The Planning Inspectorate

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Your Ref: AWDM/1473/21
Our Ref: APP/Y3805/W/23/3318789

Mrs D Johnson
Adur District Council
Planning & Development Services
Department
Civic Centre
Ham Road
Shoreham By Sea
West Sussex
BN4 6PR
23 May 2023

Dear Mrs D Johnson,

Town and Country Planning Act 1990
Appeal by Shoreham Brighton Road Ltd
Site Address: Frosts Of Shoreham, 69-75 Brighton Road, SHOREHAM-BY-SEA, BN43 6RE

We have received appeal forms and documents for this site. The papers have been checked and the appeal appears to be valid. If we later find out that this is not so, then we will let you know. I am the case officer, if you have any questions, please contact me.

SPEEDING UP DECISIONS ON APPEALS NEEDING HEARINGS

The Planning Inspectorate is 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 as it is based on Inspector availability and programmed to ensure we meet our aim of issuing a decision within 24 weeks of the appeal being considered as valid.

The Procedure and the Starting date

We currently consider this appeal suitable to follow the Hearing procedure.

The date of this letter is the starting date for the appeal and for the timetable it will follow.

The Inspector and Hearing date

The Inspector appointed to decide the appeal is B Webb BA(Hons) MA MA MSc, PGDip (UD) MRTPI IHBC, and the hearing will open at 10.00am on Tuesday 05 September 2023. We currently anticipate 1 sitting day(s) and, unless you are advised otherwise, the

format of the event will be an in-person, face to face event.

Please can you secure a venue as soon as possible and provide details.

However please could you ensure a back-up online meeting is set up in case the event needs to be moved on-line.

The Inspectorate advises that you encourage all participants in the hearing to register an email address with you. This will enable you to move the entire event online should this become necessary.

Sending documents to us and looking at the appeal

You should 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.

Keeping to the timetable

The timetable set out below must be adhered and requires action and documentation to be issued by strict deadlines. This will mean that we can deal with the appeal promptly and fairly. If documents are not with us 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 your obligations under the prescribed timetable will increase your risk of incurring an award of costs against you (see section on costs below). Deadline extensions should not be requested unless there are very extenuating circumstances. These do not include lack of administrative cover for holiday or sickness.

The following actions and documentation are required by the timetable.

By 30 May

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)

ii. If they want to make any additional comments, they must do so within 5 weeks of the starting date, by 27 June. If comments are submitted after the deadline, the Inspector will not normally look at them and they will be returned

iii. when and where the appeal documents will be available for inspection

iv. 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

v.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

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

You must ensure a copy of a completed appeal questionnaire, policies and other supporting documents, a copy of your notification letter and a list of those notified is sent to both myself and the appellant(s) by this deadline.

By 27 June

You must submit to me a copy of the completed and agreed statement of common ground, listing all matters that are not only agreed, but also confirming areas where there is disagreement. A draft statement of common ground should have been included in the paperwork received from the appellant.

If you are intending to submit a statement of case, then this should also be submitted by this deadline. Please give 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.

I will also require in a word document a list of any conditions or limitations you would agree to if the appeal were to be allowed (this will be accepted on a non-prejudicial basis of course).

By 11 July

You must 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:

- The name the appeal has been made in, the location of the site and a description of the development
- the powers enabling the Secretary of State or Inspector to determine the appeal and the name of the Inspector
- a clear statement of the date and time of the hearing and the venue, along with an instruction that attendees should register with your Council in advance should they wish to attend (we suggest obtaining a name, email address and details of the attendee's status within the context of the appeal i.e., interested party). *This information will assist the Inspector and will prove useful should the participants need to be contacted ahead of the event e.g., should the event need to move online and be held virtually*
- that anyone wishing to speak at the hearing should make themselves known to the Inspector on the day as the Planning Inspectorate will not respond to requests to speak at the event in advance of the hearing
- All queries relating to the venue should be directed to the local planning authority
- where the appeal documents can be inspected in person (by appointment at the Council Offices)

- a link (via the Council's website) to the appeal documents if published online
- that the decision will be published on https://acp.planninginspectorate.gov.uk
- what facilities are available for people with disabilities e.g., parking spaces, venue access and seating arrangements etc
- Planning Inspectorate Reference: APP/**.....**
- 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', must be agreed, signed and submitted to me no later than 2 weeks before the hearing opens.

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 06 October 2023.

Yours sincerely,

Hamish Walters
Hamish Walters

https://www.gov.uk/government/publications/planning-inspectorate-privacy-notices

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