

E GROUNDS AND FACTS (continued)

(b) That the breach of control alleged in the enforcement notice has not occurred as a matter of fact.

b

Section 174(2)(b) says "that those matters have occurred".

(c) That there has not been a breach of planning control (for example because permission has already been granted, or it is permitted development).

c

Section 174(2)(c) says "that those matters (if they occurred) do not constitute a breach of planning control".

(d) That, at the time the enforcement notice was issued, it was too late to take enforcement action against the matters stated in the notice.

d

Section 174(2)(d) says "that at the date when the notice was issued, no enforcement action could be taken in respect of any breach of planning control which may be constituted by those matters".

E GROUNDS AND FACTS (continued)

(e) The notice was not properly served on everyone with an interest in the land.

e

Section 174(2)(e) says "that copies of the enforcement notice were not served as required by section 172".

(f) The steps required to comply with the requirements of the notice are excessive, and lesser steps would overcome the objections.

f

Please state how you think the requirements should be varied

Section 174(2)(f) says "that the steps required by the notice to be taken, or the activities required by the notice to cease, exceed what is necessary to remedy any breach of planning control which may be constituted by those matters or, as the case may be, to remedy any injury to amenity which has been caused by any such breach".

(g) That the time given to comply with the notice is too short.

g

Please state what you consider to be a reasonable compliance period, and why

Section 174(2)(g) says "that any period specified in the notice in accordance with section 173(9) falls short of what should reasonably be allowed".

F CHOICE OF PROCEDURE

CHOOSE ONE PROCEDURE ONLY

You should start by reading our booklet 'Making your enforcement appeal' which explains the different procedures used to determine enforcement appeals. In short there are 3 possible methods:- written representations, hearings and inquiries. You should consider carefully which method suits your circumstances.

Please note that when we decide how the appeal will proceed we will take into account the LPA's views. ✓

1 WRITTEN REPRESENTATIONS

W

This is normally the simplest, quickest and most straightforward way of making an appeal. Three out of every four people making an appeal choose this method. The written procedure is particularly suited to small-scale developments (e.g. extensions of buildings, individual houses or small groups of houses, appeals against conditions and change of use). It is also very popular with people making their own appeal without professional help. The process involves the submission of written 'grounds of appeal' followed by a written statement and any supporting documents. It also provides an opportunity to comment in writing on the Local Planning Authority's reasons for issuing an enforcement notice. An Inspector will study all of the documents before visiting the appeal site/area and issuing a written decision.

NOTE: The Inspector will visit the site unaccompanied by either party unless the relevant part of the site cannot be seen from a road or other public land, or it is essential for the Inspector to enter the site to check measurements or other relevant facts.

- a) If the written procedure is agreed, can the relevant part of the appeal site be seen from a road, public footpath, bridleway or other public land? YES
NO
- b) Is it essential for the Inspector to enter the site to check measurements or other relevant facts? YES
NO

If the answer to **1b** is 'YES' please explain

2 HEARINGS

H

This process is likely to be suited to slightly more complicated cases which require detailed discussion about the merits of the case. Like the written procedure, the process starts with the submission of 'written grounds of appeal' followed by a full written statement of case and an opportunity to comment in writing on the Local Planning Authority's reasons for issuing an enforcement notice. The Planning Inspectorate will then then arrange a hearing at which the Local Planning Authority and the appellants(s) will be represented. Members of the public, interested bodies (e.g. Community/Town Councils) and the press may also attend. At the hearing the inspector will lead a discussion on the matters already presented in the written statements and supporting documents. The Inspector will visit the site/area and issue a written decision in the same way as the written procedure.

Although you may prefer a hearing the Inspectorate must consider your appeal suitable for this procedure.

3 INQUIRIES

I

This is the most formal of procedures. Although it is not a court of law the proceedings will often seem to be quite similar as the parties to the appeal will usually be legally represented and expert witnesses will be called to give evidence. Members of the public and press may also attend. In general, inquiries are suggested for appeals that:

- are complex and particularly controversial;
- have caused a lot of local interest;
- involve the need to question evidence through formal cross-examination.

G SENDING THE FEE FOR THE DEEMED PLANNING APPLICATION

NOTE: If you intend to plead ground **(a)** and have deemed planning application considered as part of your appeal **you must pay the fee** shown in the explanatory note accompanying your Enforcement Notice:

The fee to the Planning Inspectorate should be sent with your appeal form to the same address: The Planning Inspectorate, Crown Buildings, Cathays Park, Cardiff, CF10 3NQ

You must also send the fee due to the local planning authority with their copy of the appeal form.

Have you sent the fee for the deemed planning application with this appeal form? YES NO


Have you sent the fee to the local planning authority with their copy of the appeal form? YES NO

PERSONAL DETAILS

Personal details given on this page will not be publicly available

APPELLANT PERSONAL DETAILS	
Address <input type="text"/>	
<input type="text"/>	Postcode <input type="text"/>
Daytime Tel <input type="text"/>	Fax <input type="text"/>
Email <input type="text"/>	
I prefer to be contacted by Email <input type="checkbox"/> Post <input type="checkbox"/>	

AGENT PERSONAL DETAILS (if any)	
Address <input type="text"/>	
<input type="text"/>	Postcode <input type="text"/>
Daytime Tel <input type="text"/>	Fax <input type="text"/>
Email <input type="text"/>	
I prefer to be contacted by Email <input type="checkbox"/> Post <input type="checkbox"/>	

CHECK SIGN AND DATE	
I have filled in all parts of the form	<input type="checkbox"/>
I have attached a copy of the enforcement notice and plan to this form	<input type="checkbox"/>
I have sent a copy of this form and any documents to the LPA	<input type="checkbox"/>
I understand that you may use the information I have given for official purposes in connection with the Town and Country Planning Act 1990 and details including my name, the site description and my grounds of appeal will appear on the Planning Portal.	<input type="checkbox"/>
By submitting this form I am agreeing to the use of the information I provide in this way	
Signature	Date <input type="text"/>
Name (in capitals) <input type="text"/>	
On behalf of (if applicable) <input type="text"/>	
 The gathering and subsequent processing of the personal data supplied by you in this form, is in accordance with the terms of our registration under the Data Protection Act 1998. Further information about our Data Protection policy can be found on our website under "Privacy Statement" and in the booklet accompanying this appeal form.	

Please Sign the Form – Unsigned Forms Will Be Returned

NOW SEND

1 COPY to us at:
The Planning Inspectorate
Crown Buildings
Cathays Park
CARDIFF
CF10 3NQ

If you wish to deliver by hand:
(make sure you get a receipt)

Fax to: 029 2082 5150

Helpline: 029 2082 3866

When we receive your appeal form, we will:

- 1** Tell you if it is valid and who is dealing with it.
- 2** Tell you and the LPA the procedure for your appeal.
- 3** Tell you the timetable for sending further information or representations.

YOU MUST KEEP TO THE TIMETABLE

If information or representations are sent late we may disregard them.
They will not be seen by the Inspector but will be sent back to you.

- 4** Tell you about the arrangements for the site visit, hearing or inquiry.

At the end of the appeal process, the Inspector will give the decision, and the reasons for it, in writing.

Published by the Planning Inspectorate

Printed in the UK on paper comprising 100% post consumer waste.

Crown Copyright 2006. Copyright in the printed material and designs is held by the Crown. You can use extracts of this publication in non-commercial in-house material, as long as you show that they came from this document. You should apply in writing if you need to make copies of this document (or any part of it) to:

The Copyright Unit,
Her Majesty's Stationery Office,
St Clements House,
2-6 Colegate,
Norwich
NR3 1BQ