Residents Address

etc

Sarah Richards,

Chief Executive,

Planning Inspectorate,

Temple Quay House,

 2, The Square,

 Temple Quay,

 Bristol, BS1 6PN

XX September 2016

Dear Ms. Richards,

**Re: Complaint - Land at Kedleston Road, Allestree, Derby, Derbyshire DE5 3BY - Appeal Reference APP/M1005/W/15/3132791**

I write to you to complain about the above planning appeal decision made by John L Gray, an Inspector appointed by the Secretary of State for Communities and Local Government (DCLG) through the Planning Inspectorate. His decision to allow the appeal is now likely to result in at least 400 hundred houses being built on a protected heritage setting.

Mr Gray made his decision despite: there being approaching 2,000 objections lodged by local residents; the protection afforded to the land by Amber Valley District Council (AVBC) and it not being in their local plan; AVBC’s rejection of both applications presented by the developer based on heritage grounds; and the resident’s group, Kedleston Voice (KV), being represented at the inquiry on the basis of the community raising £40,000 to try to ensure the site continued to be protected.

Mr Gray’s decision and conduct at the Inquiry has raised many questions for residents and I feel that these should be raised with you. Specifically:

* The inspector appeared to have predetermined the outcome prior to hearing any evidence.
* The inspector made repeated interventions that were in favour of the appellant.
* KV’s representation was marginalised before and during the Inquiry.
* The inspector contradicted and usurped the heritage and landscape statutory consultees and respondents experts, despite their eminence.
* The inspector’s interpretation of setting is at odds with the statutory and expert opinion, guidance and case law.
* The inspector did not take into account relevant factors. For example, he failed to recognise or deal with the fact that the landscape including the appeal site was specifically designed by Robert Adam
* The inspector, due to his errors in judgement, incorrectly found that the appeal site is not within the setting of Kedleston Hall.
* The inspector failed to take account of or deal with the previous rulings.
* The inspector appears to find that the ‘current’ lack of 5-year supply overrides all local housing policy to justify his approval, which contradicts case law and other appeal decisions where heritage assets are a consideration.

Given these major failings and the likely impact that this decision will for future planning application on heritage setting, I would be pleased if you would explain to me:

* **How was Mr Gray selected to be the Inspector for this appeal and, as part of this, on what basis was his experience of heritage landscape matters seen as suitable for any appeal of this national importance?**
* **What quality assurance was undertaken by the Planning Inspectorate before, during and after an appeal to ensure that his conduct as an Inspector is deemed suitable?**
* **What quality assurance was undertaken of this decision before the decision was published; in order to avoid inconsistences and bias, for example?**

I am led to believe that the only option available to AVBC and residents is to apply to the High Court for a judicial review of the inquiry decision. Due to the law as written, this will both be very risky and costly. Despite this, residents are considering this approach as they appear to be left with no other option. **Please can you confirm that there is no right to appeal about the quality of this decision through the Planning Inspectorate and have this decision re-visited?**

Assuming that there is no right to appeal, as I have been led to believe by KV, **please could you explain how one individual can be afforded so much power and is able to overturn the will of the people and the wishes democratically elected representatives of the local community in this manner?**

To me and many other residents involved in this case, this is a clear sign that there are significant flaws in the current planning system which now seems so weighted in favour of the developer that even the most protected heritage sites are now likely to be built on the basis of this incorrect ruling.

I look forward to hearing your response to my questions and concerns,

Kind regards

Yours faithfully,

igh Court for a judicial review.