

NEW FOREST DISTRICT COUNCIL

Town & Country Planning Act 1990 (as amended by the Planning and Compulsory Purchase Act 2004)

The Town and Country Planning Appeals (Determination by Inspectors) (Inquiries Procedure) (England) Rules 2000 (SI: 2000/1625) as amended.

Appeal by AJC Group against the decision of New Forest District Council to refuse planning permission to demolish existing buildings and erect at 25 dwellings with associated access, landscape and parking at:

ORCHARD GATE, NOADS WAY, DIBDEN PURLIEU, HYTHE SO45 4PD

Inspectors' pre-Inquiry Note 2

PINS Ref: APP/B1740/W/23/3324227

LPA Ref: 22/10813

James Gilfillan. MATCP, MRTPI.

The Inspector has sought the views of the parties on the application of substantive and procedural tests, arising from the recent judgement *Holborn Studios v London Borough of Hackney*, in respect of plans submitted by the Appellant with the appeal.

The Council makes the following observations.

- A. Substantive Test. Having regard to whether the changes amount to a 'substantial difference' or a 'fundamental change'.
Whilst the changes sought to overcome a conflict that was significant enough to be included as a reason for refusal the extent of the changes are not substantial in the context of the scheme as a whole.
Whilst the car port is a new feature that was not part of the original scheme as determined, its addition does not go to the heart of the description of the development. Removal of the bench and changes to the landscape design are not substantial revisions.

The Council are content that revisions pass the test of substantiveness.

- B. Procedural Test. Would the changes place anyone at a procedural disadvantage.
The Appellant undertook to notify the consultees and interested parties that were consulted of the appeal. That notification was undertaken early enough in the appeal timeline and gave sufficient time for responses to be fair to those invited to comment.

The Council are content that there would be no procedural unfairness should the 'appeal' plans be relied upon.