The Planning Inspectorate

Questionnaire (s78) & (s20)

Received

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Planning, Listed Building Consent and Conservation Area Consent

Appeal ref: APP/K2420/A/09/2106429

Appeal by: MR M Ketcher

Grid ref: 04322257 02986653

Site address: White Gate Farm, Mythe Lane, Witherley, Atherstone

Postcode: CV9 3NU

When you have completed this questionnaire you must send a copy, with attachments, to the appellant/agent and to our case officer, **within 2 weeks** of the 'starting date'. You can send it to us by e-mail. The start date and case officer's details and e-mail address are in our letter.

1	**a**	Despite our initial letter, do you consider that this appeal can be dealt with by the written representation procedure?	YES ☒ NO ☐
	b	Or do you wish to be heard by an Inspector at;	
		(i) a hearing? or	YES ☐ NO ☒
		(ii) an inquiry?	YES ☐ NO ☒
	c	How long do you expect an inquiry would last?	_____ days
	d	How many witnesses do you intend to call?	_____
	e	What are the preferred Hearing dates you have agreed with the appellant/agent? (2 dates should be provided, or more if possible) _____	
	f	What are the preferred Inquiry dates you have agreed with the appellant/agent? (2 dates should be provided, or more if possible) _____	
2	**a**	If the written procedure is agreed, can the relevant part of the appeal site be seen from a road, public footpath, bridleway or other public land?	YES ☐ NO ☒
	b	Is it *essential* for the Inspector to enter the site to assess the impact of the proposal? If YES, please explain; As the development can not be seen from a public highway due to its situation at the bottom of a private drive	YES ☒ NO ☐
	c	Are there any known health and safety issues that would affect the conduct of the site inspection? If YES, please describe; _____	YES ☐ NO ☒
3		Please provide the name, telephone number and e-mail address of the officer we can contact to make arrangements for the site visit, hearing or inquiry.	

		Name: Louise Forman Tel No: 01455 255682 E-mail address: louise.forman@hinckley-bosworth.gov.uk	
4		Does the appeal relate to an application for approval of reserved matters?	YES ☐ NO ☒
5		Was a GDPO 1995 Article 7 (Regulation 6 for listed building or conservation area consent) certificate submitted with the application?	YES ☐ NO ☒
6		Did you give publicity to the application in accordance with either Article 8 of the GDPO 1995, Section 67/73 of the Planning (Listed Buildings and Conservation Areas) act 1990 or Regulation 5 of the Planning Listed Buildings and Conservation Areas) Regulations 1990? If YES, please attach;	YES ☒ NO ☐
	a	a copy of the notice published;	☒ Attached
	b	any representations received as a result of that notice;	No of docs 0
7		Is the appeal site within;	
	a	A Green Belt?	YES ☐ NO ☒
	b	An Area of Outstanding Natural Beauty?	YES ☐ NO ☒
8		Is there a known surface or underground mineral interest at or within 400 metres of the appeal site which is likely to be a material consideration in determining the appeal?	YES ☐ NO ☒
		If YES, please attach details.	☐ Attached
9	**a**	Are there any other appeals or matters relating to the same site still being considered by us or the Secretary of State?	YES ☒ NO ☒
		If YES, please give our reference numbers and if necessary attach details.	
		Refs: APP/K2420/A/09/2106426	☐ Attached
	b	Are there any other appeals or matters adjacent or close to the site still being considered by us or the Secretary of State?	YES ☐ NO ☒
		If YES, please give our reference numbers and if necessary attach details.	
		Refs: _____	☒ Attached
10		Would the development require the stopping up or diverting of a public right of way?	YES ☐ NO ☒
		If YES, please attach an extract from the Definitive Map and Statement for the area, and any other details.	☐ Attached
11	**a**	Is the site in a Conservation Area?	YES ☐ NO ☒
		If YES, please attach a plan of the Conservation Area	☐ Attached
	b	Does the appeal relate to an application for conservation area consent?	YES ☐ NO ☒
12	**a**	Does the proposed development involve the demolition, alteration or extension of a listed building?	YES ☐ NO ☒
		If YES, is it a: Grade 1 ☐ Grade II* ☐ Grade II ☐ Date of Listing: _____	
	b	Would the proposed development affect the setting of a listed building?	YES ☐ NO ☒
		If YES, to (a) or (b), please attach a copy of the relevant listing description from the List of Buildings of Special Architectural or Historic Interest.	☐ Attached

