



The Planning Inspectorate

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Wiltshire Council
Development Services
The Council House
Bourne Hill
Salisbury
SP1 3UZ

Your Ref:
Our Ref: APP/Y3940/W/17/3168452

25 February 2017

Dear Sir/Madam,

Town and Country Planning Act 1990
Appeal by Gleeson Developments Limited
Site Address: Land south of Filands, Malmesbury, Wiltshire, SN16 9JN

I have received appeal form and documents for this site. I am the case officer.

I have checked the papers and confirm that the appeal is valid. If I find out later that this is not the case, I will write to you again.

The starting date for the appeal is 27th February 2017.

We have decided that the appeal should follow the inquiry procedure. As the inquiry is likely to have a duration of 3 days or more, the appeal will follow our bespoke inquiry procedures. Guidance about bespoke programming of appeals can be found at the following link https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/463405/procedural_guide_planning_appeals.pdf. Attached is the format for the bespoke programme. Please suggest dates for those actions which have not been greyed out. It would be helpful if 2 agreed inquiry dates could be provided.

NB: As an agreed bespoke programme has not been submitted with the appeal provisional dates for the LPA's Questionnaire and Statement of Case and the final Statement of Common Ground are enclosed. Any changes to these dates should be agreed between all parties.

With regard to the anticipated inquiry duration the parties are requested to provide a well informed estimate (ie including Counsel's input) of time required for their own case and to liaise with one another to see how many witnesses each confidently proposes to field and how long they expect cross examination of one another's witnesses will require. The parties should also factor in a reasonable assessment of 3rd party interest, that the Statement of Common Ground will minimise the areas that need to be covered at the inquiry and that the duration should include the time that will be needed for the Inspector to carry out any accompanied site visit. The reason for this level of detail at this stage is

to enable accurate forward programming of the Inspector's time, and to seek to ensure, as far as possible, that the risk of adjournment caused by underestimation of the inquiry duration is minimised.

You have 2 weeks from the start date of the appeal in which you can submit a programme agreed with the appellant.

If you do not wish to agree a programme please let me know within the 2 week period. If that is the case, or a programme is submitted which we find unacceptable, we may impose our own programme for this appeal.

Within 2 weeks of the start date of the appeal letter you must notify any statutory parties and any other interested persons who made representations to you about the application, that the appeal has been made. You should tell them that:-

- i) any comments they made at application stage will be submitted to the Planning Inspectorate and if they want to make any additional comments, they must submit 3 copies of them to me within 6 weeks of the start of the appeal i.e. by 10th April 2017. 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 an inquiry' either 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>; and
- v) that the decision will be published on GOV.UK.

Please send a copy of the notification letter to me.

Where a new local policy has been adopted at any point following the LPA decision but before the appeal decision is issued you must inform PINS and outline its effect on this appeal.

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, 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.

If you have any questions, please contact me.

Yours faithfully,

Tim Salter

Tim Salter

Enclosures: bespoke programme

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>