

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/D1265/W/24/3353912

A. APPELLANT DETAILS

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

Name

Mr Paul Crocker

Address

C/O agent
Unit 5 Designer House, Sandford Lane
Wareham
BH20 4DY

Preferred contact method

Email



Post



B. AGENT DETAILS

Do you have an Agent acting on your behalf?

Yes



No



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

2987 BS

Preferred contact method

Email



Post



C. LOCAL PLANNING AUTHORITY (LPA) DETAILS

Name of the Local Planning Authority

Dorset Council

LPA reference number

P/OUT/2022/02644

Date of the application

02/11/2023

Did the LPA validate and register your application? Yes No

Did the LPA issue a decision? Yes No

Date of LPA's decision

D. APPEAL SITE ADDRESS

Is the address of the affected land the same as the appellant's address? Yes No

Does the appeal relate to an existing property? Yes No

Address

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

Has the description of the development changed from that stated on the application form? Yes No

Please enter details of the proposed development. This should normally be taken from the planning application form.

Hybrid planning application consisting of:
Full planning permission for a mixed-use development to erect a food store with cafe, plus office space and 2 No. flats above. Erect building for mixed commercial, business and service uses (Class E), (e.g. estate agents, hairdresser, funeral care, dentist, vet). Form vehicular and pedestrian accesses and parking. Form parking area for St. Gregory's Church and St Gregory's Primary School. Carry out landscaping works and associated engineering operations. (Demolish redundant agricultural buildings).
Land west of Church Hill.
Outline planning permission (to determine access) to erect up to 120 dwellings. Land off Butts Close and Schoolhouse Lane.

Area (in hectares) of the whole appeal site [e.g. 1234.56]

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

Does the proposal include demolition of non-listed buildings within a conservation area? Yes No

F. REASON FOR THE APPEAL

The reason for the appeal is that the LPA has:

1. Refused planning permission for the development.
2. Refused permission to vary or remove a condition(s).
3. Refused prior approval of permitted development rights.
4. Granted planning permission for the development subject to conditions to which you object.

- 5. Refused approval of the matters reserved under an outline planning permission.
- 6. Granted approval of the matters reserved under an outline planning permission subject to conditions to which you object.
- 7. Refused to approve any matter required by a condition on a previous planning permission (other 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 contends that a Public Inquiry would be the most appropriate appeal procedure in this case.

It is hoped that the issues in dispute can be narrowed down in Statements of Common Ground (SoCG). However, given the scale and nature of the development proposals and the reasons for refusal a significant number of complex issues will remain unresolved.

It will be necessary for the inquiry to consider the proposals in the context of the adopted Local Plan and the 'relevant' National Policy. It will also need to consider the Ministerial statement (July 2024) which expresses the firm intention of raising housing targets and facilitate housing delivery. Published alongside this were consultation drafts of a revised NPPF to replace the 2023 version, and a new standard method for calculating local housing need is likely. It also anticipated there may be amendments to the APS. Furthermore, given this ministerial statement expresses a strong policy direction to boosting housing supply and the economy, it should be accorded of 'great importance'.

With regards to the retail sequential test and the need or otherwise for a retail impact assessment, the findings of a previous appeal decision of there being doubt that a retail sequential test and a retail impact assessment was required for a village centre serving the new development and existing village, needs exploring.

Likewise the 'weighting' of the less than substantial harm to heritage assets against the public benefits needs exploring. As will any remaining highways issues.

The related planning policy issues, including the overall planning balance in play at the time of the inquiry needs to be debated. All of these topics will require the submission of detailed evidence, presentation and cross examination. These are likely to involve legal submissions in the context of whether any related impacts/concerns can also be addressed through conditions or planning obligations.

This appeal is an unusual scheme in that it proposes the development of the retail/commercial element of the scheme in conjunction with the residential element, and all in the context of the residential

growth that has already been permitted in and around Marnhull. Important issues arise as to the relevance or otherwise of 'Town Centre' policies (both development plan and national) and/or the need for RIA and, if so, the scope and implications thereof. This will require detailed evidence, presentation and cross examination.

The need for housing (market and affordable) is beyond doubt when having regards to the strong policy direction of the Written Ministerial Statement (July 2024). The Appellant will explain the benefits of the proposal in arguing the 'flat balance'.

The above issues all give rise to complex legal and planning policy considerations for the decision maker. The issues can only be properly tested through formal evidence and questioning of Expert Witnesses by an Advocate, which would not be permissible under the Informal Hearing procedure.

The application also generated considerable public interest and this is a further reason why a public inquiry is most appropriate.

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

4

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

1/2 day each.

(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?

N/A

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:
Address at which notice was served:
Date the notice was served:**

[REDACTED]

**Owner's Name:
Address at which notice was served:
Date the notice was served:**

[REDACTED]

Owner's Name:
Address at which notice was served:
Date the notice was served:



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

17/10/2024 08:26:26

Name

Mr & Mrs CL Planning

On behalf of

Mr Paul Crocker

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:	Tess Butts SoC FINAL submission.pdf
Relates to Section:	FULL STATEMENT OF CASE
Document Description:	A separate list of appendices to accompany your full statement of case
File name:	SoC Appendix b.pdf
File name:	SoC Appendix C.pdf
File name:	SoC Appendix A.pdf
Relates to Section:	FULL STATEMENT OF CASE
Document Description:	A planning obligation (a section 106 agreement or a unilateral undertaking).
File name:	Draft S106 Tess and Butts appeal submission.pdf
Relates to Section:	SUPPORTING DOCUMENTS
Document Description:	01. A copy of the original application sent to the LPA.
File name:	ApplicationForm.pdf
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:	Decision Notice_POUT202302644.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:	Location 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:	11424 Bat Activity Transect Rpt V1.pdf
File name:	11424 Bat Emer Sur Rpt V1.pdf
File name:	11424 Reptile Report V1.pdf
File name:	22039 100 Site Location Plan P3.pdf
File name:	22039 103 Existing Site Plan P2.pdf
File name:	2260BF~1.PDF
File name:	2278BC~1.PDF
File name:	22039 102 Tess Square Block Plan P2.pdf
File name:	22039 101 Tess Square Site Layout P2.pdf
File name:	224DA2~1.PDF

