



# The Planning Inspectorate

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Your Ref: 18/0025/EN/BCN  
Our Ref: APP/L5810/C/24/3339372

Saba Hadi  
Richmond Upon Thames London Borough  
Council  
Environment Directorate  
The Civic Centre  
44 York Street  
Twickenham  
Middx  
TW1 3BZ  
04 March 2024

Dear Saba Hadi,

Town and Country Planning Act 1990  
Appeal by Petersham Nurseries Limited  
Site Address: Petersham Nurseries Ltd, Petersham Road, RICHMOND, TW10  
7AB

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

## IMPORTANT INFORMATION

All s174 Enforcement Notice appeals proceeding by an Inquiry will, subject to Inspector availability, follow a strict timetable with the aim of issuing the appeal decision within the 26 weeks receipt date of a valid appeal. All dates contained in this letter including the event date are therefore fixed and cannot be changed.

The procedure and the starting date

The Appellant(s) has requested the Inquiry procedure.

The date of this letter is the starting date for the appeal(s). The timetable for the submission of documents begins from this date.

The Inspector and Inquiry date

The Inspector appointed to decide the appeal is Daniel Hartley BA (Hons) MTP MBA MRTPI and the inquiry will open at 10.00am on 25 June 2024. We have currently scheduled 3 sitting days.

The Inspector will wish to hold a case management conference (CMC) with the main parties in about 8 weeks to be hosted virtually by the LPA ideally on Microsoft Teams. You will be

notified of the date and time. The Inspector will prepare an agenda which will be issued in advance. Each party should have a single spokesperson nominated to speak; the intended advocates should participate if, at all possible. Additional information will be provided with the notification of the CMC. Please can you provide the name of your spokesperson to us no less than 7 days before the CMC, along with the names of any other participants.

An invitation to the CMC should be sent to the relevant Case Officer who will make arrangements with the Inspector. For guidance on hosting virtual events for the Planning Inspectorate, please follow this link <https://www.gov.uk/government/publications/guidance-for-local-planning-authorities-hosting-virtual-events-for-the-planning-inspectorate/guidance-for-local-planning-authorities-hosting-virtual-events-for-the-planning-inspectorate>. It is important that the Inspector's email address is not disclosed to ensure they cannot be contacted direct by any party – please see paragraphs 4.1- 4.3 of the guidance on this point.

In advance of the CMC, parties are requested to focus only on the matters that are in dispute and consider what topics, if any, could be dealt with as a round table discussion at the inquiry or by written submissions only, to ensure that the inquiry is conducted in an efficient and effective manner, optimising inquiry time. This will be an item on the agenda for the CMC. Depending on the outcome of that discussion, the Inspector will direct how the evidence will be dealt with at the inquiry.

Submitting documents to us and looking at the appeal(s)

Please ensure all documents are GDPR compliant: [Customer Privacy Notice - GOV.UK \(www.gov.uk\)](https://www.gov.uk/customer-privacy-notice).

You can use the Internet to see information and to check the progress of cases through GOV.UK. The address of the search page is <https://acp.planninginspectorate.gov.uk/>

If it is not possible for you to submit documents using the portal, please use the email address above. If you are unable to use the internet to submit documents, you may post them to the address at the top of this letter. The Inspector may request submissions to be in hard copies sent through the post.

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 [Appealing to the Planning Inspectorate: communicating electronically with us - GOV.UK \(www.gov.uk\)](https://www.gov.uk/appealing-to-the-planning-inspectorate-communicating-electronically-with-us).

Grounds of appeal

We accept that the appeal(s) should proceed on ground(s) (a), (d), (f), (g) as set out at Section 174(2) of the 1990 Act.

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(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. Not meeting the prescribed timetables may be a reason for the Inspector to initiate an award of costs (see section on costs below).

Unless agreed otherwise by the Inspector at the case management conference the following documents must be sent within this timetable.

Enclosed with this start letter is our Inquiry Timetable Questionnaire Form to be completed and returned by the 9 weeks Final Comments deadline.

