



The Planning Inspectorate

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Your Ref: P/21/045/COU

Our Ref: APP/Z0835/W/21/3287898

Ms Lisa Walton
The Isles of Scilly Council
The Planning Department
Old Wesleyan Chapel
Garrison Lane
St. Marys
Isles Of Scilly
TR21 0JD

23 February 2022

Dear Ms Walton,

Town and Country Planning Act 1990
Appeal by Mr Toby Tobin-Dougan
Site Address: Land at Lawrences Brow, St. Martin's, Isles Of Scilly, Cornwall,
TR25 0QL

I have received appeal forms and documents for this site. I am the case officer. If you have any questions please contact me.

The procedure and starting date

The appellant(s) has requested the Written representations procedure.

In accordance with s319A of the Act 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. The timetable for the appeal begins from this date.

Arranging the Hearing date

We propose to hold a hearing for this appeal at 10:00 on Tuesday 21 June 2022 at a venue to be arranged by yourselves. This is the earliest date that an Inspector is available so if you are unable to agree to this it is likely to delay consideration of the appeal.

Please note that we allow the appellant and the LPA only one refusal of a hearing date before we fix and confirm the date and time of the hearing.

If you are unable to accept the proposed date, whether due to the unavailability of your representative(s) or a suitable venue, please provide details of your availability (including any dates that you cannot make) and where appropriate the availability of a suitable venue by 4 March 2022.

If we have not heard from you by this date we will continue to fix and confirm the above date for the hearing. Once a date has been fixed and confirmed it can only be re-arranged in exceptional circumstances.

Usually our Inspector will undertake a site visit during, or at the end of, a hearing and so arrangements should be made to access the site and any relevant buildings.

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

A timetable is set out below. No reminders will be sent, and any documents sent after the deadlines will normally be returned.

You can use the Internet to submit documents, to see information and to check the progress of cases through Appeals Casework Portal. The address of the search page is <https://www.gov.uk/appeal-planning-inspectorate>.

Please send any correspondence using the email/postal address above. 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>.

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.

The following documents must be sent within this timetable.

By 02 March 2022

You must notify any person who was notified or consulted about the application in accordance with the Act or a development order and any other interested persons who made representations to you about the application, that the appeal(s) has been made. You should tell them: -

i) that any comments they made at application stage will be sent to me and the appellant(s) and will be considered by the Inspector (unless they withdraw them within the 5 week deadline). If they want to make any additional comments they must do so within 5 weeks of the starting date, by 30 March 2022.

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. We will, however, ensure that letters received by the deadline are passed on to the Inspector dealing with the appeal(s);

iv) that they can get a copy of our booklet 'Guide to taking part in planning and listed building consent appeals proceeding by a hearing' either free of charge from you, or on GOV.UK—<https://www.gov.uk/government/collections/taking-part-in-a-planning-listed-building-or-enforcement-appeal>; and

v) that the decision will be published on Appeals Casework Portal.

You must send a copy of a completed appeal questionnaire and supporting documents, a copy of your notification letter and a list of those notified to the appellant(s) and me. You have the opportunity to state your preferred choice of procedure by answering Question 1 of the appeal questionnaire.

By 30 March 2022

Please send me a copy of your 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 statement (and summary) to the appellant(s) and you must send a copy of your statement and (summary) to any statutory parties. I will also send you and the appellant(s) a copy of any comments received from other interested persons or organisations.

You must also submit a copy of the completed agreed statement of common ground, listing all matters agreed. 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>.

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'. 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 final draft, agreed by all parties to it, must be submitted to me no later than 10 days before the hearing 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 must give details of any statutory parties at application stage on the questionnaire. I will tell you about any

statutory parties who write to us at appeal stage, before your statement of case is due.

Withdrawing your 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 <https://www.gov.uk/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 GOV.UK - <https://www.gov.uk/government/publications/planning-appeals-procedural-guide>. I recommend that you read the relevant guidance.

Yours sincerely,

Linda Hutton

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