For official use only (date received): 03/12/2024 11:52:59

The Planning Inspectorate

QUESTIONNAIRE (s174) ENFORCEMENT NOTICE (Online Version)

You must ensure that a copy of the completed questionnaire, together with any enclosures, is sent to the appellant/agent. Any documents which you have indicated as 'To follow' should also be sent to the case officer by the date given in the start letter.

If notification or consultation under an Act, Order or Departmental Circular would have been necessary before granting permission and has not yet taken place, please inform the appropriate bodies of the appeal now and ask for any comments to be sent direct to us within 6 weeks of the 'starting date'.

Appeal Reference	APP/X1735/C/24/3350496
Appeal By	MRS KELLY WILLIAMS
Site Address	ESHER GROVE WATERLOOVILLE HAMPSHIRE PO7 6HJ

PART 1

1.a. Do you agree to the written representation procedure?	Yes	☑	No	☐

*Note: If the written procedure is agreed, 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.*

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	☑	No	☐
2.b. Is it essential for the Inspector to enter the site to check measurements or other relevant facts?	Yes	☐	No	☑
2.c. Are there any known health and safety issues that would affect the conduct of the site inspection?	Yes	☐	No	☑
Please describe:				
2.d. Would the Inspector have to go onto any privately owned adjoining land as well as the appeal site itself?	Yes	☐	No	☑

PART 2

3. Are there any related appeals currently before the Secretary of State, e.g. under s.78, 174 or 195 of the Town and Country Planning Act 1990, s20 or 39 of the Planning (Listed Buildings and Conservation Areas) Act 1990 or orders under s102 of the Town and Country Planning Act 1990? If yes please provide reference number(s)	Yes	☐	No	☑
4.a. Has the local planning authority received the correct fee payable for the deemed planning application/ground (a) to be considered?	Yes	☑	No	☐
5.a. Is the appeal site within a conservation area?	Yes	☐	No	☑
5.b. Is the appeal site adjacent to a conservation area?	Yes	☐	No	☑

PART 3

6.a. Does the notice relate to building, engineering, mining or other operations?	Yes	☑	No	☐
If YES, please state the area of the site shown in the notice plan, in hectares.	0.03 hectare(s)			
6.b. Is the area of the alleged breach different from the above?	Yes	☐	No	☑
6.c. Does the alleged breach create any floor space?	Yes	☑	No	☐
If YES, please state the amount of gross floor space created, in square metres.	28 sq metre(s)			

Does the enforcement notice relate to a change of use of land to use for:

7.a. the disposal of refuse or waste materials?	Yes	☐	No	☑
7.b. the deposit of materials remaining after mineral extraction?	Yes	☐	No	☑
7.c. the storage of minerals in the open?	Yes	☐	No	☑
8. 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	☑
9. 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, Deemed Applications, Requests and Site Visits) (England) Regulations 2012?	Yes	☐	No	☑

PART 4

10. 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?	Yes	☐	No	☑
11. Has any planning permission been granted previously in respect of the development?	Yes	☐	No	☑
12. Has the appellant applied for planning permission and paid the appropriate fee for the same development as in the enforcement notice?	Yes	☐	No	☑
13. Has a planning contravention notice been served?	Yes	☐	No	☑
14.a. the appeal site is within 67 METRES OF A TRUNK ROAD?	Yes	☐	No	☑
14.b. the appeal site is CROWN LAND (as defined in s293 of the Act)?	Yes	☐	No	☑
14.c. a STOP NOTICE has been served in addition to the enforcement notice?	Yes	☐	No	☑
14.d. the appeal site is in or adjacent to or likely to affect a SSSI?	Yes	☐	No	☑
14.e. any protected species are likely to be affected by the alleged development?	Yes	☐	No	☑
14.f. the appeal site is in a Green Belt or AONB?	Yes	☐	No	☑
14.g. any part of the site is subject to a Tree Preservation Order?	Yes	☐	No	☑
14.h. the appeal site is within 400m of an area of underground or surface mineral interest?	Yes	☐	No	☑
14.i. the appeal site is within 250m of a waste landfill site?	Yes	☐	No	☑

14.j. does the development affect the setting of a listed building or ancient monument?	Yes	☐ No	☑
14.k. has importation of waste materials been involved in the development?	Yes	☐ No	☑
14.l. does the appeal involve persons claiming gypsy/traveller status, whether or not this is accepted by the planning authority?	Yes	☐ No	☑

PART 5

15. Please provide a plan of any public rights of way affected by the site.

☑ see 'Questionnaire Documents' section

16.a. Is the appeal site subject to an ARTICLE 4 Direction?	Yes	☐ No	☑
17. Have any development rights been restricted by means of a planning condition?	Yes	☐ No	☑
18. Does the development relate to operational development for a disabled person, as defined by s29 of the National Assistance Act 1948?	Yes	☐ No	☑
19. Will any consultation be carried out on the possibility of planning permission being granted if the appeal is confirmed as valid?	Yes	☐ No	☑

Environmental Impact Assessment - Schedule 1

20.a. Is the alleged development within Schedule 1 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011?	Yes	☐ No	☑

Environmental Impact Assessment - Schedule 2

20.b.i. Is the development Schedule 2 development as described in Column 1, Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011?	Yes	☐ No	☑

