

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/C3105/W/20/3255419

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

Hollins Strategic Land LLP

Address

Hollins Strategic Land
Suite 4, 1 King Street
MANCHESTER
M2 6AW

Phone number

01613006509

Email

matthew.symons@hsland.co.uk

Preferred contact method

Email Post

B. AGENT DETAILS

Do you have an Agent acting on your behalf?

Yes No

Name

Mr Matthew Symons

Company/Group Name

Hollins Strategic Land

Address

Suite 4
1 King Street
MANCHESTER
M2 6AW

Phone number

0161 300 6509

Email

matthew.symons@hsland.co.uk

Your reference

Berry Hill Road, Adderbury

Preferred contact method

Email Post

C. LOCAL PLANNING AUTHORITY (LPA) DETAILS

Name of the Local Planning Authority	Cherwell District Council		
LPA reference number	19/00963/OUT		
Date of the application	24/05/2019		
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 checked="" type="checkbox"/> No	<input type="checkbox"/>
Date of LPA's decision	20/01/2020		

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	Land north of Berry Hill Road Adderbury Banbury Grid Ref Easting: 446930 Grid Ref Northing: 234886		
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			
Resubmission of application 17/02394/OUT – Outline application for permission for up to 40 dwellings with associated landscaping, open space and vehicular access off Berry Hill Road (all matters reserved other than access)			
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]	4 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.	<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.
- 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

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

the box below

The Appellant considers that a Hearing is the appropriate procedure for this appeal.

- The planning issues raised can be clearly understood from the appeal documents but would likely benefit from questioning by the Inspector to clarify matters and there is no need for the evidence to be tested through formal questioning by an advocate:
 - o As shown in the Planning Statement of Case, a number of the 'in principle' matters have been discussed during recent appeals;
 - o The PSoC points to five recent decisions:
 - The first two (Launton and Ambrosden) were dealt with by Public Inquiry where evidence was cross examined;
 - The following three (Bodicote, Sibford Ferris and Weston on the Green) were all dealt with by Hearing and were able to make use of the conclusions reached in the Ambrosden and Launton decisions;
 - CDC were also refused permission to challenge the Ambrosden decision on 'in principle matters', which will assist the Adderbury appeal.
- The case has generated a level of local interest such as to warrant a Hearing;
 - o A number of local residents submitted representations during the application process but none spoke at the Planning Committee meeting.
- As demonstrated in the Statements of Case, it can reasonably be expected that the parties will be able to present their own cases.
- The issues are not complex:
 - o No highly technical data has been submitted by the Appellant.

There are three main issues for the appeal: principle of development, locational sustainability and landscape/character impact. These can be considered by an Inspector in a 1-day Hearing with the assistance of a Statement of Common Ground.

As shown in the draft SoCG, it is anticipated that a significant proportion of the matters raised in the Statements of Case can be agreed with CDC given, for the large part, CDC evidence base is relied upon to justify the appeal proposals along with factual information.

3. Inquiry

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: Frederick Carl Antony Wright
Address at which notice was served: Tall Trees, Weeping Cross, Bodicote, Banbury, OX154ED
Date the notice was served: 03/07/2020

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

Mr Matthew Symons

Date

03/07/2020 22:03:25

Name

Mr Matthew Symons

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:	DESCRIPTION OF DEVELOPMENT
Document Description:	A copy of the LPA's agreement to the change.
File name:	Decision Notice.pdf
Relates to Section:	FULL STATEMENT OF CASE
Document Description:	A copy of the full statement of case.
File name:	Statement of Case - Planning.pdf
Relates to Section:	FULL STATEMENT OF CASE
Document Description:	A separate list of appendices to accompany your full statement of case
File name:	To follow by post.docx
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:	Decision 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 appellants (if any) edged or shaded blue.
File name:	Location Plan.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:	Application form - Residential Units Form.pdf
File name:	CIL Form.pdf
File name:	Ecology - Biodiversity Impact Assessment calculator Berry Hill RD.pdf
File name:	Highways - Location Sustainability Plan.pdf
File name:	Highways - access plan (2).pdf
File name:	Ecology - Biodiversity Impact Assessment.pdf
File name:	Ecology - Updated Preliminary Ecological Appraisal.pdf
File name:	Highways - Highways Note.pdf
File name:	Tree Survey.pdf
File name:	Highways - Proposed Highway Improvement Plan.pdf
File name:	Highways - Further Response to Highways Comments - April 2018.pdf
File name:	Planning Statement.pdf

