

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/B1740/W/23/3324227

A. APPELLANT DETAILS

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

Name	- - AJC Group
Company/Group Name	AJC Group
Address	c/o Unit 5, Designer House Sandford Lane Wareham BH20 4DY
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 type="checkbox"/> No <input checked="" type="checkbox"/>
Name	Mr & Mrs CL Planning
Company/Group Name	Chapman Lily Planning Ltd
Address	Chapman Lily Planning Ltd Unit 5 Designer House, Sandford Lane WAREHAM BH20 4DY
Phone number	01929553818
Email	contact@clplanning.co.uk
Your reference	GM3131
Preferred contact method	Email <input checked="" type="checkbox"/> Post <input type="checkbox"/>

C. LOCAL PLANNING AUTHORITY (LPA) DETAILS

Name of the Local Planning Authority	New Forest District Council
LPA reference number	22/10813

Date of the application	07/07/2022
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	19/12/2022

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 checked="" type="checkbox"/> No <input type="checkbox"/>
Address	Orchard Gate Noads Way Dibden Purlieu SOUTHAMPTON SO45 4PD
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 type="checkbox"/> No <input checked="" type="checkbox"/>
Please enter details of the proposed development. This should normally be taken from the planning application form.	
Demolition of the existing buildings; erection of 25 dwellings with associated access, landscaping and parking	
Area (in hectares) of the whole appeal site [e.g. 1234.56]	0.90 hectare(s)
Area of floor space of proposed development (in square metres)	2319 sq metre(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.	<input type="checkbox"/>
6. Granted approval of the matters reserved under an outline planning permission subject to conditions to which you object.	<input type="checkbox"/>
7. Refused to approve any matter required by a condition on a previous planning permission (other	<input type="checkbox"/>

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

The appellant considers that this appeal should be conducted by means of a Public Inquiry.

Having regard to Annexe K of the PINS Procedural Guide (Updated December 2022), and notwithstanding the potential for some matters to be discussed via round table discussions within the overall inquiry procedure, the reasons for this appeal being conducted by means of a Public Inquiry are as follows.

The weight which the LPA have applied to out of date policies, having regard to paragraph 11 of the National Planning Policy Framework (NPPF) needs detailed examination.

The identified issues raise complex issues concerning the interpretation of, and assessment against, the most important policies for the determination of the appeal along with their weight in view of the operation of the tilted balance or otherwise.

The consultation responses from the LPA's Environmental Design Team (both Urban and Landscape design) require examination to fully understand, the LPA's assessment of character and the presumption in favour of sustainable development which would see the delivery of much needed family housing in a sustainable location.

The need to forensically consider viability and supporting evidence and data. This will necessarily require detailed and complex expert evidence, presentation and cross-examination by an experienced advocate.

The potential for detailed examination on character, what the character of the area is, its component parts and how the proposal assimilates with this.

The appeal will generate substantial local interest, particularly in view of the Neighbourhood Plan (as evidenced during the application process with 193 comments being submitted to the LPA). This level of interest reinforces the suitability and necessity for the appeal to progress via the inquiry procedure.

The appellant proposes to call expert witnesses to address the following:

- The existence and extent of the 5YHLS (unless agreed within the statement of common ground).
- The planning policy context, relevant material considerations and the Planning Balance.
- The ability for the proposal, from a viability perspective to deliver affordable housing and how viability should be assessed.

- That the proposal can deliver a safe access to Noads Way that will not prejudice highway safety.
- That the proposal supports modes of transport other than the private car.
- To establish and evidence the character of the area and that the proposal is an appropriate response to the sites context (including landscaping).

It is anticipated that presentation of the respective parties' cases, Third Party representations and submissions will take 3-4 days (not including the possibility that the Parish LPA may wish to be a Rule 6 Party).

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

4

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

Architect - matters relating to character and design: 1 day
 Planning Consultant - compliance with the development plan and application of the tilted balance: 1 day
 Highways Engineer - highways access and sustainable modes of transport: 1/2 a day
 Viability Consultant - matters relating to the assessment of viability: 1 day

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

5 day(s)

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

As referenced above, the application received a considerable number of third party comments, 193, it is anticipated that there will be an equal level of interest in the appeal.

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

☐

☒ 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:	Mrs K Clarke
Address at which notice was served:	C/O Pragnells Orchard, London Minstead, Lyndhurst, SO43 7FT
Date the notice was served:	15/06/2023
Owner's Name:	Mr H Marshall
Address at which notice was served:	C/O Pragnells Orchard, London Minstead, Lyndhurst, SO43 7FT
Date the notice was served:	15/06/2023
Owner's Name:	The Tenants
Address at which notice was served:	Orchard Gate, Noads Way, Dibden Purlieu, SO45 4PD

Date the notice was served:

15/06/2023

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 & Mrs CL Planning

Date

15/06/2023 16:46:50

Name

Mr & Mrs CL Planning

On behalf of

- - AJC Group

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.