Environmental Impact Assessment - Environmental Statement (ES)

20.e. Has the appellant supplied an environmental statement?	Yes	☐ No	☑

PART 6

21.a. a copy of the letter with which you notified people about the appeal. ☑

☑ see 'Questionnaire Documents' section

21.b. a list of the people you notified and the deadline you gave for their comments to be sent to us. ☑

☑ see 'Questionnaire Documents' section

the deadline you gave for their comments to be sent to us.	09/01/2025

21.c. the planning officer's report to committee or delegated report and any other relevant document/minutes. ☑

☑ see 'Questionnaire Documents' section

21.d. where ground (a) (s174) has been pleaded and any fee required has been paid, a comprehensive list of conditions which you consider should be imposed if planning permission is granted. You need not attach this now, but it should reach us within 6 weeks of the starting date. The list must be submitted separately from your appeal statement. ☑

☑ see 'Questionnaire Documents' section

Policies/Planning Guidance

22.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. ☑

List of policies

CS16

☑ see 'Questionnaire Documents' section

22.b. extracts of any relevant policies which have been 'saved' by way of a Direction. ☐

22.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. ☑

List of supplementary planning guidance

HBC Design Guide

☑ see 'Questionnaire Documents' section

22.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. ☐

22.e. if any Development Plan Document (DPD) or Neighbourhood Plan relevant to this appeal has been examined and found sound/met the basic conditions and passed a referendum, the date the DPD or Neighbourhood Plan is likely to be adopted and, if you consider this date will be before the Inspector's decision on this appeal is issued, an explanation of the Council's policy position in respect of this appeal upon its adoption. You should also include an explanation of the status of existing policies and plans, as they relate to this appeal, upon adoption and which (if any) will be superseded; ☐

22.f. if any DPD or Neighbourhood Plan relevant to this appeal has been submitted for examination, or in the case of a Neighbourhood Plan has been examined and is awaiting a referendum, an explanation of any substantive changes in the progress of the emerging plan, and their relevance to this appeal if it is considered that the plan will not be adopted before the Inspector's decision on this appeal is issued; ☐

22.g. your Authority's CIL charging schedule is being/has been examined; ☐

22.h. your Authority's CIL charging schedule has been/is likely to be adopted. ☑

Please provide the date of adoption: 01/08/2013

22.i. any other relevant information or correspondence you consider we should know about. ☐

PART 7

23. A true copy of the Enforcement Notice

☑ see 'Questionnaire Documents' section

24. The Enforcement Notice Plan (if applicable)

☑ see 'Questionnaire Documents' section

25. A list of those served with the Notice

☑ see 'Questionnaire Documents' section

26. Do you wish to attach your statement of case? Yes ☐ No ☑

LPA Details

I certify that a copy of this appeal questionnaire and any enclosures will be sent to the appellant or agent today. ☑

LPA's reference	APP/24/00675
Completed by	Jacky Clark
On behalf of	Havant Borough Council

Please provide the details of the officer we can contact for this appeal, if different from the Planning Inspectorate's usual contact for this type of appeal.

Name

Phone no (including dialling code)

Email

Please advise the case officer of any changes in circumstances occurring after the return of the questionnaire.

QUESTIONNAIRE DOCUMENTS

Appeal Reference	APP/X1735/C/24/3350496
Appeal By	MRS KELLY WILLIAMS
Site Address	ESHER GROVE WATERLOOVILLE HAMPSHIRE PO7 6HJ

The documents listed below were uploaded with this form:

Relates to Section: PART 5
Document Description: 15. A plan of any public rights of way affected by the site.
File name: 4_Esher_Grove_(ENF_appeal).pdf

Relates to Section: PART 6
Document Description: 21.a. A copy of the letter with which you notified people about the appeal.
File name: Notification to neighbours - 4 Esher Grove.pdf

Relates to Section: PART 6
Document Description: 21.b. A list of the people you notified and the deadline you gave for their comments to be sent to us.
File name: Neighbours list of those notified.pdf

Relates to Section: PART 6
Document Description: 21.c. the planning officer's report to committee or delegated report and any other relevant document/minutes.
File name: Enforcement Notice Report.pdf

Relates to Section: PART 6
Document Description: 22.a. Extracts from any statutory development plan policy including the front page, title and date of approval/adoption and status.
File name: CS16.pdf

Relates to Section: PART 6
Document Description: 22.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.
File name: SPD Borough Design Guide.pdf

Relates to Section: PART 7
Document Description: 23. A true copy of the Enforcement Notice.
File name: Enforcement Notice 4 Esher Grove.pdf

Relates to Section: PART 7
Document Description: 24. The Enforcement Notice Plan.
File name: PLAN.pdf

Relates to Section: PART 7
Document Description: 25. A list of those served with the Notice.
File name: Served Notice.pdf

The documents listed below are to follow by post:

Relates to Section:	PART 6
Document Description:	21.d. where ground (a) (s174) has been pleaded and any fee required has been paid, a comprehensive list of conditions which you consider should be imposed if planning permission is granted. You need not attach this now, but it should reach us within 6 weeks of the starting date. The list must be submitted separately from your appeal statement.
Completed by	Not Set
Date	03/12/2024 11:53:11
LPA	Havant Borough Council