

## 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/B1930/W/21/3279463**

#### A. APPELLANT DETAILS

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

Name	Mr Rob Needham
Company/Group Name	Castleoak Care Developments Ltd
Address	Castleoak Care Partnerships Ltd Raglan House Malthouse Avenue, Cardiff Gate Business Park, Pontprennau CARDIFF CF23 8BA
Email	rob@inglewoodproperty.co.uk
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 David Phillips
Company/Group Name	DPV Consult Ltd
Address	20 Clyde Road LONDON N22 7AE
Phone number	020 8351 8051
Email	davidphillips@dpvconsult.co.uk
Your reference	20004-Burston GC, St Albans
Preferred contact method	Email <input checked="" type="checkbox"/> Post <input type="checkbox"/>

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

Name of the Local Planning Authority	St Albans City Council
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LPA reference number	<input type="text" value="5/20/3022"/>
Date of the application	<input type="text" value="15/12/2020"/>
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	<input type="text" value="26/05/2021"/>

#### D. APPEAL SITE ADDRESS

Is the address of the affected land the same as the appellant's address?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Does the appeal relate to an existing property?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Address	<input type="text" value="Burston Nurseries Ltd&lt;br/&gt;North Orbital Road&lt;br/&gt;ST. ALBANS&lt;br/&gt;AL2 2DS"/>
Is the appeal site within a Green Belt?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
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 <input checked="" type="checkbox"/> No <input type="checkbox"/>
Please describe the health and safety issues	<input type="text" value="The site sits to the rear of an existing Garden Centre so just needs to be mindful of associated activities regarding road safety."/>

#### E. DESCRIPTION OF THE DEVELOPMENT

Has the description of the development changed from that stated on the application form?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
If YES, please state below the revised wording	<input type="text" value="Demolition of all existing buildings, structures and hardstanding and redevelopment of the site to provide a new retirement community comprising 80 assisted living apartments with community facilities and 44 bungalows together with associated access, bridleway extension, landscaping, amenity space, car parking and associated and ancillary works"/>
Please attach a copy of the LPA's agreement to the change.	<input checked="" type="checkbox"/> see 'Appeal Documents' section
Area (in hectares) of the whole appeal site [e.g. 1234.56]	<input type="text" value="5.80 hectare(s)"/>
Area of floor space of proposed development (in square metres)	<input type="text" value="14154 sq metre(s)"/>
Does the proposal include demolition of non-listed buildings within a conservation area?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>

#### 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

As the appeal raises issues which are complex, requiring evidence to be tested through formal questioning by an advocate and as the proposals have generated local interest, it is requested on behalf of the Appellant that the appeal be heard at a Public Inquiry over a 3 - 4 day period. The dates and venue for the Inquiry will be agreed with the Council.

The Appellant's advocate will be Robert Walton QC of Landmark Chambers, London. He will call 3 or 4 expert witnesses.

It is anticipated that expert witnesses covering the following matters will be called:

Planning  
 The characteristics of and need for the proposed development  
 Heritage  
 Landscape  
 Design

The Appellant reserves the right to add to or amend information provided in this appeal, having regard to any matters raised by the principal parties or by third parties in the preparation for the inquiry, where these go beyond those matters addressed in the reasons for refusal.

Expert evidence will address the key issues identified in this Statement of Case.

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

6

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

Three days on the assumption that each witness will need approximately half a day.

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

6 day(s)