The Planning Inspectorate takes its data protection responsibilities for the information you provide us with very seriously. To find out more about how we use and manage your personal data, please go to our [privacy notice](#).

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:	FULL STATEMENT OF CASE
Document Description:	A copy of the full statement of case.
File name:	Noads Way Appeal Statement of Case (final).pdf
Relates to Section:	FULL STATEMENT OF CASE
Document Description:	A separate list of appendices to accompany your full statement of case
File name:	Appendix list.pdf
File name:	Appendix 3 - Pre-application response of 7th April 2022.pdf
File name:	Appendix 1 - Decision Notice.pdf
File name:	Appendix 2 - Case Officer Report.pdf
File name:	Appendix 5 (vi) - 21110-51A_House 21 Carport Elevations.pdf
File name:	Appendix 5 (i) - 21110-41F_Site and Block Plan.pdf
File name:	Appendix 5 (ii) - 21110-43C_Houses 04-07 Plans and Elevations.pdf
File name:	Appendix 5 (iii) - 21110-45C_Houses 14-17 Plans and Elevations.pdf
File name:	Appendix 5 (v) - 21110-47C_Houses 22-25 Plans and Elevations.pdf
File name:	Appendix 5 (iv) - 21110-46C_Houses 18-21 Plans and Elevations.pdf
File name:	Appendix 4 - Bellamy Roberts note of 1st Dec 2022.pdf
Relates to Section:	FULL STATEMENT OF CASE
Document Description:	A planning obligation (a section 106 agreement or a unilateral undertaking).
File name:	Draft Heads of Term for Planning Obligation.docx
Relates to Section:	SUPPORTING DOCUMENTS
Document Description:	01. A copy of the original application sent to the LPA.
File name:	Application form - unredacted.pdf
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:	Cert B letter Mr Marshall.docx
File name:	Notice 1 cert B.pdf
File name:	Cert B letter Tenants.docx
File name:	Cert B letter K Clarke.docx
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:	22_10813-DECISION_NOTICE DEC 2022.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 appellant (if any) edged or shaded blue.
File name:	21110.06B location plan and topo inc dem of build plan.pdf
File name:	21110-41D_Site and Block 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:	293 - 2 - Sqm Plan - Orchard Gate.pdf
File name:	293 - 1 - R1 - Landscape Plan - Orchard Gate.pdf
File name:	293 - 3 - Planting Plan - Orchard Gate.pdf
File name:	293 - 4 - Planting Moodboard - Orchard Gate.pdf
File name:	21110.06B location plan and topo inc dem of build plan.pdf
File name:	21110-49B_Character Views.pdf
File name:	21110-41D_Site and Block Plan.pdf
File name:	21110-43B_Houses 04-07 Plans and Elevations.pdf
File name:	21110-47B_Houses 22-25 Plans and Elevations.pdf
File name:	21110-45B_Houses 14-17 Plans and Elevations.pdf
File name:	21110-46B_Houses 18-21 Plans and Elevations.pdf
File name:	21110-42B_Houses 01-03 Plans and Elevations (and Car Ports).pdf
File name:	21110-44B_Houses 08-13 Plans and Elevations.pdf
File name:	21110-48B_Street Elevations.pdf
File name:	21110-D04B_Design and Access Statement June 2022.pdf
File name:	Transport Statement by Bellamy Roberts July 2022.pdf
File name:	AIA and AMS Treework Env Practice 13 June 2022.pdf
File name:	Ground Contam report - Preliminary Phase 2 Info 21 April 2021.pdf
File name:	Ground Contam report - Phase 2 dated 11 May 2021.pdf
File name:	Ground Contam report - Desktop Study pt 2.pdf
File name:	Ground Contam report - Desktop Study pt 1.pdf
File name:	Ground Contam report - Desktop Study pt 3a.pdf
File name:	Ground Contam report- Desktop Study pt 3b.pdf
File name:	Statement of Community Engagement.pdf
File name:	Broadband statement.pdf
File name:	Water quality checklist completed.pdf
File name:	Renewable and low Carbon Statement .pdf
File name:	EVA report Appendix B 4 July 2022 Sensitivity.pdf
File name:	EVA report Appendix A 4 July 2022 Not Viable.pdf
File name:	EVA Report for Sturt and Co 4th July 2022 - Unredacted.pdf
File name:	HCA EAT App A Orchards Gate 35 p cent AH 4 July 2022 from spreadsheet.pdf
File name:	CI Planning Planning State version 1 July 2022.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 plans sub to LPA Noads Way appeal checklist.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 plans decision based on LPA Noads Way appeal checklist.pdf
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).
File name:	114290-CAL-XX-XX-CA-D-100 - Tank-A Analysis- 22-07-11.pdf
File name:	114290-CAL-XX-XX-CA-D-052-(P2)-Drainage Details 3-4.pdf
File name:	114290-CAL-XX-XX-CA-D-051-(P2)-Drainage Details 2-4.pdf

