For official use only (date received): 09/09/2024 10:20:29

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/Y3940/W/24/3351527

A. APPELLANT DETAILS

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

Name	. . Robert Hitchins Limited
Address	The Manor Boddington Cheltenham GL51 0TJ

Preferred contact method — Email ☑ Post ☐

B. AGENT DETAILS

Do you have an Agent acting on your behalf? — Yes ☑ No ☐

Name	Mr Ben Kelly
Company/Group Name	Pegasus Group
Address	33 Sheep Street Cirencester Cirencester Gloucestershire GL7 1RQ
Phone number	01285886583
Email	ben.kelly@pegasusgroup.co.uk

Preferred contact method — Email ☑ Post ☐

C. LOCAL PLANNING AUTHORITY (LPA) DETAILS

Name of the Local Planning Authority	Wiltshire Council
LPA reference number	PL/2023/10421
Date of the application	30/11/2023

Did the LPA validate and register your application? — Yes ☑ No ☐

Did the LPA issue a decision? Yes ☑ No ☐

Date of LPA's decision: 17/05/2024

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 South of Abberd Lane, and East of Spitfire Road
Calne
Wiltshire
Grid Ref Easting: 400847
Grid Ref Northing: 171481

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.

Development of a new Local Centre comprising a Class E(f) day nursery and Class E(a) convenience store, with associated parking, access and landscaping.

Area (in hectares) of the whole appeal site [e.g. 1234.56]: 0.83 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

☑ the box below

Please refer to the 'Appeal Procedure' section within Appellant's submitted Statement of Case.

(a) How many witnesses do you intend to call? 2

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

Between half a day and a full day for each witness.

(c) How long do you estimate the inquiry will last? 8 day(s)

(d) Is there any further information relevant to the inquiry which you need to tell us about?

Note the request for this appeal to be conjoined with the housing appeal on the adjoining site that is being lodged concurrently with this appeal.

If the appeals are conjoined we expect the inquiry to last 6-8 days in total.

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: ☐

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. ☑

Certificate C or D

☑ see 'Appeal Documents' section

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 ☑

Please give details, including our reference number(s), if known.

Appeal submitted concurrently with another appeal by the same Appellant, on adjacent land (Land Off Spitfire Road, Calne, Wiltshire) following the refusal of application PL/2022/07893. The Appellant wishes for these appeals to be linked.

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 knowledege.

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 Ben Kelly
Date	09/09/2024 10:22:15
Name	Mr Ben Kelly
On behalf of	. . Robert Hitchins Limited

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:	Retail Statement of Case 06-09-2024 final.pdf
Relates to Section:	SITE OWNERSHIP CERTIFICATES
Document Description:	Certificate C or D.
File name:	Certificate D.pdf
Relates to Section:	SUPPORTING DOCUMENTS
Document Description:	01. A copy of the original application sent to the LPA.
File name:	Application Form.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.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:	Carney Sweeney Retail Rebuttal.pdf
File name:	Noise Assessment.pdf
File name:	Covering Letter.pdf
File name:	Landscape Management Plan.pdf
File name:	Design and Access Statement.pdf
File name:	Ecology Response Briefing Note.pdf
File name:	Ecological Assessment.pdf
File name:	Biodiversity Net Gain Assessment.pdf
File name:	Transport Statement.pdf
File name:	Drainage Statement.pdf
File name:	Archaeological Evaluation.pdf
File name:	Planning & Retail Statement.pdf
File name:	Delivery and Servicing Management Plan.pdf
File name:	Extract and Ventilation Statement.pdf
File name:	Written Scheme of Investigation for Archaeological Evaluation.pdf
File name:	Energy Statement.pdf

File name:	Framework Travel Plan.pdf
File name:	Block Plan.pdf
File name:	Levels Strategy.pdf
File name:	Proposed Elevations.pdf
File name:	Proposed Sections.pdf
File name:	External Lighting Plan.pdf
File name:	Proposed 3D Aerial Visualisations.pdf
File name:	Location Plan.pdf
File name:	Proposed 3D Street View Visualisations.pdf
File name:	Existing Site Plan.pdf
File name:	Proposed 3D Visualisations.pdf
File name:	Proposed Roof Plan.pdf
File name:	Drainage Strategy.pdf
File name:	Proposed Site Plan (superseded).pdf
File name:	Landscape Proposals (superseded).pdf
File name:	Proposed GF Plan.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:	N001v1 PL - List of Plans and Docs Submitted as Part of the Original Submission.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:	21278.101 REV I LANDSCAPE PROPOSALS.pdf
File name:	9311 PL04G Proposed Site Plan.pdf
File name:	Landscape and Visual Appraisal.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:	N002v1 PL - List of Plans and Documents Submitted During the Application.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.pdf
Relates to Section:	SUPPORTING DOCUMENTS
Document Description:	08. A copy of a draft statement of common ground.
File name:	Retail SOCG 06-09-2024 for submission .docx

Completed by	MR BEN KELLY
Date	09/09/2024 10:22:15