



The Planning Inspectorate

Room 3B
Temple Quay House
2 The Square
Bristol
BS1 6PN

Direct Line: 0303 444 5179
Customer Services:
0303 444 5000

Email: teame3@planninginspectorate.gov.uk
www.gov.uk/planning-inspectorate

Your Ref: 23/00682/15UNAU
Our Ref: APP/W0340/C/24/3351139

Zoe Cullen
West Berkshire District Council
Planning And Transport Strategy
Council Offices
Market Street
Newbury
Berks
RG14 5LD

09 September 2024

Dear Zoe Cullen,

Town and Country Planning Act 1990
Appeal by Mr J Slater

Site Address: Land south of Brimpton Lane and west of Blacknest Lane,
Brimpton Common, Reading, RG7 4RS

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.

The procedure and the starting date

The Appellant(s) has requested the Inquiry procedure.

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

The current s78 Planning Appeal will be linked as the Enforcement Appeal timetable progresses. The deadlines for the Statement of Common Ground and Proofs of Evidence will be the same for both appeals.

The Inspector and Inquiry date

The Inspector appointed to decide the appeal is Mr Andrew McGlone BSc MCD MRTPI and the inquiry will open at 10.00am on 14 January 2025. 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. You will be notified of the date and time. 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. Additional information will be provided with

the notification of the CMC. Please can you provide the name of your spokesperson to us no less than 7 days before the CMC, along with the names 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 CMC, parties are requested to focus only on the matters that are in dispute and consider what topics, if any, could be dealt with as a round table discussion at the inquiry or by written submissions only, 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 CMC. Depending on the outcome of that discussion, the Inspector will direct how the evidence will be dealt with at the inquiry.

Please note that a single case management conference (CMC) will be held for both appeals after the submission of Statement of Case for the enforcement appeal and the Statement of Common Ground for both appeals.

Any evidence supporting a claim for use has to show a continuous period of use for the relevant 4 or 10 year period. The onus of proof is on an appellant(s). The test to be achieved is 'on the balance of probability'.

The appeal(s) is proceeding by way of Inquiry as:

- evidence is likely to require testing through formal questioning;
- evidence may need to be given on oath.

An inquiry will allow for investigative questioning and formal testing of evidence under oath by cross-examination, for example, where witnesses have submitted factual evidence about how long the alleged unauthorised use has been taking place.

You must supply a list of (and it would be helpful if you supplied copies of) all factual written information you intend to rely on with your statement of case. This can include documents such as:

- tenancy agreements;
- utility bills;
- council tax bills;
- receipts for work and materials;
- written testimonies;
- sworn affidavits.

The appeal(s) procedure will remain under review, as normal, whilst in progress.

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

Please ensure all documents are GDPR compliant: [Customer Privacy Notice - GOV.UK \(www.gov.uk\)](https://www.gov.uk/customer-privacy-notice).

You can use the Internet 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 it is not possible for you to submit documents using the portal, please use the email address above. If you are unable to use the internet to submit documents, you may post them to the address at the top of this letter. The Inspector may request submissions to be in hard copies sent through the post.

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 [Appealing to the Planning Inspectorate: communicating electronically with us - GOV.UK \(www.gov.uk\)](https://www.gov.uk/appealing-to-the-planning-inspectorate-communicating-electronically-with-us).

Grounds of appeal

We accept that the appeal(s) should proceed on ground(s) (a), (b), (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.

You must send a copy of your representations (except the questionnaire) to all those, other than the appellant(s), on whom a copy of the enforcement notice was served.

The following documents must be sent within this timetable.

By 23 September 2024

Using the model notification letter at the following link: [Model notification letter for enforcement appeals - GOV.UK \(www.gov.uk\)](https://www.gov.uk/model-notification-letter-for-enforcement-appeals) 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 21 October 2024. If comments are submitted after the deadline, the Inspector will not normally look at them and they will be returned. 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 21 October 2024

The Appellant and the LPA should send a copy of the 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 11 November 2024

The Appellant and the LPA should submit a copy of any final comments 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 17 December 2024

The Appellant and the LPA must send me 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: [Enforcement appeals: procedural guide - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/enforcement-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 the appeal(s)

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

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.

All parties are expected to behave reasonably to support an efficient and timely process, for example, in providing all the required evidence and ensuring that timetables are met. Where a party has behaved unreasonably, and this has directly caused another party to incur unnecessary or wasted expense in the appeal process, they may be subject to an award of costs. As a reminder, the Inspector can initiate an award of costs even if other parties in the appeal process do not make an application.

The Appeal decision

The decision is expected to be issued on or before 03 March 2025.

Further information

Further information about the appeals process can be accessed at GOV.UK - [Enforcement appeals: procedural guide - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/enforcement-appeals-procedural-guide). I recommend that you read the relevant guidance.

Yours sincerely,

Amy Booth

Amy Booth

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