

## 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/F0935/W/25/3359400**

#### A. APPELLANT DETAILS

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

Name	Mr Roy Donnan
Address	108 Victoria Road Whitehaven Cumbria CA28 6JG
Phone number	
Email	
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 <input checked="" type="checkbox"/> No <input type="checkbox"/>
Name	Mr Graham Hale
Company/Group Name	Tetra Tech Planning
Address	Tetra Tech Unit 6A-6B Lakeland Business Park, Lamplugh Road COCKERMOUTH Cumbria CA13 0QT
Phone number	
Email	
Preferred contact method	Email <input checked="" type="checkbox"/> Post <input type="checkbox"/>

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

Name of the Local Planning Authority	Cumberland Council
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LPA reference number	4/23/2164/PIP
Date of the application	14/06/2023
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	27/09/2024

#### D. APPEAL SITE ADDRESS

Is the address of the affected land the same as the appellant's address? Yes ☒ No ☐

Address

108 Victoria Road  
Whitehaven  
Cumbria  
CA28 6JG

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.

A Technical Details Consent (TDC) application for three dwellings pursuant to a Planning-in-Principle permission granted on appeal on 9th July 2020 under reference APP/Z0923/W/20/3246227 (Copeland Borough Council Reference 4/19/2246/PIP). This TDC application seeks to provide the necessary technical details to support development of the scheme.

Area (in hectares) of the whole appeal site [e.g. 1234.56] 0.2 hectare(s)

Area of floor space of proposed development (in square metres) 2000 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 ☒

You must give detailed reasons below or in a separate document why you think a hearing is necessary. The reasons are set out in

☒ the box below

The appellant wishes to have an Informal Hearing in order to be able to properly discuss the inconsistencies of the Local Planning Authority Officer's approach to this development compared to existing development in the area. It is apparent that Planning Officers have consistently disliked the principle of the proposal, despite the original appeal for application 4/19/2246/PIP having been won by the applicant. Officers have failed to adequately consider the facts and evidence to support the TDC proposal, and have not approached the development in a positive and constructive way, as required by the NPPF and the Planning Policy Guidance. A full debate of the merits of the proposal is necessary to explain the proposal within the context of the existing PIP consent and the topography and setting of the appeal site in relation to existing development. Furthermore, we would want to explain the physical character of the site and why the proposed development is the best fit, having regard to the terms of the PIP consent and the terms of the NPPF and Local Plan Policies. It is our opinion that the Planning Officers have acted in an entirely unreasonable manner and the planning issues require detailed consideration that would not be possible via a Written Representations appeal.

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

As outlined above.

3. Inquiry ☐

## 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 ☒

#### 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.

<b>Signature</b>	Mr Graham Hale
<b>Date</b>	23/01/2025 10:35:00
<b>Name</b>	Mr Graham Hale
<b>On behalf of</b>	Mr Roy Donnan

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>	FULL STATEMENT OF CASE
<b>Document Description:</b>	A copy of the full statement of case.
<b>File name:</b>	05 12 2024 TT Statement of Case 108 Victoria Road Informal Hearing Appeal Final Combined Issue.pdf
<b>Relates to Section:</b>	SITE OWNERSHIP CERTIFICATES
<b>Document Description:</b>	Certificate C or D.
<b>File name:</b>	23 01 2025 Annexe 2A 2B 3 AND 4 planning.pdf
<b>File name:</b>	22 01 2025 Notice in Whitehaven News.pdf
<b>File name:</b>	22 01 2025 Notice in Whitehaven News Front Page.pdf
<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>	12 06 2023 Draft Full TDC Application Form.pdf
<b>File name:</b>	04 06 2024 Updated Planning Application Form 108 Victoria Rd Whitehaven.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>	04 06 2024 Updated Planning Application Form 108 Victoria Rd Whitehaven.pdf
<b>File name:</b>	08 04 2024 Notice Letter 110 Victoria Road Whitehaven.pdf
<b>File name:</b>	Notice letter - Michelle Cooper .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>	4-23-2164-PIP- 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>	10-05-2023 Victoria Road Proposed Layout A-05 Site Plan Existing.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>	10-05-2023 Victoria Road Proposed Layout A.pdf
<b>File name:</b>	10-05-2023 Victoria Road Proposed Layout A-05 Site Plan Existing.pdf

