

For official use only (date received): 10/05/2024 16:34:27

## 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/D0121/W/24/3344142**

#### A. APPELLANT DETAILS

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

Name

- - -

Company/Group Name

M7 Planning Limited and M7 SW LLP

Address

16 Riverside Omega Park  
Alton  
GU34 2UF

Preferred contact method

Email



Post



#### B. AGENT DETAILS

Do you have an Agent acting on your behalf?

Yes



No



Name

Mr Arwel Evans

Company/Group Name

Lichfields

Address

Helmont House  
Churchill Way  
Cardiff  
CF10 2HE

Phone number

07341773568

Email

arwel.evans@lichfields.uk

Preferred contact method

Email



Post



#### C. LOCAL PLANNING AUTHORITY (LPA) DETAILS

Name of the Local Planning Authority

North Somerset Council

LPA reference number

22/P/0459/OUT

Date of the application

22/02/2022

Did the LPA validate and register your application? Yes  No

Did the LPA issue a decision? Yes  No

Date of LPA's decision

#### 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 of Mulberry Road  
 Congresbury  
 Grid Ref Easting: 344268  
 Grid Ref Northing: 163151

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

If YES, please state below the revised wording

Outline planning application for the erection of up to 70no. dwellings (including 30% affordable housing), public open space, children's play area, landscaping, sustainable urban drainage system and engineering works, with vehicular access off Mulberry Road. All matters reserved except for means of access.

Please attach a copy of the LPA's agreement to the change.

see 'Appeal Documents' section

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

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?

6

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

We anticipate that the total time required for these 6 witnesses to give their evidence (including cross examination) will be circa 3-4 days.

Precise timings for presentation of evidence in chief by each witness and cross examination of council's witnesses are to be provided at the Case Management Conference.

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

6 day(s)

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

Please see covering letter.

## 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

[see 'Appeal Documents' section](#)

(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:**



<b>Owner's Name:</b>	Arthur Edwards
<b>Address at which notice was served:</b>	Home Cottage, The Street, Didmarton, Badminton, GL9 1DT
<b>Date the notice was served:</b>	10/05/2024
<b>Owner's Name:</b>	Rodney G Stephens
<b>Address at which notice was served:</b>	50 Park Road, Congresbury, Bristol, BS49 5HH
<b>Date the notice was served:</b>	10/05/2024
<b>Owner's Name:</b>	Rolan F Griffin
<b>Address at which notice was served:</b>	Elm Cottage, Ham Lane, Kingston Seymour, Clevedon, BS21 6XE
<b>Date the notice was served:</b>	10/05/2024
<b>Owner's Name:</b>	North Somerset Council Highways Team
<b>Address at which notice was served:</b>	Town Hall, Walliscote Grove Road, Weston
<b>Date the notice was served:</b>	Super-Mare, BS23 1UJ - 10/05/2024

## 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**

**Date**

**Name**

**On behalf of**

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:

