



# The Planning Inspectorate

www.planning-inspectorate.gov.uk

PLT DC  
Barnsley

13 MAY 2010

For official use only  
Date received

## PLANNING APPEAL FORM

If you need this document in large print, in audio format or in Braille, please contact our helpline on 0117 372 6372. **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 6 months of the date shown on the Local Planning Authority's decision notice or, for "failure" appeals, within 6 months of the date by which they should have decided the application. **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 **MRS GILLIAN FRAMPTON**

Organisation name (if applicable)

Address **81 KING STREET HOYLAND**

Postcode **S74 9LB**

Daytime phone **07977 278841** 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

Organisation name (if applicable)

Address

Postcode

Your reference

Daytime phone Fax

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 **BARNSLEY MB COUNCIL**LPA's application reference number **2010/0167**Date of the application **25.1.10**

Did the LPA validate and register your application?

 Yes

No

Date of the LPA's decision notice (if issued) **31-3-2010****D. APPEAL SITE ADDRESS**

See section D of the guidance leaflet.

Address **81 KING STREET HOYLAND  
BARNSLEY S74 9LB.**Postcode **S74 9LB.**

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

**RETROSPECTIVE APPLICATION FOR RAISED  
PATIO AND INSTALLATION OF PROPOSED  
900MM FENCE ABOVE EXISTING BOUNDARY  
WALL.**

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

**0.5.**

Area of floor space of proposed development in square metres

**7.3M.****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 Granted planning permission for the development subject to conditions to which you object.

2

3 Refused approval of the matters reserved under an outline planning permission.

3

4 Granted approval of the matters reserved under an outline planning permission subject to conditions to which you object.

4

5 Refused to approve any matter required by a condition on a previous planning permission (other than those in 3 or 4 above).

5

Or

6 Failed to give notice of its decision within the appropriate period (usually 8 weeks) on an application for permission or approval.

6

## 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 simplest, quickest and most straightforward way of making an appeal. The written procedure is particularly suited to small-scale developments (e.g. individual houses or small groups of houses; appeals against conditions and changes of use).

\* Please answer the questions below.

- 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. At the hearing the Inspector will lead a discussion on the matters already presented in the written statements and supporting documents. Although you may indicate a preference for a hearing, the Inspectorate must also consider that your appeal is suitable for this procedure.

◆ Please answer the question below.

- 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 procedures. Although it is not a court of law the proceedings will often seem to be quite similar, as the parties to the appeal will usually be legally represented and expert witnesses may be called to give evidence. Although you may indicate a preference for an inquiry the Inspectorate must also consider that your appeal is suitable for this procedure.

▲ Please answer the questions below.

- a) 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.)
- 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. Yes No

## H. GROUNDS OF APPEAL

See section H of the guidance leaflet to help you decide what to include in your grounds of appeal.

Do you intend to submit a planning obligation (a section 106 agreement or a unilateral undertaking) with this appeal?

Yes

No

I would ask the Inspector to uphold the appeal for the following reasons.

The overlooking issue has been mitigated by the proposed screen fence.

The screen fence is shown above a 1500mm high wall that could be 2M as permitted development.  $1500\text{mm} + 900\text{mm} = 2400\text{mm}$ . I trust you agree that 1400mm at the distance from 85-87 King Street is not overbearing.

The first 800mm of the patio could form part of a 4M permitted development conservatory with no control of overlooking and privacy. To avoid this I have installed obscure glazing adjacent the boundary to prevent this.

The screen fence is proposed to prevent overlooking.

Some one sat on the patio will see less than from the conservatory.

MATERIALS AND DESIGN ARE GOOD.

CONIFERS MAY SCREEN THE BOUNDARY.

The whole area is sloping. This patio does not have ~~an~~ an

**H. GROUNDS OF APPEAL** (continued)

adverse effect on privacy.

Precedent has been set.  
Locally there are raised decks/  
patios, with local authority  
approval.

