

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

22 March 2024
EP ref: 24-115

Dear Sir or Madam

Re: Town and Country Planning Act 1990 (as amended)
Appeal by Treville Properties Ltd
Site: Land to the west of Bridgemont, Whaley Bridge, High Peak, Derbyshire

Emery Planning is instructed by Treville Properties Ltd (the appellant) to submit an appeal against the refusal of High Peak Borough Council to grant planning permission in respect of application reference HPK/2023/0061.

The following are submitted via the Planning Portal:

- Appeal form;
- Appeal document list
- Statement of case by Emery Planning
- Draft Statement of Common Ground

With regard to Annexe K of the "Planning appeals – England Procedural Guide", we request that the appeal is dealt with by way of a Public Inquiry for the following reasons:

In the interests of the Appellant's human rights for a full and fair hearing.

The issues of the case are complex

- There is a need for detailed evidence to be given on matters relating to local housing needs. This is of significant local importance/interest and the differences in opinion between the appellant and the LPA will necessitate the cross examination of expert witnesses.

- As noted above, there is significant local interest in this application. The reasons for refusal of the application are contrary to the advice of the Town Council that there is an overriding need for the affordable housing that is proposed through the appeal application.
- An LVIA was submitted with the application and technical evidence will need to be given in relation to landscape matters. One of the reasons for refusal of the application relates to landscape impacts on the Peak District National Park. While the appellants position is that the development would not cause harm to the National Park or its setting, the alleged harm to a protected landscape elevates the importance that such matters are thoroughly assessed and subject to cross examination through a public inquiry and further means that there is likely to be a significant level of interest in the appeal which warrants public participation.
- Evidence may also need to be given under oath to confirm the lawfulness of structures and/or activities on the land. The officer report for the application indicates that there is an enforcement investigation relating to the site. The appellant has recently been involved in a S78 appeal under similar circumstances in High Peak, where the council indicated there was an enforcement investigation into the lawfulness of an existing building at the site, which was relevant in forming part of the baseline for assessment purposes. Emery Planning requested the inquiry procedure, but the appeal was downgraded to a hearing. The hearing opened, but was not concluded as after an initial discussion of the issues, the inspector agreed the inquiry procedure was indeed required. This caused significant delays and additional expense, which the appellant wishes to avoid in this instance.
- It is essential that all of the above matters and expert witnesses are led by Counsel at a Public Inquiry with regard to evidence on relevant case law and legal submissions.

In this case, we consider that the guidelines as set out in Annexe K of the PINS Procedural Guidance for allocating a Public Inquiry are fully met. We would anticipate that the Public Inquiry would sit for two days, with a site visit.

Should you require any further information, please do not hesitate to contact me. In the meantime, we look forward to receiving the start date for the appeal.

We confirm that the local planning authority have been informed of this appeal and provided with copies of the relevant appeal documentation.

Please mark any future correspondence to our office noting our job reference: 24-115:RG.

Yours sincerely
Emery Planning

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