The Planning Inspectorate

Further information about us and the planning appeal system is available on our website **www.planning-inspectorate.gov.uk**

DEVELOPMENT SERVICES
20 MAR 2009
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For official use only
Date Received

PLANNING APPEAL

If you need this document in large print, on audio tape, in Braille or in another language, please contact our helpline on 0117 372 6372.

Please use a separate form for each appeal

Your appeal and essential supporting documents must reach the Inspectorate within 6 months of the date shown on the Local Planning Authority's decision notice (or, for 'failure' appeals, within 6 months of the date by which they should have decided the application).

Before completing this form, please read our booklet 'Making your planning appeal' which was sent to you with this form.

WARNING: If any of the 'Essential supporting documents' listed in Section J are not received by us within the 6 month period, the appeal will not be accepted.

PLEASE PRINT CLEARLY IN CAPITALS USING BLACK INK

A. APPELLANT DETAILS

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

Name

Organisation Name (if applicable) DUNCAN-SMITH PROPERTY LTD

Address

Postcode

Daytime Tel Fax

Email

I prefer to be contacted by Email Post

B. AGENT DETAILS (if any) FOR THE APPEAL

Name JOEL HANCOCK

Organisation Name (if applicable) HANCOCK TOWN PLANNING

Address HOPE COTTAGE THE GREEN CLAVERDON WARWICKSHIRE Postcode CV35 8LL

Your Ref HTP200

Daytime Tel 01926843101 Fax

Email info@hancocktownplanning.co.uk

I prefer to be contacted by Email Post ✓

C. LOCAL PLANNING AUTHORITY (LPA) DETAILS

Name of the LPA HINCKLEY & BOSWORTH BOROUGH

LPA's application reference no. 08/01073/FUL

Date of the planning application 101108

Date of LPA's decision notice (if issued) 250209

D. APPEAL SITE ADDRESS

Address 60 MAIN STREET HIGHAM ON THE HILL
LEICESTERSHIRE

Postcode CV13 6AH **Note: Failure to provide the full postcode may delay the processing of your appeal.**

Is the appeal site within a Green Belt? YES NO ✓

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E. DESCRIPTION OF THE DEVELOPMENT

Please enter details of the proposed development. This should normally be taken from the planning application form, but if the application was revised (and agreed) while it was with the local planning authority for consideration, you may enter a description of the revised scheme.

RELOCATED GARAGE BLOCK WITH DUPLEX APARTMENT

Size of the whole appeal site (in hectares) 0.1

Area of floor space of proposed development (in square metres) 134

Has the description of the development changed from that entered on the application form? YES ✓ NO

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 in Section E. 1 ✓

2 Grant planning permission for the development subject to conditions to which you object. 2

3 Refuse approval of the matters reserved under an outline planning permission. 3

4 Grant approval of the matters reserved under an outline planning permission subject to conditions to which you object. 4

5 Refuse to approve any matter required by a condition on a previous planning permission (other than those in 3 or 4 above). 5

OR

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

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G. CHOICE OF PROCEDURE

CHOOSE ONE PROCEDURE ONLY

You should start by reading our booklet 'Making your planning appeal' which explains the different procedures used to determine planning appeals. In short there are 3 possible methods: written representations, hearings and inquiries. You should consider carefully which method suits your circumstances.

Please note that when we decide how the appeal will proceed we will take into account the LPA's views.

1 WRITTEN REPRESENTATIONS

This is normally the simplest, quickest and most straightforward way of making an appeal. Three out of every four people making an appeal choose this method. The written procedure is particularly suited to small-scale developments (e.g. extensions of buildings, individual houses or small groups of houses, appeals against conditions and changes of use). It is also very popular with people making their own appeal without professional help. The process involves the submission of written 'grounds of appeal' followed by a written statement and any supporting documents. It also provides an opportunity to comment in writing on the Local Planning Authority's reasons for refusing permission (or failing to determine the application). An Inspector will study all of the documents before visiting the appeal site/area and issuing a written decision.

NOTE: The Inspector will visit the site <u>unaccompanied</u> by either party unless the relevant part of the site cannot be seen from a road or other public land, or it is essential for the Inspector to enter the site to check measurements or other relevant facts.

a) If the written procedure is agreed, can the relevant part of the appeal site be seen from a road, public foopath, bridleway or other 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 the answer to **1b** is 'YES' please explain

TO ASSESS RELATIONSHIP WITH SURROUNDING BUILDINGS

2 HEARINGS

This process is likely to be suited to slightly more complicated cases which require detailed discussion about the merits of a proposal. Like the written procedure, the process starts with the submission of 'written grounds of appeal' followed by a full written statement of case and an opportunity to comment in writing on the Local Planning Authority's reasons for refusing permission (or failing to determine the application). The Planning Inspectorate will then arrange a hearing at which the Local Planning Authority and the appellant(s) will be represented. Members of the public, interested bodies (e.g. Parish/Town Councils) and the press may also attend. At the hearing the Inspector will lead a discussion on the matters already presented in the written statements and supporting documents. The Inspector will visit the site/area and issue a written decision in the same way as the written procedure.