<b>Relates to Section:</b>	DESCRIPTION OF DEVELOPMENT
<b>Document Description:</b>	A copy of the LPA's agreement to the change.
<b>File name:</b>	Letter to Richard Kent 26-10-23.pdf
<b>File name:</b>	Committee Report 15-11-23 confirming revised description.pdf
<b>Relates to Section:</b>	CHOICE OF PROCEDURE
<b>Document Description:</b>	Document containing detailed reasons why an inquiry is necessary.
<b>File name:</b>	61260 04 Appeal Submission Covering Letter 10-5-24(32123889.3).pdf
<b>Relates to Section:</b>	FULL STATEMENT OF CASE
<b>Document Description:</b>	A copy of the full statement of case.
<b>File name:</b>	61260 04 Mulberry Road, Congresbury Statement of Case 10-05-24.pdf
<b>File name:</b>	Appendix 6 - Planning and Regulatory Committee Update Sheet 11 October 2023.pdf
<b>File name:</b>	Appendix 8 - Planning and Regulatory Committee Update Sheet 15 November 2023.pdf
<b>File name:</b>	Appendix 15 - Appellant Representations to Local Plan 2039 Reg 18 and Reg 19 Consultations.pdf
<b>File name:</b>	Appendix 12 - SHLAA Village Schedules - Congresbury.pdf
<b>File name:</b>	Appendix 14 - Residential Proforma HE20375.pdf
<b>File name:</b>	Appendix 2 - List of additional plans_docs_drawings submitted to LPA(32056480.1).pdf
<b>File name:</b>	Appendix 10 - Inspectors report on examination of policy CS13 of the Core Strategy.pdf
<b>File name:</b>	Appendix 4 - Revised Sketch layout @1to500 at A1 Landscape.pdf
<b>File name:</b>	Appendix 11 - Strategic Housing Land Availability Assessment - main report (Nov 2023) (1).pdf
<b>File name:</b>	Appendix 3- List of all plans_docs_drawings upon which the LPA made their decision(32056496.1).pdf
<b>File name:</b>	Appendix 9 - Lichfields Start to Finish.pdf
<b>File name:</b>	Appendix 5 - Planning and Regulatory Committee Report 11 October 2023.pdf
<b>File name:</b>	Appendix 13 - Spatial Strategy and Capacity November 2023.pdf
<b>File name:</b>	Appendix 1 -List of all plans_docs_drawings submitted to LPA(31944944.1).pdf
<b>File name:</b>	Appendix 7 - Planning and Regulatory Committee Report 15 November 2023.pdf
<b>Relates to Section:</b>	FULL STATEMENT OF CASE
<b>Document Description:</b>	A separate list of appendices to accompany your full statement of case
<b>File name:</b>	List of Statement of Case Appendices(32136198.1).pdf
<b>Relates to Section:</b>	FULL STATEMENT OF CASE
<b>Document Description:</b>	A planning obligation (a section 106 agreement or a unilateral undertaking).
<b>File name:</b>	Draft HoT to be progressed.docx
<b>Relates to Section:</b>	SUPPORTING DOCUMENTS
<b>Document Description:</b>	01. A copy of the original application sent to the LPA.

<b>File name:</b>	Application Form.pdf
<b>Relates to Section:</b>	SUPPORTING DOCUMENTS
<b>Document Description:</b>	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.
<b>File name:</b>	Refusal of application 22 P 0459 OUT.pdf
<b>Relates to Section:</b>	SUPPORTING DOCUMENTS
<b>Document Description:</b>	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.
<b>File name:</b>	Site Location Plan 1to1250 @ A3 Landscape.pdf
<b>Relates to Section:</b>	SUPPORTING DOCUMENTS
<b>Document Description:</b>	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.
<b>File name:</b>	Energy Statement.pdf
<b>File name:</b>	Application Form.pdf
<b>File name:</b>	Planning Statement.pdf
<b>File name:</b>	Arboricultural Constraints Report and Impact Assessment Plan.pdf
<b>File name:</b>	Topographical Survey 1to500 @ A1 Landscape.pdf
<b>File name:</b>	Covering Letter.pdf
<b>File name:</b>	Framework Plan - No Scale - @A4 Landscape.pdf
<b>File name:</b>	Landscape and Visual Impact Assessment - PART 1 OF 2.pdf
<b>File name:</b>	Statement of Community Involvement.pdf
<b>File name:</b>	Ecological Impact Assessment - PART 1 OF 2.pdf
<b>File name:</b>	Site Location Plan 1 to 1250 @A3 Landscape.pdf
<b>File name:</b>	Landscape and Visual Impact Assessment - PART 2 OF 2.pdf
<b>File name:</b>	Lighting Impact Assessment - Lighting Baseline.pdf
<b>File name:</b>	Flood Risk Assessment and Drainage Strategy.pdf
<b>File name:</b>	Transport Assessment April 2021.pdf
<b>File name:</b>	Phase 1 Site Investigation - Preliminary Risk Assessment.pdf
<b>File name:</b>	Design and Access Statemet.pdf
<b>File name:</b>	Travel Plan Framework.pdf
<b>File name:</b>	Heritage Statement Part 4 of 4.pdf
<b>File name:</b>	Heritage Statement Part 2 of 4.pdf
<b>File name:</b>	Heritage Statement Part 3 of 4.pdf
<b>File name:</b>	Heritage Statement Part 1 of 4.pdf
<b>Relates to Section:</b>	SUPPORTING DOCUMENTS
<b>Document Description:</b>	05.b. A list of all plans, drawings and documents (stating drawing numbers) submitted with the application to the LPA.
<b>File name:</b>	List of all plans_docs_drawings submitted to LPA(31944944.1).pdf
<b>Relates to Section:</b>	SUPPORTING DOCUMENTS
<b>Document Description:</b>	05.(c) A list of all plans, drawings and documents upon which the LPA made their decision.
<b>File name:</b>	List of all plans_docs_drawings upon which the LPA made their decision(32056496.1).pdf
<b>Relates to Section:</b>	SUPPORTING DOCUMENTS
<b>Document Description:</b>	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).



