



The Planning Inspectorate

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www.gov.uk/planning-inspectorate

Mrs L De Domenico
Stratford-on-Avon District Council
Environmental Services Dept
Elizabeth House
Church St
Stratford-Upon-Avon
Warks
CV37 6HX

Your Ref: 17/00558/CRIT
Our Ref: APP/J3720/C/18/3206999
Further appeal references at foot of letter

15 November 2018

Dear Mrs De Domenico,

Town and Country Planning Act 1990
Appeals by Projectpart Homes Ltd
Site Addresses: Land south of Home Farm, Old School Lane, Lighthorne,
WELLESBOURNE, Warwickshire, CV35 0AU and Home Farm, Old School Lane,

I have received Enforcement Notice Appeal forms and documents (3206999) for this site, and Planning Appeal forms and documents (3215187). I am the case officer, if you have any questions, please contact me.

I have checked the papers and confirm that the appeals are 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 Written representations procedure. We have applied the criteria and considered all representations received, including the appellant's preferred choice. We consider that the Written representations procedure is suitable and we intend to determine this appeal by this procedure.

The date of this letter is the starting date for the appeals. The timetable for the appeals begins from this date.

Sending documents to us and looking at the appeals

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 numbers on each copy.

If you email them, please quote the full appeal reference number. Guidance on communicating with us electronically can be found at: <https://www.gov.uk/government/publications/enforcement-appeals-procedural-guide>.

You can look at this case through GOV.UK <https://www.gov.uk/appeal-planning-inspectorate> by typing in the appeal reference number and clicking on "Search for Cases".

Grounds of appeal

We accept that the enforcement appeal(3206999) should proceed on grounds (a), (f), and (g) as set out at Section 174(2) of the 1990 Act.

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 appeals 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.

Inspectors will not accept any documents from you or discuss your appeals at the site visit. Also, Inspectors will not delay their decision to wait for any such documents.

The following documents must be sent within this timetable.

By 29 November 2018

You must notify anyone other than the appellants who was served with the enforcement notice, occupiers of properties near the appeal site and any other persons who, in your opinion, are affected by the breach of planning control, that the appeals have been made. You must include:

- a) a description of the alleged breach of planning control;
- b) a statement of your reasons for issuing the notice;
- c) the appellant's grounds of appeal against the notice;
- d) an invitation to interested persons to make their views known by writing to the case officer at the above address, quoting our reference numbers. Their representations must be sent within 6 weeks of the starting date, by 27 December 2018. If comments are submitted after the deadline, the Inspector will not normally look at them and they will be returned. Wherever possible they must submit three copies of their letter and you should give warning that their views will be disclosed to the parties to the appeals unless the representations are withdrawn before the 6 weeks deadline;
- e) that the Planning Inspectorate will not acknowledge representations. We will, however, ensure that letters received by the deadline are passed on to the Inspector dealing with the appeals;
- f) they can get a copy of our guidance booklet free of charge from you, or on your website, or on GOV.UK (<https://www.gov.uk/government/collections/taking-part-in-a-planning-listed-building-or-enforcement-appeal>)

- g) when and where the appeal documents will be available for inspection; and
- h) that the decision will be published on GOV.UK.

You must provide the following documents to us:

- a) a true copy of the enforcement notice(s) including the statement of reasons why you considered it expedient to issue the notice(s); An electronic version of the enforcement notice (in Word format) must be sent to the email address in this letter. Please remember to include the full appeal reference number.
- b) a true copy of the plan attached to the enforcement notice(s), endorsed to that effect - if the original plan was coloured, the copy should be coloured identically;
- c) the names and address of all persons on whom a copy of the notice(s) was served, under provisions of S172(2) of the 1990 Act.

If you do not provide these documents, the Secretary of State will consider exercising powers under S176(3)(b) of the 1990 Act to quash the notice(s).

You must also make sure that the appellant and I are sent a copy of your completed appeal questionnaire and supporting documents, including the relevant development plan policies, a copy of your notification letter and a list of those notified. You have the opportunity to state your preferred choice of procedure by answering Question 1 of the appeal questionnaire. Please note, that separate, individual questionnaires will be required for the Enforcement appeal and for the Planning appeal.

By 27 December 2018

Please send me 2 copies of your statement, which may cover both the Enforcement and the Planning appeals combined. I will send a copy of your statement to the appellant and send you a copy of their statement. Your statement should include your response to each ground of appeal pleaded by the appellant.

If you wish to rely on your reasons for issuing the notice in response to any particular ground of appeal, please say so in your statement.

If the appeals includes ground (a) and the correct fee is received in time or is exempt from the payment of fees your statement may need to include any points concerning the planning merits of the alleged breach that you want the Inspector to take into account. You should also say whether you would be prepared to grant planning permission (and give any conditions you would want to impose).

By 17 January 2019

You and the appellant must submit 2 copies of any final comments you and they have on each other's statement and on any comments from interested people or organisations. You must not send your final comments instead of, or to add to your statement. No new evidence is allowed at this stage. I will send you a copy of the appellant's final comments at the appropriate time.

Site Visit

We will arrange for one of our Inspectors to visit the appeal site. If it is decided that the Inspector should be accompanied by the main parties, we will send you details of these arrangements nearer the time. If, however, an unaccompanied site visit can be made you will not be informed in advance and the Inspector should not be approached should you happen to observe him/her whilst he/she is conducting the site visit. If you were to do so the Inspector would of course identify him or herself but would not be able to engage in conversation with you at that time.

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'. If you intend to submit a planning obligation you must read the guidance, which is available from: <https://www.gov.uk/government/publications/enforcement-appeals-procedural-guide>.

A certified copy must be submitted to me no later than 9 weeks from the date of this letter.

Withdrawing the appeals

If you hear that the appeals are 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(s) has been directed to GOV.UK for further information regarding costs – <http://planningguidance.communities.gov.uk/blog/guidance/appeals/>. You should also be aware that costs may be awarded to either party.

Additionally, a Planning Inspector or the Secretary of State may on their own initiative make an award of costs, in full or in part, if they judge that a party has behaved unreasonably resulting in unnecessary appeal expense.

Further information

Further information about the appeals process can be accessed at - <https://www.gov.uk/government/publications/enforcement-appeals-procedural-guide>. I recommend that you read the relevant guidance.

Yours sincerely,

Roger Thomas

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