



Department of the Environment

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16067

CHIEF EXECUTIVE OFFICER

16 APR 1986

File Ref.
Refer to CPD 16/16
Cleared

Chief Executive, Dacorum DC
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Your reference		PLANNING DEPARTMENT DACORUM DISTRICT COUNCIL	
4/4175/85			
Our reference		Ack.	
APP/A/910/A/85		4/21/85	File
Date	15/4/86		
Received		16 APR 1986	
Comments <i>Spoke to DoE 18/4/86 - His letter should have gone to appellant. DoE will correct to-day</i>			

Dear Sir

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36
APPEAL BY Mr B. Porter

I enclose copies of a notice giving details of the arrangements for the local inquiry into this appeal.

- At least two weeks before the date of the inquiry, one copy of the notice should be firmly fixed to some object on the appeal site, where the public may see and read it easily. The Inquiries Procedure Rules* require the appellant not to remove the notice, or permit it to be removed, before the inquiry takes place. However, if the land is not under the appellant's control, the Rules provide for the local planning authority to post notices in a conspicuous place near to the site. Please let me know if it is necessary to ask them to do this.
- I have asked the Council to give notice of the inquiry to those owners and occupiers of property near the site, and any others who they consider are affected. They should also send you a statement of the submissions they propose to put forward, at least 28 days before the inquiry.
- The appellant is expected to appear or to be represented at the inquiry in order to provide a statement of case, and may invite other people to attend if this is considered necessary to present the case adequately. The Inspector holding the inquiry will usually inspect the site or premises.
- Your attention is drawn to Sections 7.7 to 7.9 of the booklet "Planning Appeals - A Guide" about awards of costs. These awards are based on unreasonable behaviour, and it should normally be clear by the time of the inquiry whether there are grounds for alleging this. If you are intending to make an application for awards of costs you are strongly urged to do so at the inquiry itself, although for the present post-inquiry applications will continue to be entertained. The Inspector will then record the arguments for and against an award, and his or her comments and recommendations will be an important element in the Secretary of State's decision. If you do apply after the inquiry there is normally no opportunity for the Inspector's advice to be sought. The decision on an award then has to be taken on the basis of an exchange of written representations, which can both complicate and delay resolution of the claim. The Inspector will, of course, treat any claim for costs as an entirely separate matter; it will have no effect on his assessment of the planning merits of the proposal.

6. I must remind you, if the appeal is to be withdrawn, to contact the Department at once by telephone, and then to confirm in writing, quoting the appeal reference number. You should also tell the local planning authority immediately. The appeal process is costly to all the parties involved, and also to ratepayers and taxpayers generally. If an appeal is withdrawn quickly it will save public money and allow other appeals to be decided earlier. But we can only cancel inquiry arrangements on receipt of written confirmation that the appeal is withdrawn; and if you leave this too late, the inquiry may have to go ahead. If so you may be liable for the costs incurred by others, as well as the Secretary of State's own costs in arranging the inquiry.

Yours faithfully



R. SUMMERS

*If the appeal has been transferred to an Inspector for decision the appropriate rules are the Town and Country Planning Appeals (Determination by Appointed Persons) (Inquiries Procedure) Rules 1974 - Statutory Instrument 1974 No. 420 (11p).

If the appeal has not been transferred the appropriate rules are the Town and Country Planning (Inquiries Procedure) Rules 1974 - Statutory Instrument 1974 No. 419 (11p).

Copies of the Rules are obtainable from Her Majesty's Stationery Office.

Encs

TCP 207B/84