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PLANNING APPEAL FORM

If you need this document in large print, in audio format or in Braille, please contact our helpline on 0303 444 5000. To help you fill in this form correctly please refer to the enclosed guidance leaflet "How to complete your planning appeal form".

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.

PLEASE PRINT CLEARLY IN CAPITALS USING **BLACK** INK

A. APPELLANT DETAILS

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

Name

JOHN MARSHALL KELSALL

Company/Group name (if applicable)

Address

PEWTERHOUSE FARM
CARR LAKE BALDERSTONE
BLACKBURN

Postcode

BB2

7LN

Daytime phone

Fax

I prefer to be contacted by Post

Email*

*Email address

B. AGENT DETAILS (IF ANY) FOR THE APPEAL

See section B of the guidance leaflet.

Name

ANTHONY ROBSON

Company/Group name (if applicable)

Address

PEWTER OAKS
CARR LAKE BALDERSTONE
BLACKBURN

Postcode

BB2

7LN

Your reference

Daytime phone

07789622119

Fax

I prefer to be contacted by Post

☒ Email*

*Email address

C. LOCAL PLANNING AUTHORITY (LPA) DETAILS

See section C of the guidance leaflet.

Name of the LPA

RIBBLE VALLEY BOROUGH CML

LPA's application reference number

3/2019/0561

Date of the application

28 06 2019

Did the LPA validate and register your application?

Yes ☒ No ☐

Date of the LPA's decision notice

19 07 2019

D. APPEAL SITE ADDRESS

See section D of the guidance leaflet.

Address

PEWTERHOUSE FARM
CARL LAKE BALDERSTONE
BLACKBURN

Postcode BB2

7LN

Note: Failure to provide the full postcode may delay the processing of your appeal

Please answer the questions below:

1 Is the appeal site within a Green Belt?

Yes ☐ No ☒

2 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? If yes, please describe them on a separate sheet.

Yes ☐ No ☒**E. DESCRIPTION OF THE DEVELOPMENT**

See section E of the guidance leaflet.

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

Yes ☐ No ☒PAIR OF SEMI DETACHED STONE
COTTAGES

Area of the whole appeal site (i.e. the boundary) in hectares

0.534

50 mins

Area of floor space of proposed development in square metres

224

Does the proposal include demolition of non - listed buildings within a conservation area?

Yes ☐ No ☒**F. REASON FOR THE APPEAL**

See section F of the guidance leaflet.

The reason for this appeal is that the LPA has (please tick which applies):

1 Refused planning permission for the development described in Section E.

1 ☐

2 Refused permission to vary or remove a condition(s)

2 ☒

3 Refused prior approval of permitted development rights

3 ☐

4 Granted planning permission for the development subject to conditions to which you object

4 ☐

5 Refused approval of the matters reserved under an outline planning permission

5 ☐

6 Granted approval of the matters reserved under an outline planning permission subject to conditions to which you object

6 ☐

7 Refused to approve any matter required by a condition on a previous planning permission (other than those above)

7 ☐

8 Failed to give notice of its decision within the appropriate period (usually 8 weeks) on an application for permission or approval

8 ☐

9. Failed to give notice of its decision within the appropriate period because of a dispute over provision of local list documentation

9 ☐

G. CHOICE OF PROCEDURE

It is important that you read carefully section G of the guidance leaflet before you complete this section.

There are 3 possible procedures:- written representations, hearings and inquiries. You should consider carefully which method suits your circumstances before selecting your preferred option by ticking the box.

1 THE WRITTEN REPRESENTATIONS PROCEDURE

W ☒ *

This is normally the quickest and most straightforward way of making an appeal. The written procedure is suited to the vast majority of appeals.

* a) Could the Inspector see the relevant parts of the appeal site sufficiently to judge the proposal from public land?

Yes ☒ No ☐

b) Is it essential for the Inspector to enter the site to check measurements or other relevant facts? If so, please explain below or on a separate sheet.

