

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/20/3254261

A. APPELLANT DETAILS

Name	Mr Thomas Maloney
Address	C/O Philip Brown Associates Limited 74 Park Road Rugby Warwickshire CV21 2QX
Preferred contact method	Email <input type="checkbox"/> Post <input checked="" type="checkbox"/>

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 <input checked="" type="checkbox"/> No <input type="checkbox"/>
Name	Mr Philip Brown
Address	74 Park Road RUGBY Warwickshire CV21 2QX
Phone number	01788 570574
Email	philipbrownassociates@talktalk.net
Your reference	20/112
Preferred contact method	Email <input checked="" type="checkbox"/> Post <input type="checkbox"/>

C. LOCAL PLANNING AUTHORITY (LPA) DETAILS

Name of the Local Planning Authority	Winchester City Council
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Date of issue of enforcement notice

05/05/2020

Effective date of enforcement notice

16/06/2020

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

Lower Paddock
Bent Lane
Hambleton
Hampshire
PO7 4QP

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

see '[Appeal Documents](#)' section

(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 notice alleges that a material change of use has occurred to use as a residential caravan site for gypsies and travellers but, as a matter of fact, no caravan has been stationed on the land and, the land has not been used for any residential purpose. The only unauthorised development that has taken place has involved operational development: the formation of a new access and laying of hardstanding.

(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

Reinstatement of the hedgerow would leave the field land-locked and, incapable of beneficial use.

(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

2. Hearing

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

the box below

There is a related planning appeal which involves issues including the need for gypsy sites and, availability of alternative sites, together with the personal circumstances of the appellant's extended family and needs of the children. These are issues that can only be properly examined by means of an oral hearing where, in particular, the Inspector can hear direct evidence concerning the needs of the children.

Is there any further information relevant to the hearing which you need to tell us about? Yes No

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

a) the date of the relevant application

b) the date of the LPA's decision (if any)

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

the box below

A planning fee has already been paid in respect of a planning application for the development alleged in the 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.

Planning appeal reference No. APP/L1765/W/20/3253413

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 Philip Brown

Date

13/06/2020 11:50:24

Name

Mr Philip Brown

On behalf of

Mr Thomas Maloney

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. 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: GROUNDS AND FACTS
Document Description: Facts to support that planning permission should be granted for what is alleged in the notice.
File name: APPEAL DECISION - DURLEY STREET, DURLEY.pdf
File name: GTAA - WINCHESTER.pdf
File name: APPENDIX PBA 5 - STREET VIEW OF ACCESS POINT.pdf
File name: APPENDIX PBA 4 - AERIAL PHOTOS OF LOWER PADDOCK.pdf
File name: APPENDIX PBA 3 - AERIAL PHOTOS OF LITTLE ACRES.pdf
File name: APPEAL DECISION - WILLOWS PARK, SLAPTON.pdf
File name: APPEAL DECISION - BINGS HEATH.pdf
File name: POE - THOMAS MALONEY.docx

Relates to Section: SUPPORTING DOCUMENTS
Document Description: 01. The Enforcement Notice.
File name: BENT LANE - ENFORCEMENT NOTICE.pdf

Completed by MR PHILIP BROWN

Date 13/06/2020 11:50:24