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**

**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.  C/D

**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)
---------------	--	---

## J. ESSENTIAL SUPPORTING DOCUMENTS

See section J of the guidance leaflet.

If we do not receive ALL your appeal documents by the end of the 6 month appeal period we will not accept your appeal.

You **must** send the documents listed 1-7 below with your appeal form. Please tick the boxes to show which documents you are enclosing.

- |          |   |                                       |
|----------|---|---------------------------------------|
| <b>1</b> | A copy of the original <b>planning application</b> sent to the LPA.   | 1 <input checked="" type="checkbox"/> |
| <b>2</b> | A copy of the <b>site ownership certificate</b> and <b>agricultural holdings certificate submitted</b> to the LPA <u>at application stage</u> (these are usually part of the LPA's planning application form).  | 2 <input checked="" type="checkbox"/> |
| <b>3</b> | A copy of the <b>LPA's decision notice</b> (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 <input checked="" type="checkbox"/> |
| <b>4</b> | A <b>site plan</b> (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 <u>two named roads</u> 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 <input checked="" type="checkbox"/> |
| <b>5</b> | Copies of all <b>plans, drawings and documents</b> 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.<br>Please number them clearly and list the numbers here or on a separate sheet:<br><div style="border: 1px solid black; height: 20px; width: 100%; margin-top: 5px;"></div>  | 5 <input checked="" type="checkbox"/> |
| <b>6</b> | Copies of any <b>additional</b> plans, drawings and documents sent to the LPA but which did not form part of the original application (e.g. drawings for illustrative purposes). Please number them clearly and list the numbers here or on a separate sheet:<br><div style="border: 1px solid black; height: 20px; width: 100%; margin-top: 5px;"></div>   | 6                                     |
| <b>7</b> | A copy of the <b>design and access statement</b> sent to the LPA (if required).   | 7                                     |

You **must** send copies of the following, if appropriate:

- |           |   |                   |
|-----------|---|-------------------|
| <b>8</b>  | Additional plans, drawings or documents relating to the application but <b>not previously seen by the LPA</b> . Acceptance of these will be at the Inspector's discretion. Please number them clearly and list the numbers here or on a separate sheet:<br><div style="border: 1px solid black; height: 20px; width: 100%; margin-top: 5px;"></div> | 8                 |
| <b>9</b>  | Any relevant <b>correspondence</b> with the LPA. Including any supporting information submitted with your application in accordance with the list of local requirements.  | 9                 |
| <b>10</b> | If the appeal is against the LPA's refusal or failure to approve the <b>matters reserved under an outline permission</b> , please enclose:<br>a) the relevant outline application;<br>b) all plans sent at outline application stage;<br>c) the original outline planning permission.   | 10a<br>10b<br>10c |
| <b>11</b> | If the appeal is against the LPA's refusal or failure to decide an application which relates to a <b>condition</b> , we must have a copy of the <u>original permission</u> with the condition attached.   | 11                |
| <b>12</b> | A copy of any <b>Environmental Statement</b> plus certificates and notices relating to publicity (if one was sent with the application, or required by the LPA).  | 12                |

## 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 *G Frampton*

Date *29-11-10*

Name  
(in capitals)

On behalf of  
(if applicable)



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 on our website under "Privacy Statement" and 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 6 month time limit. See section M of the guidance leaflet**

### 1 COPY to us at:

The Planning Inspectorate  
Registry/Scanning Team  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol  
BS1 6PN

**Helpline: 0117 372 6372**

### 1 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.

### 1 COPY for you to keep

**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.**

Published by The Planning Inspectorate August 2008. Printed in the UK August 2008 on paper comprising 100% post-consumer waste.

© Crown Copyright 2008. Copyright in the printed material and design is held by the Crown. You can use extracts of this publication in non-commercial in-house material, as long as you show that they came from this document. You should apply in writing if you need to make copies of this document (or any part of it) to:

The Copyright Unit  
Her Majesty's Stationery Office  
St Clements House  
2-6 Colegate  
Norwich  
NR3 1BQ