

## 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/A2280/W/21/3276221**

#### A. APPELLANT DETAILS

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

Name	Mr Andrew Wilford
Company/Group Name	Esquire Developments
Address	Studio 3 The Old Laundry Green Street Green Road Longfield Kent DA2 8EB
Phone number	01474706184
Email	awilford@esquiredevelopments.com
Preferred contact method	Email <input checked="" type="checkbox"/> Post <input type="checkbox"/>

#### B. AGENT DETAILS

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

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

Name of the Local Planning Authority	Medway Council
LPA reference number	MC/20/1478
Date of the application	25/06/2020
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	26/02/2021

#### 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 at Upnor Road,  
Upper Upnor  
Rochester  
Medway  
Grid Ref Easting: 575371  
Grid Ref Northing: 170530

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

Erection of 72No. residential dwellings including 18 x affordable housing and erection of Childrens Nursery (Use Class E(f)) associated car parking and infrastructure; new landscaping and public open spaces including new public rights of way and new bus stop; sustainable urban drainage system and associated earthworks and a new vehicular access from Upnor Road.

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] 5.10 hectare(s)

Area of floor space of proposed development (in square metres) 7708 sq metre(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

The appeal site requires in-depth examination and analysis of the evidence presented, specifically relating to the Landscape setting of the site as well as the wider planning balance.

To date, the Council has not set out in any detail their specific landscape position or demonstrated evidence to justify their position beyond that set out in the brief landscape consultation response or delegated report. The Council's position to date is considered to have been confused with verbal communications not fully reflecting their written position and draws upon elements that extend beyond landscape impact.

There are significant differences in judgment between the Appellant's and Council in matters relating to the landscape and visual context and the impact of the Appeal scheme. It is considered that there needs to be a cross-examination of the Evidence (including methodology, not simply matters of a purely subjective nature) to explore these differences of judgement fully.

It is considered that the Council's position needs to be reflected and substantiated in Proofs of Evidence and fully explored through cross-examination in order to thoroughly and appropriately assess the deemed level of impact on the landscape and to determine whether the reason for refusal is justified.

Furthermore, Evidence needs to test the Council's conclusions on the wider planning balance. This is in the context of Medway Council's Housing Land Supply position, Local Plan position and Housing Delivery Test Results. The weight to attach to the relevant policies requires cross-examination, as does the weight being given to the overall planning balance by both the Appellant and Council.

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

2

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

1 day each

(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 was a degree of local interest in the application scheme and therefore there may be a number of interested residents or Rule 6 parties that engage with the Appeal process.

## 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:** Jean Jones  
**Address at which notice was served:** 18 Rivermead, St Mary's Island, Chatham Maritime, ME4 3JU  
**Date the notice was served:** 01/06/2021

**Owner's Name:** Ann Sawtell  
**Address at which notice was served:** Bishops House, Bishops Lane, Hunton, Maidstone, ME15 0SH  
**Date the notice was served:** 01/06/2021

**Owner's Name:** Andrew Ballard  
**Address at which notice was served:** Priestfield Shaw, Green Lane, Meopham, Gravesend, DA13 0XU  
**Date the notice was served:** 01/06/2021

**Owner's Name:** Lynn Ballard  
**Address at which notice was served:** 3 Pitt Cottages, Chignall St James, Chelmsford  
**Date the notice was served:** 01/06/2021

**Owner's Name:** C.C Trading Ltd C/O Savills  
**Address at which notice was served:** Christian Colbeck, 33 St Margaret Street, London, W1G 0JD  
**Date the notice was served:** 01/06/2021

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**

Mr Andrew Wilford

**Date**

01/06/2021 17:02:16

**Name**

Mr Andrew Wilford

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. Further information about our Data Protection policy can be found on our website under Privacy Statement.

## **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>	Final Delegated Report.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>	Appendix B Core Docs Schedule June 2021.pdf
<b>File name:</b>	Appendix A Land at Upnor SoCG Draft I.pdf
<b>File name:</b>	Upnor Land At Upnor Road SoC Final.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>	No draft S106 Obligation yet available.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>	CD2.2 ApplicationForm.pdf
<b>Relates to Section:</b>	SUPPORTING DOCUMENTS
<b>Document Description:</b>	02. A copy of the site ownership certificate and agricultural holdings certificate submitted to the LPA at application stage (these are usually part of the LPA's planning application form).
<b>File name:</b>	CD2.3 Notice.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>	CD3.2 Decision Notice.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>	CD2.70 29414A_01 Location Plan.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>	CD2.17 29414A_02 Block Plan.pdf
<b>File name:</b>	CD2.16 Location Plan.pdf
<b>File name:</b>	CD2.18 29414A_03_As Existing Sections-Sheet 1.pdf
<b>File name:</b>	CD2.19 29414A_04_As Existing Sections-Sheet 2.pdf
<b>File name:</b>	CD2.20 29414A_10 Proposed Site Plan.pdf

