

GE AVIATION, KINGS AVENUE, HAMBLE-LE-RICE, SO31 4NF

MODE OF APPEAL

Introduction

This Appeal is in respect of an outline planning application (Ref: O/18/84191), to develop up to 148 residential units (proposed development) at GE Hamble, Kings Avenue, Hamble-le-Rice, SO31 4NF (the Site). On 16 January 2020 the local planning authority, Eastleigh Borough Council (the Council) refused the planning application for the proposed development, contrary to the officer's recommendation. The application was refused for six reasons.

GE Aviation was the applicant for permission and is therefore required to be the Appellant for this appeal. It should be noted that the GE Aviation business and assets, including the site, were acquired by Hamble Aerostructures Limited, part of the Aernnova Group, at the end of January 2020. The change in ownership structure does not in any way alter the business rationale behind the proposals or the way that the proposals will be delivered.

For reasons outlined below, it is the Appellant's firm view that procedural fairness requires this matter to be determined at an **Inquiry**.

PINS Guidance

The relevant criteria are set out in Annex K of the "Planning appeals: procedural guide".

To assist we have only set out the criteria, which apply to hearings and inquiries:

Hearing - a hearing would be appropriate, if amongst other things:

- the Inspector is likely to need to test the evidence by questioning or to clarify matters; or
- the status or personal circumstances of the appellant are at issue; or
- there is no need for evidence to be tested through formal questioning by an advocate or given on oath; or
- the case has generated a level of local interest such as to warrant a hearing; or
- it can reasonably be expected that the parties will be able to present their own cases (supported by professional witnesses if required) without the need for an advocate to represent them;

Inquiry - an inquiry would be appropriate, if amongst other things:

- there is a clearly explained need for the evidence to be tested through formal questioning by an advocate; or
- the issues are complex; or
- the appeal has generated substantial local interest to warrant an inquiry as opposed to dealing with the case by a hearing; or

Analysis

It is the Appellant view that the criteria for an inquiry are clearly met. This is because of the following:

- A. In respect of the first reason for refusal, the officer's assessment in the Committee report considered that the proposed development would not affect the individual identity of Hamble or cause detriment to wider countryside. However, in this reason for refusal, the Council has adopted a contrary view. Due to the nature of this matter, the Appellant would want to have the ability to test the Council's position through formal cross examination and in turn will require technical clarification from their own landscape consultant (RPS).
- B. In determining the application, and considering the potential highways impacts of the proposed development the Council do not appear to have taken into consideration the wealth of technical information and drawings that had been submitted with the application and agreed with the highways authority (HCC). In addition, in reasons two and three, the Council have taken a contrary view to HCC, who raised no objections to the proposed development. The Appellant wants to have the ability to test the Council's position through formal cross examination. Furthermore, this matter will require technical evidence from the Appellants highways consultant (Markides Associates).
- C. With regards the fourth reason for refusal, the Council have taken a view that is inconsistent with that of Sport England, who raised no objections to the proposal. The Appellant wants to have the ability to test the Council's position through formal cross examination.
- D. With regard to the fifth reason for refusal, the Council have again not properly considered the technical information that has been submitted with the application, to directly respond to the comments raised by Natural England. The Council have taken a position conflicting with Natural England, who has not objected to the proposed development. The Appellant again wants to have the ability to test the Council's position through formal cross examination.
- E. With regard to the sixth reason for refusal the Appellant remains unclear whether the Council is taking issue with any of the specific contributions that have been agreed, and so needs to reserve its position, including as to the need for cross examination.

In light of the above points it is considered that the Inspector will need to consider relatively detailed and specialist evidence on these matters and enable the Appellant to formally cross examine the Council's evidence.

In addition, it is noted that the planning application has generated substantial local interest.

For all those reasons, the Appellant considers that that these issues are too complex for this appeal to be safely determined by an informal hearing.

Therefore, it is the Appellant's firm view is that procedural fairness requires this matter to be determined at an **Inquiry**, in accordance with the criteria in Annex K.