
Document Description: 07. A copy of the design and access statement sent to the LPA.
File name: PS-2018-0645 Planning Statement_inc apps.pdf

Relates to Section: SUPPORTING DOCUMENTS
Document Description: 08. A copy of a draft statement of common ground.
File name: Appeal Draft Statement of Common Ground.pdf

Relates to Section: SUPPORTING DOCUMENTS
Document Description: 09.a. Copies of additional plans, drawings or documents relating to the application not previously seen by the LPA. Acceptance of these will be at the Inspector's discretion.
File name: HRA cons email.pdf
File name: 2019 Odour assessment.pdf
File name: Noise Assessment.pdf

Relates to Section:	SUPPORTING DOCUMENTS
Document Description:	09.b. A list of all plans and drawings (stating drawing numbers) submitted but not previously seen by the LPA.
File name:	09B LISt.pdf
Relates to Section:	SUPPORTING DOCUMENTS
Document Description:	10. Any relevant correspondence with the LPA, including any supporting information submitted with your application in accordance with the list of local requirements.
File name:	SoC App3 LPA correspondence_.pdf
Completed by	MR. STEVEN BAINBRIDGE
Date	05/12/2019 21:48:21