



## MODIFICATION OR DISCHARGE OF PLANNING OBLIGATION APPEAL

If you need this document in large print, in audio format, or in Braille, please contact our helpline on 0303 444 5000. **To help you fill in this form correctly please refer to the enclosed guidance leaflet "How to complete your planning appeal form".**

**Please use a separate form for each appeal.**

**WARNING:** The appeal **and** essential supporting documents **must** reach the Inspectorate within 6 months of the date shown on the Local Planning Authority's decision notice or, for "failure" appeals, within 6 months of the date by which they should have decided the application. **If your appeal and essential support documents are not received in time we will not accept the appeal.**

PLEASE PRINT CLEARLY IN CAPITALS USING **BLACK** INK

### A. APPELLANT DETAILS

See section A of the guidance leaflet. The name of the person(s) making the appeal must appear as an applicant on the application form.

Name:

Company/Group name (if applicable): Hodson Developments (Ashford) Limited and Others (see appendix to form)

Address: Office Suite 9  
55 Park Lane  
London

Postcode: W1K 1NA

Daytime phone:

Fax:

I prefer to be contacted by: Post ☐ Email ☒\*

\*Email address: c/o Agent

### B. AGENT DETAILS (IF ANY) FOR THE APPEAL

See section B of the guidance leaflet.

Name:

Company/Group name (if applicable): Fladgate LLP

Address: 16 Great Queen Street  
London

Postcode: WC2B 5DG

Your reference: MSH/28497/0042

Daytime phone:

Fax:

I prefer to be contacted by: Post ☐ Email ☒\*

\*Email address:

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

See section C of the guidance leaflet.

Name of the LPA: Ashford Borough Council

LPA's application reference number: None

Date of the application: 20 October 2022

Did the LPA validate and register your application? Yes ☐ No ☒

Date on the LPA's decision notice (if issued): Not applicable

**D. APPEAL SITE ADDRESS**

See section D of the guidance leaflet.

Address: Land at Chilmington Green, Ashford Road, Great Chart, Ashford, Kent

Postcode:

Note: Failure to provide the full postcode may delay the processing of your appeal.

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? If yes, please describe them on a separate sheet. Yes ☒ No ☐

**E. DESCRIPTION OF THE OBLIGATION**

See section E of the guidance leaflet.

Description of the planning obligation:

Section 106 agreement dated 27 February 2017 as amended by a Supplement Agreement dated 29 March 2019 and a deed of variation dated 13 July 2022. The obligations which the appellant is seeking to discharge / modify are set out in tables submitted with the application which is the subject of this appeal.

Name of the person(s) who entered into the planning obligation with the LPA: See appendix

Date the deed of obligation was signed: Original agreement was signed on 27 February 2017

**F. REASON FOR THE APPEAL**

See section F of the guidance leaflet.

The reason for this appeal is that the LPA has (please tick which applies):

- |  |                                       |
|--|---------------------------------------|
| 1 Refused to modify the planning obligation described in Section E.  | 1 <input type="checkbox"/>            |
| 2 Refused to discharge the planning obligation described in Section E.   | 2 <input type="checkbox"/>            |
| 3 Failed to give notice of its decision to modify the planning obligation described in Section E within the appropriate period.    | 3 <input checked="" type="checkbox"/> |
| 4 Failed to give notice of its decision to discharge the planning obligation described in Section E within the appropriate period. | 4 <input checked="" type="checkbox"/> |

## G. CHOICE OF PROCEDURE

It is important that you read carefully section G of the guidance leaflet before you complete this section.

There are 3 possible procedures: - written representations, hearings and inquiries. You should consider carefully which procedure suits your circumstances before selecting your preferred option by ticking the box.

### 1 THE WRITTEN REPRESENTATIONS PROCEDURE

w ☐ \*

This is normally the simplest, quickest and most straightforward way of making an appeal. The written procedure is particularly suited to small-scale developments (e.g. individual houses or small groups of houses).

\* Please answer the questions below.

- a) Could the Inspector see the relevant parts of the appeal site sufficiently to judge the proposal from public land? Yes ☐ No ☐
- b) Is it essential for the Inspector to enter the site to check measurements or other relevant facts? If so, please explain below or on a separate sheet. Yes ☐ No ☐

### 2 THE HEARING PROCEDURE

h ☐ ♦

This procedure is likely to be suited to more complicated cases which require detailed discussion about the merits of a proposal. At the hearing the Inspector will lead a discussion on the matters already presented in the written statements and supporting documents. Although you may indicate a preference for a hearing, the Inspectorate must also consider that your appeal is suitable for this procedure or whether an inquiry is more suitable.

♦ Please answer the question below.