<b>File name:</b>	Letter from Education Facilities Management Partnership 7-11-22 in relation to School Transport.pdf
<b>File name:</b>	Image of Site Notice.jpg
<b>File name:</b>	Reservoir Flood Risk Report.pdf
<b>File name:</b>	Letter from Education Facilities Management Partnership 13-01-23 in relation to School Transport.pdf
<b>File name:</b>	Framework Plan - Not to scale @A4 Landscape.pdf
<b>File name:</b>	Green Infrastructure Parameter Plan - Not to Scale @ A4 Landscape.pdf
<b>File name:</b>	MR50001_1001_Site Notice Location 1to1250 @A3 Landscape.pdf
<b>File name:</b>	Offset Site Location - 1to2500 @ A4 Landscape.pdf
<b>File name:</b>	Confirmation of site notice 2.jpeg
<b>File name:</b>	Letter to Case Officer Neil Underhay dated 20-07-22 - response to consultee comments.pdf
<b>File name:</b>	MR50001_1000A_Site Location Plan 1to1250 @A3 Landscape.pdf
<b>File name:</b>	Masterplan - Not to scale @A4 Landscape.pdf
<b>File name:</b>	Technical Note Response to ecological comments made by the Environment Agency 9th August 2023.pdf
<b>File name:</b>	Site Location Plan 1to1250 @ A3 Landscape.pdf
<b>File name:</b>	Confirmation of site notice.jpeg
<b>File name:</b>	List of application documents dated 27_02_2023.pdf
<b>File name:</b>	Image of Site Notice 2.jpg
<b>File name:</b>	Socio Economic Infographic.pdf
<b>File name:</b>	Development Extent Parameter Plan - Not to Scale @ A4 Landscape.pdf
<b>File name:</b>	Flood Risk Assessment & Drainage Strategy.pdf
<b>File name:</b>	Access & Movement Parameter Plan - Not to scale @ A4 Landscape.pdf
<b>File name:</b>	Building Heights Parameter Plan - Not to scale @ A4 Landscape.pdf
<b>File name:</b>	Travel Plan June 2022.pdf
<b>File name:</b>	Density Parameter Plan - Not to Scale @ A4 Landscape.pdf
<b>File name:</b>	Ecology EcIA_Final Part 2 of 2.pdf
<b>File name:</b>	Image of Site Notice 3.jpg
<b>File name:</b>	Shadow HRA.pdf
<b>File name:</b>	Letter to Case Officer Neil Underhay - Applicant Rebuttal 20-01-2023.pdf
<b>File name:</b>	PROPOSED ACCESS ARRANGEMENTS OPTION 1 - 1 to 1250 @ A3 Landscape.pdf
<b>File name:</b>	Highways Report June 2022.pdf
<b>File name:</b>	Note on S106 Requests dated 17-7-22.pdf
<b>File name:</b>	Design and Access Statement.pdf
<b>Relates to Section:</b>	SUPPORTING DOCUMENTS
<b>Document Description:</b>	06.b. A list of all plans, drawings and documents (stating drawing numbers) which did not form part of the original application.
<b>File name:</b>	List of additional plans_docs_drawings submitted to LPA(32056480.1).pdf
<b>Relates to Section:</b>	SUPPORTING DOCUMENTS
<b>Document Description:</b>	07. A copy of the design and access statement sent to the LPA.
<b>File name:</b>	Design and Access Statement.pdf
<b>Relates to Section:</b>	SUPPORTING DOCUMENTS
<b>Document Description:</b>	08. A copy of a draft statement of common ground.
<b>File name:</b>	61260 Draft Statement of Common Ground 10-05-24(32137530.1).pdf
<b>File name:</b>	Appendix 4 - Revised Sketch layout @1to500 at A1 Landscape.pdf
<b>Relates to Section:</b>	SUPPORTING DOCUMENTS
<b>Document Description:</b>	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.
<b>File name:</b>	Revised Sketch layout @1to500 at A1 Landscape.pdf
<b>Relates to Section:</b>	SUPPORTING DOCUMENTS

