

The Planning Inspectorate

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/W3005/C/24/3348000

A. APPELLANT DETAILS

Name

Mr Andrew Cash

Address

22 BRICKYARD
BRICKYARD DRIVE, HUCKNALL
NOTTINGHAM
NOTTS
NG15 7PG

Preferred contact method

Email Post

A(i). ADDITIONAL APPELLANTS

Do you want to use this form to submit appeals by more than one person (e.g. Mr and Mrs Smith), with the same address, against the same Enforcement notice?

Yes No

B. AGENT DETAILS

Do you have an Agent acting on your behalf?

Yes No

Name

Mr Philip Brown

Address

74 Park Road
RUGBY
Warwickshire
CV21 2QX

Phone number

01788 570574

Email

philipbrownassociates@talktalk.net

Your reference

24/AC/BRICKYARD

Preferred contact method

Email Post

C. LOCAL PLANNING AUTHORITY (LPA) DETAILS

Name of the Local Planning Authority

Ashfield District Council

Date of issue of enforcement notice

19/06/2024

Effective date of enforcement notice

19/07/2024

D. APPEAL SITE ADDRESS

Is the address of the affected land the same as the appellant's address?

Yes

No

Address

22 BRICKYARD
BRICKYARD DRIVE, HUCKNALL
NOTTINGHAM
NOTTS
NG15 7PG

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 land/building?

Owner

Tenant

Mortgagee

None of the above

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

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

The facts are set out in

see 'Appeal Documents' section

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

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

(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.

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

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

The facts are set out in

the box below

Planning permission has been implemented and, therefore, remains extant for the construction of a dwelling, including the laying of hard-surfacing. Returning all of the land to a grass paddock goes further than is necessary to restore the land to its condition before the breach took place and, the requirements of the notice should only affect development which was not part of the previously permitted.

The removal of boundary walls and gates goes beyond what is necessary to remedy the breach. Enforcement action is not intended to be punitive and, a reduction in height to 1 metre adjacent to the

highway would be sufficient to remedy the breach of planning control.

(g) The time given to comply with the notice is too short. Please state what you consider to be a reasonable compliance period, and why.

The facts are set out in

the box below

The appeal site is the appellants home and, has been for several years. A period of 12 months is required for the appellant to relocate his family and, avoid becoming homeless.

F. CHOICE OF PROCEDURE

There are three different procedures that the appeal could follow. Please select one.

1. Written Representations

2. Hearing

You must give detailed reasons below or in a separate document why you think a hearing is necessary. The reasons are set out in

the box below

This appeal involves the appellant's home and raises issues of need, the availability of alternative sites, personal circumstances and, needs of the children. These are issues that can only be properly considered by means of an oral hearing.

Is there any further information relevant to the hearing which you need to tell us about? Yes No

3. Inquiry

G. 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

2. Are there any planning reasons why a fee should not be paid for this appeal? Yes No

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 which have not yet been decided? Yes No

I. SUPPORTING DOCUMENTS

01. Enforcement Notice:

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 Philip Brown

Date

13/07/2024 15:00:18

Name

Mr Philip Brown

On behalf of

Mr Andrew Cash

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 2018.

The Planning Inspectorate takes its data protection responsibilities for the information you provide us with very seriously. To find out more about how we use and manage your personal data, please go to our [privacy notice](#).

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@planninginspectorate.gov.uk**. If posting, please enclose the section of the form that lists the supporting documents and send it to Initial Appeals, Temple Quay House, 2 The Square, Temple Quay, BRISTOL, BS1 6PN.

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: GROUNDS AND FACTS
Document Description: Facts to support that planning permission should be granted for what is alleged in the notice.
File name: POE - BRICKYARD, HUCKNALL.docx
File name: BRICKYARD 2 - APPROVED SITE LAYOUT.pdf
File name: BRICKYARD - DELEGATED REPORT.pdf
File name: BRICKYARD - STREET VIEW LOOKING NORTH.pdf
File name: BRICKYARD - STREET VIEW LOOKING SOUTH.pdf
File name: BRICKYARD - AERIAL PHOTOGRAPH.pdf
File name: APPEAL DECISION - 26 BRICKYARD - HUCKNALL.pdf
File name: APPEAL DECISION - CHESTERFIELD ROAD, HUCKNALL.pdf
File name: GTAA - GREATER NOTTINGHAM - 2021.pdf

Relates to Section: SUPPORTING DOCUMENTS
Document Description: 01. The Enforcement Notice.
File name: BRICKYARD - ENFORCEMENT NOTICE.pdf

Completed by MR PHILIP BROWN

Date 13/07/2024 15:00:18