

The Planning Inspectorate

For official use only
(Date received)

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PLANNING APPEAL FORM (Online Version)

26 NOV 2012

To help you fill in this form correctly, please refer to the guidance leaflet "How to complete your planning appeal form".

ATTENTION OF

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/T2350/A/12/2188270

A. APPELLANT DETAILS

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

Name Mr (Sunderland Peacock & Associates)

Address Hazelmere
Pimlico Road
CLITHEROE

Phone no.

Fax no

Postcode BB7 2AG

E-mail

Please confirm how you wish to correspond with us: Electronically, via the email address specified above
On paper, by post. ✓

B. AGENT DETAILS FOR THE APPEAL (if any)

Name Mr Paul Tunstall (JWPC Limited)

Address JWPC Ltd
1b Waterview
White Cross Industrial Estate,
South Road
LANCASTER

Your reference

Phone no. (01524) 599980

Fax no. (01524) 599989

Postcode LA1 4XS

E-mail ptunstall@jwpc.co.uk

Please confirm how you wish to correspond with us: Electronically, via the email address specified above
On paper, by post. ✓

C. LOCAL PLANNING AUTHORITY (LPA) DETAILS

Name of the LPA Ribble Valley Borough Council

LPA's reference number 3/2011/0991

Date of the planning application 06 Dec 2011

Date of the LPA's decision (if issued) 25 May 2012

D. APPEAL SITE ADDRESS

Address Hazelmere (Land to the Rear)
Pimlico Road
CLITHEROE
Lancashire

Postcode BB7 2AG

Grid Reference: Easting 03745076

Northing 04422083

Is the appeal site within a Green Belt?

YES ☐

NO ☒

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 ☐

NO ☒

E. DESCRIPTION OF THE DEVELOPMENT

Size of the whole appeal site
(in hectares)

00.07

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

504

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

YES ☐

NO ☒

If YES, please state below the revised wording, and enclose a copy of the LPA's agreement to the change.

Proposed erection of three dwellings with associated vehicular access and landscaping.

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 on the application form or in Section E. ☒
- 2 Grant planning permission for the development subject to conditions to which you object.
- 3 Refuse approval of the matters reserved under an outline planning permission.
- 4 Grant approval of the matters reserved under an outline planning permission subject to conditions to which you object.
- 5 Refuse to approve any matter required by a condition on a previous planning permission (other than those in 3 or 4 above).

or

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

G. CHOICE OF PROCEDURE

There are 3 possible choices:- 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 _____ ✓

This is normally the simplest, quickest and most straightforward way of making an appeal. The written procedure is particularly suited to small-scale developments (e.g. individual houses or small groups of houses; appeals against conditions or changes of use).

- | | | |
|---|-------|------|
| 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? | YES ✓ | NO |

If so, please explain below or on a separate sheet.

The site forms the private land to rear of Hazelmere.

2. THE HEARING PROCEDURE _____

This procedure is likely to be suited to more complicated cases which require detailed discussion about the merits of a proposal. At the hearing the Inspector will lead a discussion on the matters already presented in the written statements and supporting documents. Although you may indicate a preference for a hearing, the Inspectorate must also consider that your appeal is suitable for this procedure. You must give detailed reasons below or on a separate document why you think a hearing is necessary.

Please answer the question below.

- | | | |
|--|-----|----|
| a) Is there any further information relevant to the hearing which you need to tell us about? If so please explain below. | YES | NO |
|--|-----|----|

3. THE INQUIRY PROCEDURE _____

This is the most formal of procedures. Although you may indicate a preference for an inquiry the Inspectorate must also consider that your appeal is suitable for this procedure. You must give detailed reasons below or in a separate document why you think an inquiry is necessary.

- | | | | |
|----|--|------------------|----|
| a) | How long do you estimate the inquiry will last?
(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.) | No. of days | |
| b) | How many witnesses do you intend to call? | No. of witnesses | |
| c) | Is there any further information relevant to the inquiry which you need to tell us about? If so, please explain below.
Please continue on a separate sheet if necessary. | YES | NO |

H. GROUNDS OF APPEAL

Do you intend to submit a planning obligation (a section 106 agreement or a unilateral undertaking) with this appeal? YES NO ✓

** See separate documents **

H. GROUNDS OF APPEAL (continued)

I. (part one) APPEAL SITE OWNERSHIP DETAILS

We need to know who owns the appeals site. If you do not own the appeal site or only own 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 WHICH OF THE CERTIFICATES APPLIES.**

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

Please tick **one** box only

✓ ✓

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:

OR

CERTIFICATE B

I certify that the appellant (or the agent) has given the requisite notice (see the *Guidance Notes*) to every one 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

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

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

Please tick either (a) or (b).

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

✓

✓

OR

(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:

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

Details of additional tenants

J. ESSENTIAL SUPPORTING DOCUMENTS

You **must** send the documents listed 1-7 below with your appeal form.
Please tick the boxes to show which documents you are enclosing.

