

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/N1025/W/23/3319160

A. APPELLANT DETAILS

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

Name	Mr David Revill
Company/Group Name	Wulff Asset Management Limited
Address	Harris Lamb 75-76 Francis Road Birmingham B16 8SP
Phone number	07436037290
Email	josie.hobbs@harrislamb.com
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 checked="" type="checkbox"/> No <input type="checkbox"/>
Name	Miss Josie Hobbs
Company/Group Name	Harris Lamb Ltd
Address	Harris Lamb Ltd 75-76 Francis Road, Edgbaston BIRMINGHAM B16 8SP
Phone number	0121 213 6044
Email	josie.hobbs@harrislamb.com
Preferred contact method	Email <input checked="" type="checkbox"/> Post <input type="checkbox"/>

C. LOCAL PLANNING AUTHORITY (LPA) DETAILS

Name of the Local Planning Authority	Erewash Borough Council
--------------------------------------	-------------------------

LPA reference number	ERE/0722/0038
Date of the application	22/07/2022
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	13/10/2022

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

Land North West of 1 to 12 Twelve Houses
Sowbrook Lane
Stanton by Dale
Derbyshire
Grid Ref Easting: 446511
Grid Ref Northing: 339290

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.

OUTLINE APPLICATION FOR UP TO 196 DWELLINGS WITH ALL MATTERS RESERVED OTHER THAN THE MEANS OF ACCESS AT LAND NORTH WEST OF 1 TO 12 SOWBROOK LANE STANTON BY DALE DERBYSHIRE

Area (in hectares) of the whole appeal site [e.g. 1234.56] 10.30 hectare(s)

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

☒ see 'Appeal Documents' section

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

5

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

Half a day per witness

(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?

No.

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

☒

(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

☐

(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: Tata Steel (UK) Ltd
Address at which notice was served: PO Box 101, Weldon Road, Corby, Northamptonshire, NN17 5UA
Date the notice was served: 23/03/2023

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

Miss Josie Hobbs

Date

23/03/2023 16:21:35

Name

Miss Josie Hobbs

On behalf of

Mr David Revill

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:	CHOICE OF PROCEDURE
Document Description:	Document containing detailed reasons why an inquiry is necessary.
File name:	Appeal Procedure Justification Statement with appendix 23.03.2023.pdf
Relates to Section:	FULL STATEMENT OF CASE
Document Description:	A copy of the full statement of case.
File name:	Statement of Case with appendices 23.03.2023.pdf
File name:	Statement of Case - 5YHLS 23.03.2023.pdf
File name:	Incola 1060_R01a Landscape Statement Full Report.pdf
Relates to Section:	SUPPORTING DOCUMENTS
Document Description:	01. A copy of the original application sent to the LPA.
File name:	ApplicationForm (1).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:	0722_0038 DWJ Signed Decision (3).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 Ilkeston Road Stanton By Dale.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:	Location Plan Ilkeston Road Stanton By Dale.pdf
File name:	Planning Statement - Ilkeston June 2022.pdf
File name:	Heritage Statement April 2022.pdf
File name:	P21-283-R01v2 Land at Ilkeston Road and Sowbrook Lane Ilkeston - Noise Assessment.pdf
File name:	220628 - RDC1146 - Design and Access Statement.pdf
File name:	PE0237 Ilkeston Road PEA Final Issue 09.06.2022.pdf
File name:	Statement of Community Involvement FINAL with appendices 23.06.2022.pdf
File name:	450-TP-01-0-Framework Travel Plan-Sowbrook Lane Ilkeston.pdf
File name:	220628 - Ilkeston Masterplan.pdf
File name:	450-TA-01-A-Transport Assessment-Sowbrook Lane, Ilkeston.pdf
File name:	450-FRA-01-0-Flood Risk Assessment-Sowbrook Lane, Ilkeston.pdf
File name:	Planning Obligations and Affordable Housing Statement.pdf
File name:	Ilkeston Tree Survey Tables.pdf

File name:	Ilkeston Root Protection Areas Plan.pdf
File name:	Ilkeston Tree Survey Constraints Plan.pdf
File name:	Land at Ilkeston Road, Sowbrook Lane, Tree Survey 11.10.2021.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:	5 b - Planning document contents page.docx
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:	Ltr Response to Planning Policy 4.10.22.pdf
File name:	450-LT-01-Response to LLFA Comments.pdf
File name:	E68_Ilkeston_Final3.0.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:	6 b - Planning document contents page.docx
Relates to Section:	SUPPORTING DOCUMENTS
Document Description:	07. A copy of the design and access statement sent to the LPA.
File name:	220628 - RDC1146 - Design and Access Statement.pdf
Relates to Section:	SUPPORTING DOCUMENTS
Document Description:	08. A copy of a draft statement of common ground.
File name:	Draft SoCG_March 2023.docx
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:	450-TA10B-Proposed Site Access.pdf
File name:	450-TA14-Possible Bus Stop Locations.pdf
File name:	450-TA13A-Proposed Access off Ilkeston Road.pdf
File name:	450-TA-02-0-Transport Assessment Addendum-Sowbrook Lane, Ilkeston.pdf
File name:	PE0237 Ilkeston Road - Reptile Mitigation Strategy 02.02.23.pdf
File name:	Statement of Case - 5YHLS 23.03.2023.pdf
File name:	PE0237 Ilkeston Rd - BNG Assessment Report 24-02-23.pdf
File name:	PE0237 Ilkeston Road - Skylark Mitigation Strategy 02.02.23.pdf
File name:	Noise Assessment P21-283-TN01v3 Ilkeston.pdf
File name:	Letter to Inspectorate -Justification for new information 23.03.2023 JH.pdf
File name:	Incola 1060_R01a Landscape Statement Full Report.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:	9 b - Planning document contents page.docx
Relates to Section:	SUPPORTING DOCUMENTS
Document Description:	10. Any relevant correspondence with the LPA, including any supporting information submitted with your application in accordance with the list of local requirements.
File name:	Email Correspondence with Planning Officer (1).pdf
File name:	Email correspondence with Planning Officer (2).pdf
Completed by	MISS JOSIE HOBBS

Date

23/03/2023 16:21:35