

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/B3030/W/20/3265876

A. APPELLANT DETAILS

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

| | |
|--------------------------|-----------------------------------------------------------------------------|
| Name | Miss Elizabeth Woodhouse |
| Company/Group Name | Keepmoat Homes Ltd |
| Address | Unit D1, Orchard Place Nottingham Business Park Nottingham NG8 6PX |
| Email | Elizabeth.Woodhouse@keepmoat.com |
| Preferred contact method | Email <input checked="" type="checkbox"/> Post <input type="checkbox"/> |

B. AGENT DETAILS

| | |
|---------------------------------------------|-------------------------------------------------------------------------|
| Do you have an Agent acting on your behalf? | Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> |
| Name | Ms Kasia Zakrzewska |
| Company/Group Name | DLP Planning (East Midlands) |
| Address | D L P Planning Ltd East Circus Street NOTTINGHAM NG1 5AF |
| Phone number | 01158966620 |
| Email | nottingham@dlpconsultants.co.uk |
| Preferred contact method | Email <input checked="" type="checkbox"/> Post <input type="checkbox"/> |

C. LOCAL PLANNING AUTHORITY (LPA) DETAILS

| | |
|--------------------------------------|------------------------------------|
| Name of the Local Planning Authority | Newark & Sherwood District Council |
| LPA reference number | 20/00873/FULM |

| | |
|-----------------------------------------------------|---------------------------------------------------------------------|
| Date of the application | 28/05/2020 |
| 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 checked="" type="checkbox"/> No <input type="checkbox"/> |
| Date of LPA's decision | 04/11/2020 |

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 | Field Reference Number 7108 Eakring Road Bilsthorpe Nottinghamshire Grid Ref Easting: 464965 Grid Ref Northing: 361068 |
| 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 checked="" type="checkbox"/> No <input type="checkbox"/> |
| If YES, please state below the revised wording | |
| Residential development of 103 dwellings and associated access and infrastructure | |
| Please attach a copy of the LPA's agreement to the change. | |
| <input checked="" type="checkbox"/> see 'Appeal Documents' section | |
| Area (in hectares) of the whole appeal site [e.g. 1234.56] | 3.65 hectare(s) |
| Area of floor space of proposed development (in square metres) | 9302 sq metre(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. | <input checked="" type="checkbox"/> |
| 2. Refused permission to vary or remove a condition(s). | <input type="checkbox"/> |
| 3. Refused prior approval of permitted development rights. | <input type="checkbox"/> |
| 4. Granted planning permission for the development subject to conditions to which you object. | <input type="checkbox"/> |
| 5. Refused approval of the matters reserved under an outline planning permission. | <input type="checkbox"/> |
| 6. Granted approval of the matters reserved under an outline planning permission subject to | <input type="checkbox"/> |

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

Annexe K of the Planning Inspectorate Procedural Guide sets out the criteria for determining the appropriateness of each of the 3 appeal procedures. There are three situations when an Inquiry would be appropriate for a planning appeal, such as this:

1. There is a clearly explained need for the evidence to be tested through formal questioning by an advocate; or
2. The issues are complex; or
3. The appeal has generated substantial local interest to warrant an inquiry as opposed to dealing with the case by a hearing.

The preamble to Annexe K confirms as follows: "The criteria for each procedure cannot be fully prescriptive or entirely determinative: they require judgement to be applied using common sense. More than one criterion may apply."

Taking into account the criteria set out, the Appellant's view is that the Inquiry procedure is most appropriate given that the matters relate to complex planning issues where evidence should be tested through formal questioning by an advocate. As noted above, the application was refused at Planning Committee against Officer's advice and therefore there is a need to carefully interrogate the technical basis for that decision and examine the extent to which the Council's reason for refusal is supported by technical data and planning policy.

The evidence which will be presented by the appellant is intended to be as follows:

- Design, Landscaping and Density: The Council has raised a number of detailed design, landscaping and density matters. These will all require detailed scrutiny and testing of viewpoints and impacts, to fully understand and explore the issues in question. A detailed analysis of views and the significance of such views cannot be appropriately undertaken and fully addressed without thorough testing. It is considered this evidence can most effectively be tested via round table discussion.
- Housing Mix: The Council have cited the proposed scheme mix as failing to represent the preferences of the latest District wide housing needs evidence due to the density proposed. The interpretation of appropriateness of housing mix is a complex issue and in the context of the appeal, it is the appellant's views that there is requirement for the Council's evidence to be formally tested through cross

examination to demonstrate that the proposed scheme mix offered as part of the appeal scheme is acceptable within the site and District context, especially taking into account the scheme viability considerations and current local market demand evidence.

