

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/L2820/C/20/3253535

A. APPELLANT DETAILS

Name	Mr Lyndon Thomas
Company/Group Name	Lyndon Thomas Limited
Address	Birchfield Springs Rushton Road Desborough NN14 2QN
Email	lyndon@lthomasltd.co.uk
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

Additional Appellant: Mr Lyndon Thomas
Appeal Reference: APP/L2820/C/20/3253536

Additional Appellant: Mrs Samantha Thomas
Appeal Reference: APP/L2820/C/20/3253537

B. AGENT DETAILS

Do you have an Agent acting on your behalf? Yes No

Name	Mr Frederick Quartermain
Company/Group Name	Thrings LLP
Address	The Paragon Counterslip BRISTOL BS1 6BX
Phone number	011179309572

Email

Your reference

Preferred contact method Email Post

C. LOCAL PLANNING AUTHORITY (LPA) DETAILS

Name of the Local Planning Authority

LPA reference number (if applicable)

Date of issue of enforcement notice

Effective date of enforcement notice

D. APPEAL SITE ADDRESS

Is the address of the affected land the same as the appellant's address? Yes No

Address

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

Please describe the health and safety issues

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.

The facts are set out in

the box below

Please see attached Summary Grounds of Appeal

(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

Please see attached Summary Grounds of Appeal

(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.

The facts are set out in

the box below

Please see attached Summary Grounds of Appeal

(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

Please see attached Summary Grounds of Appeal

(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

Please see attached Summary Grounds of Appeal

F. CHOICE OF PROCEDURE

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

1. Written Representations

2. Hearing

3. Inquiry

You must give detailed reasons below or in a separate document why you think an inquiry is necessary.

The reasons are set out in

the box below

The appeal raises substantial issues which will need to be dealt with by way of evidence under oath from both the appellant, and the Council. In particular, issues around allegations of mining and minerals which the appellants contend simply is not happening on the site, issues around the lawful implementation of an existing planning permission (and the seeming fundamental change of position the Council have taken between 2015 and 2020 on this) and issues of substantial completion and immunity arise. These issues can only be properly tested on evidence under oath and the Appellants will be substantially prejudiced if they are unable to give such evidence and cross examine the Council officers on the position the Council have taken.

(a) How long do you estimate the inquiry will last?

3 day(s)

(b) How many witnesses do you intend to call?

5

(c) Is there any further information relevant to the inquiry which you need to tell us about?

Yes

No



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

21/04/2010

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

19/08/2010

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

02. Plan (if applicable and not already attached)

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 Frederick Quartermain

Date

02/06/2020 12:18:45

Name

Mr Frederick Quartermain

On behalf of

Mr Lyndon Thomas

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. Further information about our Data Protection policy can be found on our website under Privacy Statement.

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@pins.gsi.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: Thomas - summary GoA.pdf

Relates to Section: SUPPORTING DOCUMENTS
Document Description: 01. The Enforcement Notice.
File name: 506793 - (1) ENFO.2016.00136.EN_01.05.2020.pdf

Relates to Section: SUPPORTING DOCUMENTS
Document Description: 02. The Plan.
File name: 506795 - (2) ENFO.2016.00136.LocationPlan.01.05.2020.pdf

Completed by MR FREDERICK QUARTERMAIN

Date 02/06/2020 12:18:45