- | | | |
|---|---|---|
| 1 | A copy of the original planning application sent to the LPA. | ✓ |
| 2 | A copy of the site ownership certificate and agricultural holdings certificate submitted to the LPA at application stage (this is usually part of the LPA's planning application form). | ✓ |
| 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. | ✓ |
| 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. | ✓ |
| 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: | ✓ |
| 6 | Copies of all 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: | ✓ |
| 7 | A copy of the design and access statement sent to the LPA (if required) | ✓ |

You must send copies of the following, if appropriate:

- | | | |
|----|--|--|
| 8 | 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 or on a separate sheet: | |
| 9 | Any relevant correspondence with the LPA. Including any supporting information submitted with your application in accordance with the list of local requirements. : | |
| 10 | 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. | |
| 11 | 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 | 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). | |

K OTHER APPEALS

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

(All supporting documents must be received by us within the time limit)

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*).

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

Date 24 November 2012

Name (in capitals) Mr Paul Tunstall

On behalf of (if applicable) Mr

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 in the guidance leaflet.

M. NOW SEND

• 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.

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. If forwarding the documents by email, please send to **appeals@pins.gsi.gov.uk**. If posting, please enclose the section of the form that lists the supporting documents and send it to PO Box 2606, Bristol, BS1 9AY.

You will not be sent any further reminders.

Please ensure that anything you do send by post or email is clearly marked with the reference number:

APP/T2350/A/12/2188270

Please ensure that a copy of your appeal form and any supporting documents are sent to the local planning authority.

* The Documents Listed Below Were Uploaded With The Appeal Form *

===== GROUNDS OF APPEAL =====

TITLE: Grounds of Appeal 1
DESCRIPTION: Grounds of appeal
FILENAME: Hazelmere Grounds of Appeal.pdf

===== ESSENTIAL SUPPORTING DOCUMENTS =====

TITLE: 01. A copy of the original planning application sent to the LPA.
DESCRIPTION: Application Forms
FILENAME: Application Forms.pdf

TITLE: 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).
DESCRIPTION: Certificates
FILENAME: Certificates.pdf

TITLE: 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.
DESCRIPTION: Decision Notice
FILENAME: Decision Notice.pdf

TITLE: 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 th
DESCRIPTION: Site Plan
FILENAME: 3804-15- Site Location Plan_(00)_2011.11.21.pdf

TITLE: 05. 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.
DESCRIPTION: Proposed Site Plan (Rev B)
FILENAME: 3804-10-Proposed Site Plan_(B)_2012.03.09.pdf

TITLE: 05. 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.
DESCRIPTION: Proposed Floor Plans

Continued on Supplementary Sheet

SUPPLEMENTARY SHEET

Appeal Documents (continued)

FILENAME: Floor Plans 3804 - 11 - Rev A.pdf

TITLE: 05. 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.

DESCRIPTION: Proposed Elevations 1

FILENAME: Elevations 1 3804 - 13 Rev B.pdf

TITLE: 05. 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.

DESCRIPTION: Proposed Streetscene

FILENAME: Elevations 2 3804 - 14 Rev B.pdf

TITLE: 05. 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.

DESCRIPTION: Proposed Elevations 2

FILENAME: 3804-12-Proposed Elevations_(00)_2011.10.12.pdf

TITLE: 05. 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.

DESCRIPTION: PPS5 Statement

FILENAME: hazelmere PPS5 statement 17.11.11.pdf

TITLE: 05. 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.

DESCRIPTION: Planning Statement

FILENAME: Planning Support Statement for Hazelmere.pdf

TITLE: 05. 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.

DESCRIPTION: Tree Survey

FILENAME: Tree Survey report Hazelmere Pimlico Road. 08.06.11.pdf

TITLE: 05i. A list of all plans, drawings and documents (stating drawing numbers) submitted with the application to the LPA.

DESCRIPTION: Document List

FILENAME: Documents List all plans and documents.pdf

TITLE: 06. 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).

DESCRIPTION: Visualisation 1

FILENAME: 3804-Visualisations Sht 1 of 2_(00)_2011.10.12.pdf

TITLE: 06. 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).

DESCRIPTION: Visualisation 2

FILENAME: 3804-Visualisations Sht 2 of 2_(00)_2011.10.12.pdf

TITLE: 06i. A list of all plans, drawings and documents (stating drawing numbers) which did not form part of the original application.

DESCRIPTION: List of additional docs

FILENAME: Documents List additional visualisations.pdf

TITLE: 07. A copy of the design and access statement sent to the LPA (if required).

