

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/Y3940/W/17/3168452

A. APPELLANT DETAILS

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

Name	Mr M Jackson
Company/Group Name	Gleeson Developments Limited
Address	M J Gleeson Group Ltd, Sentinel House Harvest Crescent FLEET GU51 2UZ
Phone number	C/O Agent
Email	lindsay.goodyear@torltd.co.uk
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	Mrs Lindsay Goodyear
Company/Group Name	Terence O'Rourke Limited
Address	Terence O'Rourke, Everdene House Deansleigh Road BOURNEMOUTH BH7 7DU
Phone number	01202 421142
Email	lindsay.goodyear@torltd.co.uk
Your reference	227612
Preferred contact method	Email <input checked="" type="checkbox"/> Post <input type="checkbox"/>

C. LOCAL PLANNING AUTHORITY (LPA) DETAILS

Name of the Local Planning Authority	Wiltshire Council		
LPA reference number	16/07288/OUT		
Date of the application	25/07/2016		
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	25/10/2016		

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 south of Filands Malmesbury Wiltshire Grid Ref Easting: 393572 Grid Ref Northing: 188606
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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 checked="" type="checkbox"/> No	<input type="checkbox"/>

Please describe the health and safety issues

1. Will the Inspector be expected to wear Personal Protection Equipment? Please give details.
To be advised at date of site visit.
2. Are any building works or other operations taking place on the site? If it is a workplace, is there a risk assessment in place for visitors?
Neighbouring residential development is under construction, appeal site may be used at time of site visit as a top soil storage area relating to this development.
3. Are there any animals (eg pets or livestock) within the site? If so, you must ensure that ALL animals (both livestock or pets) will be kept away from the area to be visited.
To be advised at time of site visit.
4. Is the site remote or in an area likely to have a poor mobile phone signal?
The site is adjacent to the built up area of Malmesbury.
5. Are there any areas that require specialist equipment or training for access e.g. confined spaces or use of ladders / scaffolding? If a ladder will be used, you must explain why and give details of the heights involved and arrangements for securing the ladder.
It is unlikely that any specialist equipment will be required.
6. Does the Inspector need to be aware of specific dangers within the site? This would include uneven surfaces, equipment or substances kept at the site, risk of exposure to chemicals, asbestos or radiation.
The site may be used as a top soil storage site at the time of the site visit. Once the date of the site visit is known we will be able to advise further.
7. Will it be necessary to view the site from a height, e.g. roof, balcony? Are any railings or guards in place?
It is unlikely to be necessary to view the site from a height.
8. Are there any site specific safety arrangements in place?
To be advised when the date of the site visit is known.
9. Is the site accessible for persons with limited mobility?
The site is an agricultural field, so the ground may be uneven.

10. Is there any overgrown vegetation that could restrict access to the site? If so, you will need to ensure that the site is made accessible to our Inspector and any other people accompanying him or her.

None at present.

E. DESCRIPTION OF THE DEVELOPMENT

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

Yes No

If YES, please state below the revised wording

Outline Planning Application (all matters reserved except means of access) for residential development, including the construction of up to 71 dwellings, the creation of new vehicular access with footways and cycleways and ancillary road infrastructure, public open spaces, children's play area, landscape planting, surface water attenuation and associated infrastructure.

Please attach a copy of the LPA's agreement to the change.

see 'Appeal Documents' section

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

3.63 hectare(s)

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.
2. Refused permission to vary 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

Due to the complexity of the issues raised in the decision notice, relating to the development plan, neighbourhood plan and housing land supply position, we believe the inquiry procedure would be best suited to this case as it will allow the ability to explore and test evidence through questions and cross examination.

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

2

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

1 to 2 days each witness.

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

4 day(s)

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

Please see statement of case.

H. FULL STATEMENT OF CASE

The full statement of case is set out in

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?

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:

Mr M E Weaver

Address at which notice was served:

Whychurch Farm, Malmesbury, SN16 9JL

Date the notice was served:

31/01/2017

Owner's Name:

Wiltshire Council Highways Authority

Address at which notice was served:

C/O Chief Executive, Wiltshire Council, County Hall, Bythesea Road,

Trowbridge, BA14 8JN

Date the notice was served:

31/01/2017

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 (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 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

Mrs Lindsay Goodyear

Date

31/01/2017 14:01:37

Name

Mrs Lindsay Goodyear

On behalf of

Mr M Jackson

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 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. 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 3035, 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.

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:	eamil_confirming_change_discription.pdf
File name:	160809_Registration_letter.pdf
Relates to Section:	FULL STATEMENT OF CASE
Document Description:	A copy of the full statement of case.
File name:	227611_170131_Rule6.pdf
Relates to Section:	SUPPORTING DOCUMENTS
Document Description:	01. A copy of the original application sent to the LPA.
File name:	0_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:	161025_Decision_Notice.pdf
Relates to Section:	SUPPORTING DOCUMENTS
Document Description:	08. A copy of a draft statement of common ground.
File name:	227611_170131_SoCG.pdf

The documents listed below were already attached elsewhere with this form:

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:	Application Form

The documents listed below are to follow by post:

Relates to Section:	FULL STATEMENT OF CASE
Document Description:	A planning obligation (a section 106 agreement or a unilateral undertaking).
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.

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.
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.
Relates to Section:	SUPPORTING DOCUMENTS
Document Description:	05.(c) A list of all plans, drawings and documents upon which the LPA made their decision.
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).
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.
Relates to Section:	SUPPORTING DOCUMENTS
Document Description:	07. A copy of the design and access statement sent to the LPA.
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.

PLEASE ENSURE THAT A COPY OF THIS SHEET IS ENCLOSED WHEN POSTING THE ABOVE DOCUMENTS TO US

Completed by	MRS LINDSAY GOODYEAR
Date	31/01/2017 14:01:37