



The Planning Inspectorate

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www.gov.uk/planning-inspectorate

Mrs Wendy Strangeway
North York Moors National Park Authority
Development Control Support Officer
The Old Vicarage
Bondgate
Helmsley
York
YO62 5BP

Your Ref: NYM/2019/0431/FL
Our Ref: APP/W9500/W/20/3262806

23 March 2021

Dear Mrs Strangeway,

Town and Country Planning Act 1990
Appeal by All For Horses Rescue and Rehoming
Site Address: Silpho Brow Farm West, Silpho Brow, SCARBOROUGH, YO13 0JP

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 Hearing 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(s). The timetable for the appeal(s) begins from this date.

Arranging the Hearing date

We propose to hold a hearing for this appeal on Wednesday 9th June 2021. 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.

Due to the Coronavirus (COVID-19) measures introduced by the Government <https://www.gov.uk/coronavirus>, social distancing and travel restrictions are in place currently. As a consequence, for the next few months we will not be conducting hearings face to face in the way we have done before. As an alternative we are, as foreshadowed in the Written Ministerial Statement of 13 May 2020 (Planning) making arrangements to hold hearings

and inquiries as virtual events as the default method of operation for most cases, with all parties involved in the planning process expected to engage proactively. I can confirm, in this regard, that we have now scheduled the Hearing in relation to this case for 10am on Wednesday 9th June 2021 as a digital event using Microsoft Teams, taking place over the internet (or by telephone link for anyone without access to the internet) allowing those who want to participate to do so without the need to travel. The Inspector will of course visit the site in the normal way in person.

I will be in touch shortly to set out more detailed arrangements for the virtual Hearing, including how it will work, with the opportunity to join a short IT test beforehand for you to try out the technology.

Please advise immediately if the date presents an insurmountable problem, but in any event no later than midday on 26th March 2021. Could the Council also confirm please, how notifications of the event will be sent out (email only; email and post; post only)

If you are unable to accept the proposed date, whether due to the unavailability of your representative(s) or the proposed venue, please provide details of your availability (including any dates that you cannot make).

If we have not heard from you by this date we will continue to fix and confirm the above date and venue 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 30 March 2021

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 27 April 2021.

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 27 April 2021

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,

Dot Kujawa

Dot Kujawa

