The Planning Inspectorate

For official use only
Date Recieved

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

Company/Group name (if applicable) MARINA DEVELOPMENTS LTD.

Address OUTLOOK HOUSE, HAMBLE POINT, SCHOOL LANE, HAMBLE, SOUTHAMPTON.

Postcode SO31 4NB.

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

Company/Group name (if applicable) CANFORD CLIFFS ARCHITECTS

Address 28 HAVEN ROAD, CANFORD CLIFFS, POOLE. DORSET.

Postcode BH13 7LP.

Your reference 2859

Daytime phone 01202 708192 Fax 01202 700976.

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 EASTLEIGH BOROUGH COUNCIL.

LPA's application reference number F/16/79138.

Date of the application 24.09.2016.

Did the LPA validate and register your application? Yes ✓ No

Date of the LPA's decision notice. 14.11.2016.

D. APPEAL SITE ADDRESS

See section D of the guidance leaflet.

Address MERCURY MARINA,
SATCHELL LANE, HAMBLE,
SOUTHAMPTON. Postcode SO31 4HQ.

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

Area of the whole appeal site (i.e. the boundary) in hectares 0.005.

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

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 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 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 ✓

PLANNING APPLICATION F/16/79138
ERECTION OF 8 NO. FLAGPOLES, MERCURY MARINA, HAMBLE

APPELLANT'S GROUND OF APPEAL

1. The Planning Authority cites Refusal of Permission on the basis that the number of flagpoles and their positioning prompts over-prominent visual impact, and consequent detriment to a perceived rural character of the surrounding area. Whilst recognising the location within a margin identified as a 'Strategic Local Gap' containing the upstream spread of Hamble Village, the Appellant contends that the basis for advised concerns are exaggerated and perception of 'rural' character not entirely appropriate.

2. Although the situation has semblance of rural association by reason of composition of a narrow swathe of field pastures descending the hillside, the more predominant presence is of adjoining woodland and downslope boundary contained by a large Caravan Park and Mercury Marina. Furthermore, the small hillslope section is obscured from the higher ground of the upslope plateau, and also from estuary aspects, and only readily discernible from approaches in either direction along Satchell Lane, albeit largely obstructed by hedge boundaries. In the circumstances, the location has neither any significant prominence, and qualification for a truly 'rural' environment is debatable.

3. Downslope containment of the margin is demarked by a narrow access roadway bordering the Caravan Park and Marina site, along which the flagpoles are positioned set against existing boundary screening. The poles themselves are quite modest, being appreciably shorter and less substantial than a normal telegraph post, and with limited projection above the boundary screening. From the higher ground and estuary, the Marina site dominates, with thicket of tall boat masts creating prominent backcloth to Satchell Lane and access road approaches, and accordingly compromising any presumed strictly rural character perceived by the Authority.

4. The Authority's primary issue is assumed with the larger group of flagpoles (1-6) positioned adjacent the junction of the access roadway and Satchell Lane, although general objection also extends to the more detached pair (7 + 8) set against the boundary screening adjacent the Marina entry. Given that this pair could be considered substantially absorbed into the adjoining boundary screening, and isolated from the Satchell Lane approaches, the Appellant considers that they could not be construed either prominent or imposing adverse visual impact, and ought therefore to be conceded acceptable in any event.

5. The main group (1-6) at the road junction are obviously intended to register to the highway approach, but visual impact is considered remaining restricted to the immediate location and not to the broader upslope margin. In context of existing hedged boundaries, the wooded backcloth to the north and the adjacent Caravan Park and Marina sites, the Appellant considers the poles having comparatively inconsequential impact and which, with any attached flags, would not register unduly prominent nor discordant within the overall context, particularly given that the downslope boundary and access roadway are already overlooked by the far more substantial backcloth of boat masts. The latter dominates aspects from the higher ground, against which the small group of insubstantial poles will hardly register, whilst from the Village approach any aspects into the area are already precluded by hedging and banks and consequently unaffected by any fleeting glimpse of the poles.

6. The Authority's argument presupposes the location as 'rural' in conventional sense, and within which development impact is perceived in context of a wider 'surrounding area'. In practice, whilst the hillslope margin retains some rural characteristics, it has only any local relevance and immediate proximity of significant dominant development compromises any sense of space or relative isolation characteristic of real rural environment. It is therefore unreasonable of the Authority to ignore actual context, or even to assume that use will remain conventionally agricultural.

7. The Appellant accordingly contends that whilst the poles and any associated flag signage would be briefly discernible to approaches along Satchell Lane, their relatively low height and concentrated grouping would effectively localise any visual impact and not compromise the adjoining margins by reason of being either unduly intrusive or over-prominent.

8. It is therefore requested that this Appeal be allowed.

Canford Cliffs Architects
RW/PE/2859-9
January 2017

H. FULL STATEMENT OF CASE (continued)

Please continue on a separate sheet if necessary

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)

SSENTIAL SUPPORTING DOCUMENTS

See section 3 of the guidance leaflet.

e 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 application stage (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 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. 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. 5 ✓
Please number them clearly and list the numbers here or on a separate sheet.

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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). 6
Please number them clearly and list the numbers here or on a separate sheet.

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; 11a
b) all plans sent at outline application stage; 11b
c) the original outline planning permission. 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 original permission 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 [redacted] Date 03.01.2017.

Name (in capitals) R. MARMISTON

On behalf of (if applicable) MARRIAGE DEVELOPMENTS LTD. CANFORD CLIFFS ARCHITECTS.

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

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.

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