The Planning Inspectorate

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Mr Simon Wood
Hinckley and Bosworth Borough Council
Planning Officer
Council Offices
Argents Mead
Hinckley
Leicestershire
LE10 1BZ

Your Ref: 10/00401/FUL

Our Ref: APP/K2420/A/10/2136529/NWF

Date: 11 October 2010

Dear Mr Wood

Town and Country Planning Act 1990
Appeal by Mr Nigel Hainsworth
Site at Land North Of Mill Lane, Earl Shilton

I have received appeal forms and documents for this site. I am the case officer, if you have any questions, please contact me.

I have checked the papers and confirm that the appeal is valid. If I later find out that this is not the case, I will write to you again.

The procedure and starting date

The appellant has requested the inquiry procedure. We have applied the criteria and considered all representations received, including the appellant's preferred choice. We consider that the inquiry procedure is suitable and we intend to determine this appeal by this procedure.

The date of this letter is the **starting date** for the appeal.

Sending documents to us and looking at the appeal

If you post your documents, please:-

- send one copy of the questionnaire and its supporting documents
- send two copies of other documents as specified below
- put the full appeal reference number on each copy

If you email them to the email address above please quote the full appeal reference number.

INVESTOR IN PEOPLE
POSITIVE ABOUT DISABLED PEOPLE

You can look at this case using the Planning Casework Service www.pcs.planningportal.gov.uk/pcsportal/casesearch.asp by typing in the appeal reference number and clicking on "Search for Cases".

Keeping to the timetable

You must keep to the timetable set out below and make sure that you send us the relevant documents within these deadlines. This will mean that we can deal with the appeal promptly and fairly. If you do not send us the relevant documents in time, the Inspector will not normally look at them and we will return them to you unless there are exceptional reasons for accepting them. You must note the details of the following timetable because we will not send any reminders.

The following documents must be sent within this timetable.

By 25 October 2010

You must notify any statutory parties and any other interested persons who made representations to you about the application, that the appeal has been made. You should tell them:-

i) that any comments they made at application stage will be sent to me and if they want to make any additional comments, they must submit 3 copies within 6 weeks of the starting date, **by 22 November 2010**. If comments are submitted after the deadline, the Inspector will not normally look at them and they will be returned;
ii) when and where the appeal documents will be available for inspection;
iii) that the Planning Inspectorate will not acknowledge representations unless specifically asked to do so. We will, however, ensure that letters received by the deadline are passed on to the Inspector dealing with the appeal;
iv) that they can get a copy of our booklet 'Guide to taking part in planning appeals proceeding by an inquiry' either free of charge from you or on your website, or on the Planning Portal (www.planningportal.gov.uk); and
v) that if they want to receive a copy of the appeal decision they must write to me asking for one.

You must send a copy of a completed appeal questionnaire and supporting documents, including relevant development plan policies, a copy of your notification letter and a list of those notified to the appellant and me. You have the opportunity to state your preferred choice of procedure by answering Question 1 of the appeal questionnaire.

By 22 November 2010

Please send me 2 copies of your statement giving full details of the case you will put forward at the inquiry including a list of any documents, maps or plans you intend to refer to or use in evidence. The appellant may require you to send them any such document (or relevant part of such a document). Please also include a list of any conditions or limitations you would agree to, if the appeal were to be allowed. I will send a copy of your statement to the appellant and send you a copy of their statement. You and the appellant must send a copy of your statements to any statutory parties. I will send you and the appellant a copy of any comments submitted by interested persons or organisations.

The appellant must also send a copy of the agreed statement of common ground, listing all matters agreed between you and them. This should include basic facts such as the site description, area, planning history, relevant planning policies, and all other

matters of agreement relating to the appeal. The Inspector may question the information in the statement. A model form is available on our website: (http:/www.planning-inspectorate.gov.uk/pins/appeals/planning_appeals/statement_common.pdf).

You must allow anyone who wants to inspect the appeal documents a reasonable opportunity to do so. Your statement must say when and where this can be done.

No later than 4 weeks before the inquiry -

You and the appellant must send me 2 copies of your proofs of evidence (and a summary if the proof is over 1500 words in length). A 'proof of evidence' is a written statement that you, the appellant or a witness wants the Inspector to take into account at the inquiry. Any summary should reflect the contents of the proof and should not include new evidence. When a summary is provided, only that will be read at the inquiry.

If you propose to give, or call another person(s) to give evidence at the inquiry, you must also send us in writing an estimate of the time required to present all their evidence and confirmation of the number of witnesses you intend to call.

Planning obligations - section 106 agreements

A planning obligation, often referred to as a 'section 106 agreement', is either a legal agreement made between the LPA and a person 'interested in the land' or a legally binding undertaking signed unilaterally by a person 'interested in the land'.

The obligation must be capable of being executed before the inquiry closes and we would expect you to be able to do so without the need for an adjournment to complete that process. To facilitate this and ensure matters can be properly discussed at the inquiry you should send me a final working draft of the obligation no later than 10 working days **before** the inquiry opens. You will need to ensure that the obligation can be signed without delay before the inquiry closes.

Only in very exceptional circumstances will an Inspector delay the issue of a decision to wait for an obligation to be executed.

Please note that appeal files are normally only kept for one year from the date the decision is issued, following which they are destroyed. It is therefore important you ensure that if any section 106 planning obligation is received from the appellant, **the original is always retained by your authority**. If you should receive a copy instead, please contact the appellant so that it may be exchanged for the original.

Statutory parties

'Statutory parties' are owners or tenants of the appeal site who made comments within the time limit on the applications or appeals. You must give details of any statutory parties at application stage on the questionnaire. I will tell you about any statutory parties who write to us at appeal stage, before your statement of case is due. You must send any statutory party(ies) a copy of your statement and proofs of evidence at the same time as you send them to me and the appellant.

Withdrawing the appeal

If you hear that the appeal is to be withdrawn, please telephone me immediately. If I receive written confirmation of this from the appellant, I will write to you.

Costs

The appellant has been directed to our advice pamphlet *'Costs awards in planning appeals*'. You should also be aware that costs may be awarded to either party. Our website gives further details.

Further information

Further information about the appeals process can be found in our Good Practice Advice Notes. These notes can be accessed at: http://www.planningportal.gov.uk/england/genpub/en/1115316673087.html or you can contact me if you want a hard copy of any of the notes. Advice on producing statements and proofs of evidence is in GPA Note 07/2009 and advice on producing statements of common ground is in GPA Note 08/2009. I recommend that you read the relevant guidance.

Yours sincerely

Jenny Howland

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