File name: Highways - Transport Statement.pdf
File name: Flood_Drainage - FRA and DMS Part 4.pdf
File name: Topographical Survey.pdf
File name: Heritage Statement.pdf
File name: Illustrative - Layout.pdf
File name: Illustrative - Layout Wider Context.pdf
File name: Flood_Drainage - FRA and DMS Part 2.pdf
File name: Illustrative - Annotated View Pedestrian link.pdf
File name: Highways - Further Response to Highways Comments - Feb 2018.pdf
File name: Flood_Drainage - Drainage Strategy Report.pdf
File name: Flood_Drainage - FRA and DMS Part 1.pdf
File name: Utility Statement.pdf
File name: Ground - Desk-based Geo-Environmental Assessment Part 1.pdf
File name: Landscape - Revised Addendum.pdf
File name: Landscape - LVA Addendum - Combined Version.pdf
File name: Ground - Desk-based Geo-Environmental Assessment Part 2.pdf
File name: Illustrative - Annotated View Vehicular access.pdf
File name: Flood_Drainage - FRA and DMS Part 3.pdf
File name: Ecology - Extended Phase 1 Habitat Survey.pdf
File name: Landscape - LVA.pdf
File name: Illustrative - Parameter Plan.pdf
File name: Ground - Desk-based Geo-Environmental Assessment.pdf
File name: Prelim Drainage Strateg - Infiltration Basin.pdf
File name: Prelim Drainage Strategy - Network 2.pdf
File name: Prelim Drainage Strategy - Network 1 191009.pdf
File name: Prelim Drainage Strategy - Statement.pdf
File name: Prelim Drainage Strategy -Preliminary S.W.Drainage Layout.pdf
File name: Prelim Drainage Strategy - Infiltration Testing Report 09_2019.pdf
File name: Flood_Drainage - Flood Risk Assessment and Drainage Strategy-1of2.pdf
File name: Flood_Drainage - Flood Risk Assessment and Drainage Strategy-2of2.pdf
File name: Highways - access plan.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: List of Appeal Plans, Documents.pdf

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

File name: List of Appeal Plans, Documents.pdf

Relates to Section: SUPPORTING DOCUMENTS
Document Description: 07. A copy of the design and access statement sent to the LPA.

File name: Design and Access Statement.pdf

Relates to Section: SUPPORTING DOCUMENTS
Document Description: 08. A copy of a draft statement of common ground.

File name: SoCG DRAFT.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: Relevant Correspondence - Email 08-01-20 - POS provision.pdf

File name: Relevant Correspondence - Email 07-01-20 - POS.pdf

File name: Relevant Correspondence - Email 07-11-19-POS evidence.pdf

File name: Relevant Correspondence - Email 06-01-20 - AMR 2019.pdf

File name: Relevant Correspondence - Email 08-11-19 - SR units.pdf

File name:	Relevant Correspondence - Email 29-11-19 - housing mix.pdf
File name:	Relevant Correspondence - Email 09-10-19 - desc of dev.pdf
File name:	Relevant Correspondence - Email 07-11-20 - housing mix 01.pdf
File name:	Relevant Correspondence - Email 11-11-19 - Sibford Ferris.pdf
Completed by	MR MATTHEW SYMONS
Date	03/07/2020 22:03:25