

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/T4210/W/24/3354556

A. APPELLANT DETAILS

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

Name

Mr O Small

Company/Group Name

Sonalight Living Ltd

Address



Preferred contact method

Email

☐ Post



B. AGENT DETAILS

Do you have an Agent acting on your behalf?

Yes

☒ No



Name

Mr Jonathan McDermott

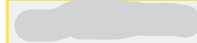
Company/Group Name

The Town Planning Experts

Address

Town Planning Expert
Portsmouth Technopole Kingston Crescent
PORTSMOUTH
PO2 8FA

Phone number



Email



Preferred contact method

Email

☒ Post



C. LOCAL PLANNING AUTHORITY (LPA) DETAILS

Name of the Local Planning Authority

Bury Metropolitan Borough Council

LPA reference number

71023

Date of the application

12/08/2024

Did the LPA validate and register your application?	Yes	☒	No	☐
Did the LPA issue a decision?	Yes	☒	No	☐
Date of LPA's decision	07/10/2024			

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	1-5 Porter Street, Bury, BL9 5DZ			
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.				
Part change of use of former showroom/laundrette and 1no. flat (Use Class E/Sui Generis/Class C3) to form 1no. 7 bedroom (single occupancy) HMO (Sui Generis) and 1no. 8 Bedroom (single occupancy) HMO (Sui Generis) with associated parking and refuse storage and external alterations				
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 Council's published information contains no objective analysis to substantiate how they came to the conclusions that lead to the reasons for refusal in this case and the Inspector will need to question LPA officers as to the precise harm that is perceived from the development proposed here.

In addition the Inspector will need to confirm directly with the LPA what the material change in circumstance was that allowed the LPA to deviate from the previous decision making process and add a reason for refusal in this case.

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

The appellant will wish to be supported by their own highway engineer and as such dates for a hearing will need to be agreed with the appellants team. It is anticipated that the LPA will wish to include their own professional team in the same manner.

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 ☐

☒ [see 'Appeal Documents' section](#)

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.

☐

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

28/10/2024 11:21:13

Name

Mr Jonathan McDermott

On behalf of

Mr O Small

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:	241028_328142_TN_003_SoC (1).pdf
File name:	AS - Porter Street .pdf
Relates to Section:	FULL STATEMENT OF CASE
Document Description:	A copy of the costs application.
File name:	AS - Porter Street .pdf
Relates to Section:	SUPPORTING DOCUMENTS
Document Description:	01. A copy of the original application sent to the LPA.
File name:	F16D335ADA4241D0B8BA41BB0CBD969F.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:	DocDcn01.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:	5F39C903D12840168984EF4C96ABBCA8.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:	5F39C903D12840168984EF4C96ABBC7B.pdf
File name:	5F39C903D12840168984EF4C96ABBC7C.pdf
File name:	DocDcn01.pdf
File name:	5F39C903D12840168984EF4C96ABBC66.pdf
File name:	5F39C903D12840168984EF4C96ABBC81.pdf
File name:	5F39C903D12840168984EF4C96ABBC7F.pdf
File name:	F16D335ADA4241D0B8BA41BB0CBD96A3.pdf
File name:	F16D335ADA4241D0B8BA41BB0CBD969D.pdf
File name:	5F39C903D12840168984EF4C96ABBC68.pdf
File name:	F16D335ADA4241D0B8BA41BB0CBD96A0.pdf
File name:	F16D335ADA4241D0B8BA41BB0CBD96A1.pdf
File name:	C797ACD9FFEA4B479C49A036C519CA62.pdf
File name:	5F39C903D12840168984EF4C96ABBC64.pdf
File name:	5F39C903D12840168984EF4C96ABBC7A.pdf
File name:	241028_328142_TN_003_SoC (1).pdf

File name:	5411CFDDFC3A4B7996104D98721A05A4.pdf
File name:	F16D335ADA4241D0B8BA41BB0CBD969F.pdf
File name:	F16D335ADA4241D0B8BA41BB0CBD969E.pdf
File name:	5F39C903D12840168984EF4C96ABBCA8.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:	DocDcn01.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:	(0-)A004-C_PROP SITE-LOCATION PLANS.pdf
File name:	(0-)A006-C_PROP PLANS OPT 2.pdf
Completed by	MR JONATHAN MCDERMOTT
Date	28/10/2024 11:21:13