

## 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/K5600/C/16/3143934**

#### 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

05/01/2016

Effective date of enforcement notice

09/02/2016

#### 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

77 Drayton Gardens  
Second and Third Floor Flats  
LONDON  
SW10 9QZ

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.



(c) That there has not been a breach of planning control (for example because permission has already been granted, or it is "permitted development").



The facts are set out in

[see 'Appeal Documents' section](#)

(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

[see 'Appeal Documents' section](#)

#### 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 request that the appeal should be considered at a public inquiry consistent with the normal procedure for appeals involving ground c. Issues of law and good practice are involved that should be the subject of cross examination. An accompanied site visit is needed if the Inspector wishes to view the interior of the building, although this is not a primary consideration.

We anticipate the inquiry will last no more than day. There will be a junior barrister and a planning consultant witness.

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

1 day(s)

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

2

(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

a) the date of the relevant application

09/09/2015

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

17/12/2015

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.

An LDC application (proposed development) was submitted in respect of the amalgamation. This was refused on 28 August and is now subject of written representations appeal APP/K560//X/15/3136227 lodged on 9 October.

## 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**

Mrs Emma McBurney

**Date**

05/02/2016 12:20:38

**Name**

Mrs Emma McBurney

**On behalf of**

Mr Maurice Nixon

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:** GROUNDS AND FACTS

**Document Description:** Facts to support that planning permission should be granted for what is alleged in the notice.

**File name:** Appeal Grounds 05.02.16.pdf

**Relates to Section:** GROUNDS AND FACTS

**Document Description:** Facts to support that there has not been a breach of planning control (for example because permission has already been granted, or it is "permitted development").

**File name:** Appeal Grounds 05.02.16.pdf

**Relates to Section:** GROUNDS AND FACTS

**Document Description:** Facts to support why the time given to comply with the notice is too short. Also state what you consider to be a reasonable compliance period, and why.

**File name:** Appeal Grounds 05.02.16.pdf

**Relates to Section:** SUPPORTING DOCUMENTS

**Document Description:** 01. The Enforcement Notice.

**File name:** 77DraytonGdns(Amalgamation)EN.docx

**Relates to Section:** SUPPORTING DOCUMENTS

**Document Description:** 02. The Plan.

**File name:** 77 Drayton Gardens.pdf

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

**Completed by** MRS EMMA MCBURNEY

**Date** 05/02/2016 12:20:38