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LISTED BUILDING ENFORCEMENT/CONSERVATION AREA ENFORCEMENT APPEAL

If you need this document in large print, on audio tape, in Braille or in another language, please contact our Helpline on 0303 444 5940. **To help you fill in this form correctly please refer our Procedural guide for Wales. Please use a separate form for each appeal.**

WARNING: Your appeal must be received by The Planning Inspectorate before the effective date of the Local Planning Authority's enforcement notice.

PLEASE PRINT CLEARLY IN CAPITALS USING BLACK INK

A. Appellant

Name	
Organisation Name (if applicable)	

B. Agent (if any) for the appeal

Name	
Organisation Name (if applicable)	
Reference	

C. Local planning authority (LPA)

Name of the LPA	
Date of issue of the enforcement notice	
Effective date of the enforcement notice	
Reference number on the enforcement notice	

D. Appeal site address

Building / Land affected (please give full address)			
Postcode			
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? <i>*If yes, please explain</i>		YES*	NO
		YES	NO
a	If the written procedure is agreed, can the relevant part of the appeal site be seen from a road, public footpath, bridleway or other public land?		
b	Is it essential for the Inspector to enter the site to check measurements or other relevant facts? * <i>If the answer is 'YES' please explain below</i>		
<p>NOTE: The Inspector will visit the site <u>unaccompanied</u> by either party unless the relevant part of the site cannot be seen from a road or other public land, or it is essential for the Inspector to enter the site to check measurements or other relevant facts.</p>			
		Owner	Tenant
What is your/the appellant's interest in the land?			
		YES	NO
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 the appeal?			
If "NO", what is your/the appellant's involvement in the land?			

E. Supporting Information

1.	If the building is listed, please indicate the grade of the building	Grade I	Grade II*	Grade II
2.	What date was the building first listed?	Date		
3.	Has a grant been made under sections 3A or 4 of the Historic Buildings and Ancient Monuments Act 1953?	YES		NO
4.	Does the appeal relate to a Conservation Area Enforcement Notice?			

F. Grounds and facts

Please tick which of the following grounds of appeal apply to your case and give facts in support of each ground chosen, providing your full statement of case. Refer to our guidance for help. Please continue on a separate sheet if necessary.

a **That the building is not of a special architectural or historic interest.**

That is to say that although the building is listed, it is not outstanding and worthy of preservation. This ground, in effect, invites the Welsh Ministers to remove the building from the statutory list.

In the case of a *conservation area enforcement notice*, ground (a) reads ***“that retention of the building is not necessary in the interests of preserving or enhancing the character or appearance of the conservation area in which it is situated”***; (see SI 1990 No 1519 reg 12 and schedule 3).

b **That the matters alleged to constitute a contravention of section 9(1) or (2) have not occurred**

That what is alleged in the notice has not taken place as a matter of fact.

F. Grounds and Facts (continued)



c

That those matters (if they occurred) do not constitute such a contravention

This ground argues that listed building consent is not needed – for example, because the works do not affect the character of the listed building, or because the works concern a building which is not part of a 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.

All 3 tests must be met. It may be argued here, for example, that the works in question were urgently necessary because parts of the building were unsafe.

F. Grounds and Facts (continued)

		<input checked="" type="checkbox"/>
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.	
This ground covers any arguments on the merits of the case.		
		<input checked="" type="checkbox"/>
f	That copies of the notice were not served as required by section 38(4).	
This is the same as ground (e) in a section 174 enforcement appeal – see the leaflet.		
		<input checked="" type="checkbox"/>
g	<p>NOTE: If you choose this ground you cannot also choose (i), (j) or (k)</p> <p>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.</p>	
An appeal on this ground will claim that the steps said to be required for restoring the building to its former state are excessive.		

F. Grounds and Facts (continued)

<input checked="" type="checkbox"/>		
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.	

This refers to the compliance period stated in the notice. If you claim that it is too short, please state what you consider to be a reasonable period for compliance.

