

## The Planning Inspectorate

### LISTED BUILDING CONSENT OR CONSERVATION AREA CONSENT 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/X5210/F/15/3136697**

#### A. APPELLANT DETAILS

The name of the person(s) making the appeal must appear as an applicant on the planning application form.

Name

Company/Group Name

Address

Preferred contact method  Email  Post

#### B. AGENT DETAILS

Do you have an Agent acting on your behalf?  Yes  No

Name

Company/Group Name

Address

Phone number

Email

Your reference

Preferred contact method  Email  Post

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

Name of the Local Planning Authority

LPA reference number (if applicable)	EN14/1155
Date of issue of enforcement notice	17/09/2015
Effective date of enforcement notice	23/10/2015

#### 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

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 building?

Owner

Tenant

Mortgagee

None of the above

Did you/the appellant occupy the building under a written or oral licence BOTH on the date the enforcement notice was issued AND on the date of making this appeal? Yes  No

What is your/the appellant's involvement with the building?

#### E. 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

#### F. 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 the building is not of special architectural or historic interest.
- (b) That the matters alleged to constitute a contravention of section 9(1) or (2) have not occurred.
- (c) That those matters (if they occurred) do not constitute such a contravention.

The facts are set out in

the box below

Any impact of installation from the two small colour-coded antenna boxes and other ancillary electronic communications apparatus is trivial, de minimis; it is also reversible, and does not affect the character of the listed building.

- (d) That works to the building were urgently necessary in the interests of safety or health or for the preservation of the building, that it was not practicable to secure safety or health or, as the case may be, the preservation of the building by works of repair or works for affording temporary support or shelter, and that the works carried out were limited to the minimum measures immediately necessary.
- (e) That listed building consent ought to be granted for the works, or that any relevant condition of such consent which has been granted ought to be discharged, or different conditions substituted.

The facts are set out in

the box below

If listed building consent is required for the electronic communications development carried out, it should be granted. The development carried out accords with the provisions of the development plan and other material considerations including the NPPF. In particular, any harm to the heritage asset is trivial and the public benefits of granting consent substantially outweigh that harm.

- (f) That copies of the notice were not served as required by section 38(4).
- (g) Except in relation to such a requirement as is mentioned in section 38(2)(b) or (c), that the requirements of the notice exceed what is necessary for restoring the building to its condition before the works were carried out.
- (h) That the period specified in the notice as the period within which any step required by the notice is to be taken falls short of what should reasonably be allowed.

The facts are set out in

the box below

The electronic communications apparatus has been installed at the property since 2001 without any complaint from the LPA. It was only when planning and listed building consent applications were made to the LPA to upgrade the apparatus in 2014 that the LPA sought to question the installation. Having regard to the demonstrable need in the public interest for the development carried out, its trivial impact on the listed building, the time the development has been in place without complaint and the LPA's negative approach to electronic communications development, it is considered that a minimum of 12 months will be required to make alternative provision.

- (i) That the steps required by the notice for the purpose of restoring the character of the building to its former state would not serve that purpose.
- (j) That steps required to be taken by virtue of section 38(2)(b) exceed what is necessary to alleviate the effect of the works executed to the building.
- (k) That steps required to be taken by virtue of section 38(2)(c) exceed what is necessary to bring the building to the state in which it would have been if the terms and conditions of the listed building consent had been complied with.

## G. OTHER APPEALS

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

been decided?

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

APP/X5210/Y/15/3133069 and APP/X5210/W/15/3133081

## H. BUILDING INFORMATION

Please indicate the grade of the building

Grade I

Grade II\*

Grade II

What date was the building first listed? 28/03/1969

Has a grant been made under section 3A or 4 of the Historic Buildings and Ancient Monuments Act 1953? 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 Ian Waterson

**Date** 16/10/2015 16:46:17

**Name** Mr Ian Waterson

**On behalf of** . . .

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:** SUPPORTING DOCUMENTS

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

**File name:** LBEN.pdf

**Relates to Section:** SUPPORTING DOCUMENTS

**Document Description:** 02. A list of the plans, drawings and documents sent to the LPA as part of the application they considered.

**File name:** LBEN Plan.pdf

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

**Completed by** MR IAN WATERSON

**Date** 16/10/2015 16:46:17