



The Planning Inspectorate

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Your Ref: ENF/Squirrels Rest

Our Ref: APP/C3430/C/24/3349508

Salindra Kumar
South Staffordshire District Council
Development Management Service
Council Offices
Wolverhampton Road
Codsall
South Staffordshire
WV8 1PX

19 September 2024

Dear Salindra Kumar,

Town and Country Planning Act 1990

Appeal by Mr Luke Lee

Site Address: Squirrels Rest, Poplar Lane, Hatherton, Cannock, WS11 1RS

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/are valid. If I later find out that this is not the case, I will write to you again. This is a formal notice informing you of the next steps and deadlines applicable.

The procedure and starting date

We have applied the criteria which can be found at: <https://www.gov.uk/government/publications/criteria-for-determining-the-procedure-for-planning-enforcement-advertisement-and-discontinuance-notice-appeals/criteria-for-determining-the-procedure-for-planning-enforcement-advertisement-and-discontinuance-notice-appeals> 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 appeal(s) procedure will remain under review, as normal, whilst in progress.

The date of this letter is the starting date for the appeal(s). The timetable for the appeal(s) begins from this date. All parties have a responsibility to abide by the timetable.

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

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

Please use the portal to submit all documents. 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 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. 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/guidance/appealing-to-the-planning-inspectorate-communicating-electronically-with-us).

Grounds of appeal

We accept that the appeal(s) should proceed on ground(s) (a), (c), (d), (f) 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. You must note the details of the following timetable because we will not send any reminders.

IMPORTANT

Please be aware that in the event we require information from any appeal party, we will only give one opportunity and set a deadline. If at any time before or during the determination of an appeal against an enforcement notice or LDC it appears to the Secretary of State that the appellant is responsible for undue delay in the progress of the appeal(s), the Secretary of State may give the appellant notice that the appeal will be dismissed unless the appellant takes, within the period specified in the notice, such steps as are so specified for the expedition of the appeal. Similarly, the Secretary of State may allow an appeal and quash the enforcement notice if the local planning authority fail to comply with any requirement of regulations within the prescribed period.

The following documents must be sent within this timetable.

By 03 October 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/guidance/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 within 6 weeks of the starting date by 31 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.

From 1 April 2024 the Planning Inspectorate will no longer accept interested party comments sent via email. Any comments submitted by email will not be considered and will be returned. Comments from interested parties on appeals will only be accepted through the Appeals Casework Portal, or via letter to Temple Quay House. Please could the council note the advice here: [Streamlining comment submission for planning and enforcement appeals - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/collections/streamlining-comment-submission-for-planning-and-enforcement-appeals), including the letter from our Chief Operating Officer to all Local Planning Authorities.

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-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(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 31 October 2024

Please send me a copy of your statement. I will send a copy of your statement to the

appellant(s) and send you a copy of their statement. Your statement should include your response to each ground of appeal pleaded by the appellant(s).

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

By 21 November 2024

You and the appellant(s) must submit a copy 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.

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 final draft, agreed by all parties to it, must be submitted to me no later than 10 days before the hearing opens.

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.

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,

Vanessa Poncia

Vanessa Poncia

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