

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/16/3153416

A. APPELLANT DETAILS

Name Mr Laurence Stanley

Address c/o agent
Gosport
PO12 3UL

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 Mr Keith Oliver

Company/Group Name The Town Planning Experts

Address Unit B14, The Sanderson Centre
Lees Lane
GOSPORT
Hampshire
PO12 3UL

Phone number 023 92 523352

Email keitholiver@tpexpert.co.uk

Your reference Mandai

Preferred contact method

Email ☒ Post ☐

C. LOCAL PLANNING AUTHORITY (LPA) DETAILS

Name of the Local Planning Authority	Havant Borough Council
Date of issue of enforcement notice	27/05/2016
Effective date of enforcement notice	01/07/2016

D. APPEAL SITE ADDRESS

Is the address of the affected land the same as the appellant's address? Yes ☐ No ☒

Does the appeal relate to an existing property? Yes ☒ No ☐

Address

Land adjacent to Mandai
St. Peters Road
HAYLING ISLAND
PO11 0RT

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. ☐

(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. ☒

The facts are set out in

☒ see 'Appeal Documents' section

(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

See statement attached at ground d

(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. ☒

The facts are set out in

☒ the box below

See statement attached at ground d

F. CHOICE OF PROCEDURE

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

1. Written Representations

☐

2. Hearing

☐

3. Inquiry

☒

You must give detailed reasons below or in a separate document why you think an inquiry is necessary. The reasons are set out in

☒ the box below

Evidence will need to be given under oath

The appellant will wish to cross-examine the Council's witness

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

1 day(s)

(b) How many witnesses do you intend to call?

4

(c) Is there any further information relevant to the inquiry which you need to tell us about?

Yes

☒ No

☐

If so, please explain the relevant information below

A previous Enforcement notice relating to this use was withdrawn by the local planning authority at the Inquiry on 19 May 2015 and costs awarded against it .

Appeal ref: APP/X1735/C/14/2226702

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

The use is lawful by reason of the length of time it has existed

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:

☒ 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 Keith Oliver

Date

29/06/2016 12:06:42

Name

Mr Keith Oliver

On behalf of

Mr Laurence Stanley

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 1998. Further information about our Data Protection policy can be found on our website under Privacy Statement.

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@pins.gsi.gov.uk**. If posting, please enclose the section of the form that lists the supporting documents and send it to PO Box 326, Bristol, BS99 7XF.

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:	GROUPS AND FACTS
Document Description:	Facts to support that, at the time the enforcement notice was issued, it was too late to take enforcement action against the matters stated in the notice.
File name:	enforcement statement.pdf
File name:	25021003 LS1.pdf
File name:	25021004 LS2.PDF
File name:	25021005 LS3.PDF
File name:	25021006 LS4.PDF
File name:	25021007 LS5.PDF
File name:	25021008 LS6.PDF
File name:	25021009 LS7.PDF
File name:	B1-Conveyance 1945.PDF
File name:	B2-AW Isaac.pdf
File name:	B3-Conveyance.pdf
File name:	B4-Letter. Hugh Hickman and Son.pdf
File name:	B5-Sales Particulars.pdf
File name:	B6-Water.pdf
File name:	B7-Electricity.pdf
File name:	B8-Container.pdf
File name:	Invoice.pdf
File name:	P1-PCN Mandai.pdf
File name:	SD1 -Statutory Declarations.pdf
File name:	OS_MasterMap_Colour_PDF_Location_Plan_369512_484381.pdf
Relates to Section:	SUPPORTING DOCUMENTS
Document Description:	01. The Enforcement Notice.
File name:	Enf Notice.pdf

The documents listed below were already attached elsewhere with this form:

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

PLEASE ENSURE THAT A COPY OF THIS SHEET IS ENCLOSED WHEN POSTING THE ABOVE DOCUMENTS TO US

Completed by MR KEITH OLIVER

Date 29/06/2016 12:06:42