The Planning Inspectorate

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Mrs T Darke
Hinckley and Bosworth Borough Council
Planning Officer
Council Offices
Argents Mead
Hinckley
Leicestershire
LE10 1BZ

Your Ref: 09/00246/TEMP

Our Ref: APP/K2420/A/09/2115425/NWF

Date: 5 November 2009

Dear Mrs Darke

Town and Country Planning Act 1990
Appeal by Mr C Klenk
Site at Stanmaur Farm, Breach Lane, Earl Shilton, Leicester, LE9 7FB

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 hearing procedure. We have applied the criteria and considered all representations received, including the appellant's preferred choice. We consider that the hearing 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 19 November 2009

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 17 December 2009**. 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 a hearing' 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 17 December 2009

Please send me 2 copies of your hearing statement giving full details of the case which you will put forward at the hearing including copies of any documents (maps, plans etc) to which you will refer. It is best practice to provide a summary of your statement. This summary should not be more than 500 words long.

I will send a copy of your hearing statement (and summary) to the appellant and send you a copy of their hearing statement. You and the appellant must send a copy of your hearing statements (and summaries) to any statutory parties. I will send you and the appellant a copy of any comments submitted by interested persons or organisations.

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.

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 hearing 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 hearing you should send me a final draft of the obligation, signed by all parties, no later than 10 working days **before** the hearing opens.

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 application or appeal. You must give details of any statutory parties at application stage on the questionnaire. I will tell you about any statutory parties at appeal stage, before your hearing statement is due. You must send any statutory party(ies) a copy of your statement at the same time as you send it 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 is in GPA Note 07/2009. I recommend that you read the relevant guidance.

Yours sincerely

pp Jenny Howland

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