- **Viability:** To ensure the scheme could ultimately be delivered in a manner that would allow provision of the required infrastructure to support the development, it was apparent to the appellant that a viable scheme could not be achieved via an 85 dwelling reserved matters submission (further to the outline planning permission approved on the site), resulting in the need for the submission of a full application to allow for the increase plot provision which has been offered within a consistent area, as defined by the residential / retail split agreed as part of the extant outline approval. As above, the density of the development has been raised as a concern by the Council and therefore the impact of a reduced density on the viability of the scheme needs to be properly tested. It is considered this evidence can most effectively be tested through a round table discussion.

- **Highways:** The Council has departed from the views of its expert consultees in relation to highway matters and there is a technical case required in order to examine the extent to which this contrary view is supported by any technical data. This can only be achieved through robust testing and explanation. It is considered this evidence can most effectively be tested through cross-examination.

- **Planning Balance:** It is the appellant's position that the appeal proposals directly accord with the Development Plan for the District and would result in a number of material planning benefits. The Council however raises concerns with the application of the site allocation policy in terms of density and landscaping and also raises issues such as local need and planning benefits. Such issues need to be considered in the round, in order to fully understand and explore the issues in question. It is considered this evidence can be most effectively tested through cross-examination.

Overall, therefore, a fair resolution of issues raised by the Council requires scrutiny and questioning by an advocate in order that the following should be properly understood and tested:

- The robustness of the Council's concerns with the scheme;
- The compliance of the appeal scheme with the Development Plan taken overall; and
- Whether any adverse impacts of the development, if identified by the Inspector, significantly and demonstrably outweighs the benefits of the appeal scheme. This requires identification of the precise nature and extent of the benefits of the appeal scheme.

The appellant will put forward appropriate experts to address these points. The advocates will therefore need to test the conflicting evidence and contentions of the respective parties. The Inspector will require this in order to make a properly informed determination of the appeal.

The appellant considers that the technical matters to be addressed, could not be adequately explained nor the technical evidence examined for the benefit of an Inspector by written representations or a Hearing. Written Representations and a Hearing would not facilitate the full and detailed presentation of evidence and examination which is required to be able to demonstrate the position on design/landscaping density, viability, highways and the overall planning balance. Compounded by the absence of questioning, this would prevent the necessary testing, scrutiny and exploration of that evidence.

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

5

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

half day each

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

3 day(s)

(d) Is there any further information relevant to the inquiry which you need to tell us about?

-

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 ☐

(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: AMP Technology Centre Manufacturing Park
Address at which notice was served: Brunel Way, Catcliff, Rotherham, S60 5WG
Date the notice was served: 23/12/2020

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

Ms Kasia Zakrzewska

Date

23/12/2020 09:07:14

Name

Ms Kasia Zakrzewska

On behalf of

Miss Elizabeth Woodhouse

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: | DESCRIPTION OF DEVELOPMENT |
| Document Description: | A copy of the LPA's agreement to the change. |
| File name: | Validation Letter.pdf |
| Relates to Section: | FULL STATEMENT OF CASE |
| Document Description: | A copy of the full statement of case. |
| File name: | NTTS5224-1P 2020.12.23 Eakring Road Bilsthorpe - Statement of Case - FINAL.pdf |
| Relates to Section: | FULL STATEMENT OF CASE |
| Document Description: | A separate list of appendices to accompany your full statement of case |
| File name: | NTTS5224-1P 2020.12.23 Eakring Road Bilsthorpe - Statement of Case Appendices - FINAL.pdf |
| Relates to Section: | SUPPORTING DOCUMENTS |
| Document Description: | 01. A copy of the original application sent to the LPA. |
| File name: | Application Form.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: | 20_00873_FULM Decision Notice.pdf |
| File name: | 20_00873_FULM Committee Report.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 Location Plan @A2.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: | List of Plots and House Types.pdf |
| File name: | Application Form.pdf |
| File name: | Drainage Strategy Drawing @A0.pdf |
| File name: | Enclosures Plan @A1.pdf |
| File name: | External Finishes Plan @A1.pdf |
| File name: | Environmental Noise Survey.pdf |
| File name: | House Type Booklet @A3.pdf |
| File name: | Arboricultural Assessment.pdf |
| File name: | Archaeological Desk Based Assessment.pdf |