<b>File name:</b>	17 05 2023 Technical Details Consent Covering Letter Victoria Rd Whitehaven Final Combined.pdf
<b>File name:</b>	23-191 DWG001 DRAFT.pdf
<b>File name:</b>	23-191r001 Drainage Report_compressed.pdf
<b>File name:</b>	3918-P-01_A. Original Topo Plan pdf.pdf
<b>File name:</b>	B030271-020 REV P02.pdf
<b>File name:</b>	B030271-030 REV P02.pdf
<b>File name:</b>	B030271-050 REV P02.pdf
<b>File name:</b>	B030271-100 REV P02.pdf
<b>File name:</b>	B030271-TTE-00-ZZ-DR-H-SK03 Swept Path.pdf
<b>File name:</b>	J007 108 Victoria Road Whitehaven Preliminary Ecological Appraisal 16 05 23 Final.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>	23 01 2025 List of Documents submitted with application.dotx.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>	07-06-2023 Victoria Road Proposed Layout A.pdf
<b>File name:</b>	07-06-2023 Victoria Road Proposed Layout A-05 Site Plan Existing.pdf
<b>File name:</b>	12 06 2023 Draft Full TDC Application Form.pdf
<b>File name:</b>	12-06-2023 Victoria Road Proposed Layout A-06 Site Plan Privacy Arc Block Plan.pdf
<b>File name:</b>	23-191 DWG001B FINAL FOR REPORT.pdf
<b>File name:</b>	23-191r001 Drainage Report_compressed.pdf
<b>File name:</b>	08-01-2024 Victoria Road Proposed Layout A.pdf
<b>File name:</b>	17 01 24 Rebuttal letter Letter Victoria Rd Whitehaven Final Compressed.pdf
<b>File name:</b>	January 2024 Amendments 23-191r001 Drainage Report_compressed.pdf
<b>File name:</b>	Kingmoor Consulting Drainage Letter 23-191c002.pdf
<b>File name:</b>	Potential Site Access Tracking B030271-TTE-00-ZZ-DR-H-SK04.pdf
<b>File name:</b>	Proposed Drainage Arrangements Plan 23-191 DWG001C.pdf
<b>File name:</b>	04 04 2024 Email to C Harrison re 110 Victora Road Whitehaven.pdf
<b>File name:</b>	04 06 2024 Updated Planning Application Form 108 Victoria Rd Whitehaven.pdf
<b>File name:</b>	07-10-2024 Victoria Road Proposed Layout A 07 Site Plan Proposed (1).pdf
<b>File name:</b>	08 04 2024 Notice Letter 110 Victoria Road Whitehaven.pdf
<b>File name:</b>	29-03-2024 Victoria Road Proposed Layout A.pdf
<b>File name:</b>	Letter from No 110 Victoria Road confirming No Objection Compressed.pdf
<b>File name:</b>	Potential Site Access Visibility Checks Drawing 784-B030271-050 P05.pdf
<b>File name:</b>	Proposed Drainage Arrangements Site Plan 23-191 DWG001D.pdf
<b>File name:</b>	12 06 2023 Technical Details Consent Covering Letter Victoria Rd Whitehaven Final Combined.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>	23 01 2025 List of Documents submitted after the original application submitted.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>	17 05 2023 Technical Details Consent Covering Letter Victoria Rd Whitehaven Final Combined.pdf
<b>Completed by</b>	MR GRAHAM HALE



**Date**

23/01/2025 10:35:00