DESCRIPTION: DAS

FILENAME: DA Statement_Rev 1 04_27 10 2011 _final.pdf

Land to the rear of Hazelmere, Pimlico Road, Clitheroe

Grounds of Appeal

- This application was the second for the residential redevelopment of this redundant urban land within 18 months. An earlier proposal for a terrace of four two storey dwellings was withdrawn in August 2010 (Ref: 3/2010/0463) following comments from the Council's Conservation Officer in particular.
- Following the decision of the appellants to withdraw the application, they entered into pre-application discussions with the Council's officers when an alternative approach to the development of the site was considered. The form of the housing was considered to be a 'pastiche' by officers and a more contemporary design was encouraged.
- The appeal application was duly prepared and submitted on 6th December 2011. The application was considered by officers over the course of a 6 month period and despite positive discussions and a meeting in order to resolve arboricultural matters, the application was refused by the Council's Planning and Development Committee for the reasons set out in the decision notice.
- The appeal site lies close to the centre of the town of Clitheroe which itself is the main settlement within the Ribble Valley. It is well served by public transport (both road and rail) and lies within an area with a variety of employment, community and recreation uses. As such it is a highly sustainable location of the type endorsed by NPPF for housing. The appeal site has been largely redundant since the house known as Hazelmere was occupied as offices of an architectural practice following a successful change of use application (Ref: 3/2007/1106) in 2008. Whilst it was previously used as a domestic garden the appeal site is not used by the current occupants.
- The first reason for refusal refers to the impact of the proposal upon the Clitheroe Conservation Area within which this site falls – albeit, the northern boundary of the site represents the very northern boundary of the Conservation Area. The appellants will demonstrate within their Appeal Statement that many of the trees within the appeal site will require removal irrespective of whether the site is redeveloped or not and that the appeal proposal offers mitigation for this inevitable loss through the planting of younger replacement trees – the location and species of which were agreed with the Council's arboricultural officer.
- Further, the appellants will demonstrate that far from detract from the setting of Hazelmere, the proposed three dwellings will complement it and the wider Conservation Area. Rather than create a pastiche development of passive architecture, the appellants have chosen to propose an unashamedly modern

building within which the three dwellings would be accommodated. This will add interest, vibrancy and distinctiveness in an area of mixed uses, varying architectural quality and townscape merit.

- The appellants will also demonstrate that the appeal site was not historically part of the curtilage of Hazelmere but a later addition and therefore its historic relevance in the context of the setting of the house is limited.
- The design has been influenced to a large degree by the appellants' desire to achieve Code 6 on the Code for Sustainable Homes. Such a scheme would not only offer zero carbon accommodation but would serve as an exemplar for the work of the owners of the site (an architectural practice). Evidence and opinion from a renowned historic buildings advisor was submitted with the planning application but appears to have been dismissed out of hand by the Council. The appeal proposal will investigate this justification in further detail.
- In order to demonstrate that the second reason for refusal should not stand, the appellants will refer to NPPF which supports has a 'golden thread' running through it of the presumption in favour of sustainable development. It warns that Council's should not stifle innovation, originality or initiative. In this instance, the proposal can be accommodated without harming local distinctiveness. Such high levels of sustainability (by virtue of the location of the site and the exceptional Code for Sustainable homes target) ought to have been acknowledged in the Council's decision but they have not. The impact upon the designated heritage asset and conservation area is not considered harmful by the appellants' historic buildings advisor and public benefits will be delivered in terms of local housing supply, sustainability objectives and the quality of the design.



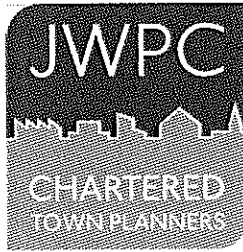
LAND TO REAR OF HAZELMERE, PIMLICO ROAD, CLITHEROE, BB7 2AG

**PROPOSED ERECTION OF THREE DWELLINGS WITH ASSOCIATED VEHICULAR ACCESS AND
LANDSCAPING**

ESSENTIAL SUPPORTING DOCUMENTS

**05i A list of all plans, drawings and documents (stating drawing numbers) submitted with
the application to the LPA.**

1.	Location and Site Plan	3804-10 Rev B	1:200 and 1:500 @A3
2.	Proposed Floor Plans	3804-11 Rev A	1:100 @A3
3.	Proposed Elevations	3804-12	1:100 @A3
4.	Proposed Elevations	3804-13 RevB	1:100 @A3
5.	Street Elevations	3804-14 Rev B	1:200 @A3
6.	OS Site Location Plan	3804-15	1:1250 @A3
7.	Design & Access Statement	3804 Version 1.04	@A4
8.	Planning Support Statement		@A4
9.	PPS5 Statement		@A4
10.	Survey Details for Trees		@A4



LAND TO REAR OF HAZELMERE, PIMLICO ROAD, CLITHEROE, BB7 2AG

**PROPOSED ERECTION OF THREE DWELLINGS WITH ASSOCIATED VEHICULAR ACCESS AND
LANDSCAPING**

ADDITIONAL SUPPORTING DOCUMENTS

**06i. A list of all plans, drawings and documents (stating drawing numbers) which did not
form part of the original application.**

- | | | |
|----|-----------------------|-----|
| 1. | Visualisation Sheet 1 | @A3 |
| 2. | Visualisation Sheet 2 | @A3 |