Yes ☐ No ☒

2 THE HEARING PROCEDURE

H ☐ ♦

This procedure is likely to be suited to more complicated cases which require detailed discussion about the merits of a proposal. Although you may indicate a preference for a hearing, the Inspectorate must also consider that your appeal is suitable for this procedure. If you are proposing that this appeal follows the hearing procedure you must submit a draft statement of common ground. You must give detailed reasons below or on a separate sheet why you think a hearing is necessary.

♦ If the hearing procedure is considered suitable we will seek details of your availability when sending the appeal start letter.

a) Is there any further information relevant to the hearing which you need to tell us about? If yes please explain below.

Yes ☐ No ☐

3 THE INQUIRY PROCEDURE

I ☐ ▲

This is the most formal of the procedures. Although you may indicate a preference for an inquiry the Inspectorate must also consider that your appeal is suitable for this procedure. You are required to provide information concerning the number of witnesses and the length of time they need to give their evidence. If you are proposing that this appeal follows the inquiry procedure you must submit a draft statement of common ground. You must give detailed reasons below or on a separate sheet why you think an inquiry is necessary.

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

No. of witnesses

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

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

No. of days

(Note: We will take this into consideration, but please bear in mind that our estimate will also be informed by others' advice and our own assessment.)

G. CHOICE OF PROCEDURE (continued)

- ◆ If the inquiry procedure is considered suitable we will seek details of your availability when sending the appeal start letter.

d) Is there any further information relevant to the inquiry which you need to tell us about? If so, please explain below.

Yes ☐ No ☐

H. FULL STATEMENT OF CASE

See section H of the guidance leaflet to help you decide what to include in your full statement of case.

There is no further opportunity to add to your statement of case at a later stage.

Do you intend to submit a planning obligation (a section 106 agreement or a unilateral undertaking) with this appeal?

Yes ☐ No ☒

Have you made a costs application with this appeal?

Yes ☐ No ☒

PLEASE SEE ENCLOSED) NARRATIVES
PAGE ① TO ③ Being the Support to Application
PAGE ④ Being the Support to the Appeal

I. (part one) APPEAL SITE OWNERSHIP DETAILS

This must be completed for all appeals.
See section I of the guidance leaflet.

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) and be sure that you have told them that you have made an appeal.

You must tick below which of the "certificates" applies.

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 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 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

Address at which the notice was served

Date the notice was served (this must be within the last 21 days)

OR

C/D

CERTIFICATES C & D

If you do not know who owns all or part of the appeal site, complete either Certificate C or Certificate D in the guidance leaflet and attach it to the appeal form.

I. (part two) AGRICULTURAL HOLDINGS CERTIFICATE

This must be completed for all appeals.
See section I of the guidance leaflet.

We need to know whether the appeal site forms part of an agricultural holding.

Please tick either (a) or (b).

Please tick **ONE** box only ✓

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

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

Tenant's name

Address at which the notice was served

Date the notice was served (this must be within the last 21 days)

J. ESSENTIAL SUPPORTING DOCUMENTS

See section J of the guidance leaflet.

If we do not receive ALL your appeal documents by the end of the appeal period we will not accept your appeal.

You **must** send the documents listed 1-6 below with your appeal form. Please tick the boxes to show which documents you are enclosing.