File name:	114290-CAL-XX-XX-CA-D-050-(P2)-Drainage Details 1-4.pdf
File name:	114290-CAL-XX-XX-CA-D-005 - SW Network Complete - 22-07-11.pdf
File name:	114290-CAL-XX-XX-CA-D-053-(P2)-Drainage Details 4-4.pdf
File name:	114290-CAL-XX-XX-IS-D_Civils Issue Sheet.pdf
File name:	114290-CAL-XX-XX-CA-D-007-(P2)-Proposed Drainage 3-3.pdf
File name:	114290-CAL-XX-XX-CA-D-010-(P4)-External Levels Plan.pdf
File name:	114290-CAL-XX-XX-CA-D-101 - Tank-B Analysis - 22-07-11.pdf
File name:	114290-CAL-XX-XX-CA-D-005-(P2)-Proposed Drainage 1-3.pdf
File name:	114290-CAL-XX-XX-CA-D-006-(P2)-Proposed Drainage 2-3.pdf
File name:	Appendix B to Plannig Statement version 2 2022.pdf
File name:	Appendix A to Planning Satement version 2 2022.pdf
File name:	Planning Statement Version 2.pdf
File name:	293 - 2 - R3 - Sqm Plan - Orchard Gate.pdf
File name:	293 - 1 - R4 - Landscape Plan - Orchard Gate.pdf
File name:	293 - 3 - R3 - Planting Plan - Orchard Gate.pdf
File name:	Addendum to Transport Statement 11Aug 2022 Bellamy Roberts.pdf
File name:	Rebutall letter from CLP re Urban Deisgn Landscape comments 23 09 22.pdf
File name:	Rebutall letter from CLP re Parish Council comments sub 26 08 22.pdf
File name:	Air quality statement by AQC October 2022.pdf
File name:	EVA Appendix F - Foundation and FWD Costs.pdf
File name:	EVA Appendix B1 - Policy Compliant with BCIS UQ Rate.pdf
File name:	EVA Appendix E - Order of Cost Estimate.pdf
File name:	EVA Appendix C - 100% Private Sales with BCIS UQ Rates.pdf
File name:	EVA Appendix G - SEC Quote.pdf
File name:	EVA Appendix A1 - Policy Compliant with BCIS Median Rate.pdf
File name:	EVA Update Letter - 12 Oct 2022.pdf
File name:	EVA Appendix D - Beckley Walk - Transactional Evidence.pdf
File name:	Updated PEA and BNG Eco support 31 08 2022.pdf
File name:	Highways rebuttal Oct 22 with plan 5577- 001 Rev E.pdf
File name:	CGI image internal.pdf
File name:	Solent nutrient calculator submitted to LPA 05 11 2022.pdf
File name:	Biodiveristy Metric 3.1 submitted to LPA 13 09 22 copied from excel spreadsheet.pdf
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.
File name:	List of plans submitted during applicaion to LPA Noads Way checklist.pdf
Relates to Section:	SUPPORTING DOCUMENTS
Document Description:	07. A copy of the design and access statement sent to the LPA.
File name:	21110-D04B_Design and Access Statement June 2022.pdf
Relates to Section:	SUPPORTING DOCUMENTS
Document Description:	08. A copy of a draft statement of common ground.
File name:	SoCG (final).pdf
Relates to Section:	SUPPORTING DOCUMENTS
Document Description:	09.a. Copies of additional plans, drawings or documents relating to the application not previously seen by the LPA. Acceptance of these will be at the Inspector's discretion.
File name:	21110-51A_House 21 Carport Elevations.pdf
File name:	21110-45C_Houses 14-17 Plans and Elevations.pdf
File name:	21110-43C_Houses 04-07 Plans and Elevations.pdf
File name:	21110-47C_Houses 22-25 Plans and Elevations.pdf
File name:	21110-46C_Houses 18-21 Plans and Elevations.pdf
File name:	21110-41F_Site and Block Plan.pdf
Relates to Section:	SUPPORTING DOCUMENTS

Document Description: 09.b. A list of all plans and drawings (stating drawing numbers) submitted but not previously seen by the LPA.

File name: List of plans LPA not seen before Noads Way appeal.pdf

Completed by MR & MRS CL PLANNING

Date 15/06/2023 16:46:50