The Planning Inspectorate

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30-Nov-2012 17:34

CERTIFICATE OF LAWFUL USE OR DEVELOPMENT APPEAL (Online Version)

APPEAL REFERENCE: APP/W1715/X/12/2188688

A. APPELLANT DETAILS

Name: Ram Capital Ltd

Address:
Ram Capital Ltd
12 - 20 Bell Street
Romsey

Phone no.:
Fax no:

Postcode: SO51 8ZE
E-mail: greg.davies@bradbeers.com

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

B. AGENT DETAILS (IF ANY) FOR THE APPEAL

Name: Mr Timothy Price

Address:
Savills Plc
20 Grosvenor Hill
LONDON

Your reference: RAM: Bradbeers
Phone no.: 0161 277 7275
Fax no:

Postcode: W1K 3HQ
E-mail: tprice@savills.com; hlindley@savills.com

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 local planning authority (LPA): Eastleigh Borough Council

Date of application to LPA: 27 Jul 2012
Application Reference number: U/12/71277

Date of decision (if any): 25 Sep 2012

D. APPEAL SITE ADDRESS

Address of site (please give full address)

Tollbar Way
Units 1A and 1B
Bradbeer Retail Park
Southampton

Postcode SO30 2QU Grid Reference: Easting 04482741 Northing 01143737

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. DETAILS OF THE APPEAL

I appeal under section 195(1) of the Town and Country Planning Act 1990 (as amended), against:

'✓'

☑ The decision of the LPA refusing/refusing in part to grant a certificate of lawful use or development, **OR**

☐ The LPA's failure to give notice of their decision within the appropriate period on an application for a certificate of lawful use or development.

Give a precise description of the proposed or existing use, operation or activity as outlined in the application in respect of which a certificate is sought *(Continue on a separate sheet if necessary)*

The application sought certification that the retail sale of all goods from up to 49% of the floorspace in each unit is lawful, pursuant to Condition 8 of Planning Permission: Z/28673/11

State whether the application was made under section 191 or 192? 191 ☐ 192 ☑

In the case of a proposal, had it been started before the application to the LPA was made? YES ☐ NO ☑

Actual use of site at the time of application to the LPA (If not in use, write 'nil' and state last known use)

Retail warehouse units within Use Class A1

F. APPEAL STATEMENT

This should be a clear and concise statement of your full case and the reason(s) why you consider the subject of the application to be lawful.

(Please note that the planning merits of what has been applied for are not relevant in deciding an application or an appeal; it rests entirely on the facts involved in each case).

Please continue on a separate sheet if necessary.

** See separate documents **

G. CHOICE OF PROCEDURE

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 ☑

(for an explanation refer to the guidance leaflet)

This is normally the simplest, quickest and most straightforward way of making an appeal.

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.

2. THE HEARING PROCEDURE ☐

(for an explanation refer to the guidance leaflet)

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, theInspectorate 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.

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 ☐

(for an explanation refer to the guidance leaflet)

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 on a separate sheet 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. OTHER APPEALS

Have you made any other appeals to the Secretary of State on this, or nearby land, for example, against a refusal of planning permission? YES ☑ NO ☐

If yes, please give details, including our reference number, if known.

Appeal Ref: APP/W1715/X/11/2166044

I. SUPPORTING DOCUMENTS

Please enclose with the appeal form a copy of each of the following documents and tick the appropriate box for each document.
'✓'

☑ 1 The application made to the LPA;

☑ 2 Each of the plans, drawings and documents sent to the LPA as part of the application they considered;

☑ 2i List of plans, drawings and documents (stating drawing numbers) submitted with the application to the LPA.

☑ 3 The LPA's decision (if any);

☑ 4 All other relevant correspondence with the LPA;

☑ 5 A plan showing the site marked in red, in relation to two named roads (preferably on an extract from the relevant 1:10,000 Ordnance Survey map);

☑ 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).

☑ 6i A list of all plans, drawings and documents (stating drawing numbers) which did not form part of the original application.

J. CHECK SIGN AND DATE

Please tick '✓'

I have filled in all parts of the form ✔

I have attached all supporting documents ticked in section I. ✔

I have clearly marked the relevant plans ✔

I have sent a copy of this form and any documents to the LPA ✔

Date 30 November 2012

Name (in capitals) Mr Timothy Price

On behalf of (if applicable) Ram Capital Ltd

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.

K. NOW SEND

• **Send a copy to the LPA** • **You may wish to keep a copy of the completed appeal form for your records.**

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.

When we receive your appeala form, we will write to you letting you know if your appeal is valid, who is dealing with it and what happens next.

L. APPEAL DOCUMENTS

Please remember that any supporting documentation needs to be received by us within the appropriate deadline for the case type.

We will not be able to validate the appeal until all the necessary supporting documents are received.

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

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* The Documents Listed Below Will Follow By Post *
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==========  SUPPORTING DOCUMENTS  ==========
** 01. The application made to the LPA.
** 02. 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
** 02i. A list of all plans, drawings and documents (stating drawing numbers) submitted
  with the application to the LPA.
** 03. The LPA's decision (if any).
** 04. All other relevant correspondence with the LPA.
** 05. 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 the location of the
  appeal si
** 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).
** 06i. A list of all plans, drawings and documents (stating drawing numbers) which did
  not form part of the original application.

==========  APPEAL STATEMENT  ==========
** Appeal Statement
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