

PLANNING APPEAL FORM (Online Version)

To help you fill in this form correctly, please refer to the guidance leaflet "How to complete your planning appeal form".

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/E2001/A/13/2200981**

A. APPELLANT DETAILS

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

Name

Address Phone no.
Fax no.

Postcode E-mail

Please confirm how you wish to correspond with us: Electronically, via the email address specified above
On paper, by post.

B. AGENT DETAILS FOR THE APPEAL (if any)

Name

Address Your reference
Phone no.
Fax no.

Postcode E-mail

Please confirm how you wish to correspond with us: Electronically, via the email address specified above
On paper, by post.

C. LOCAL PLANNING AUTHORITY (LPA) DETAILS

Name of the LPA

LPA's reference number

Date of the planning application

Date of the LPA's decision (if issued)

D. APPEAL SITE ADDRESS

Address Land to the East and West of Brickyard Lane
Melton Park
East Riding
East Yorkshire

Postcode

Grid Reference: Easting 4972610

Northing 4258690

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

Size of the whole appeal site
(in hectares)

37.72

Area of floor space of proposed development
(in square metres)

61720

Has the description of the development changed from that stated on the application form?

YES

NO

If YES, please state below the revised wording, and enclose a copy of the LPA's agreement to the change.

Residential development of up to 510 dwellings, 50 bed care home, 20 sheltered apartment units for elderly persons, 16 dormer bungalows for elderly persons, a local centre maximum 680sqm (total internal floor area) to include retail; community and leisure uses within use classes A1, A3, A5 and D1, informal and formal recreation open space including children's play areas and sports pitches, sports changing block, landscaping, drainage works including ponds, cycle way and footway links, new highways access, internal roads and car parking area (access to be considered).

Continued on Supplementary Sheet

F. REASON FOR THE APPEAL

This appeal is against the decision of the LPA to:-

Please tick **one** box only ✓

- 1 Refuse planning permission for the development described on the application form or in Section E.
- 2 Grant planning permission for the development subject to conditions to which you object.
- 3 Refuse approval of the matters reserved under an outline planning permission.
- 4 Grant approval of the matters reserved under an outline planning permission subject to conditions to which you object.
- 5 Refuse to approve any matter required by a condition on a previous planning permission (other than those in 3 or 4 above).

or

- 6 Failed to give notice of its decision within the appropriate period (usually 8 weeks) on an application for permission or approval.

G. CHOICE OF PROCEDURE

There are 3 possible choices:- written representations, hearings and inquiries. You should consider carefully which method suits your circumstances before selecting your preferred option by ticking the box.

1. THE WRITTEN REPRESENTATIONS PROCEDURE

This is normally the simplest, quickest and most straightforward way of making an appeal. The written procedure is particularly suited to small-scale developments (e.g. individual houses or small groups of houses; appeals against conditions or changes of use).

- a) Could the Inspector see the relevant parts of the appeal site sufficiently to judge the proposal from public land? YES NO
- b) Is it essential for the Inspector to enter the site to check measurements or other relevant facts? YES NO

If so, please explain below or on a separate sheet.

2. THE HEARING PROCEDURE

This procedure is likely to be suited to more complicated cases which require detailed discussion about the merits of a proposal. At the hearing the Inspector will lead a discussion on the matters already presented in the written statements and supporting documents. Although you may indicate a preference for a hearing, the Inspectorate must also consider that your appeal is suitable for this procedure. You must give detailed reasons below or on a separate document why you think a hearing is necessary.

Please answer the question below.

- a) Is there any further information relevant to the hearing which you need to tell us about? If so please explain below. YES NO

3. THE INQUIRY PROCEDURE

This is the most formal of procedures. Although you may indicate a preference for an inquiry the Inspectorate must also consider that your appeal is suitable for this procedure. You must give detailed reasons below or in a separate document why you think an inquiry is necessary.

PINS Procedural Guidance (PINS 01/2009 April 2010) sets out the criteria for determining the procedure for planning appeals (Annex C). In the context of this guidance it is considered that the most appropriate procedure would be an Inquiry

Continued on Supplementary Sheet

a) How long do you estimate the inquiry will last?
(Note: We will take this into consideration, but please bear in mind that our estimate will also be informed by others' advice and our own assessment.)

No. of days

b) How many witnesses do you intend to call?

No. of witnesses

c) Is there any further information relevant to the inquiry which you need to tell us about? If so, please explain below.
Please continue on a separate sheet if necessary.

YES NO

H. GROUNDS OF APPEAL

Do you intend to submit a planning obligation (a section 106 agreement or a unilateral undertaking) with this appeal? YES NO

Refusal Reason 1:

The applicant will demonstrate that the development proposals would not undermine the competitiveness and economic growth of East Riding.

Refusal Reason 2:

The applicant will demonstrate that the proposals represent sustainable development and accord with the sustainable development principles set out in the NPPF. The Council cannot demonstrate a five year supply of deliverable housing sites and the NPPF's presumption in favour of sustainable development applies.

Refusal Reason 3:

The applicant will demonstrate that the proposed development will not prejudice the progress of the emerging East Riding Local Plan. The emerging East Riding Local Plan remains at consultation stage and has unresolved objections.

Refusal Reason 4:

The applicant will demonstrate that the development proposals would be compatible with existing and potential future employment uses in the vicinity of the site.

