

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/B1605/W/19/3238462

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

Robert Hitchins Ltd

Address

c/o agent
Pegasus House, Querns Business Centre, Whitworth Road
Cirencester
Gloucestershire
GL7 1RT

Preferred contact method

Email



Post



B. AGENT DETAILS

Do you have an Agent acting on your behalf?

Yes



No



Name

Mr Adam Jones

Company/Group Name

Pegasus Group

Address

Pegasus Planning Group Ltd
Pegasus House Querns Business Centre, Whitworth Ro
CIRENCESTER
GL7 1RT

Phone number

01285 641717

Email

adam.jones@pegasusgroup.co.uk

Your reference

Hitchins - Kidnappers Lane

Preferred contact method

Email



Post



C. LOCAL PLANNING AUTHORITY (LPA) DETAILS

Name of the Local Planning Authority

Cheltenham Borough Council

LPA reference number	19/00334/OUT		
Date of the application	19/02/2019		
Did the LPA validate and register your application?	Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/>
Did the LPA issue a decision?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>

D. APPEAL SITE ADDRESS

Is the address of the affected land the same as the appellant's address?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
Does the appeal relate to an existing property?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
Address	LAND OFF KIDNAPPERS LANE Leckhampton Cheltenham Gloucestershire Grid Ref Easting: 394028 Grid Ref Northing: 219908		
Is the appeal site within a Green Belt?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
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	<input type="checkbox"/> No	<input checked="" type="checkbox"/>

E. DESCRIPTION OF THE DEVELOPMENT

Has the description of the development changed from that stated on the application form?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
Please enter details of the proposed development. This should normally be taken from the planning application form.			
RESIDENTIAL DEVELOPMENT OF UP TO 25 DWELLINGS, ASSOCIATED INFRASTRUCTURE, OPEN SPACE AND LANDSCAPING, WITH THE CREATION OF NEW VEHICULAR ACCESS FROM KIDNAPPERS LANE. DEMOLITION OF EXISTING BUILDINGS.			
Area (in hectares) of the whole appeal site [e.g. 1234.56]	1.36 hectare(s)		
Does the proposal include demolition of non-listed buildings within a conservation area?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>

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

The Appellant considers that a Public Inquiry would be the most appropriate appeal procedure in this case.

It is hoped that the issues in dispute can be narrowed down through Statements of Common Ground (SoCG). However, there are complex issues that will no doubt remain in dispute.

These issues can only be properly tested through formal questioning of expert witnesses by an advocate as was the case with the previous appeal, which would not be permissible under the Informal Hearing procedure. It is also anticipated that there will be a need to make legal submissions, which are again best dealt with through the Inquiry procedure.

It is likely that this appeal will take more than two days to be heard (which exceeds normal practice for an Informal Hearing). The Appellant considers that three to four days would be required, depending upon what can be agreed with the LPA in the SoCG (including housing land supply and agreement about the tilted balance being engaged, for example).

As was the case previously, it is also to be expected that the Parish Council will wish to participate.

Proofs of Evidence

On the basis that the Planning Inspectorate agrees to this appeal being dealt with under the Public Inquiry procedure, the Appellant will prepare written evidence in advance of the Public Inquiry to address the putative reasons for refusal.

The evidence will also consider any other valid issues raised by Third Party objectors and/or statutory consultees.

At this stage, it is anticipated that evidence will need to be presented as follows: -

Planning

- David Hutchison BSc (Hons) Dip TP MRTPI

Landscape and Visual Impact

- Paul Harris BA Dip LA CMLI

Housing Land Supply (if required)

- Neil Tiley BSc (Hons) Assoc RTPI

The Appellant reserves the right to introduce additional witnesses as necessary to address any other issues that may be raised by the Local Planning Authority and/or any other parties.

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

3

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

3-4 Days

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

4 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



(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



(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:

RL & PJ Ltd.

Address at which notice was served:

Thorncomb, Church Lane, Sevenhampton, Cheltenham, GL54 5SW

Date the notice was served:

03/10/2019

Owner's Name:

The Chief Executive

Address at which notice was served:

Gloucestershire County Council, Shire Hall, Westgate Street, Gloucestershire, GL1 2PG

Date the notice was served:

03/10/2019

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.

