The Planning Inspectorate

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ENFORCEMENT NOTICE APPEAL (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/Y3805/C/10/2127923

A. APPELLANT DETAILS

Name Mr Paul Haggqvist (Clark Computer & Management Services Ltd)

Address
Church House Dental Practice
4-8 Church Street
SHOREHAM-BY-SEA
West Sussex

Phone no. [redacted]

Fax no

Postcode BN43 5DQ

E-mail [redacted]

Please confirm how you wish to correspond with us:

Electronically, via the email address specified above ✓

On paper, by post.

B. AGENT DETAILS (IF ANY) FOR THE APPEAL

Name

Address

Your reference

Phone no.

Fax no

Postcode

E-mail

Please confirm how you wish to correspond with us:

Electronically, via the email address specified above

On paper, by post.

C. DETAILS OF THE APPEAL

Name of local planning authority (LPA) Adur District Council

Date of issue of enforcement notice 07 Apr 2010

LPA's Reference Number (if applic) AEN/0116//08

Effective date of enforcement notice 18 May 2010

D. APPEAL SITE ADDRESS

Land affected (please give full address)

Church House Dental Practice
4-8 Church Street
SHOREHAM-BY-SEA
West Sussex

Postcode BN43 5DQ Grid Reference: Easting 05215666 Northing 01050289

1. 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

2. What is your/the appellant's interest in the land? owner tenant ✓ mortgagee

If none of these apply did you/the appellant occupy the land 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

If "No", what is your/the appellant's involvement in the land?

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 ✓

Please tick which of the following grounds of appeal apply to your case and give the facts in support of each ground chosen.

☑ **(a) That planning permission should be granted for what is alleged in the notice.**

Section 174(2)(a) of the Town and Country Planning Act says "that, in respect of any breach of planning control which may be constituted by the matters stated in the notice, planning permission ought to be granted or, as the case may be, the condition or limitation concerned ought to be discharged".

☐ **(b) That the breach of control alleged in the enforcement notice has not occurred as a matter of fact.**

Section 174(2)(b) says "that those matters have not occurred".

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

Section 174(2)(c) says "that those matters (if they occurred) do not constitute a breach of planning control".

☐ **(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.**

Section 174(2)(d) says "that at the date when the notice was issued, no enforcement action could be taken in respect of any breach of planning control which may be constituted by those matters". **Please note that if you choose ground (d) an inquiry will normally be necessary**

☐ **(e) The notice was not properly served on everyone with an interest in the land.**

Section 174(2)(e) says "that copies of the enforcement notice were not served as required by section 172 .

☑ **(f) The steps required to comply with the requirements of the notice are excessive, and lesser steps would overcome the objections.**

Please state how you think the requirements should be varied.

Section 174(2)(f) says "that the steps required by the notice to be taken, or the activities required by the notice to cease, exceed what is necessary to remedy any breach of planning control which may be constituted by those matters or, as the case may be, to remedy any injury to amenity which has been caused by any such breach".

☐ **(g) That the time given to comply with the notice is too short.**

Please state what you consider to be a reasonable compliance period, and why.

Section 174(2)(g) says "that any period specified in the notice in accordance with section 173(9) falls short of what should reasonably be allowed".

F. CHOICE OF PROCEDURE

There are 3 possible procedures:- written representations, hearings and inquiries. You should consider carefully which method suits your circumstances before selecting your preferred option by ticking the box.

1. THE WRITTEN REPRESENTATIONS PROCEDURE

This is normally the simplest, quickest and most straightforward way of making an appeal. The written procedure is particularly suited to small-scale developments (e.g. individual houses or small groups of houses; appeals against conditions or changes of use).

Please answer the questions below.

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

If so, please explain below or on a separate sheet.

2. THE HEARING PROCEDURE ✓

This procedure is likely to be suited to more complicated cases which require detailed discussion about the merits of a proposal. At the hearing the Inspector will lead a discussion on the matters already presented in the written statements and supporting documents. Although you may indicate a preference for a hearing, the Inspectorate must also consider that your appeal is suitable for this procedure.

Please answer the question below.

a) Is there any further information relevant to the hearing which you need to tell us about? If so please explain below. YES NO

3. THE INQUIRY PROCEDURE

This is the most formal of procedures. Although it is not a court of law the proceedings will often seem to be quite similar, as the parties to the appeal will usually be legally represented and expert witnesses may be called to give evidence. Although you may indicate a preference for an inquiry the Inspectorate must also consider that your appeal is suitable for this procedure.

Please answer the questions below.

a) How long do you estimate the inquiry will last? No. of days
(Note: We will take this into consideration, but please bear in mind that our estimate will also be informed by others' advice and our own assessment.)

b) How many witnesses do you intend to call? No. of witnesses

c) Is there any further information relevant to the inquiry which you need to tell us about? If so, please explain below. YES NO
Please continue on a separate sheet if necessary.

G. SENDING THE 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

   IF **YES** PLEASE STATE

   a. the date of the relevant application: 22 Jan 2009

   b. the date of the LPA's decision (if any): 26 Feb 2009

2. Are there any planning reasons why a fee should not be paid for this appeal? If YES, please explain below

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 and these have not been decided, please give details, including our reference numbers. YES NO ✓

I. CHECK SIGN AND DATE

	Please tick ✓
1 I have completed all parts of the form.	✓
2 I have attached a copy of the enforcement notice **and** plan to this form.	✓
3 I have sent a copy of this form and any documents to the LPA	✓

Date 4 May 2010

Name (in capitals) Mr Paul Haggqvist

On behalf of (if applicable) [redacted]

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" and in the booklet accompanying this appeal form.