

## 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/L1765/C/18/3201570**

#### 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

Fax number

Email

Your reference

Preferred contact method

Email  Post

### C. LOCAL PLANNING AUTHORITY (LPA) DETAILS

Name of the Local Planning Authority

Winchester City Council

LPA reference number (if applicable)

17/00049/WKS

Date of issue of enforcement notice

13/04/2018

Effective date of enforcement notice

18/05/2018

### 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

4 Pony Paddock  
6 Hipley, Hambledon  
Waterlooville  
Hampshire

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.

The facts are set out in

the box below

a) The appellant Tom Buckley and his family, his partner Neisha Sawyer and their children Tommy (D.O.B 05.03.12) Montana ( D.O.B 15.04.15) and Sianna (D.O.B 27.04.17). The family fall within the planning definition of Gypsy/Traveller as set out in the PPTS. Tom Buckley undertakes landscaping work which includes driveways and footpaths. He can be away from the site for a month at a time as he leaflets drops areas to advertise his services as well as placing boards outside properties where he has undertaken work. The Appellant is currently away travelling for work.

The LPA reply upon a previous inspector's appeal decision having regard to the appeal site and adjoining land on the basis that the inspector found in her opinion that the land was located in an unsustainable location and that the use of the site would be harmful to character and appearance. However, it is inevitable that Gypsy/Traveller sites will be located in rural area away from villages, as indeed are other such sites in Winchester City Council area. Clearly the use of the appeal site causes

some harm to the character and appearance of the area, but it is not considered that this is so harmful to warrant the dismissal of this appeal.

The LPA refer to their site allocation document and that they have identified a 5-year supply of pitches to meet the need for Gypsy/Traveller pitches. The appellant and his family are part of the need. When Council officers have referred to sites being available the appellant has said could they go to such sites however they have been advised that the sites are not available.

- (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.
- (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.
- (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

The time for compliance with the notice if the ground (A) appeal fails is far too short as there are no alternative sites available for the appellant and his family. A period of 12 months is sought.

## 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

We consider that a public Inquiry should take place so that the appointed inspector can be satisfied with Gypsy/Traveller status and for witnesses to be cross examined with regard to the issues raised by the LPA as being the reasons for serving the enforcement notice.

- (a) How long do you estimate the inquiry will last?
- (b) How many witnesses do you intend to call?
- (c) Is there any further information relevant to the inquiry which you need to tell us about? Yes  No

## 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

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.

## H. OTHER APPEALS

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

Please give details, including our reference number(s), if known.

3 Other appeals we would like Co-Joined, Mr Steven Bell, Mr Bobby Night, Mr Jimmy Lee

## I. SUPPORTING DOCUMENTS

01. Enforcement Notice:

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 Spencer Copping

**Date**

30/04/2018 16:37:51

**Name**

Mr Spencer Copping

**On behalf of**

Mr Tom Buckley

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 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 With Plan.pdf  
**File name:** PINS Ltr 30.04.18.pdf

**Completed by** MR SPENCER COPPING

**Date** 30/04/2018 16:37:51