

Mrs A. McLaven  
Clerk to Isham Parish Council  
6 Wellingborough Road  
Isham  
Northamptonshire  
NN14 1HR

Telephone: 01536 534316  
Email: [planning@kettering.gov.uk](mailto:planning@kettering.gov.uk)  
Our Ref: KET/2017/0616  
Date: 6<sup>th</sup> December 2018

By email

Dear Mrs McLaven

## Town & Country Planning Acts – Appeal

**Appellant:** DB Symmetry Ltd  
**Proposal:** Up to 214,606 sqm gross external area for class B8 warehousing & distribution, ancillary class B1(a) offices, with associated access, internal roads, parking, landscaping and drainage  
**Location:** Kettering South (land at) (Off A509 north of Isham) Kettering  
**Application Type:** Outline Application (EIA)  
**Appeal Ref:** APP/L2820/W/18/3208228

As you are aware, further to refusal of the above planning application, DB Symmetry (DBS) Ltd submitted an appeal to the Planning Inspectorate (PINS). PINS have determined that this appeal will be considered through a Public Inquiry and they have scheduled it to be heard for 6 days in May 2019.

In its role as the Local Planning Authority, Kettering Borough Council has instructed a planning barrister, and because the Local Highway Authority had no objection to the application, has also instructed an independent transport consultant to assist in defending the appeal. Further to reviewing the appeal case, our planning barrister has advised that unfortunately the Council have no prospects whatsoever of successfully defending the appeal. Furthermore, if the Council were to continue to

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defend the reason for refusal, it is a virtual certainty that the Council would have a full award of costs made against them.

Given these circumstances, please be advised that the Council has made the decision not to present any evidence at the Public Inquiry. It is our understanding that the Inquiry will proceed as planned and Isham Parish Council and other third parties will still have the opportunity to verbally present their objections to the Planning Inspector.

I appreciate this will not be welcome news for the Parish, however the Borough Council has a responsibility to not only have regard to the legal advice it has received, but also to minimise the risk of a significant cost award that would need to be met from the public purse. The Local Planning Authority has however continued a dialogue with DB Symmetry Ltd to explore options for improving the scheme that was previously refused. In this regard it is anticipated a new application will be submitted which will include additional information around traffic management. Public consultation on a new application would be carried out in accordance with our normal processes and Isham Parish Council will be notified.

Yours sincerely

A handwritten signature in black ink, appearing to read 'L Holland', with a long horizontal flourish extending to the right.

Louise Holland  
Development Manager

cc Mr Nigel Ozier (by email)