File name: 22039 113 Site Sections P1.pdf
File name: 22039 112 Business Unit Roof Plan P1.pdf
File name: 22039 106 Food Store Roof Plan P1.pdf
File name: 22039 109 Business Unit Elevations P1.pdf
File name: 22039 108 Food Store Sections P1.pdf
File name: 22039 107 Food Store Elevations P1.pdf
File name: 2280A0~1.PDF
File name: 22068 Tess Square LVIA Report.pdf
File name: Archaeology DBA.pdf
File name: BCLVIA~2.PDF
File name: BC LVIA Appendix 3 Blackmore Vale LCA.pdf
File name: BC LVIA Appendix 1 methodology.pdf
File name: BCLVIA~4.PDF
File name: BC LVIA Appendix 5 LVIA Diagrams.pdf
File name: Butts Close LVIA Report.pdf
File name: Butts bats.pdf
File name: FRA-(Tess Square) Issue 1 - PART 3 of 3.pdf
File name: FRA (Tess Square) Issue 1 - Part 1 of 3.pdf
File name: FRA-(Tess Square) Issue 1 - PART 2 of 3.pdf
File name: Ecology report.pdf
File name: Material Schedule.pdf
File name: HARDWO~1.PDF
File name: HARDWO~2.PDF
File name: Heritage Assessment.pdf
File name: Softworks Plan (Sheet 4 of 5) P3.pdf
File name: SO60B9~1.PDF
File name: Softworks Plan (Sheet 2 of 5) P3.pdf
File name: Softworks Plan (Sheet 3 of 5) P3.pdf
File name: SOFTWO~1.PDF
File name: TESSAN~1.PDF
File name: TESSSQ~2.PDF
File name: TESSSQ~1.PDF
File name: Tess Square Retail Technical Note.PDF
File name: Tess Square Cafe and Business Units CGI.pdf
File name: TRANSP~4.PDF
File name: TRE1BE~1.PDF
File name: TRANSP~1.PDF
File name: Transport Statement app E to J.pdf
File name: Transport Statement and apps A to D.pdf
File name: Travel Plan.pdf
File name: TSLVIA~2.PDF
File name: TS LVIA Appendix 1 methodology.pdf
File name: TS LVIA Appendix 3 Blackmore Vale LCA.pdf
File name: TS LVIA Appendix 5 LVIA Diagrams.pdf
File name: TREERE~1.PDF
File name: TSLVIA~4.PDF
File name: Design and access statement-41-56.pdf
File name: Design and access statement-1-25.pdf
File name: Design and access statement-26-40.pdf
File name: Utilities Report Butts Close-36-49.pdf
File name: Utilities Report Butts Close-1-15.pdf
File name: Utilities Report Butts Close-16-35.pdf
File name: Utilities Report Tess Square-1-15.pdf
File name: Utilities Report Tess Square-16-35.pdf
File name: Utilities Report Tess Square-36-44.pdf
File name: FRA Butts Close-append 9 - 11.pdf
File name: FRA Butts Close FRA report appendix1 -4.pdf
File name: FRA Butts Close appendix 5 - 8.pdf

File name:	22039 P200P2 LOCATION PLAN & EXISTING SITE PLAN.pdf
File name:	22039 P201P1 INDICATIVE SITE PLAN coloured.pdf
File name:	Tess Square Food Store Frontage CGI.pdf
File name:	22039 P204P1 PROPOSED AFFORDABLE HOUSING SITE PLAN.pdf
File name:	22039 P203P1 INDICATIVE PROPOSED STREET SCENE Part 2 colour.pdf
File name:	22039 P202P1 INDICATIVE PROPOSED STREET SCENE part 1 coloured.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 Tess & Butts 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:	Refused plans Tess & Butts 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:	Addendum to PDAS 23 11 19.pdf
File name:	Statement of Community Engagement Tess and Butts FINAL.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 during app.pdf
Relates to Section:	SUPPORTING DOCUMENTS
Document Description:	07. A copy of the design and access statement sent to the LPA.
File name:	Design and access statement_compressed-1-25.pdf
File name:	Design and access statement_compressed-26-56.pdf
Relates to Section:	SUPPORTING DOCUMENTS
Document Description:	08. A copy of a draft statement of common ground.
File name:	Tess & Butts SOCG Draft for appeal.pdf
File name:	SO CG Draft appendix B.pdf
File name:	SO CG Draft appendix C.pdf
File name:	Appendix A to draft SoCG.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:	22039 P201P3 INDICATIVE PROPOSED SITE PLAN @A0.pdf
File name:	22039 101 Tess Square Site Layout P3 bw.pdf
File name:	22068L~1.PDF
File name:	22CA93~1.PDF
File name:	22068L~3.PDF
File name:	22068L~4.PDF
File name:	22BF3F~1.PDF
File name:	Archaeology.pdf
File name:	106.0026HRTN3 Highways Response Technical Note.pdf
File name:	Retail Sequential Test Statement FINAL submission.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 following refusal.pdf

Completed by

MR & MRS CL PLANNING

Date

17/10/2024 08:26:26