

ENFORCEMENT APPEAL

If you need this document in large print, on audio tape, in Braille or in another language, contact us on 0300 123 1590. This form is to appeal against an Enforcement Notice only.

Visit our website for guidance on completing this form.

Ensure you are using the correct form for the type of appeal you are submitting.

WARNING: Your appeal must be received by Planning and Environment Decisions Wales **before** the effective date of the Local Planning Authority's Enforcement Notice.

**IF YOU ARE NOT COMPLETING ELECTRONICALLY,
PRINT CLEARLY IN CAPITALS USING BLACK INK**

A. APPELLANT – The name of the person(s) making the appeal **must** be a person who has been served with the Enforcement Notice. **If this is not the case the appeal cannot be registered.**

Name /
Organisation Name
(if applicable)

B. AGENT (if any) FOR THE APPEAL

Name /
Organisation Name
(if applicable)

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

Land affected
(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?

YES* NO

*If 'YES' explain below. Do not include personal or financial information.

What is your/the appellant's interest in the land?

Owner Tenant Mortgagee

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?

NOTE: The Inspector will visit the site unaccompanied 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 relevant facts.

Is it essential for the Inspector to enter the site to check measurements or other relevant facts? *If 'YES' explain below. Do not include personal or financial information.

YES* NO

E. GROUND AND FACTS

Tick which of the following grounds of appeal apply to your case and give facts in support of each ground chosen. This is your **only** opportunity to make your case in support of your grounds of appeal. Therefore you must provide your **FULL** statement of case in relation to each of the grounds you are pleading. Refer to the guidance on our website for further information.

Continue on a separate sheet if necessary.

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”.

NOTE: A fee is payable for an appeal on this ground – See section H.

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”.

E. GROUND AND FACTS (Continued)

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 the breach of control alleged in the enforcement notice has not occurred as a matter of fact

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”.

NOTE: If a ground (d) appeal raises a dispute over a matter of fact, it is likely that an Inquiry (with evidence under oath) will be necessary to test the evidence.

E. GROUND AND FACTS (Continued)

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

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

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. PROCEDURE (see guidance for further information)

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, PEDW will make a determination as to the most appropriate procedure and will review it throughout the process.

Tick one box only

I consider the written representations procedure is appropriate.

I consider the hearing procedure is appropriate.

I consider the inquiry procedure is appropriate.

If you feel that a hearing or inquiry is needed 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. Note that it will be PEDW's decision as to whether a hearing, inquiry or combination will take place.

G. APPLICATION FOR AN AWARD OF COSTS

YES* NO

Does the appeal include an application for costs? (see [guidance](#) for further information).

* If **'YES'** you must submit a statement below that clearly explains why you think unreasonable behaviour has occurred and how this has caused unnecessary or wasted expense.

Continue on a separate sheet if necessary.

H. FEE FOR THE DEEMED PLANNING APPLICATION

YES* NO

Has the appellant applied for planning permission and paid the appropriate fee for the same development as in the enforcement notice?

*If **'YES'** state:

a. The date of the relevant application

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

YES* NO

Are there any planning reasons why a fee should not be paid for this appeal?

*If **'YES'**, explain below. Do not include personal or financial information.

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 which accompanied your enforcement notice.

I. OTHER APPEALS/APPLICATIONS

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'**, give details and our reference numbers.

APPLICATION DECLARATION

I confirm that all sections have been fully completed to the best of my knowledge.

I confirm I have enclosed a copy of the Enforcement Notice and plan with this form.

I confirm I have sent a copy of this form and any relevant 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 on the Appeals Casework Portal. By submitting this form I am agreeing to the use of the information I provide in this way.

Name (in capitals)

On behalf of (if applicable)

Date

SEND

1 COPY to us at:

Email: PEDW.Casework@gov.wales
PEDW.GwaithAchos@llyw.cymru

OR

Planning and Environment Decisions Wales
Crown Buildings
Cathays Park
CARDIFF
CF10 3NQ

Helpline: 0300 123 1590

1 COPY to the LPA:

Send a copy of the appeal form to the address from which the Enforcement Notice was sent (or to the address shown on any letters received from the LPA).

Keep a copy for your records.

When we receive your appeal form, we will write to you letting you know what happens next.

Any enquiries regarding this document/publication should be sent to us at the address above or e-mail:
PEDW.Casework@gov.wales / PEDW.GwaithAchos@llyw.cymru

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

1. APPELLANT PERSONAL DETAILS

Address

Postcode

Daytime telephone

Email

Language Preference English Welsh

I prefer to be contacted by Email Post

2. AGENT PERSONAL DETAILS *(if any)*

Address

Postcode

Daytime telephone

Email

Language Preference English Welsh

I prefer to be contacted by Email Post

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 at gov.wales/welsh-government-privacy-notice