<input checked="" type="checkbox"/>		
i	NOTE: If you choose this ground you cannot also choose (g), (j) or (k) 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.	

An appeal on this ground would claim that the steps required by the notice would not restore the character of the building to its former state. This is different from an appeal on ground (g) which would claim that the steps required are excessive.

NOTE: This ground of appeal is not available for appeals against conservation area enforcement notices alleging the demolition of an unlisted building in a conservation area.

F. Grounds and Facts (continued)



NOTE: If you choose this ground you cannot also choose (g), (i) or (k)

j That the 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.

Where restoration of the building to its former state has not been required, the works required go beyond what is necessary to alleviate the effect of the work done. Section 38(2)(b) enables an authority which considers that restoration of the building to its former state would not be reasonably practicable or would be undesirable, to specify steps “for executing such further works specified in the notice as they consider necessary to alleviate the effect of the works which were carried out without listed building consent”.

Please state how the requirements should be varied.



NOTE: If you choose this ground you cannot also choose (g), (i) or (j)

k That the 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.

As above, but relating to cases involving a breach of condition attached to a grant of listed building consent. Section 38(2)(c) enables an authority to specify steps “for bringing the building to the state in which it would have been if the terms and conditions of any listed building consent which had been granted for the works had been complied with”.

G. Preferred Procedure (Please choose one procedure only)

Appeals dealt with under Part 4 of The Town and Country Planning (Referred Applications and Appeals Procedure) (Wales) Regulations 2017 can be considered on the basis of written representation, a hearing, an inquiry or combined proceedings. In accordance with the Town and Country Planning (Determination of Procedure) (Wales) Order 2017 the Planning Inspectorate must make a determination as to the procedure. Therefore we will take into consideration your views when determining the procedure. If insufficient reasons are given for a hearing or inquiry, we may adopt the written representations procedure.

Please tick one box only

I consider the written representations procedure is appropriate.	
I do not consider that the written representations procedure is appropriate for the reasons given in the box below. I accept that it will be the Inspectorate's discretion as to whether a hearing, inquiry or combination will take place.	

If you feel that a hearing or inquiry is needed please provide your full reasons below, including the likely number of days you feel that the event will last and how many witnesses you intend to call.

H. Costs (see guidance for further information)

	YES	NO
Do you intend to submit a costs application with this appeal? <i>If yes, please provide your case below</i>		

Please continue on a separate sheet if necessary

H. Other Appeals

	YES	NO
Have you sent other appeals for this or nearby sites to us, for example against a refusal of planning permission or a lawful development certificate, which have not been decided? If YES please give details and our reference numbers.		

Personal Details (these will not *be made publicly available*)

1. Appellant personal details


Address	
Postcode	
Daytime Telephone	
Fax	
E-mail	

	E-mail	Post
I prefer to be contacted by		
	English	Welsh
Language Preference		

2. Agent personal details (if any)

Address	
Postcode	
Daytime Telephone	
Fax	
E-mail	

	E-mail	Post
I prefer to be contacted by		
	English	Welsh
Language Preference		

 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 Policy" (http://planninginspectorate.wales.gov.uk/privacy_policy)

Check, Sign and Date

	YES	NO
I have filled in all parts of the form		
I have attached a copy of the enforcement notice and plan to this form		
I have sent a copy of this form and documents to the LPA		
I understand that you may use the information I have given for official purposes in connection with the Town and Country Planning Act 1990 and details including my name, the site description and my grounds of appeal will appear online. By submitting this form I am agreeing to the use of the information I provide in this way.		

Name (in capitals)

Signature

Date

On behalf of (if applicable)

Now Send

1 COPY of this appeal form with supporting documents to us at:

The Planning Inspectorate
Crown Buildings
Cathays Park
CARDIFF
CF10 3NQ

E-mail: wales@pins.gsi.gov.uk

Helpline: 0303 444 5940

1 COPY of this appeal form with supporting documents to the LPA to:

- the address from which the enforcement notice was sent; or
- the address shown on any letters received from the LPA.

Please keep a copy for your records

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.

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