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|------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| File name: | Flood Risk Assessment and Drainage Strategy.pdf |
| File name: | Design and Access Statement.pdf |
| File name: | Ecological Appraisal.pdf |
| File name: | Site Location Plan @A2.pdf |
| File name: | Planning Layout @A1.pdf |
| File name: | Massing Plan @A1.pdf |
| File name: | Parking Plan @A1.pdf |
| File name: | Material Plan @A1.pdf |
| File name: | Tenure Plan @A1.pdf |
| File name: | Occupancy Plan @A1.pdf |
| File name: | Street Scenes @A0.pdf |
| File name: | Transport Assessment Drawings @A3.pdf |
| File name: | Transport Assessment.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: | NTTS5224-1P 2020.12.23 Eakring Road, Bilsthorpe - Appeal Supporting Documents 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: | Detailed Landscape Proposals Sheet 1 of 3 @A1 (issued 23 June 2020).pdf |
| File name: | Detailed Landscape Proposals Sheet 2 of 3 @A1 (issued 23 June 2020).pdf |
| File name: | Detailed Landscape Proposals Sheet 3 of 3 @A1 (issued 23 June 2020).pdf |
| File name: | Landscape and Visual Appraisal (issued 23 June 2020).pdf |
| File name: | Viability Assessment (issued 24 June 2020).pdf |
| File name: | Viability Assessment - Appendix 1 (issued 24 June 2020).pdf |
| File name: | Viability Assessment - Appendix 2 (issued 24 June 2020).pdf |
| File name: | Viability Assessment 4% AH Reduced S106 (issued 24 June 2020).pdf |
| File name: | Viability Assessment 10% AH (issued 24 June 2020).pdf |
| File name: | Viability Assessment 4% AH (issued 24 June 2020).pdf |
| File name: | Letter in Response to NWT Comments (issued 3 July 2020).pdf |
| File name: | Residential Travel Plan (issued 2 July 2020).pdf |
| File name: | Written Scheme of Investigation (issued 27 July 2020).pdf |
| File name: | EHO Response to Comments (issued 3 August 2020).pdf |
| File name: | Response from Travis Baker - NCC Flood Comments (issued 5 August 2020).pdf |
| File name: | Addendum Flood Risk Assessment (issued 10 July 2020).pdf |
| File name: | Exploratory Hole Location Plan @A1 (issued 12 August 2020).pdf |
| File name: | Geo-Environmental Assessment (issued 12 August 2020).pdf |
| File name: | Parking Dimensions @A0 (issued 19 August 2020).pdf |
| File name: | Bilsthorpe - Market Research Report (issued 19 August 2020).pdf |
| File name: | Bilsthorpe - Sales Statement (issued 19 August 2020).pdf |
| File name: | Supporting Email (issued 19 August 2020).pdf |
| File name: | Environmental Noise Assessment (issued 4 September 2020).pdf |
| File name: | Planning Layout @A1 (issued 4 September 2020).pdf |
| File name: | Certificate of Calibration 2 (issued 11 September 2020).pdf |
| File name: | Certificate of Calibration 1 (issued 11 September 2020).pdf |
| File name: | Pedestrian Crossing Facility @A3 (issued 11 September 2020).PDF |
| File name: | Certificate of Calibration 4 (issued 11 September 2020).pdf |
| File name: | Certificate of Calibration 3 (issued 11 September 2020).pdf |
| File name: | Existing Bus Stop Improvements @A3 (issued 11 September 2020).PDF |
| File name: | Planning Layout @A1 (issued 11 September 2020).pdf |
| File name: | Archaeological Evaluation Report (issued 14 Sept 2020).pdf |
| File name: | Revised Massing Plan @A1 (issued 21 Sept 2020).pdf |

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|------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| File name: | Revised Occupancy Plan @A1 (issued 21 Sept 2020).pdf |
| File name: | Revised Parking Plan @A1 (issued 21 Sept 2020).pdf |
| File name: | Revised Materials Plan @A1 (issued 21 Sept 2020).pdf |
| File name: | Revised Enclosures Plan @A1 (issued 21 Sept 2020).pdf |
| File name: | Revised Tenure Plan @A1 (issued 21 Sept 2020).pdf |
| File name: | Revised External Finishes Plan @A1 (issued 21 Sept 2020).pdf |
| File name: | Revised Planning Layout @A1 (issued 21 Sept 2020).pdf |
| File name: | Revised Street Scenes @A0 (issued 21 Sept 2020).pdf |
| File name: | Revised Design and Access Statement (issued 21 Sept 2020).pdf |
| File name: | Pedestrian Crossing Assessment (issued 21 Sept 2020).pdf |
| File name: | Email from DLP to Case Officer re S106 (issued 30 Sept 2020).pdf |
| File name: | Advice Note from Landmark Chambers (issued 9 Oct 2020).pdf |
| File name: | Supporting Letter from DLP Planning (issued 30 October 2020).pdf |
| Relates to Section: | SUPPORTING DOCUMENTS |
| Document Description: | 08. A copy of a draft statement of common ground. |
| File name: | NTTS5224-1P 2020.12.23 Eakring Road Bilsthorpe - Statement of Common Ground (NCC Highways) FINAL.pdf |
| File name: | NTTS5224-1P 2020.12.23 Eakring Road, Bilsthorpe - Statement of Common Ground (NSDC) FINAL.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: | Landscaping Drawing.pdf |
| Completed by | MS KASIA ZAKRZEWSKA |
| Date | 23/12/2020 09:07:14 |