

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/M1520/W/22/3310794

A. APPELLANT DETAILS

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

Name Messers G P, K M (deceased), G M, G W Smith

Company/Group Name G&K Groundworks; ACT Roadways Ltd

Address
C/o Agent Old School House
Rettendon Turnpike
Battlesbridge
SS11 7QL

Phone number 03300536811

Email contact@smartplanning.co.uk

Preferred contact method Email ☒ Post ☐

B. AGENT DETAILS

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

Name Mr Russell Forde

Company/Group Name Smart Planning

Address
Old School House, Woodham Road
Battlesbridge
WICKFORD
Essex
SS11 7QL

Phone number 03300536811

Email contact@smartplanning.co.uk

Your reference 16.3839

Preferred contact method Email ☒ Post ☐

C. LOCAL PLANNING AUTHORITY (LPA) DETAILS

Name of the Local Planning Authority	Castle Point Borough Council
LPA reference number	21/0532/OUT
Date of the application	21/05/2021
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	10/05/2022

D. APPEAL SITE ADDRESS

Is the address of the affected land the same as the appellant's address?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Does the appeal relate to an existing property?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Address	Land East of Manor Trading Estate Benfleet Essex
Is the appeal site within a Green Belt?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
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 <input type="checkbox"/> No <input checked="" type="checkbox"/>

E. DESCRIPTION OF THE DEVELOPMENT

Has the description of the development changed from that stated on the application form?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Please enter details of the proposed development. This should normally be taken from the planning application form.	
Outline Planning Application Comprising of 68 Residential Units, Three Class E (Commercial, Business and Service) Units, One B2 (General Industrial) Unit and Two B8 (Storage and Distribution) Units with Associated Access, Parking, Amenity Space, Strategic Landscaping and Noise Attenuation. Restoration and Improvement of Existing Estate Roads and Infrastructure.	
Area (in hectares) of the whole appeal site [e.g. 1234.56]	5.57 hectare(s)
Area of floor space of proposed development (in square metres)	6359 sq metre(s)
Does the proposal include demolition of non-listed buildings within a conservation area?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>

F. REASON FOR THE APPEAL

The reason for the appeal is that the LPA has:

- | | |
|--|-------------------------------------|
| 1. Refused planning permission for the development. | <input checked="" type="checkbox"/> |
| 2. Refused permission to vary or remove a condition(s). | <input type="checkbox"/> |
| 3. Refused prior approval of permitted development rights. | <input type="checkbox"/> |

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 appeal proposal is a major application of strategic importance. It engages with the LPA's housing and economic strategies. It questions the ability of the LPA to produce development plan documents of any helpfulness within generations that have already missed the benefit of housing and improved industrial environments. The circumstances of land assembly, and the ability to deliver infrastructure improvement to a whole 'trading estate' are unique and not to be underestimated. The LPA has been dismissive of this despite having publicly adopted policies to provide the same.

The LPA has recently voted to NOT adopt the New Local Plan which has exacerbated the strategic planning situation further still. The appellant has been in dialogue with the LPA in relation to the appeal proposal (and previous iterations thereof) since 2016. Only a public inquiry will unravel the complex and yet ultimately positive factors present in the appeal proposal, leading to sustainable development.

The VSCs put by the appellant are complex, as is the development context. The LPA has already misinterpreted the formally assessed noise environment (existing and proposed) which makes such a significant contribution to the planning issues in this case. All these matters, individually and collectively, require formal cross examination of experts, so that facts can be properly established as a basis for robust decision making and assigning of weight in the planning balance.

The appeal proposal is a significant local interest. It was the subject of two locally organized public meetings and there are in excess of 80 third party consultation responses. Of these, the LPA has denied access for anyone, including the appellant, to read and understand the third party submissions. These need bringing to the light so that all stake holders can fully appreciate the sincerely held opinions of everyone who has expressed an interest. A public inquiry will help to do this and their attendance and participation is encouraged by the appellant and Central Government.

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

3

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

Planning Witness 4 hours.
Acoustic Witness 3 hours.
Highways Witness 1 hour.

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

4 day(s)

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

There may be significant third party interest.

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



☒ 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:

Marden Signs & Designs Limited

Address at which notice was served:

30A Brunel Road, Manor Trading Estate, Benfleet, Essex, SS7 4PS

Date the notice was served:

21/10/2022

Owner's Name:

Essex Highways

Address at which notice was served:

County Hall, Chelmsford, Essex CM1 1QH

Date the notice was served:

21/10/2022

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 ☐ Yes ☐ No ☒

been decided?

