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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 us on 0300 123 1590

To help you fill in this form correctly please refer our Procedural guide for Wales.

**WARNING:** Your appeal must be received by Planning and Environment Decisions Wales 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

|                               |
|-------------------------------|
|                               |
| <b>D. Appeal site address</b> |

|   |   |              |               |
|---|---|--------------|---------------|
| Building / Land affected<br>(please give full address)  |   |              |               |
| Postcode  |   |              |               |
|   |   | <b>YES*</b>  | <b>NO</b>     |
| 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?<br><i>*If yes, please explain</i>   |   |              |               |
|   |   |              |               |
|   |   | <b>YES</b>   | <b>NO</b>     |
| 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> |              |               |
|   |   |              |               |
| <b>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.</b> |   |              |               |
|   |   | <b>Owner</b> | <b>Tenant</b> |
| What is your/the appellant's interest in the land?  |   |              |               |
|   |   | <b>YES</b>   | <b>NO</b>     |
| If none of these apply did you/the appellant occupy the land under a written or oral licence <b>BOTH</b> on the date the enforcement notice was issued <b>AND</b> on the date of making the appeal?   |   |              |               |
| If "NO", what is your/the appellant's involvement in the land?  |   |              |               |
|   |   |              |               |
| <b>E. Supporting Information</b>  |   |              |               |

|    |   |         |           |          |
|----|---|---------|-----------|----------|
| 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 or loan been made under sections 148, 150, or 165 of the Historic Environment (Wales) Act 2023? | 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 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 Section 163 (2)(c)(iii) of the Historic Environment (Wales) Act 2023)



**b That the matters alleged to constitute a breach of section 88 or a condition of listed building consent have not occurred.**

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

**F. Grounds and Facts (continued)**



|   |   |  |
|---|---|--|
| <b>c</b>  | <b>That those matters (if they occurred) do not constitute such a breach.</b>   |  |
| <p>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.</p> |   |  |
|   |   |  |
| <input checked="" type="checkbox"/>   |   |  |
| <b>d</b>  | <b>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 the preservation of the building by carrying out works of repair or works to provide temporary support or shelter, and that the works carried out were limited to the minimum measures immediately necessary.</b> |  |
| <p>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.</p>   |   |  |
|   |   |  |
| <b>F. Grounds and Facts (continued)</b>   |   |  |
| <input checked="" type="checkbox"/>   |   |  |

|  |  |  |
|--|--|--|
| <b>e</b>   | <b>That listed building consent ought to be granted for the works to which the notice relates, or that any relevant condition of listed building consent which has been granted for the works ought to be removed or replaced with different conditions.</b> |  |
| This ground covers any arguments on the merits of the case.  |  |  |
|  |  |  |
| <input checked="" type="checkbox"/>  |  |  |
| <b>f</b>   | <b>That a copy of the notice was not served on a person as required by section 124</b>   |  |
| This is the same as ground (e) in a section 174 enforcement appeal – see the leaflet.  |  |  |
|  |  |  |
| <input checked="" type="checkbox"/>  |  |  |
| <b>g</b>   | <p><b>NOTE: If you choose this ground you cannot also choose (h)</b></p> <p><b>That steps which the notice requires under section 123(3)(a) would not serve the purpose of restoring the character of the building.</b></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. |  |  |
|  |  |  |
| <b>F. Grounds and Facts (continued)</b>  |  |  |
|  |  |  |



**NOTE: If you choose this ground you cannot also choose (g)**

**h** That steps which the notice requires for any of the purposes set out in section 123(3) exceed what is necessary for the purpose in question.

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.

**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.



**i** That the period within which the notice requires any step to be taken is unreasonably short.

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.

**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 and Environment Decisions Wales will make a determination as to the most appropriate procedure and will review it throughout the process.

**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 Planning and Environment Decisions Wales decision 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 |
|---|-----|----|
| <b>Do you intend to submit a costs application with this appeal?</b><br><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?<br><br>If <b>YES</b> please give details and our reference numbers. |     |    |
|  |     |    |

## 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:

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

E-mail: [PEDW.casework@gov.wales](mailto:PEDW.casework@gov.wales)  
[PEDW.GwaithAchos@llyw.cymru](mailto:PEDW.GwaithAchos@llyw.cymru)

Helpline: 0300 123 1590

### 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.**

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

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

| 1. Appellant personal details      |         |       |
|------------------------------------|---------|-------|
| Address                            |         |       |
| Postcode                           |         |       |
| Daytime Telephone                  |         |       |
| Fax                                |         |       |
| E-mail                             |         |       |
|                                    | E-mail  | Post  |
| <b>I prefer to be contacted by</b> |         |       |
|                                    | English | Welsh |
| <b>Language Preference</b>         |         |       |
| 2. Agent personal details (if any) |         |       |
| Address                            |         |       |
| Postcode                           |         |       |
| Daytime Telephone                  |         |       |
| Fax                                |         |       |
| E-mail                             |         |       |
|                                    | E-mail  | Post  |
| <b>I prefer to be contacted by</b> |         |       |
|                                    | English | Welsh |
| <b>Language Preference</b>         |         |       |

 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 <https://gov.wales/welsh-government-privacy-notice>