Refusal Reason 5:

The applicant will demonstrate that the proposed 50-bed care home represents sustainable development in accordance with the NPPF. The East Riding of Yorkshire Council's Strategic Housing Market Assessment identifies a need for homes suitable for older people.

H. GROUNDS OF APPEAL (continued)

I. (part one) APPEAL SITE OWNERSHIP DETAILS

We need to know who owns the appeals site. If you do not own the appeal site or only own a part of it, we need to know the name(s) of the owner(s) or part owner(s) and be sure that you have told them that you have made an appeal. YOU MUST TICK WHICH OF THE CERTIFICATES APPLIES.

If you are the sole owner of the whole appeal site, certificate A will apply:

Please tick **one** box only

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:

OR

CERTIFICATE B

I certify that the appellant (or the agent) has given the requisite notice (see the *Guidance Notes*) to every one 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 Address at which the notice was served Date the notice was served

Owner's name	Address at which the notice was served	Date the notice was served
ERoY Council	East Riding of Yorkshire Council, County Hall	01 Jul 2013
SMP I SARL	121 Avenue De La Faiencerie, L-1511, Luxembou	01 Jul 2013

CERTIFICATES C & D

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

I (part two) AGRICULTURAL HOLDINGS CERTIFICATE

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

Please tick either (a) or (b).

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

OR

(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 Address at which the notice was served Date the notice was served

Tenant's name	Address at which the notice was served	Date the notice was served

Details of additional tenants

J. ESSENTIAL SUPPORTING DOCUMENTS

You **must** send the documents listed 1-7 below with your appeal form.
Please tick the boxes to show which documents you are enclosing.

- 1 A copy of the original **planning application** sent to the LPA.
- 2 A copy of the **site ownership certificate** and **agricultural holdings certificate submitted** to the LPA
at application stage (this is usually part of the LPA's planning application form).
- 3 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.
- 4 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.
- 5 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. Please number them clearly and list the numbers here or on a separate sheet:
- 6 Copies of all **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). Please number them clearly and list the numbers here or on a separate sheet:
- 7 A copy of the **design and access statement** sent to the LPA (if required)

You must send copies of the following, if appropriate:

- 8 Additional plans, drawings or documents relating to the application but **not previously seen by the LPA**. Please number them clearly and list the numbers here or on a separate sheet:
- 9 Any relevant **correspondence** with the LPA. Including any supporting information submitted with your application in accordance with the list of local requirements. :
- 10 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.
- 11 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.
- 12 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).

K OTHER APPEALS

If you have sent other appeals for this or nearby sites to us and these have not been decided, please give details and our reference numbers.

L CHECK SIGN AND DATE

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

I confirm that I have sent a copy of this appeal form and relevant documents to the LPA (*if you do not your appeal will not normally be accepted*).

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

Signature

Date

1 July 2013

Name (in capitals) Mr Michael Hepburn

On behalf of (if applicable) Mr Richard Bannister

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 our Data Protection policy can be found in the guidance leaflet.

M. NOW SEND

- **Send a copy to the LPA**

Send a copy of the appeal form to the address from which the decision notice was sent (or to the address shown on any letters received from the LPA). There is no need to send them all the documents again; send them any supporting documents not previously sent as part of the application. If you do not send them a copy of this form and documents, we may not accept your appeal.

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

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.

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. If forwarding the documents by email, please send to **appeals@pins.gsi.gov.uk**. If posting, please enclose the section of the form that lists the supporting documents and send it to PO Box 2606, Bristol, BS1 9AY.

You will not be sent any further reminders.

Please ensure that anything you do send by post or email is clearly marked with the reference number:

APP/E2001/A/13/2200981

Please ensure that a copy of your appeal form and any supporting documents are sent to the local planning authority.

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*****
* The Documents Listed Below Were Uploaded With The Appeal Form *
*****
===== DESCRIPTION OF THE DEVELOPMENT =====
TITLE:      LPA's Agreement to the change
DESCRIPTION: LPA's Agreement to the change
FILENAME:    Elderly care change.pdf
```

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*****
* The Documents Listed Below Will Follow By Post *
*****
===== ESSENTIAL SUPPORTING DOCUMENTS =====
** 01. A copy of the original planning application sent to the LPA.
** 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).
** 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 th
** 05. 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.
** 05i. A list of all plans, drawings and documents (stating drawing numbers) submitted
with the application to the LPA.
** 06. 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).
** 06i. 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).
** 09. Any relevant correspondence with the LPA. Including any supporting information
submitted with your application in accordance with the list of local requirements.
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SUPPLEMENTARY SHEET

Revised Description of the Development (continued)

Email confirmation of change attached. Revised description confirmed by the LPA on decision notice.

SUPPLEMENTARY SHEET

Why it is essential for the Inspector to enter the site (continued)

because:

i) Refusal reasons 1, 3, 4 and 5 relate to highly technical matters and are complex in nature. As such, there will be a need for detailed evidence to be given by expert witnesses in respect of these refusal reasons;

ii) Matters of expert opinion, particularly in respect of refusal reasons 1, 3, 4 and 5 are in dispute. As such, our client intends to be represented by an advocate and the formal cross-examination of witnesses will be required; and

iii) In relation to all refusal reasons material facts are in dispute, hence the formal cross-examination of witnesses will be required.