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 Russell Forde

Date

09/11/2022 17:17:01

Name

Mr Russell Forde

On behalf of

Messers G P, K M (deceased), G M, G W Smith

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:	22-11-01 Appeal Statement of Submissions v1.0.pdf
Relates to Section:	FULL STATEMENT OF CASE
Document Description:	A planning obligation (a section 106 agreement or a unilateral undertaking).
File name:	22-04-06 DRAFT Heads of Terms S106 Agreement v1.0.pdf
Relates to Section:	SUPPORTING DOCUMENTS
Document Description:	01. A copy of the original application sent to the LPA.
File name:	22-04-28 Application Form v3.0.pdf
File name:	21-05-21 Application Form - SUPERSEDED.pdf
File name:	21-08-03 Application Form - SUPERSEDED.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:	22-05-10 REFUSED 21-0532-OUT.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:	21-05-04 16.3839-M006 Location Map (A4_10000).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:	21-05-21 Heads of Terms S106 Agreement v1.0.pdf
File name:	21-07-28 18.442-P-204b_area measurements.pdf
File name:	21-08-26 Waste Infrastructure Impact Assessment v1.0.pdf
File name:	21-05-21 Submit Letter v1.0.pdf
File name:	21-09-10 Third Party Response Statement v1.0.pdf
File name:	21-01-22 18.442-P-204_area measurements.pdf
File name:	21-04-19 Transport Assessment IT1932TA Final.pdf
File name:	21-07-29 FINAL Preliminary Ecological Assessment SES Issue 1 290721.pdf
File name:	22-04-12 16.3839-M005D Location Plan (A3_2500).pdf
File name:	21-02-03 Waterco FRA Drainage Strategy-01.pdf
File name:	21-05-28 Essex SUDS proforma.pdf
File name:	22-04-07 16.3839-P205 Development Masterplan (A2_1000).pdf
File name:	21-03-26 Manor Trading Estate - arboricultural report - Feb 2021.pdf
File name:	21-05-04 16.3839-M006 Location Map (A4_10000).pdf

File name:	22-04-06 HA Acoustics Report AD961 v2.pdf
File name:	21-07-26 16.3839-E102A Existing Site Plan (A3_1250).pdf
File name:	19-02-06 Trentside Geotechnical Report TGT2826.pdf
File name:	18-10-11 Contamination Assessment Part 3.pdf
File name:	18-10-11 Contamination Assessment Part 1.pdf
File name:	18-10-11 Contamination Assessment Part 2.pdf
File name:	21-05-04 16.3839-E102 Existing Site Plan (A3_1250) - SUPERSEDED.pdf
File name:	18-08-10 FINAL Preliminary Ecological Assessment - SUPERSEDED.pdf
File name:	20-01-13 16.3839-M005B Location Plan (A3_2500) - SUPERSEDED.pdf
File name:	20-07-24 IAL Noise Constraint Study - SUPERSEDED.pdf
File name:	21-01-11 18.442-P-203 FINAL development masterplan - SUPERSEDED.pdf
File name:	21-07-13 18.442-P-203b_development masterplan - SUPERSEDED.pdf
File name:	21-12-17 AD961 Report - SUPERSEDED - reduced.pdf
File name:	21-05-21 Schedule v1.0 - SUPERSEDED.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:	22-04-12 16.3839-Drawing Register.pdf
Relates to Section:	SUPPORTING DOCUMENTS
Document Description:	07. A copy of the design and access statement sent to the LPA.
File name:	21-05-21 Planning Design and Access Statement v1.0.pdf
Relates to Section:	SUPPORTING DOCUMENTS
Document Description:	08. A copy of a draft statement of common ground.
File name:	22-11-01 Statement of Common Ground v0.1.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:	22-04-12 16.3839-Drawing Register Updated.pdf
File name:	22-10-21 Appeal Submit Letter v1.0.pdf
File name:	22-10-21 Appeal Schedule v1.0.pdf
File name:	22-11-09 Updated Schedule v4.0.pdf
File name:	Appeal B 22-11-09 16.3839-M007 Schedule of Commercial Building Floor Area and Parking Provision (A4_NTS).pdf
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:	21-06-01 LPA SPL Registration Letter.pdf
File name:	21-06-04 LPA TS Kim Fisher-Bright confirm receipt of boundary lines response.pdf
Completed by	MR RUSSELL FORDE
Date	09/11/2022 17:17:01