- a) Is there any further information relevant to the hearing which you need to tell us about? If so please explain below. Yes ☐ No ☐

### 3 THE INQUIRY PROCEDURE

i ☒ ▲

This is the most formal of procedures. Although it is not a court of law the proceedings will often seem to be quite similar, as the parties to the appeal will usually be legally represented and expert witnesses may be called to give evidence. Although you may indicate a preference for an inquiry, the Inspectorate must also consider that your appeal is suitable for this procedure or whether a hearing is more suitable.

▲ Please answer the questions below.

- a) How long do you estimate the inquiry will last? 5 days  
(Note: We will take this into consideration, but please bear in mind that our estimate will also be informed by others' advice and our own assessment.)
- b) How many witnesses do you intend to call? 4 witnesses
- c) Is there any further information relevant to the inquiry which you need to tell us about? If so, please explain below. Yes ☒ No ☐

An explanation as to why a public inquiry would be the most appropriate method for determination of this appeal is set out in section F of the Statement of Case

## H. GROUNDS OF APPEAL

See section H of the guidance leaflet to help you decide what to include in your grounds of appeal.

The obligations contained in the section 106 agreement dated 27 February 2017 which was entered into by all of the appellants (save for Hodson Developments (CG Three ) Limited and Hodson Developments (CG Five ) Limited) and others with Ashford Borough Council and Kent County Council should be discharged or modified in the manner set out in the tables annexed to the application for the reasons set out in those tables and as summarised in the appellant's Statement of Case.

## H. GROUNDS OF APPEAL (continued)

Please continue on a separate sheet if necessary.

### 1. ESSENTIAL SUPPORTING DOCUMENTS

See section J of the guidance leaflet. If we do not receive ALL your appeal documents by the end of the 6 month appeal period we will not accept your appeal.

You **must** send the following documents with your appeal form.

- |          |   |                                       |
|----------|---|---------------------------------------|
| <b>1</b> | A copy of the <b>application</b> sent to the LPA.   | 1 <input checked="" type="checkbox"/> |
| <b>2</b> | The <b>notification certificate</b> (Regulation 4(5) certificate) submitted to the LPA at application stage.  | 2 <input checked="" type="checkbox"/> |
| <b>3</b> | Copies of all <b>plans, drawings and documents</b> 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.<br><br>Please number them clearly and list the numbers here or on a separate sheet:<br><div style="border: 1px solid black; padding: 5px; margin-top: 5px;">Please see appendix 2 of this form</div>   | 3 <input checked="" type="checkbox"/> |
| <b>4</b> | The <b>LPA's decision notice</b> (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.  | 4 <input checked="" type="checkbox"/> |
| <b>5</b> | A copy of the <b>deed</b> creating the planning obligation.   | 5 <input checked="" type="checkbox"/> |
| <b>6</b> | A <b>site plan</b> (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 <u>two named roads</u> 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. | 6 <input checked="" type="checkbox"/> |
| <b>7</b> | Any <b>correspondence</b> with the LPA relating to the application.   | 7 <input checked="" type="checkbox"/> |

**Copies of the following should be enclosed, if appropriate:**

- |          |  |                                       |
|----------|--|---------------------------------------|
| <b>8</b> | Any other relevant plans, drawings and documents. Please number them clearly and list the numbers here or on a separate sheet:<br><div style="border: 1px solid black; padding: 5px; margin-top: 5px;">The documentation provided is itemised on an index.</div> | 8 <input checked="" type="checkbox"/> |
|----------|--|---------------------------------------|

## J. OTHER APPEALS

See section K of the guidance leaflet.

If you have sent other appeals for this or nearby sites to us and these have not been decided, please give details and our reference numbers.

The appellant has also submitted an appeal today against the non determination of the same application by Kent County Council.

## K. CHECK SIGN AND DATE

See section L of the guidance leaflet.

Please tick the boxes to confirm that the following actions have been carried out.

- 1 I have completed all sections of the form and the details are correct to the best of my knowledge. ☒
- 2 I have enclosed all the essential supporting documents listed in section I. ☒
- 3 I have sent a copy of this appeal form and relevant documents to the LPA (if you do not we will not normally accept your appeal). ☒
- 4 I have signed and dated the form (unsigned forms will be returned to you). ☐

Signature

Date: 16 October 2023

Name (in capitals): MARK HARNETT

On behalf of (if applicable): Fladgate LLP



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 1998. Further information about our Data Protection policy can be found in the guidance leaflet.

## M. NOW SEND

Remember, it is your responsibility to make sure that we **RECEIVE** your appeal form and ALL supporting documents within the 6 month time limit. See section M of the guidance leaflet.

### 1 COPY to us at:

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

Helpline: 0303 444 5000

### 1 COPY to the LPA

Send a copy of the appeal form to the address from which the decision notice was sent (or to the address shown on any letters received from the LPA). There is no need to send them all the documents again; send them any supporting documents not previously sent as part of the application. If you do not send them a copy of this form and documents, we may not accept your appeal.

### 1 COPY for you to keep

**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.**

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PINS s106 (revised December 2019)