



Further information about us and the planning appeal system is available on our website www.planning-inspectorate.gov.uk

LISTED BUILDING/CONSERVATION AREA ENFORCEMENT NOTICE APPEAL

If you need this document in large print, on audio tape, in Braille or in another language, please contact our helpline on 0117 372 8075..

Please use a separate form for each appeal against each different enforcement notice.

Before completing this form, please read our booklet 'Making your enforcement appeal' which was sent to you with this form. You should take particular note of Appendix 4.

Please tick the box if you are also sending this appeal by FAX

WARNING: The appeal must be received by the Planning Inspectorate before the effective date of the local planning authority's enforcement notice.

PLEASE PRINT CLEARLY IN CAPITALS USING BLACK INK

A APPELLANT DETAILS

Name

Organisation Name (if applicable)

B AGENT (if any) FOR THE APPEAL

Name

Organisation Name (if applicable)

Your Reference

C DETAILS OF THE APPEAL

Name of the local planning authority (LPA)

Date of issue of enforcement notice

Effective date of enforcement notice

D APPEAL SITE

Building affected (please give full address)

Postcode

What is your/the appellant's interest in the building?

Owner occupier tenant lessee licensee

If none of the above, please state your interest

H GROUNDS AND FACTS (continued)

(b) That the matters alleged to constitute a contravention of section 9(1) or (2) have not occurred.

b

That what is alleged in the notice has not taken place as a matter of fact.

(c) That those matters (if they occurred) do not constitute such a contravention.

c

This ground argues that listed building consent is not needed – for example, because the works do not affect the character of the listed building, or because the works concern a building which is not part of a listed building.

(d) That works to the building were urgently necessary in the interests of safety or health or for the preservation of the building, that it was not practicable to secure safety or health or, as the case may be, the preservation of the building by works of repair or works for affording temporary support or shelter, and that the works carried out were limited to the minimum measures immediately necessary.

d

All 3 tests must be met. It may be argued here, for example, that the works in question were urgently necessary because parts of the building were unsafe.

H GROUND AND FACTS (continued)

(e) That listed building consent ought to be granted for the works, or that any relevant condition of such consent which has been granted ought to be discharged, or different conditions substituted. e

This ground covers any arguments on the merits of the case.

(f) That copies of the notice were not served as required by section 38(4). f

This is the same as ground (e) in a section 174 enforcement appeal – see the booklet.

(g) If you choose this ground you cannot also choose (i), (j) or (k) g

Except in relation to such a requirement as is mentioned in section 38(2)(b) or (c), that the requirements of the notice exceed what is necessary for restoring the building to its condition before the works were carried out.

An appeal on this ground will claim that the steps said to be required for restoring the building to its former state are excessive.

(h) That the period specified in the notice as the period within which any step required by the notice is to be taken falls short of what should reasonably be allowed. h

This refers to the compliance period stated in the notice. If you claim that it is too short, please state what you consider to be a reasonable period for compliance.

H GROUNDS AND FACTS (continued)

(i) If you choose this ground you cannot also choose (g), (j) or (k)

i

That the steps required by the notice for the purpose of restoring the character of the building to its former state would not serve that purpose.

An appeal on this ground would claim that the steps required by the notice would not restore the character of the building to its former state. This is different from an appeal on ground (g) which would claim that the steps required are excessive. This ground of appeal is not available for appeals against conservation area enforcement notices alleging the demolition of an unlisted building in a conservation area.

(j) If you choose this ground you cannot also choose (g), (i) or (k)

j

That the steps required to be taken by virtue of section 38 (2) (b) exceed what is necessary to alleviate the effect of the works executed to the building.

Where restoration of the building to its former state has not been required, the works required go beyond what is necessary to alleviate the effect of the work done. Section 38(2)(b) enables an authority which considers that restoration of the building to its former state would not be reasonably practicable or would be undesirable, to specify steps "for executing such further works specified in the notice as they consider necessary to alleviate the effect of the works which were carried out without listed building consent".

Please state how the requirements should be varied.

(k) If you choose this ground you cannot also choose (g), (i) or (j)

k

That the steps required to be taken by virtue of section 38(2)(c) exceed what is necessary to bring the building to the state in which it would have been if the terms and conditions of the listed building consent had been complied with.

As above, but relating to cases involving a breach of condition attached to a grant of listed building consent. Section 38(2)(c) enables an authority to specify steps "for bringing the building to the state in which it would have been if the terms and conditions of any listed building consent which had been granted for the works had been complied with".

PERSONAL DETAILS

Personal details given on this page will not be publicly available

1 APPELLANT PERSONAL DETAILS

Address
 Postcode
Daytime Tel Fax
Email
I prefer to be contacted by Email Post

2 AGENT PERSONAL DETAILS (if any)

Address
 Postcode
Daytime Tel Fax
Email
I prefer to be contacted by Email Post

CHECK SIGN AND DATE

I have filled in all parts of the form

I have attached a copy of the enforcement notice and plan to this form

I have sent a copy of this form and any documents to the LPA

I understand that you may use the information I have given for official purposes in connection with the Town and Country Planning (List Buildings and Conservation Areas) Act 1990 and details including my name, the site description and my grounds of appeal will appear on the Planning Portal.

By submitting this form I am agreeing to the use of the information I provide in this way

Signature _____ Date

Name (in capitals)

On behalf of (if applicable)



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.

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