**File name:** CD2.25 29414A\_15 Mix Plan.pdf  
**File name:** CD2.24 29414A\_14 Refuse Plan.pdf  
**File name:** CD2.23 29414A\_13 Fire Plan.pdf  
**File name:** CD2.22 29414A\_12 Parking Plan.pdf  
**File name:** CD2.52 30160 LN-LP-09 Birds-Eye View.pdf  
**File name:** CD2.51 29414A\_61 - Proposed Street Scenes Sheet 2.pdf  
**File name:** CD2.21 29414A\_11 Proposed Site Layout Coloured.pdf  
**File name:** CD2.50 29414A\_60 - Proposed Street Scenes Sheet 1.pdf  
**File name:** CD2.26-2.49 29414A - House Type Drawings 30-53.pdf  
**File name:** CD2.7 LVIA Part 1 of 5.pdf  
**File name:** CD2.5 Planning Statement.pdf  
**File name:** CD2.7 Part 4 of 5 to follow as plan exceeds 15mb.docx  
**File name:** CD2.8 Landscape Strategy.pdf  
**File name:** CD2.13 Built Heritage Statement.pdf  
**File name:** CD2.7 LVIA part 3 of 5.pdf  
**File name:** CD2.7 LVIA part 5 of 5.pdf  
**File name:** CD2.9 Ecology Appraisal.pdf  
**File name:** CD2.12 Odour.pdf  
**File name:** CD2.6 Statement of Community Engagement.pdf  
**File name:** CD2.10 Transport Statement.pdf  
**File name:** CD2.4 Design Access Statement Part 2 of 2.pdf  
**File name:** CD2.14 Archaeology.pdf  
**File name:** CD2.4 Design Access Statement Part 1 OF 2.pdf  
**File name:** CD2.11 FRA and Drainage.pdf  
**File name:** CD2.15 Phase 1 Desk Study and Investigation Part 2 of 2.pdf  
**File name:** CD2.7 LVIA-2 part 2 of 5.pdf  
**File name:** CD2.15 Phase 1 Desk Study and Investigation Part 1 of 2.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:** CD2.1 Land at Upnor Cover Letter final.pdf

**Relates to Section:** SUPPORTING DOCUMENTS  
**Document Description:** 05.(c) A list of all plans, drawings and documents upon which the LPA made their decision.  
**File name:** Drawings to be determined.pdf  
**File name:** Documents to be determined.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:** CD2.67 TMG Support Letter.pdf  
**File name:** CD2.63 Cover Letter Dec 2020.pdf  
**File name:** CD2.54 Email dated 08 September enc Dormice Survey.pdf  
**File name:** CD2.68 Light Specifications.pdf  
**File name:** CD2.64 Arb Report.pdf  
**File name:** CD2.61 Upnor Road Fieldwork Report v1.pdf  
**File name:** CD2.70 29414A\_01 Location Plan.pdf  
**File name:** CD2.62 Updated RSA.pdf  
**File name:** CD2.71 29414A\_02 Block Plan.pdf  
**File name:** CD2.72 29414A\_03\_As Existing Sections-Sheet 1.pdf  
**File name:** CD2.73 29414A\_04\_As Existing Sections-Sheet 2.pdf  
**File name:** CD2.74 29414A\_10A\_Proposed Site Plan.pdf  
**File name:** CD2.108 H-08 rev p8 Access Design.pdf  
**File name:** CD2.78 14A Refuse.pdf  
**File name:** CD2.65 Landscape Strategy V12.pdf  
**File name:** CD2.79 15A Site Mix.pdf

<b>File name:</b>	CD2.77 13A Fire and Access.pdf
<b>File name:</b>	CD2.76 12A Parking Strategy.pdf
<b>File name:</b>	CD2.107 LN-LP-09 Birds-Eye View.pdf
<b>File name:</b>	CD2.106 29414A_61 - Proposed Street Scenes Sheet 2.pdf
<b>File name:</b>	CD2.105 29414A_60 - Proposed Street Scenes Sheet 1.pdf
<b>File name:</b>	CD2.53 Email 10 August Phase II and Net Gain.pdf
<b>File name:</b>	CD2.75 29414A_11_A - Proposed Site Layout Plan Coloured.pdf
<b>File name:</b>	CD2.80-CD2.104.pdf
<b>File name:</b>	CD2.66 Updated LVIA Part 1 of 5.pdf
<b>File name:</b>	CD2.66 Part 4 of 5 to follow as plan exceeds 15mb.docx
<b>File name:</b>	CD2.66 Updated LVIA Part 5 of 5.pdf
<b>File name:</b>	CD2.66 Updated LVIA Part 4 of 5.pdf
<b>File name:</b>	CD2.66 Updated LVIA Part 2 of 5.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>	Drawings to be determined.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>	CD2.4 Design Access Statement Part 2 of 2.pdf
<b>File name:</b>	CD2.4 Design Access Statement Part 1 OF 2.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>	Appendix A Land at Upnor SoCG Draft I.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>	Appendix B Core Docs Schedule June 2021.pdf
<b>Completed by</b>	MR ANDREW WILFORD
<b>Date</b>	01/06/2021 17:02:16