By 13 March 2024

Using the model notification letter at the following link: [Model notification letter for enforcement appeals - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/model-notification-letter-for-enforcement-appeals) you must notify anyone other than the appellant(s) who was served with the enforcement notice, occupiers of properties near the appeal site and any other persons who, in your opinion, are affected by the breach of planning control, that the appeal(s) has been made.

You must include:

- a) description of the alleged breach of planning control;
- b) a statement of your reasons for issuing the notice(s);
- c) the appellant's grounds of appeal against the notice(s);
- d) an invitation to interested persons to make their views known by writing to the case officer at the above address, quoting our reference number(s). Their representations must be sent within 6 weeks of the starting date by 15 April 2024. If comments are submitted after the deadline, the Inspector will not normally look at them and they will be returned. You should give warning that their views will be disclosed to the parties to the appeal(s) unless the representations are withdrawn before the 6 weeks deadline.
- e) 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);
- f) they can get a copy of our guidance booklet 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>)
- g) when and where the appeal documents will be available for inspection; and
- h) that the decision will be published on GOV.UK.

You must provide the following documents to us:

- a) a true copy of the enforcement notice(s) including the statement of reasons why you

considered it expedient to issue the notice(s), An electronic version of the enforcement notice (in Word format) must be sent to the email address in this letter. Please remember to include the full appeal reference number.

b) a true copy of the plan attached to the enforcement notice(s), endorsed to that effect - if the original plan was coloured, the copy should be coloured identically.

c) the names and address of all persons on whom a copy of the notice(s) was served, under provisions of S172(2) of the 1990 Act.

If you do not provide these documents, the Secretary of State will consider exercising powers under S176(3)(b) of the 1990 Act to quash the notice(s).

You must also make sure that the appellant(s) and I are sent a copy of your completed appeal questionnaire and supporting documents, including the relevant development plan policies, a copy of your notification letter and a list of those notified. You have the opportunity to state your preferred choice of procedure by answering Question 1 of the appeal questionnaire.

By 15 April 2024

The Appellant and the LPA should send a copy of the Inquiry statement giving full details of the case which you will put forward at the Inquiry including copies of any documents (maps, plans etc) to which you will refer. I will send a copy of your statement to the Appellant(s) and send you a copy of their statement. I will send you and the Appellant(s) a copy of any comments I receive from other interested persons or organisations.

The Appellant and the LPA 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 <https://www.gov.uk/government/publications/statement-of-common-ground>

By 06 May 2024

The Appellant and the LPA should submit a copy of any final comments on each other's statement and on any comments from interested people or organisations. You must not send your final comments instead of, or to add to your statements. No new evidence is allowed at this stage. I will send a copy of the appellant's final comments at the appropriate time.

By 28 May 2024

The Appellant and the LPA must send me 2 copies of your proof of evidence (and a written summary if the proof is over 1500 words in length). You should also send a copy to any statutory party. A proof of evidence is a written statement that the Appellant, the LPA or a witness wants the Inspector to take into account at the inquiry. Any summary should reflect the contents of the proof and should not include new evidence.

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: [Enforcement appeals: procedural guide - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/enforcement-appeals-procedural-guide). A draft, or heads of terms, should be submitted before the case management conference. A final draft, agreed by all parties to it, must be submitted to me no later than 10 working days before the inquiry 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 will be able to confirm whether there were any statutory parties at application stage by checking the LPA's questionnaire. You must send any statutory party a copy of your full statement of case as soon as is practicable.

## Withdrawing the 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 – <http://planningguidance.communities.gov.uk/blog/guidance/appeals/>. You should also be aware that costs may be awarded to either party.

Additionally, the appointed 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 27 August 2024.

## Further information

Further information about the appeals process can be accessed at GOV.UK - [Enforcement appeals: procedural guide - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/enforcement-appeals-procedural-guide). I recommend that you read the relevant guidance.

Yours sincerely,

***Vanessa Poncia***

Vanessa Poncia

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

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of cases through GOV.UK. The address of the search page is - <https://www.gov.uk/appeal-planning-inspectorate>