## 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>	Enid Pearson
<b>Address at which notice was served:</b>	The Limes, North Orbital Road, St Albans AL2 2DS
<b>Date the notice was served:</b>	21/07/2021
<b>Owner's Name:</b>	Mr Barry Breed
<b>Address at which notice was served:</b>	Burston Manor, North Orbital Road, St Albans AL2 2DS
<b>Date the notice was served:</b>	21/07/2021
<b>Owner's Name:</b>	Mrs Emma Breed
<b>Address at which notice was served:</b>	Burston Manor, North Orbital Road, St Albans AL2 2DS
<b>Date the notice was served:</b>	21/07/2021
<b>Owner's Name:</b>	Eileen Priestland
<b>Address at which notice was served:</b>	Trinity Cottage, Love Lane, Bembridge Isle of White PO35 5NH
<b>Date the notice was served:</b>	21/07/2021
<b>Owner's Name:</b>	Highways England Company Ltd
<b>Address at which notice was served:</b>	Bridge House, 1 Walnut Tree Close, Guildford, Surrey GU1 4LZ
<b>Date the notice was served:</b>	21/07/2021
<b>Owner's Name:</b>	Eileen Priestland
<b>Address at which notice was served:</b>	Company Secretary, BURSTON ROSE AND GARDEN CENTRE LIMITED, Crystal Palace, 65 London Road, St Albans, Hertfordshire AL1 1LJ
<b>Date the notice was served:</b>	21/07/2021
<b>Owner's Name:</b>	Eileen Priestland
<b>Address at which notice was served:</b>	Company Secretary, BURSTON ROSE AND GARDEN CENTRE LIMITED, Burston Garden Centre, North Orbital Road, St Albans, Herts United Kingdom AL2 2DS
<b>Date the notice was served:</b>	21/07/2021
<b>Owner's Name:</b>	Enid Pearson
<b>Address at which notice was served:</b>	Company Secretary, BURSTON NURSERIES LIMITED, Crystal Palace, 65 London Road, St Albans, Hertfordshire, AL1 1LJ
<b>Date the notice was served:</b>	21/07/2021
<b>Owner's Name:</b>	Enid Pearson
<b>Address at which notice was served:</b>	Company Secretary, BURSTON NURSERIES LIMITED, Burston Nurseries North Orbital Road, St. Albans, Hertfordshire, England AL2 2DS
<b>Date the notice was served:</b>	21/07/2021

**Owner's Name:** Dawn Sara Emerton  
**Address at which notice was served:** The Hawthorns, Lye Lane, Bricket Wood, St. Albans Herts AL2 3TB  
**Date the notice was served:** 21/07/2021

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 David Phillips

**Date**

21/07/2021 18:48:44

**Name**

Mr David Phillips

**On behalf of**

Mr Rob Needham

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>	210524-BGC Dec Not.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>	App B BGC AppDec.pdf
<b>File name:</b>	App C CH AppDec.pdf
<b>File name:</b>	App A 210720-Plans Docs Utd.pdf
<b>File name:</b>	210721-BGCSoc (Fnl).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>	App A 210720-Plans Docs Utd.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>	210721-Draft Legal Agreement.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>	ApplicationForm.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>	210524-BGC Dec Not.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>	0653 - 00-SL-PL-A-G7-010 Rev B - Site 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>	0653 - 00-SL-PL-A-G7-018 Rev B - Recycling Store - Plans and Elevations.pdf
<b>File name:</b>	0653 - 03-00-PL-A--316 Rev B - Bungalows Type F - Elevations.pdf
<b>File name:</b>	0653 - 00-SL-PL-A-G7-017 Rev B - Proposed Arrival.pdf
<b>File name:</b>	0653 - 01-03-PL-A--113 Rev B - Assisted Living - Roof Plan.pdf
<b>File name:</b>	0653 - 03-00-PL-A--312 Rev B - Bungalows Type C - Plans and Elevations.pdf
<b>File name:</b>	0653 - 03-00-PL-A--315 Rev B - Bungalows Type F - Plans.pdf