Although you may prefer a hearing the Inspectorate must consider your appeal suitable for this procedure.

3 INQUIRIES

This is the most formal of procedures. Although it is not a court of law the proceedings will often seem to be quite similar as the parties to the appeal will usually be legally represented and expert witnesses will be called to give evidence. Members of the public and press may also attend. In general, inquiries are suggested for appeals that:

- are complex and particularly controversial;
- have caused a lot of local interest;
- involve the need to question evidence through formal cross-examination.

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H. GROUNDS OF APPEAL

If you have requested the written procedure, please provide your **FULL** grounds of appeal.

If you have requested a hearing or an inquiry, you do not have to provide your full grounds of appeal. You can provide only a brief outline of your grounds, but it must be sufficiently detailed and comprehensive to enable the LPA to prepare their case.

Refer to our booklet 'Making your planning appeal' for help.

Please continue on a separate sheet if necessary.

PLEASE SEE ORIGINAL APPLICATION AND COVERING LETTER TO THE PLANNING INSPECTORATE.

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I. APPEAL SITE OWNERSHIP DETAILS

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

Please read the enclosed *Guidance Notes* if in doubt.

*Please tick **ONE** box only* ✓

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

CERTIFICATE A

A ✓

I certify that, on the day 21 days before the date of this appeal, nobody except the appellant, was the owner (see Note (i) of the *Guidance Notes* for a definition) of any part of the land to which the appeal relates:

OR

CERTIFICATE B

B

I certify that the appellant (or the agent) has given the requisite notice (see *Guidance Notes*) to everyone else who, on the day 21 days before the date of this appeal, was the owner (see Note (i) of the Guidance Notes for a definition) 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

CERTIFICATES C and D

C & D

If you do not know who owns all or part of the appeal site, complete either Certificate C or Certificate D enclosed with the accompanying Guidance Notes and attach it to the appeal form.

AGRICULTURAL HOLDINGS CERTIFICATE (This has to be completed for all appeals)

We also need to know whether the appeal site forms part of an agricultural holding.
Please tick either (a) or (b).

If the appellant is the sole agricultural tenant, (b) should be ticked and 'not applicable' should be written under 'Tenant's name'.

✓

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

OR

b) 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: b

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

J. ESSENTIAL SUPPORTING DOCUMENTS

The documents listed in 1-6 below, must be sent with your appeal form; 7-11 must also be sent if appropriate. If we do not receive all your appeal documents by the end of the 6 month appeal period, we will not deal with it. Please tick the boxes to show which documents you are enclosing.

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1 A copy of the original **planning application** sent to the LPA. 1 ✓

2 A copy of the **site ownership certificate and ownership details** submitted to the LPA at application stage (this is usually part of the LPA's planning application form). 2 ✓

3 A copy of the **LPA's decision notice** (if issued). 3 ✓

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 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. 4 ✓

5 A list (stating drawing numbers) and 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. 2989/23A, 2989/24 5

6 A list (stating drawing numbers) and 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). N/A 6

Copies of the following must also be sent, if appropriate:

7 **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: N/A 7

8 Any relevant **correspondence** with the LPA. N/A 8

9 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; 9a

(b) all plans sent at outline application stage; N/A 9b

(c) the original outline planning permission. 9c

10 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. N/A 10

11 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). N/A 11

12 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. N/A 12

PLEASE TURN OVER AND SIGN THE FORM - UNSIGNED FORMS WILL BE RETURNED

K. PLEASE SIGN BELOW

(Signed forms together with all supporting documents must be received by us within the 6 month time limit)

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1 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).*

2 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 J. Hancock Date 180309

Name (in capitals) JOEL HANCOCK (HTP Ltd)

On behalf of (if applicable) DUNCAN-SMITH PROPERTY LTD

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" and in the booklet accompanying this appeal form.

NOW SEND

1 COPY to us at:

The Planning Inspectorate
Registry/Scanning Team
Temple Quay House
2 The Square
Temple Quay
BRISTOL
BS1 6PN

1 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.

1 COPY for you to keep

When we receive your appeal form, we will:

1 Tell you if it is valid and who is dealing with it.

2 Tell you and the LPA the procedure for your appeal.

3 Tell you the timetable for sending further information or representations.

YOU MUST KEEP TO THE TIMETABLE
If information or representations are sent late we may disregard them. They will not be seen by the Inspector but will be sent back to you.

4 Tell you about the arrangements for the site visit, hearing or inquiry.

At the end of the appeal process, the Inspector will give the decision, and the reasons for it, in writing.

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