



The Planning Inspectorate

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Your Ref: 21/03177/F

Our Ref: APP/C3105/W/22/3304021

Matthew Swinford
Cherwell District Council
Public Protectn & Development
Bodicote House
Bodicote
Banbury
Oxon
OX15 4AA

04 October 2022

Dear Mr Swinford,

Town and Country Planning Act 1990
Appeal by Albion Land
Site Address: Land west of Howes Lane, Bicester, OX26 2GS

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

SPEEDING UP DECISIONS ON APPEALS NEEDING HEARINGS

You will be aware that in spring this year the Planning Inspectorate committed to speeding up decisions on appeals that need a hearing. As of 1 April 2022, all validly received planning appeals that require a hearing will be subject to stricter timescales and will follow a timetable that adopts the principles set out in the Rosewell independent review of planning appeal inquiries.

Please read the contents of this letter carefully as it sets out details of the timetable and a date for the event. The event date is fixed and cannot be changed. It is based on Inspector availability and programmed to ensure we meet our aim of making a decision within 24 weeks of receipt of a valid appeal.

The Procedure and the Starting date

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 the Hearing procedure to be suitable.

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

The Inspector and Hearing date

The Inspector appointed to decide the appeal is R Sabu BA(Hons), MA, BArch, PgDip, RIBA, ARB and the hearing will open at 10.00am on Tuesday 17th January 2023. We have currently scheduled 1 sitting day(s), and the Inspector proposes the event be scheduled as a face to face, in-person event at a venue to be arranged by the LPA, with virtual arrangements as a backup should any key participant be unable to attend the venue, with a site inspection arranged separately.

If required, please can the LPA secure a suitable venue as soon as possible and provide details.

Sending documents to us and looking at the appeal

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.

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 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 Planning Appeal full reference number.

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

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 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).

The following documents must be sent within this timetable.

By 11th October

Using the model notification letter at the following link www.gov.uk/government/publications/model-notification-letter-for-planning-appeals, 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 has been made. You should tell them:

i. that any comments they made at application stage will be sent to the Planning Inspectorate 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 8th November. 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

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

v. that the decision will be published on GOV.UK

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.

By 8th November

Please send me 2 copies of your statement giving full details of the case you will put forward at the hearing including any documents, maps or plans you intend to refer to or use in evidence. The appellant may require you to send any such document (or relevant part of such a document). Please also include a list of any conditions or limitations you would agree to if the appeal were to be allowed. I will send a copy of your statement to the appellant(s) and you must send a copy of your statement 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 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 www.gov.uk/government/publications/statement-of-common-ground.

By 22nd November

Please send me a copy of the LPA hearing date notification letter along with a list of all those notified of the arrangements.

Your letter should cover:

- a clear statement of the date, time and who at the Council should be contacted should they wish to take part in the hearing, the powers enabling the Secretary of State or Inspector to determine the appeal and the name of the Inspector
- the location of the site and a description of the development
- that the hearing is to be held as an in-person event with the facility to participate virtually
- that anyone wishing to participate in the hearing virtually should contact the Local Planning Authority for details of how to do so as soon as possible prior to the hearing
- where your completed questionnaire, yours and the appellant's statements and future comments can be inspected

- a link (via the Council's website) to the appeal documents or that the documents can be viewed at the Council offices by prior arrangement
- that they may attend the hearing and, at the Inspector's discretion, give their views
- that the decision will be published on <https://acp.planninginspectorate.gov.uk/>
- if an in-person face to face event, what facilities are available for people with disabilities e.g., parking spaces, venue access and seating arrangements etc
- Planning Inspectorate Reference: APP/C2105/W/22/3304021
- The Planning Inspectorate Case Officer contact details as above

If you consider it appropriate, please notify the press of the hearing and, if notice of the hearing is published in the press, send a copy of the notice(s) to me.

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 -

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 working 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 the appeal

If you hear that the appeal 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 – 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.

The Appeal decision

The decision is expected to be issued on or before 25th February 2023

Further information

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

Yours sincerely,

Sarah Avery

Sarah Avery

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

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