- | | | | |
|--|---|---|-------------------------------------|
| 1 | A copy of the planning application sent to the LPA. | 1 | ☒ |
| 2 | A copy of the site ownership certificate and agricultural holdings certificate submitted to the LPA at <u>application stage</u> (this is usually part of the LPA's planning application form). | 2 | ☒ |
| 3 | 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. | 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 <u>two named roads</u> 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. | 4 | ☒ |
| 5 | 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.
Please number them clearly and list the numbers here or on a separate sheet. | 5 | ☒ |
| <div style="border: 1px solid black; padding: 2px; margin: 5px 0;">① Existing BLDG ② Block Plan ③ ELEVATION PLAN</div> | | | |
| 6 | 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). Please number them clearly and list the numbers here or on a separate sheet. | 6 | ☒ |

You **must** send copies of the following, if appropriate:

- | | | | |
|---|--|---|--------------------------|
| 7 | A copy of the design and access statement sent to the LPA (if required). | 7 | ☐ |
| 8 | A copy of a draft statement of common ground if you have indicated the appeal should follow the hearing or inquiry procedure. | 8 | ☐ |
| 9 | 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. | 9 | ☐ |

Please number them clearly and list the numbers here or on a separate sheet:

- | | | | |
|----|--|-----|--------------------------|
| 10 | Any relevant correspondence with the LPA. Including any supporting information submitted with your application in accordance with the list of local requirements. | 10 | ☐ |
| 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. | 11a | ☐ |
| | | 11b | ☐ |
| | | 11c | ☐ |
| 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 <u>original permission</u> with the condition attached. | 12 | ☐ |
| 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). | 13 | ☐ |
| 14 | If the appeal is against the LPA's refusal or failure to decide an application because of a dispute over the 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 | 14 | ☐ |

K. OTHER APPEALS

See section K of the guidance leaflet.

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.

L. CHECK SIGN AND DATE

See section L of the guidance leaflet.

Please tick the boxes to confirm that the following actions have been carried out

1 I have completed all sections of the form and the details of the ownership (sections I one and two) are correct to the best of my knowledge.

2 I have enclosed **all** the essential supporting documents listed in section J.

3 I have sent a copy of this appeal form and relevant documents to the LPA (if you do not we will not normally accept your appeal).

4 I have signed and dated ~~the~~ form (*unsigned forms will be returned to you*).

Signature .

Date 15.1.20

Name (in capitals)

Anthony Robson

On behalf of (if applicable)

SM KERSALL



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 in the guidance leaflet.

M. NOW SEND

Remember, it is your responsibility to make sure that we **RECEIVE** your appeal form and **ALL** supporting documents within the time limit. See section M of the guidance leaflet

Send THIS form (not a photocopy of it) to us at:

Initial Appeals
Temple Quay House
2 The Square
BRISTOL
BS1 6PN

Helpline: 0303 444 5000

Send a 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.

You may wish to keep a copy of the completed form for your records

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.

4

The first point of note is that having studied the file there were no objections to the lifting of the occupation condition from any of the seven local residents, the Parish Council or the Highways authority.

The decision to refuse the application is therefore that of the Planning Officer and his interpretation of the Councils guidance on this matter.

The officer in his argument makes a number of assumptions, and statements, I consider questionable.

He firstly states that to allow the application would create a new residential dwelling in open countryside. Reference to the approved planning and the plans enclosed clearly show that that the development replaced an existing stone structure, a disused tractor and Cart house and therefore was built on a brown field site not open countryside,

Further he states that it had not been adequately demonstrated that there was a local housing need in the area. He never asked the question, so how does he know? There is currently not a single property for sale or rent within a square mile of Balderstone church. Further my own children would dearly like to live in the area in which they grew up and went to school, they currently have to live in the nearby town.

The development is approximately 1 mile from local amenities being a Spar, a bakery, a garage, 2 public houses and a Vet which are easily walkable but in any case how would he suggest that holiday makers would access them?

A little further on outside Mellor Brook they are now building 7 luxury detached properties in a field and a little further they are building dozens of homes at Whinney lane in fields so I conclude that it somewhat contradicts the arguments put forward in our case?

When we embarked on the project in 2007 the existing holiday let, Bowford Cottage, had an occupancy rate in excess of 50% however last year saw it drop to just 13% or 7 weeks in total.

It therefore does not make economic sense to spend thousands of pounds furnishing and equipping another one within 80 metres.