**File name:** 0653 - 03-00-PL-A--314 Rev B - Bungalows Type E - Plans and Elevations.pdf  
**File name:** 0653 - 03-00-PL-A--311 Rev B - Bungalows Type B - Plans and Elevations.pdf  
**File name:** 0653 - 03-00-PL-A--313 Rev B - Bungalows Type D - Plans and Elevations.pdf  
**File name:** 0653 - 03-00-PL-A--310 Rev B - Bungalows Type A - Plans and Elevations.pdf  
**File name:** 0653 - 01-99-EL-A--115 Rev B - Assisted Living - Elevations Sheet 2.pdf  
**File name:** 0653 - 00-SL-PL-A-G7-011 Rev B - Existing Site Plan.pdf  
**File name:** 0653 - 00-SL-SE-A-G7-016 Rev B - Proposed Site Sections.pdf  
**File name:** 0653 - 01-01-PL-A--111 Rev B - Assisted Living - First Floor Plan.pdf  
**File name:** 0653 - 01-02-PL-A--112 Rev B - Assisted Living - Second Floor Plan.pdf  
**File name:** 0653 - 00-SL-SE-A-G7-015 Rev B - Contextual Site Sections.pdf  
**File name:** 0653 - 00-SL-PL-A-G7-012 Rev B - Proposed Block Plan.pdf  
**File name:** 0653 - 00-SL-PL-L-G7-014 Rev C- Landscape Masterplan.pdf  
**File name:** 0653 - 01-00-PL-A--110 Rev B - Assisted Living - Ground Floor Plan.pdf  
**File name:** 0653 - 01-99-EL-A--114 Rev B - Assisted Living - Elevations Sheet 1.pdf  
**File name:** 0653 - 00-SL-PL-A-G7-013 Rev B - Proposed Site Plan.pdf  
**File name:** 001 D - SWDS.pdf  
**File name:** 3493-2B BGC.pdf  
**File name:** 3493-2A BGC.pdf  
**File name:** 3019.09\_R0.pdf  
**File name:** 3019.18\_R0.pdf  
**File name:** 3019.16\_R0.pdf  
**File name:** 3019.15\_R0.pdf  
**File name:** 3019.14\_R0.pdf  
**File name:** 3019.17\_R0.pdf  
**File name:** 201203-ALCDP (WP).pdf  
**File name:** 12.20BGC ADBA(R).pdf  
**File name:** BGCBHS iv.pdf  
**File name:** AA6903 DAS 2020\_Part1.pdf  
**File name:** AA6903 DAS 2020\_Part13.pdf  
**File name:** AA6903 DAS 2020\_Part3.pdf  
**File name:** AA6903 DAS 2020\_Part10.pdf  
**File name:** AA6903 DAS 2020\_Part9.pdf  
**File name:** AA6903 DAS 2020\_Part11.pdf  
**File name:** AA6903 DAS 2020\_Part12.pdf  
**File name:** AA6903 DAS 2020\_Part8.pdf  
**File name:** AA6903 DAS 2020\_Part5.pdf  
**File name:** AA6903 DAS 2020\_Part7.pdf  
**File name:** AA6903 DAS 2020\_Part4.pdf  
**File name:** AA6903 DAS 2020\_Part2.pdf  
**File name:** AA6903 DAS 2020\_Part14.pdf  
**File name:** AA6903 DAS 2020\_Part6.pdf  
**File name:** Ecology 871c.pdf  
**File name:** FRA RevB.pdf  
**File name:** Prelim Geo.pdf  
**File name:** St Albans PNA.pdf  
**File name:** A-Letter MoSfCare.pdf  
**File name:** B-Plans Docs.pdf  
**File name:** F-200901-IPH.pdf  
**File name:** D-SCI.pdf  
**File name:** C-BGC AppDec.pdf  
**File name:** O-WM AppDec.pdf  
**File name:** G-Parl Grp Rpt.pdf  
**File name:** N-BM AppDec.pdf  
**File name:** 201211-BGCPS Fnl.pdf  
**File name:** L-Later Life UK.pdf  
**File name:** K-UK Vill Life.pdf  
**File name:** E-200414-IPH.pdf

<b>File name:</b>	I-Eval EC.pdf
<b>File name:</b>	H-Aston Res.pdf
<b>File name:</b>	M-Last Time Buy.pdf
<b>File name:</b>	J-Est Extra in EC.pdf
<b>File name:</b>	3019 TP Dec 20 Fnl.pdf
<b>File name:</b>	3019 TA Dec 20 Fnl.pdf
<b>File name:</b>	AIR201210BRC.pdf
<b>File name:</b>	210203 - LPA.pdf
<b>File name:</b>	CGI Views Drawing Sheets.pdf
<b>File name:</b>	210301-LPA LMAH.pdf
<b>File name:</b>	20210224 - FVA (redacted incl. apps).pdf
<b>File name:</b>	210401-LPA Clarifs.pdf
<b>File name:</b>	AL6903 Burston LVIA p76-77 low res.pdf
<b>File name:</b>	210401-JCH01200 BGC-Rebutt HE.pdf
<b>File name:</b>	AL6903 Burston LVIA low res.pdf
<b>File name:</b>	210413-LPA.pdf
<b>File name:</b>	CCG Rsp 12.4.21.pdf
<b>File name:</b>	210430-LPA.pdf
<b>File name:</b>	210430-Plans Docs Utd.pdf
<b>File name:</b>	210504-HE Response.pdf
<b>File name:</b>	210519 - LPA (AH).pdf
<b>File name:</b>	ASA Oct 2020 Part 5.pdf
<b>File name:</b>	ASA Oct 2020 Part 1.pdf
<b>File name:</b>	ASA Oct 2020 Part 4.pdf
<b>File name:</b>	ASA Oct 2020 Part 2.pdf
<b>File name:</b>	ASA Oct 2020 Part 3.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>	210720-Plans Docs Utd.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>	210720-Plans Docs Utd.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>	App A 210720-Plans Docs Utd.pdf
<b>File name:</b>	210721-BGCSocG (Fnl).pdf
<b>File name:</b>	App B-Plan Bal (Final).pdf
<b>Completed by</b>	MR DAVID PHILLIPS
<b>Date</b>	21/07/2021 18:48:44