



Questionnaire (s174) & (s39)

Enforcement and Listed Building/Conservation Area Enforcement Notice

Appeal ref: APP/APP/F0935/C/23/3331372

Appeal by: Mr P Watson

Grid ref: E307,656 N520,464

Site address: Land south of Whinfield, Lamplugh, Workington

Postcode: CA14 4SB

When you have completed this questionnaire you must send a copy, with attachments, to the appellant/agent and to our case officer, **within 2 weeks** of the 'starting date'. You can send it to us by e-mail. The start date and case officer's details and e-mail address are in our letter.

1	Do you agree to the written representation procedure?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>
	If NO, do you wish to be heard by an Inspector at:-		
a	a local inquiry? or	YES <input type="checkbox"/>	NO <input type="checkbox"/>
b	a hearing?	YES <input type="checkbox"/>	NO <input type="checkbox"/>
c	How long do you expect an inquiry would last?	_____ days	
d	How many witnesses do you intend to call?	_____	
2	a If the written procedure is agreed, can the relevant part of the appeal site be seen from a road or other public land?	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
	b Is it <i>essential</i> for the Inspector to enter the site to check measurements or other relevant facts?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>
	If YES, please explain; Full extent of site and nature of setting can only be achieved by being on the site		
	c Are there any known health and safety issues that would affect the conduct of the site inspection?	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
	If YES, please describe; _____		
	d Would the Inspector have to go onto any privately owned adjoining land as well as the appeal site itself?	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
	If YES please state where; _____		
3	Please provide the name, telephone number and e-mail address of the officer we can contact to make arrangements for the site visit, hearing or inquiry. Name: Nick Hayhurst		

Tel No: 01946 598331

E-mail address: nick.hayhurst@cumberland.gov.uk

4 a	Has the local planning authority received the correct fee payable for the deemed planning application/ground (a) to be considered?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>
b(i)	If NO, is the appeal fee exempt?	YES <input type="checkbox"/>	NO <input type="checkbox"/>
b(ii)	If YES, please state why the appeal is fee exempt. _____		
5 a	Is the appeal site within a Conservation Area?	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
b	Does this appeal relate to a Conservation Area Enforcement Notice?	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
	If YES, please give the name of the Conservation Area, provide a plan and indicate when the Conservation Area was designated. Conservation Area _____ Designated on _____		
6	Does this appeal relate to a Listed Building Enforcement Notice?	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
	If YES, please attach a copy of the listing of the building or premises specified in the enforcement notice to which this appeal relates.	<input type="checkbox"/> Attached	

Questions 7 to 9 relate to Listed Building/Conservation Enforcement Notice Appeals only			
7	Has payment been made of a grant for this building under s3A or s4 of the Historic Buildings and Ancient Monuments Act 1953?	YES <input type="checkbox"/>	NO <input type="checkbox"/>
	If YES, please give details; _____		
8	Has any listed building consent been granted previously in respect of the works?	YES <input type="checkbox"/>	NO <input type="checkbox"/>
	If YES, please send a copy of that consent and any documents necessary for its interpretation, e.g. plans accompanying the application or any other relevant correspondence about the application.	<input type="checkbox"/> Attached	

9	Are there any related appeals currently before the Secretary of State, e.g. under s78 or s174 of the Town & Country Planning Act 1990, or under s20 or s39 of the Listed Buildings Act 1990?	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
	If YES, please provide our reference numbers; Refs: _____ <input type="checkbox"/> Attached		
If this is only a Listed Building Enforcement Notice appeal the section is now finished. Please go to question 26. Questions 10 to 25 relate to Enforcement Notice appeals only.			
10 a	Does the notice relate to building, engineering, mining or other operations?	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
	If YES, please state the area of the site shown in the notice plan, in hectares.		
b	Is the area of the alleged breach different from the above?	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
	If YES, please state the area, in hectares.		
c	Does the alleged breach create any floor space?	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>