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 Adam Jones

Date

03/10/2019 15:30:40

Name

Mr Adam Jones

On behalf of

. . .

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:	Statement of Case Kidnappers 03.10.19.pdf
Relates to Section:	SUPPORTING DOCUMENTS
Document Description:	01. A copy of the original application sent to the LPA.
File name:	19_00334_OUT-APPLICATION_FORM-934379.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:	19_00334_OUT-SITE_LOCATION_PLAN @A3.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:	19_00334_OUT-COVERING_LETTER_FROM_AGENT-934378.pdf
File name:	19_00334_OUT-APPLICATION_FORM-934379.pdf
File name:	19_00334_OUT-ILLUSTRATIVE_MASTERPLAN-934381 (1).pdf
File name:	19_00334_OUT-SITE_ACCESS-934382 (1).pdf
File name:	19_00334_OUT-PLANNING_STATEMENT-934383.pdf
File name:	19_00334_OUT-DESIGN_AND_ACCESS_STATEMENT-934384.pdf
File name:	19_00334_OUT-REPORT_OF_COMMUNITY_ENGAGEMENT-934385.pdf
File name:	19_00334_OUT-HISTORIC_ENVIRONMENT_DESK-BASED_ASSESSMENT-934386.pdf
File name:	19_00334_OUT-LANDSCAPE_AND_VISUAL_IMPACT_APPRAISAL-934388.pdf
File name:	19_00334_OUT-TREE_SURVEY_REPORT_AND_ARBORICULTURAL_ADVICE-934389.pdf
File name:	19_00334_OUT-ECOLOGICAL_ASSESSMENT-934390.pdf
File name:	19_00334_OUT-SUSTAINABILITY_CHECKLIST-934392.pdf
File name:	19_00334_OUT-FLOOD_RISK_ASSESSMENT_AND_DRAINAGE_STRATEGY_PART_1-934402.pdf
File name:	19_00334_OUT-FLOOD_RISK_ASSESSMENT_AND_DRAINAGE_STRATEGY_PART_2-934403.pdf
File name:	19_00334_OUT-FLOOD_RISK_ASSESSMENT_AND_DRAINAGE_STRATEGY_PART_3-934404.pdf
File name:	19_00334_OUT-FLOOD_RISK_ASSESSMENT_AND_DRAINAGE_STRATEGY_PART_4-934405.pdf
File name:	19_00334_OUT-FLOOD_RISK_ASSESSMENT_AND_DRAINAGE_STRATEGY_PART_5-934406.pdf
File name:	19_00334_OUT-UTILITY_STATEMENT-934394.pdf
File name:	19_00334_OUT-WASTE_MINIMISATION_STATEMENT-934395.pdf
File name:	19_00334_OUT-TOPOGRAPHIC_SURVEY_MAY_2015-934396.pdf
File name:	19_00334_OUT-SITE_LOCATION_PLAN @A3.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:	LKL List of Documents 3.10.19.docx
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:	6898.HRA NE Comments.VF2 (002).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:	LKL List of Documents 3.10.19.docx
Relates to Section:	SUPPORTING DOCUMENTS
Document Description:	07. A copy of the design and access statement sent to the LPA.
File name:	19_00334_OUT-DESIGN_AND_ACCESS_STATEMENT-934384.pdf
Relates to Section:	SUPPORTING DOCUMENTS
Document Description:	08. A copy of a draft statement of common ground.
File name:	SoCG Kidnappers 03.10.19.doc
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:	Email from Kirsty Maguire of Robert Hitchins Ltd to Craig Hemphill of CBC dated 25th June containing Additional Information for Appropriate Assessment.pdf
File name:	HRA AA 19_00334_OUT_Kidnappers_La_Land_off.pdf
File name:	275595_19_00334_OUT_HRA_AA_Natural England Response.pdf
File name:	Email correspondence between Kirsty Maguire of Robert Hitchins Ltd. and Craig Hemphill of CBC dated 4th Sep 2019.pdf
File name:	Email correspondence between Craig Hemphill of CBC and Gary Kennison of GCC regarding HRA.pdf
Completed by	MR ADAM JONES
Date	03/10/2019 15:30:40