



ENFORCEMENT NOTICE APPEAL FORM

If you need this document in large print, in audio format or in Braille, please contact our helpline on 0303 444 5000. **To help you fill in this form correctly please refer to the enclosed guidance leaflet "How to complete your enforcement appeal form".**

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

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

PLEASE PRINT CLEARLY IN CAPITALS USING BLACK INK

A. APPELLANT DETAILS

See section A of the
guidance leaflet.

Name PETER WATSON

Company/Group name (if applicable)

Address WHINFIELD
LAMPLUGH
WORKINGTON

Postcode CA14 4SB

Daytime phone [REDACTED]

Fax

I prefer to be contacted by POST ☐ Email* ☐

*Email address

B. AGENT DETAILS (IF ANY) FOR THE APPEAL

See section B of the
guidance leaflet.

Name RICHARD LINDSAY

Company/Group name (if applicable)

CALVA DESIGN STUDIO

Address WATERS EDGE
2A CHURCH ROAD HARRINGTON
WORKINGTON

Postcode CA14 5DP

Your reference

Daytime phone [REDACTED]

Fax

I prefer to be contacted by POST ☐ Email* ☒

*Email address [REDACTED]

C. DETAILS OF THE APPEAL

See section C of the guidance leaflet.

Name of the LPA

Date of issue of enforcement notice

Effective date of enforcement notice

Reference number of the enforcement notice

D. APPEAL SITE ADDRESS

See section D of the guidance leaflet.

Address

 Postcode

Note: Failure to provide the full postcode may delay the processing of your appeal

Please answer the questions below:

1 Are there any health and safety issues at, or near, the site which the Inspector would need to take into account when visiting the site? If so, please describe them on a separate sheet. Yes ☐ No ☒

2 What is your/the appellant's interest in the land? owner ☒ tenant ☐ mortgagee ☐

If none of those apply, did you/the appellant occupy the land under a written or oral licence BOTH on the date the enforcement notice was issued AND on the date of making this appeal? Yes ☐ No ☐

If "No", what is your/the appellant's involvement with the land?

E. GROUNDS AND FACTS

See section E of the guidance leaflet to help you decide what to include in your grounds of appeal.

Do you intend to submit a planning obligation (a section 106 agreement or a unilateral undertaking) with this appeal? Yes ☐ No ☒

Please tick which of the following grounds of appeal apply to your case and give the facts in support of each ground chosen (continue on a separate sheet if necessary).

(a) That planning permission should be granted for what is alleged in the notice. a ☒

Section 174(2)(a) of the Town and Country Planning Act says "that, in respect of any breach of planning control which may be constituted by the matters stated in the notice, planning permission ought to be granted or, as the case may be, the condition or limitation concerned ought to be discharged".

E. GROUNDS AND FACTS (continued)

(a) (continued)

SEE ATTACHED SHEETS

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 not 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 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 ☐

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".
Please state how you think the requirement should be varied.

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

g ☐

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

F. CHOICE OF PROCEDURE

It is important that you read carefully section F of the guidance leaflet before you complete this section.

There are 3 possible procedures:- written representations, hearings and inquiries. You should consider carefully which method suits your circumstances before selecting your preferred option by ticking the box.

1 THE WRITTEN REPRESENTATIONS PROCEDURE

(for an explanation refer to the guidance leaflet)

W ☒ *

* Please answer the questions below.

a) Could the Inspector see the relevant parts of the appeal site sufficiently to judge the proposal from public land?

Yes ☒ No ☐

b) Is it essential for the Inspector to enter the site to check measurements or other relevant facts? If so, please explain below or on a separate sheet.

Yes ☒ No ☐

The Inspector needs to visit the site to view

all aspects of the existing landscape and surroundings

2 THE HEARING PROCEDURE

(for an explanation refer to the guidance leaflet)

H ☐ ♦

Although you may indicate a preference for a hearing, the Inspectorate must also consider that your appeal is suitable for this procedure. You must give detailed reasons below or on a separate sheet why you think a hearing is necessary.

♦ Please answer the question below.

a) Is there any further information relevant to the hearing which you need to tell us about? If yes, please explain below.

Yes ☐ No ☐

3 THE INQUIRY PROCEDURE

(for an explanation refer to the guidance leaflet)

I ☐ ▲

Although you may indicate a preference for an inquiry the Inspectorate must also consider that your appeal is suitable for this procedure. You must give detailed reasons below or on a separate sheet why you think an inquiry is necessary.

▲ Please answer the questions below.

a) How long do you estimate the inquiry will last?

No. of days ☐

(Note: We will take this into consideration, but please bear in mind that our estimate will also be informed by others' advice and our own assessment.)

b) How many witnesses do you intend to call?

No. of witnesses ☐

c) Is there any further information relevant to the inquiry which you need to tell us about? If yes, please explain below.

Yes ☐ No ☐

G. FEE FOR THE DEEMED PLANNING APPLICATION

It is important that you read carefully section G of the guidance leaflet before you complete this section.

1 Has the appellant applied for planning permission and paid the appropriate fee for the same development as in the enforcement notice?

Yes ☒ No ☐

If yes, please state:

a) The date of the relevant application.

b) The date of the LPA's decision (if any).

2 Are there any planning reasons why a fee should not be paid for this appeal?

If yes, please explain below:

NOT APPLICABLE

NO FEE REQUIRED

29 04 2021

29 03 2023

+ No fee was specified by the LPA when serving the Enforcement Notice. We have requested details of one which will be paid.

If no, and you have pleaded ground (a) to have the deemed planning application considered as part of your appeal, you must pay the fee shown in the explanatory note accompanying your enforcement notice.

Have you sent the fee to the LPA with their copy of the appeal form?

Yes ☒ No ☐

H. OTHER APPEALS

See section H of the guidance leaflet.

If you have sent other appeals for this or nearby sites to us and these have not been decided, please give details and our reference numbers.

I. CHECK SIGN AND DATE

See section I of the guidance leaflet.

Please tick the boxes to confirm that the following actions have been carried out


1 I have completed all parts of the form.

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

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

Signature  Date 28/8/23

Name (in capitals) RICARDO LINDEY On behalf of (if applicable) PETER WATSON

 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 2018. Further information about our Data Protection policy can be found in the guidance leaflet.

J. NOW SEND

See section J of the guidance leaflet

Send THIS form (not a photocopy of it) to us at:

Send a copy to the LPA

You may wish to keep a copy of the form for your records

Initial Appeals
Temple Quay House
2 The Square
BRISTOL
BS1 6PN

Helpline: 0303 444 5000

OR

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

The Planning Inspectorate
Customer Services Team
Temple Quay House
2 The Square
Temple Quay
Bristol
BS1 6PN

When we receive your appeal form, we will write to you letting you know if your appeal is valid, who is dealing with it and what happens next.