

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/W0340/C/24/3350386

A. APPELLANT DETAILS

Name	Mrs B Brown
Address	Lake House West Woodhay NEWBURY RG20 0BU
Phone number	[REDACTED]
Email	[REDACTED]
Preferred contact method	Email <input checked="" type="checkbox"/> Post <input type="checkbox"/>

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 <input checked="" type="checkbox"/> No <input type="checkbox"/>
Name	Mrs Nicky Brock
Company/Group Name	Carter Jonas
Address	First Floor, Mayfield House 256 Banbury Road OXFORD OX2 7DE
Phone number	[REDACTED]
Email	[REDACTED]
Your reference	J0014260
Preferred contact method	Email <input checked="" type="checkbox"/> Post <input type="checkbox"/>

C. LOCAL PLANNING AUTHORITY (LPA) DETAILS

Name of the Local Planning Authority

West Berkshire District Council

LPA reference number (if applicable)

22/00266/15UNAU

Date of issue of enforcement notice

22/07/2024

Effective date of enforcement notice

26/08/2024

D. APPEAL SITE ADDRESS

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

Yes



No



Address

Lake House
West Woodhay
NEWBURY
RG20 0BU

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").



The facts are set out in

the box below

Ground (c) – the alleged breach (at least in part) does not constitute a breach of planning control 12. The Appellant will show that there has been a track in place between, at the very least, points A and B on the plan that accompanied the Enforcement Notice for more than four years. This track is part of the access to the Appellant's gardeners' workshop and an existing balancing pond.

13. The Appellant will contend also that the removal of trees as alleged does 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.

(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

Ground (f) – the steps required by the notice exceed what is necessary to remedy the breach of planning control

14. Further to point 12 above, the Appellant will contend that there is no planning requirement to replace any trees that the Council alleges have been removed between points A and D on the plan that accompanied the Enforcement Notice.

(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

Ground (g) – the period specified in the notice falls short of what should reasonably be allowed.

15. In the event that the Enforcement Notice is upheld as drafted, 3-months is too short a time to replace any trees that the Council might identify as having been removed – the optimum time to plant new trees is in the Autumn. A period of 3-months is also too short a window in which to “take up the hard standing from the access track and remove it from the land.”

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

There is a significant amount of history that is relevant to consideration of this appeal, which needs to be explained in full. That history also raises questions for the Local Planning Authority that can only be properly considered and tested through discussion at a 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

a) the date of the relevant application

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

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

Date

Name

On behalf of

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: Document 1.pdf
File name: Document 2.pdf
File name: Document 3.pdf
File name: Document 4.pdf
File name: Document 5.pdf
File name: Track Grounds of Appeal .pdf

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

Completed by MRS NICKY BROCK

Date 20/08/2024 12:05:28