If YES, please state the amount of gross floor space created, in square metres. _____	
11	<p>Does the enforcement notice relate to a change of use to land for:-</p> <p>a the disposal of refuse or waste materials? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/></p> <p>b the deposit of materials remaining after mineral extraction? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/></p> <p>c the storage of minerals in the open? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/></p> <p>If YES to any of these, please state the site area and, if different, the area of the alleged breach.</p> <p>Site area _____ Area of alleged breach _____</p>
12	<p>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 Agricultural Act (1947))?</p> <p>YES <input type="checkbox"/> NO <input checked="" type="checkbox"/></p>
13	<p>Does the enforcement notice relate to the erection/change of use of a building which is a single private dwellinghouse, as defined in Regulation 2(1) of the Town and Country Planning (Fees for Applications and Deemed Applications) Regulations 1989?</p> <p>YES <input type="checkbox"/> NO <input checked="" type="checkbox"/></p>
14	<p>Has the local planning authority made a Local Development Order under sections 61A to 61C of the Town and Country Planning Act 1990 (as inserted by section 40 of the Planning and Compulsory Purchase Act 2004) in relation to the application site?</p> <p>YES <input type="checkbox"/> NO <input checked="" type="checkbox"/></p> <p>If YES, please attach a copy of the relevant order. <input type="checkbox"/> Attached</p>
15	<p>Has any planning permission been granted previously in respect of the development?</p> <p>YES <input type="checkbox"/> NO <input checked="" type="checkbox"/></p> <p>If YES, please send a copy of the permission and all relevant documents e.g. the plans accompanying the application, or any other relevant correspondence about the application. <input type="checkbox"/> Attached</p>
16	<p>Has the appellant applied for planning permission and paid the appropriate fee for the same development as in the enforcement notice?</p> <p>YES <input checked="" type="checkbox"/> NO <input type="checkbox"/></p> <p>If YES, please provide:-</p> <p>a the date of the relevant application; 29/04/2021</p> <p>b the date of the LPA's decision (if any); 29/03/2023</p> <p>c a copy of the decision (if any); <input checked="" type="checkbox"/> Attached</p> <p>d the reference number. 4/21/2188/0F1</p>
17	<p>Has a planning contravention notice been served?</p> <p>YES <input type="checkbox"/> NO <input checked="" type="checkbox"/></p> <p>If YES, please send a copy of the PCN and reply. <input type="checkbox"/> Attached</p>
18	<p>Please state whether:-</p> <p>a the appeal site is within 67 METRES OF A TRUNK ROAD? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/></p> <p>If YES, please state which one;</p> <p>_____</p> <p>b the appeal site is CROWN LAND (as defined in s293 of the Act)? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/></p> <p>If YES, please provide a copy of the consent form; <input type="checkbox"/> Attached</p> <p>c a STOP NOTICE has been served in addition to the enforcement notice? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/></p>

	If YES, please provide a copy of the stop notice;	<input type="checkbox"/> Attached
d	the appeal site is in or adjacent to or likely to affect a SSSI?	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
	If YES, please attach the comments of Natural England;	<input type="checkbox"/> Attached
e	any protected species are likely to be affected by the alleged development?	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
	If YES, please send details;	<input type="checkbox"/> Attached
f	the appeal site is in a Green Belt or AONB?	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
	If YES, please state which one (name); _____	
g	any part of the site is subject to a Tree Preservation Order?	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
	If YES, please enclose a plan showing the extent of the Order and any relevant details; _____	<input type="checkbox"/> Attached
h	the appeal site is within 400m of an area of underground or surface mineral interest?	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
	If YES, please provide a plan showing the location of the interest and appeal site;	<input type="checkbox"/> Attached
i	the appeal site is within 250m of a waste landfill site?	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
j	the development affects the setting of a listed building or ancient monument?	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
k	has importation of waste materials been involved in the development?	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
l	the appeal involves persons claiming gypsy/traveller status, whether or not this is accepted by the planning authority?	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
19	Please provide a plan of any public rights of way affected by the site.	<input type="checkbox"/> Attached
20	Are there any related cases (e.g. appeals under s78 or orders under s102 of the Town and Country Planning Act 1990) currently before the Secretary of State? If YES, please list our reference numbers; _____	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
21	Is the appeal site subject to an Article 4 Direction? If YES, please send relevant Article 4 Direction. What permitted development rights are affected by the Direction? _____	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> <input type="checkbox"/> Attached
22	Have any development rights been restricted by means of a planning condition? If YES, please send relevant permission.	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> <input type="checkbox"/> Attached
23	Does the development relate to operational development for a disabled person, as defined by s29 of the National Assistance Act 1948?	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>