<b>Document Description:</b>	09.b. A list of all plans and drawings (stating drawing numbers) submitted but not previously seen by the LPA.
<b>File name:</b>	List of Plans Submitted After LPA Decision(32127371.1).pdf
<b>Relates to Section:</b>	SUPPORTING DOCUMENTS
<b>Document Description:</b>	10. Any relevant correspondence with the LPA, including any supporting information submitted with your application in accordance with the list of local requirements.
<b>File name:</b>	13-01-23 - School Transport Contribution.pdf
<b>File name:</b>	List of Correspondence with LPA(32135142.1).pdf
<b>File name:</b>	16-08-22 Ecology Matters.pdf
<b>File name:</b>	01-02-22 IT Issues.pdf
<b>File name:</b>	20-07-22 Email attaching note on s106 matters.pdf
<b>File name:</b>	27-02-23 Email attaching list of application documents, allotment and off site mitigation matters.pdf
<b>File name:</b>	19-07-23 HRA matters.pdf
<b>File name:</b>	11-11-22 PDF copy of HRA.pdf
<b>File name:</b>	13-11-23 Late representations to planning committee.pdf
<b>File name:</b>	08-08-23 Response to Environment Agency Comments.pdf
<b>File name:</b>	18-08-22 Ecology Responses.pdf
<b>File name:</b>	15-11-22 Response to Council's request for planning obligations.pdf
<b>File name:</b>	13-09-23 Committee dates, HRA and Ecology Matters.pdf
<b>File name:</b>	20-01-23 Email attaching rebuttal letter and ecology site visit.pdf
<b>File name:</b>	24-05-23 Reservoir flooding matters.pdf
<b>File name:</b>	07-09-23 Planning Committee Arrangements.pdf
<b>File name:</b>	11-08-23 Response to EA Comments.pdf
<b>File name:</b>	03-07-23 Email attaching letter re reservoir risk.pdf
<b>File name:</b>	07-03-23 Reservoir flooding matters.pdf
<b>File name:</b>	24-11-22 HRA, Heritage, School Transport Contribution.pdf
<b>File name:</b>	14-03-23 Medical Centre Contribution.pdf
<b>File name:</b>	09-11-23 Planning Committee Arrangements.pdf
<b>File name:</b>	26-10-23 Email attaching letter to members of planning committee.pdf
<b>File name:</b>	16-02-23 Email re approved drawings, s106 matters and ecology.pdf
<b>File name:</b>	20-07-22 Response to consultee comments.pdf
<b>File name:</b>	16-09-22 Ecology, flooding, masterplan, obligations, highways.pdf
<b>File name:</b>	11-07-23 HRA, Reservoir Flooding.pdf
<b>File name:</b>	11-08-23 Ecology and HRA matters.pdf
<b>File name:</b>	11-01-23 Response to LPA on biodiversity, highways and transport and other matters.pdf
<b>File name:</b>	10-3-23 Allotment, Reservoir, Parameter Plan Commentary.pdf
<b>Completed by</b>	MR ARWEL EVANS
<b>Date</b>	10/05/2024 16:38:35