13		Has a grant been made under s3A or s4 of the Historic Buildings and Ancient Monuments Act 1953?	YES ☐ NO ☒
14	**a**	Would the proposals affect an Ancient Monument (whether scheduled or not)?	YES ☐ NO ☒
	b	If YES, was English Heritage consulted?	YES ☐ NO ☐
		Please attach a copy of any comments.	☐ Attached
15		Is any part of the site subject to a Tree Preservation Order?	YES ☐ NO ☒
		If YES, please attach a plan showing the extent of the Order and any relevant details.	☐ Attached
16		Have you made a Local Development Order under s61A to s61C of the Town and Country Planning Act 1990 (as inserted by s40 of the Planning & Compulsory Purchase Act 2004) relating to the application site?	YES ☐ NO ☒
		If YES, please attach a copy of the relevant order.	☐ Attached
17		Does the appeal involve persons claiming Gypsy/Traveller status, whether or not this is accepted by the planning authority?	YES ☐ NO ☒
18	**a**	Is the appeal site in or adjacent to or likely to affect an SSSI and/or an Internationally designated site (ie. cSAC, SAC, pSPA, SPA, Ramsar)?	YES ☐ NO ☒
		If YES, please attach the comments of Natural England.	☐ Attached
	b	Are any protected species likely to be affected by the proposals?	YES ☐ NO ☒
		If YES, please attach details.	☐ Attached
19		**Environmental Impact Assessment**	
		Schedule 1	
	a	(i) Is the proposed development Schedule 1 development as described in Schedule 1 of The Town and Country Planning (Environmental Impact Assessment) (England & Wales) Regulations 1999?	YES ☐ NO ☒
		(ii) If YES, under which description of development? (ie Nos 1-20)	_____
		Schedule 2	
	b	(i) Is the proposed development Schedule 2 development as described in Column 1, Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) (England & Wales) Regulations 1999?	YES ☐ NO ☒
		(ii) If YES, under which description of development in Column 1? (ie Nos 1-13)	_____
		(iii) Is the applicable threshold/criteria in Column 2 exceeded/met?	YES ☐ NO ☐
	c	Is the development within or partly within a 'sensitive area' as defined by Regulation 2 of the Town and Country planning (Environmental Impact Assessment) (England & Wales) Regulations 1999?	YES ☐ NO ☐
		If YES, please provide details: _____	
		Screening	
	d	(i) Have you issued a screening opinion (SO)?	YES ☐ NO ☒
		If YES, please attach a copy of the SO that was placed on the planning register, and any other related correspondence.	☐ Attached
		(ii) If YES, did the SO state that the proposed development is EIA development as defined by the EIA Regulations?	YES ☐ NO ☐

		If you decided that the proposed development is not EIA development as defined by the EIA Regulations, please attach brief reasons for your opinion.	☐ Attached	
		Environmental Statement (ES)		
	e	Has the appellant supplied an environmental statement?	YES ☐	NO ☒
		If YES, please supply any related correspondence from statutory consultees and others that you may have had about the adequacy of the environmental information contained in the ES, having regard to The Town and Country Planning (Environmental Impact Assessment) (England & Wales) Regulations 1999 and Circular 2/99.	☐ Attached	
		Publicity		
	f	If applicable, please attach a copy of the site notice and local advertisement published under Article 8 of the GDPO 1995, as required for EIA development.	☐ Attached	
20		Have all notifications or consultations under any Act, Order or Departmental Circular, necessary before granting permission, taken place?	YES ☒	NO ☐
		If YES, please attach copies of any comments that you received in response.	Attached ☒	
		If NO, please inform the appropriate bodies of the appeal now and ask for any comments to be sent to us within six weeks of the starting date.		
21		**Copies of the following documents must, if appropriate, be attached to this questionnaire;**	N/A	No of docs
	a	a copy of the letter with which you notified people about the appeal;	☐	1
	b	a list of the people you notified and the deadline you gave for their comments to be sent to us; Deadline: 03/08/2009	☐	1
	c	all representations received from interested parties about the original application;	☐	3
	d	the planning officer's report to committee or delegated report on the application and any other relevant documents/minutes;	☐	1
	e	any representations received as a result of a GDPO 1995 Article 7 (or Regulation 6) notice;	☒	_____
	f	extracts from any relevant statutory development plan policies (even if you intend to rely more heavily on the emerging plan). You must include the front page, the title and date of approval/adoption, please give the status of the plan. Copies of the policies should include the relevant supporting text. You must provide this even if the appeal is against non-determination; List of policies: NE5, T5, BE1, RES10	☐	2
	g	extracts of any relevant policies which have been 'saved' by way of a Direction under paragraph 1(3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004, that you consider necessary. Please attach a copy of the Direction and a copy of the letter from the Government Office which accompanied the Direction. List of policies: NE5, T5, BE1, RES10 Direction attached ☐ Letter attached ☒	☐	2

h	extracts from any supplementary planning guidance, that you consider necessary, together with its status, whether it was the subject of public consultation and consequent modification, whether it was formally adopted and if so, when;	☐	1
i	extracts from any supplementary planning document that you consider necessary, together with the date of its adoption. In the case of emerging documents, please state what stage they have reached;	☒	_____
j	a comprehensive list of conditions which you consider should be imposed if planning permission is granted. You need not attach this to the other questionnaire papers, but it should reach us within 6 weeks of the starting date. The list must be submitted separately from your appeal statement; ☐ Attached ☒ At 6 weeks	☒	_____
k	any other relevant information or correspondence you consider we should know about;	No of docs	_____

22	**For appeals dealt with by written representations only.**		
	Do you intend to send a 6 week statement about this appeal?	YES ☒	NO ☐
	If NO, please attach the following information now (for all appeals, whether refusal or non-determination);		
a	the relevant planning history, including a full list of the plans submitted with the application;	☐ Attached	
b	any supplementary reasons for the decision on the application or what the decision notice would have said;	☐ Attached	
c	matters which you want the Inspector to note at the site visit;	☐ Attached	
d	how the relevant development plan policies relate to the issues of this appeal;	☐ Attached	
23	**For the Mayor of London cases only**		
a	Was it necessary to notify the Mayor of London about the application?	YES ☐	NO ☐
	If YES, please attach a copy of that notification.	☐ Attached	
b	Did the Mayor of London issue a direction to refuse planning permission?	YES ☐	NO ☐
	If YES, please attach a copy of that direction	☐ Attached	

Your reference: 09/00202/FUL

I confirm that a copy of this questionnaire and any attachments have been sent to the appellant/agent today.

Name: Louise Forman

On behalf of (LPA): Hinckley and Bosworth Borough Council

Date: 06/07/09

Please tell us of any changes to the information you have given on this form.