If YES, please state which schedule and section. 			
24	Environmental Impact Assessment Schedule 1 a Is the alleged development within Schedule 1 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> If YES, under which description of development? i.e. Nos 1-21 <hr/> Schedule 2 b(i) Is the development Schedule 2 development as described in Column 1, Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) (England & Wales) Regulations 1999? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> If YES, under which description of development in Column 1? i.e. Nos 1-13 <hr/> (ii) Is the applicable threshold/criteria in Column 2 exceeded/met? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> c Is the development within or partly within a 'sensitive area' as defined by Regulation 2 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> If YES, please provide details; <hr/> Screening d(i) Have you adopted a screening opinion (SO) under regulation 25(2)? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> (ii) If YES, please enclose a copy of the SO that was placed on the planning register, and any other related correspondence; Attached <input type="checkbox"/> (iii) If YES, did the SO state that the development is unauthorised EIA development as defined by the EIA regulations? YES <input type="checkbox"/> NO <input type="checkbox"/> (iv) Was a regulation 25 notice served with copies of the enforcement notice? YES <input type="checkbox"/> NO <input type="checkbox"/> Environmental Statement (ES) e Has the appellant supplied an environmental statement? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> If YES, please supply any related correspondence from statutory consultees and others that you may have had about the adequacy of the environmental information contained in the ES, having regard to the Town and Country Planning (Environmental Impact Assessment) (England & Wales) Regulations 1999 and Circular 2/99. <input type="checkbox"/> Attached		
25	Will any consultation be carried out on the possibility of planning permission being granted if the appeal is confirmed as valid? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> If YES, please state the name(s) and address(es) of any consultees. Please see document titled 'List of persons notified of appeal'		
26	Copies of the following documents must, if appropriate, be attached to this questionnaire;		
a	A copy of the letter with which you notified people about the appeal;	<input type="checkbox"/>	No of docs 1

b	A list of the people you notified and the deadline you gave for their comments to be sent to us;	<input checked="" type="checkbox"/>	1
c	The deadline you gave for their comments to be sent to us.	25/12/2023	
27	Policies/Planning Guidance	N/A	No of docs
a	extracts from any relevant statutory development plan policies (even if you intend to rely more heavily on the emerging plan). You must include the front page, the title and date of approval/adoption, and the status of the plan. Copies of the policies should include the relevant supporting text.	<input type="checkbox"/>	5
b	extracts of any relevant policies which have been 'saved' by way of a Direction List of policies:	<input checked="" type="checkbox"/>	
c	extracts from any supplementary planning guidance that you consider necessary, together with its status, whether it was the subject of public consultation and consequent modification, whether it was formally adopted and if so, when;	<input checked="" type="checkbox"/>	
d	extracts from any supplementary planning document that you consider necessary, together with the date of its adoption. In the case of emerging documents, please state what stage they have reached: _____	<input checked="" type="checkbox"/>	
e	any other relevant information or correspondence you consider we should know about _____	No of docs	-
28	The following documents must all be sent with your questionnaire or follow by post:		
a	a true copy of the Enforcement Notice	<input checked="" type="checkbox"/> Attached	
b	the Enforcement Notice Plan	<input checked="" type="checkbox"/> Attached	
c	a list of those served with the Notice	<input checked="" type="checkbox"/> Attached	

Your reference: 4/21/2188/0F1

I confirm that a copy of this questionnaire and any attachments have been sent to the appellant/agent today.

Name: Nick Hayhurst

On behalf of (LPA): Cumberland Council

Date: 28/11/2023

Please tell us of any changes to the information you have given on this form.