



The Planning Inspectorate

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Your Ref: ENF/23/0033
Our Ref: APP/W1905/C/23/3334117
Further appeal references at foot of letter

Miss Ellie Maddin
Broxbourne Borough Council
Planning & Environment Department
Bishops College, Churchgate
Cheshunt
Waltham Cross
Herts
EN8 9XE

08 December 2023

Dear Miss Ellie Maddin,

Town and Country Planning Act 1990
Appeals by Mr Billy Joe Saunders
Site Addresses: Woodland Stables , Cock Lane, Hoddesdon, EN11 8LS and
Woodland Stables, Cock Lane, South Heath, Herfordshire, HP16 9QQ

I have received Enforcement Notice 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(s) is valid. If I later find out that this is not the case, I will write to you again.

IMPORTANT INFORMATION

All s174 Enforcement Notice appeals proceeding by an Inquiry will, from 1st July 2023 and subject to Inspector availability, follow a strict timetable with the aim of issuing the appeal decision within the 26 weeks receipt date of a valid appeal. All dates contained in this letter including the event date are therefore fixed and cannot be changed.

The procedure and the starting date

Linked with Planning Appeal (S78) reference APP/W1902/W/23/3327012

You have requested the Inquiry procedure.

The date of this letter is the starting date for the appeal(s). The timetable for the appeal(s) begins from this date.

The Inspector and Inquiry date

The Inspector appointed to decide the appeal is P Freer and the inquiry will open at 10.00am on 16 April 2024. We have currently scheduled 4 sitting days.

The Inspector will wish to hold a case management conference (CMC) with the main parties

in about 8 weeks to be hosted virtually by the LPA ideally on Microsoft Teams. The Inspector will prepare an agenda which will be issued in advance. Each party should have a single spokesperson nominated to speak; the intended advocates should participate if, at all possible. Please can you provide the name and email address of your spokesperson to us no less than 7 days before the case conference, along with the names/email addresses of any other participants. An invitation to the CMC should be sent to the relevant Case Officer who will make arrangements with the Inspector. For guidance on hosting virtual events for the Planning Inspectorate, please follow this link <https://www.gov.uk/government/publications/guidance-for-local-planning-authorities-hosting-virtual-events-for-the-planning-inspectorate/guidance-for-local-planning-authorities-hosting-virtual-events-for-the-planning-inspectorate>. It is important that the Inspector's email address is not disclosed to ensure they cannot be contacted direct by any party – please see paragraphs 4.1- 4.3 of the guidance on this point.

In advance of the case management conference, parties are requested to focus only on the matters that are in dispute and give detailed consideration as to exactly what topics could most efficiently be dealt with as a round table discussion at the inquiry (or even just by written submissions), to ensure that the inquiry is conducted in an efficient and effective manner, optimising inquiry time. This will be an item on the agenda for the conference. Depending on the outcome of that discussion, the Inspector will direct how the evidence will be dealt with at the inquiry.

Sending documents to us and looking at the appeal(s)

A timetable for some elements of the case is set out below. No reminders will be sent, and any documents sent after the deadlines will normally be returned. Whilst we prefer all appeals documents to be submitted via the portal electronically the Inspector might request submissions to be in hard copies sent through the post.

You can use the Internet to submit documents, to see information and to check the progress of cases through GOV.UK. The address of the search page is <https://acp.planninginspectorate.gov.uk/>

If emailing documents, please use the email address above. If posting documents (other than the Questionnaire) please send 2 copies of everything. Whichever method you use, please make sure that all documents/emails are clearly marked with the full reference number.

Guidance on communicating with us electronically can be found at <https://www.gov.uk/government/publications/planning-appeals-procedural-guide>

Grounds of appeal

We accept that the appeal(s) should proceed on ground(s) (a), (b), (c), (d), (e), (f), (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 appeal(s) 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. Not meeting the prescribed timetables may be a reason for the Inspector to initiate an award of costs (see section on costs below).

Unless agreed otherwise by the Inspector at the case management conference the following documents must be sent within this timetable.

Enclosed with this start letter is our Inquiry Timetable Questionnaire Form to be completed and returned by the 9 weeks Final Comments deadline.

By 22 December 2023

You must notify anyone other than the appellant(s) 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 appeal(s) has been made.

You must include:

- a) description of the alleged breach of planning control;
- b) a statement of your reasons for issuing the notice(s);
- c) the appellant's grounds of appeal against the notice(s);
- d) an invitation to interested persons to make their views known by writing to the case officer at the above address, quoting our reference number(s). Their representations must be sent within 6 weeks of the starting date by 19 January 2024. 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 appeal(s) 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 appeal(s);
- 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-planninglisted-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(s) 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.

By 19 January 2024

The Appellant and the LPA should send me 2 copies of your Inquiry statement giving full details of the case which you will put forward at the Inquiry including copies of any documents (maps, plans etc) to which you will refer. I will send a copy of your statement to the Appellant(s) and send you a copy of their statement. I will send you and the Appellant(s) a copy of any comments I receive from other interested persons or organisations.

The Appellant and the LPA must also submit a copy of the completed agreed statement of common ground, listing all matters that are not only agreed but also confirming areas where there is disagreement. Further guidance on producing statements of common ground (and a model form) is available from <https://www.gov.uk/government/publications/statement-of-common-ground>

By 9 February 2024

The Appellant and the LPA 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 statements. No new evidence is allowed at this stage. I will send a copy of the appellant's final comments at the appropriate time.

By 19 March 2024

The Appellant and the LPA must send me 2 copies of your proof of evidence (and a written summary if the proof is over 1500 words in length). You should also send a copy to any statutory party. A proof of evidence is a written statement that the Appellant, the LPA 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.

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 provided on GOV.UK <https://>

www.gov.uk/government/publications/planning-appeals-procedural-guide. A draft, or heads of terms, should be submitted before the case management conference. A final draft, agreed by all parties to it, must be submitted to me no later than 10 working days before the inquiry opens.

Statutory parties

'Statutory parties' are owners or tenants of the application/appeal site who made comments within the time limit on the application, or who do so on appeal. You will be able to confirm whether there were any statutory parties at application stage by checking the LPA's questionnaire. You must send any statutory party a copy of your full statement of case as soon as is practicable.

Withdrawing your appeal(s)

If you decide to withdraw your appeal(s), please contact me immediately on the telephone number or email address provided. You must confirm your decision in writing and it would be helpful if you could provide reasons why you are withdrawing.

Costs

Costs can be awarded in this type of appeal. Details of this can be found on GOV.UK: <http://planningguidance.communities.gov.uk/blog/guidance/appeals/>. You are advised to read this guidance very carefully as it contains important information about how one party to an appeal might have to pay another party's costs. You should be aware that withdrawal at any stage in the proceedings without good reason, may result in a successful application for costs. A successful application is also possible should an event be adjourned because of the submission of late evidence.

Additionally, the appointed 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.

The Appeal decision

The decision is expected to be issued on or before 29 May 2024.

Further information

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

Yours sincerely,

Rebecca Gray

Rebecca Gray

<https://www.gov.uk/government/publications/planning-inspectorate-privacy-notice>

Where applicable, you can use the internet to submit documents, to see information and to check the progress of cases through GOV.UK. The address of the search page is - <https://www.gov.uk/appeal-planning-inspectorate>

Linked cases: APP/W1905/W/23/3327012