

The Planning Inspectorate

ENFORCEMENT NOTICE APPEAL FORM (Online Version)

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

Appeal Reference: APP/X1735/C/22/3290896

A. APPELLANT DETAILS

Name

Address

Preferred contact method

Email ☐ Post ☒

A(i). ADDITIONAL APPELLANTS

Do you want to use this form to submit appeals by more than one person (e.g. Mr and Mrs Smith), with the same address, against the same Enforcement notice?

Yes ☐ No ☒

B. AGENT DETAILS

Do you have an Agent acting on your behalf?

Yes ☒ No ☐

Name

Company/Group Name

Address

Phone number

Email

Preferred contact method

Email ☒ Post ☐

C. LOCAL PLANNING AUTHORITY (LPA) DETAILS

Name of the Local Planning Authority

Date of issue of enforcement notice

Effective date of enforcement notice

23/01/2022

D. APPEAL SITE ADDRESS

Is the address of the affected land the same as the appellant's address?

Yes

☒ No

☐

Address

12 Portsdown Hill Road
HAVANT
PO9 3JX

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?

Yes

☐ No

☒

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

Owner

☒

Tenant

☐

Mortgagee

☐

None of the above

☐

E. GROUNDS AND FACTS

Do you intend to submit a planning obligation (a section 106 agreement or a unilateral undertaking) with this appeal?

Yes

☐ No

☒

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

☐

(b) That the breach of control alleged in the enforcement notice has not occurred as a matter of fact.

☒

The facts are set out in

☒ the box below

The appeal site comprises a large detached family home, garage and garden areas. It is used as authorised (for planning purposes) as a single family dwelling (Class C3). The appellant does not consider that a breach of planning control has occurred. There are vehicles on the appeal site but these are all owned by the appellant or members of his family (evidence of this fact has already been supplied to the LPA). From time to time servicing of these vehicles is carried out on site. No vehicles owned by third parties are brought to the appeal site for repairs. It is therefore not agreed that a change of use to Class B2 requiring planning permission has 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").

☐

(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.

☐

(e) The notice was not properly served on everyone with an interest in the land.

☐

(f) The steps required to comply with the requirements of the notice are excessive, and lesser steps would overcome the objections.

☒

The facts are set out in

☒ the box below

Notwithstanding the outcome of this appeal the requirement set out in Paragraph 3 is considered unreasonable. The hard surfaced areas are considered entirely appropriate in connection with the use of the appeal site as a single family dwelling. Such work would usually be classified as permitted

development and not require planning permission. If an alternative view is taken then the hard surfaced area should be allowed to remain. Paragraph 2 is also considered excessive on the basis that the vehicles on the appeal site are not part of a motor vehicle repair business.

(g) The time given to comply with the notice is too short. Please state what you consider to be a reasonable compliance period, and why. ☐

F. CHOICE OF PROCEDURE

There are three different procedures that the appeal could follow. Please select one.

1. Written Representations ☒

(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? Yes ☐ No ☒

2. Hearing ☐

3. Inquiry ☐

G. FEE FOR THE DEEMED PLANNING APPLICATION

1. Has the appellant applied for planning permission and paid the appropriate fee for the same development as in the enforcement notice? Yes ☐ No ☒

2. Are there any planning reasons why a fee should not be paid for this appeal? Yes ☒ No ☐
☒ the box below

A householder planning application was submitted in August 2021 but remains un-validated because of excessive demands from the LPA to achieve validation. The appropriate fee was paid to the LPA. This fee should be deducted from the fee requested by the LPA for this appeal.

H. OTHER APPEALS

Have you sent other appeals for this or nearby sites to us which have not yet been decided? Yes ☐ No ☒

I. SUPPORTING DOCUMENTS

01. Enforcement Notice:

☒ see 'Appeal Documents' section

02. Plan (if applicable and not already attached)

☒ see 'Appeal Documents' section

J. CHECK SIGN AND DATE

I confirm that all sections have been fully completed and that the details are correct to the best of my knowledge.

I confirm that I will send a copy of this appeal form and supporting documents (including the full grounds of appeal) to the LPA today.

Signature

Mr John Pike

Date

17/01/2022 16:03:01

Name

Mr John Pike

On behalf of

Mr Nishit Sodha

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.

The Planning Inspectorate takes its data protection responsibilities for the information you provide us with very seriously. To find out more about how we use and manage your personal data, please go to our [privacy notice](#).

K. NOW SEND

Send a copy to the LPA

Send a copy of the completed appeal form and any supporting documents (including the full grounds of the appeal) to the LPA.

To do this by email:

- open and save a copy of your appeal form
- locating your local planning authority's email address:
<https://www.gov.uk/government/publications/sending-a-copy-of-the-appeal-form-to-the-council>
- attaching the saved appeal form including any supporting documents

To send them by post, send them to the address from which the enforcement notice was sent (or to the address shown on any letters received from the LPA).

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.

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

L. APPEAL DOCUMENTS

We will not be able to validate the appeal until all the necessary supporting documents are received.

Please remember that all supporting documentation needs to be received by us within the appropriate deadline for the case type. If forwarding the documents by email, please send to

appeals@planninginspectorate.gov.uk. If posting, please enclose the section of the form that lists the supporting documents and send it to Initial Appeals, Temple Quay House, 2 The Square, Temple Quay, BRISTOL, BS1 6PN.

You will not be sent any further reminders.

Please ensure that anything you do send by post or email is clearly marked with the reference number.

The documents listed below were uploaded with this form:

Relates to Section: SUPPORTING DOCUMENTS
Document Description: 01. The Enforcement Notice.
File name: Enforcement notice.pdf

Relates to Section: SUPPORTING DOCUMENTS
Document Description: 02. The Plan.
File name: Enforcement notice.pdf

Completed by MR JOHN PIKE

Date 17/01/2022 16:03:01