

**TOWN AND COUNTRY PLANNING ACT 1990
SECTION 174 - ENFORCEMENT NOTICE APPEAL**

Please return this questionnaire by:

APPEAL REF(S):

OPS/MCU/BOC
(Please circle development type)
GRID REF
(Please enter grid reference)

APPEAL(S) BY:

SITE:

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1.	Do you wish to appear before and be heard by an Inspector?	YES/NO
1a.	If you or the appellant asks to be heard, and the appeal is suitable, do you agree to an informal hearing?	YES/NO
2.	If the written representations procedure is agreed:	
	a. could the Inspector see the whole site, including the area of the alleged breach, clearly from a road or other public land?	YES/NO
	b. from your knowledge of the issues, would the Inspector need to enter the site for any reason eg to view/measure any dimensions from within it?	YES/NO (if YES, please state why)
3.	Please provide the name and telephone number of the officer we can contact to make arrangements for the site visit, informal hearing or inquiry.	_____ (name) _____ (telephone number)
4.	a. If the notice relates to building, engineering or mining operations, please state the area of the SITE shown in the Notice plan, in hectares. b. Please state the area of the ALLEGED BREACH , if different from the above, in hectares.	a. _____ (hectares) b. _____ (hectares)
5.	Please state, if applicable, the amount of GROSS FLOOR SPACE created by the alleged breach, in square metres.	_____ (sq metres)
6.	Does the enforcement notice relate to a change of use of land to a use for:- a. the disposal of refuse or waste materials? b. the deposit of materials remaining after mineral extraction? c. the storage of minerals in the open?	YES/NO YES/NO YES/NO
	IF ANSWERING YES TO ANY OF THESE QUESTIONS PLEASE STATE SITE AREA AND, IF DIFFERENT, AREA OF THE ALLEGED BREACH	_____ (hectares)
7.	If the enforcement notice relates to the erection of a building or buildings, is it accepted that their use is for purposes of agriculture on land used for agricultural purposes (not necessarily an agricultural unit as defined in the Agriculture Act 1947)?	YES/NO
8.	Does the enforcement notice relate to the erection/ change of use of a building which is a single private dwelling house, as defined in Regulation 2(1) of the Town and Country Planning (Fees for Applications and Deemed Applications) Regulations 1989?	YES/NO
9.	Where the change of use enforced against relates to a single private dwelling house, does it involve the creation of two or more single private dwellinghouses, each as defined in Regulation 2(1) of the Town and Country Planning (Fees for Applications and Deemed Applications) Regulations 1989?	YES/NO
10.	Has any planning permission been granted previously in respect of the development? IF YES, PLEASE SUBMIT ANY DOCUMENTS NECESSARY FOR ITS	YES/NO

	<p>INTERPRETATION, eg the plans accompanying the application, or any other relevant correspondence about the application.</p> <p style="text-align: right;">— Enclosures (number)</p>
<p>11. Has the appellant applied for planning permission and paid the appropriate fee for the same development as in the enforcement notice?</p> <p>IF YES PLEASE STATE</p> <p>a. the date of the relevant application</p> <p>b. the date of the Council's decision (if any)</p>	<p style="text-align: center;">YES/NO</p> <p style="text-align: center;">_____</p> <p style="text-align: center;"><i>(date of application)</i></p> <p style="text-align: center;">_____</p> <p style="text-align: center;"><i>(date of decision)</i></p>
<p>12. Please state whether:-</p> <p>a. the appeal site is within 67 METRES OF A TRUNK ROAD?</p> <p>b. the appeal site is CROWN LAND (as defined in s293 of the Act);</p> <p>c. the appeal site is situated within a CONSERVATION AREA (as defined in s336(1) of the Act;</p> <p>d. a STOP NOTICE has been served in addition to the enforcement notice;</p> <p>e. the appeal site is in or adjacent to or likely to affect a SSSI;</p> <p>f. any protected species are likely to be affected by the alleged development.</p>	<p style="text-align: center;">YES/NO</p> <p style="text-align: center;"><i>(if YES, please state which one)</i></p> <p style="text-align: center;">—</p> <p style="text-align: center;">YES/NO</p> <p style="text-align: center;"><i>(if YES, please provide a copy of the consent form)</i></p> <p style="text-align: center;">YES/NO</p> <p style="text-align: center;"><i>(if YES, please provide a plan of the Conservation Area)</i></p> <p style="text-align: center;">YES/NO</p> <p style="text-align: center;"><i>(if YES, please provide a copy)</i></p> <p style="text-align: center;">YES/NO</p> <p style="text-align: center;"><i>(if YES, please the Countryside Council for Wales' comments)</i></p> <p style="text-align: center;">YES/NO</p> <p style="text-align: center;"><i>(if YES, please attach details)</i></p>
<p>13. Please state Inspectorate reference numbers for any related cases (eg appeals under s78 or orders under s102 of the Town and Country Planning Act 1990) currently before the National Assembly for Wales</p>	<p style="text-align: center;">_____</p> <p style="text-align: center;">_____</p>
<p>14. Is the appeal site subject to an ARTICLE 4 Direction?</p> <p>If YES what permitted development rights are affected by the Direction?</p>	<p style="text-align: center;">YES/NO</p> <p style="text-align: center;"><i>(if YES, please attach relevant Article 4 Direction)</i></p> <p style="text-align: center;">_____</p> <p style="text-align: center;">_____</p> <p style="text-align: center;"><i>(rights affected)</i></p>
<p>15. Have any permitted development rights been restricted by means of a planning condition?</p>	<p style="text-align: center;">YES/NO</p> <p style="text-align: center;"><i>(if YES please attach relevant permission)</i></p>
<p>16. Does the development relate to operational development for a disabled person, as defined by s29 of the National Assistance Act 1948?</p>	<p style="text-align: center;">YES/NO</p>
<p>17 a) Is the alleged development within schedule 1 or Column 1 of Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 ?</p> <p>b) Is the alleged development within a 'sensitive area' as defined by Regulation 2 ?</p> <p>c) Has a screening opinion been adopted and made available for public inspection in accordance with Regulations 25(2) and 20(2) ?</p>	<p style="text-align: center;">YES/NO</p> <p style="text-align: center;"><i>(if YES, please state which schedule and section)</i></p> <p style="text-align: center;">YES/NO</p> <p style="text-align: center;">YES/NO</p> <p style="text-align: center;"><i>(If YES, please send a copy to the Inspectorate)</i></p>
<p>18 Will any consultations be carried out on the possibility of planning permission being granted if the appeal is confirmed as valid ?.</p>	<p style="text-align: center;">YES/NO</p> <p style="text-align: center;"><i>(If YES, please state the name(s) and address(es) of any consultees)</i></p>

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19. Please state any relevant provisions of the Development Plan which apply to the alleged breach of planning control.

20. Please confirm the Account Number or Department to which the Council's portion of the appellant's fee (if one is payable) should be addressed, so that we may advise the appellant accordingly.

COUNCIL'S REFERENCE _____

I CERTIFY THAT A COPY OF THIS APPEAL QUESTIONNAIRE AND ANY ENCLOSURES HAVE BEEN SENT TO THE APPELLANT OR AGENT

SIGNATURE _____

ON BEHALF OF _____ COUNCIL

DATE OF DESPATCH _____

NB PLEASE ADVISE THE CASE OFFICER OF ANY CHANGES IN CIRCUMSTANCES OCCURRING AFTER THE RETURN OF THE QUESTIONNAIRE