The Planning Inspectorate

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Planning Development Control
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Your Ref: 2009/0866

Our Ref: APP/R4408/A/09/2115871/NWF

Date: 2 November 2009

DC NO CHQ
Barnsley Metropolitan Borough Council
- 5 NOV 2009
Corporate Mail Room

Dear Sir / Madam

Town and Country Planning Act 1990
Appeal by Nicholson Roberts and Co Ltd
Site at 33 Barnsley Road, Penistone, Sheffield, South Yorkshire S36 8AE

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.

The procedure and starting date

The appellant has requested the written representations procedure. We have applied the criteria and considered all representations received, including the appellant's preferred choice. We consider that the written representations 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.

Sending documents to us and looking at the appeal

If you post your documents, please

- send one copy of the questionnaire and its supporting documents:
- send two copies of documents as specified below:
- put the full appeal reference number on each copy.

If you email them to the email address above please quote the full appeal reference number.

INVESTOR IN PEOPLE
POSITIVE ABOUT DISABLED PEOPLE

You can look at this case using the Planning Casework Service www.pcs.planningportal.gov.uk/pcsportal/casesearch.asp by typing in the appeal reference number and clicking on "Search for Cases".

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 this 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. Inspectors will not accept any documents from you or discuss the appeal at the site visit. Also, Inspectors will not delay their decision to wait for any such documents. 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 16 November 2009

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 me and the appellant and will be considered by the Inspector (unless they withdraw them within the 6 week deadline). If they want to make any additional comments they must submit 3 copies within 6 weeks of the starting date, **by 14 December 2009**. 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 unless specifically asked to do so. 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 written representations' either free of charge from you or on your website, or on the Planning Portal (www.planningportal.gov.uk); and
v) if they want to receive a copy of the appeal decision they must write to me asking for one.

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

By 14 December 2009

Please send me 2 copies of your statement if the appeal questionnaire does not give full details of your case. The appellant must send 2 copies of any statement to me if they need to add details to the case made in their grounds of appeal. I will send a copy of your statement to the appellant and send you a copy of their statement. Please include a list of any conditions or limitations you would agree to, if the appeal were to be allowed. I will send you and the appellant a copy of any comments sent by interested people or organisations.

By 4 January 2010

You and the appellant must submit 2 copies of any final comments you and they have on each other's statement and on any comments from interested persons 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.

Site visit

We will arrange for one of our Inspectors to visit the appeal site. If it is decided that the Inspector should be accompanied by the main parties, we will send you details of these arrangements nearer the time. If, however, an unaccompanied site visit can be made you will **not** be informed in advance and the Inspector should not be approached should you happen to observe him/her whilst he/she is conducting the site visit. If you were to do so the Inspector would of course identify him or herself but would not be able to engage in conversation with you at that time.

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, I will write to you.

Costs

The appellant has been directed to our advice pamphlet *'Costs awards in planning appeals'*. You should also be aware that costs may be awarded to either party. Our website gives further details.

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 rely on an obligation and want to be certain that it will be taken into account by the Inspector in reaching a decision, you must make sure that a signed and dated copy is submitted to the Inspectorate no later than 9 weeks from the start date. The obligation must be capable of being executed. Completed obligations submitted after this date will be taken into account only at the Inspector's discretion as he/she will not normally delay deciding the appeal to wait for its receipt.

Please note that appeal files are normally only kept for one year from the date the decision is issued, following which they are destroyed. It is therefore important you ensure that if any section 106 planning obligation is received from the appellant, **the original is always retained by your authority**. If you should receive a copy instead, please contact the appellant so that it may be exchanged for the original.

Further information

Further information about the appeals process can be found in our Good Practice Advice Notes. These notes can be accessed at: http://www.planningportal.gov.uk/england/genpub/en/1115316673087.html or you can contact me if you want a hard copy of any of the notes. Advice on producing statements is in GPA Note 07/2009. I recommend that you read the relevant guidance.

Yours sincerely