

The Planning Inspectorate

LISTED BUILDING CONSENT OR CONSERVATION AREA CONSENT 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/F/19/3230593

A. APPELLANT DETAILS

The name of the person(s) making the appeal must appear as an applicant on the planning application form.

Name

Company/Group Name

Address

Phone number

Email

Preferred contact method Email ☒ Post ☐

B. AGENT DETAILS

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

Name

Address

Phone number

Email

Preferred contact method Email ☒ Post ☐

C. LOCAL PLANNING AUTHORITY (LPA) DETAILS

Name of the Local Planning Authority

Date of issue of enforcement notice

22/05/2019

Effective date of enforcement notice

19/06/2019

D. APPEAL SITE ADDRESS

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

Yes ☒ No ☐

Address

Royal Hotel, MarketPlace
NN16 0AJ
Kettering
NN16 0AJ

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 building?

Owner

☒

Tenant

☐

Mortgagee

☐

None of the above

☐

E. CHOICE OF PROCEDURE

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

1. Written Representations

☒

(a) Could the Inspector see the relevant parts of the appeal site sufficiently to judge the proposal from public land?

Yes ☒ No ☐

(b) Is it essential for the Inspector to enter the site to check measurements or other relevant facts?

Yes ☒ No ☐

Please explain.

Previously changed windows
Rotten windows
Single glaze

2. Hearing

☐

3. Inquiry

☐

F. 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 the building is not of special architectural or historic interest.

☐

(b) That the matters alleged to constitute a contravention of section 9(1) or (2) have not occurred.

☐

(c) That those matters (if they occurred) do not constitute such a contravention.

☒

The facts are set out in

☒ the box below

We made every attempt to make the new windows look the same as the old ones whilst complying with all modern rules and safety regulations for a commercial property. The previous owners changed multiple windows to single glazed aluminium which the Planning department made no objection to. Which to us is, they set a precedent.

(d) 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, as the case may be, the preservation of the building by works of repair or works for affording temporary support or shelter, and that the works carried out were limited to the minimum measures immediately necessary. ☒

The facts are set out in

☒ the box below

Rotten window frames damaging the surrounding walls.
As this is a commercial building, it has to meet modern safety rules.

(e) That listed building consent ought to be granted for the works, or that any relevant condition of such consent which has been granted ought to be discharged, or different conditions substituted. ☒

The facts are set out in

☒ the box below

The council Planning department requests single glazed sash windows which goes against all modern health and safety regulations.

(f) That copies of the notice were not served as required by section 38(4). ☐

(g) Except in relation to such a requirement as is mentioned in section 38(2)(b) or (c), that the requirements of the notice exceed what is necessary for restoring the building to its condition before the works were carried out. ☐

(h) That the period specified in the notice as the period within which any step required by the notice is to be taken falls short of what should reasonably be allowed. ☐

(i) That the steps required by the notice for the purpose of restoring the character of the building to its former state would not serve that purpose. ☐

(j) That steps required to be taken by virtue of section 38(2)(b) exceed what is necessary to alleviate the effect of the works executed to the building. ☐

(k) That steps required to be taken by virtue of section 38(2)(c) exceed what is necessary to bring the building to the state in which it would have been if the terms and conditions of the listed building consent had been complied with. ☐

G. OTHER APPEALS

Have you sent other appeals for this or nearby sites to us which have not yet been decided? Yes ☐ No ☒

H. BUILDING INFORMATION

Please indicate the grade of the building

Grade I ☐

Grade II* ☐

Grade II ☒

What date was the building first listed?

05/08/1975

Has a grant been made under section 3A or 4 of the Historic Buildings and Ancient Monuments Act 1953?

Yes

☐ No



I. SUPPORTING DOCUMENTS

01. Enforcement Notice:



☒ see 'Appeal Documents' section

02. Plan (if applicable and not already attached)



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 Andrew Smart

Date

10/06/2019 13:05:14

Name

Mr Andrew Smart

On behalf of

Mr Balraj Punni

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@plns.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: | SUPPORTING DOCUMENTS |
| Document Description: | 01. The Enforcement Notice. |
| File name: | 2 (2).png |
| File name: | 2 (3).png |
| File name: | 2 (1).png |
| File name: | 2 (4).png |
| File name: | 2.png |

The documents listed below are to follow by post:

| | |
|------------------------------|-----------------------------|
| Relates to Section: | SUPPORTING DOCUMENTS |
| Document Description: | 01. The Enforcement Notice. |

| | |
|---------------------|-----------------|
| Completed by | MR BALRAJ PUNNI |
|---------------------|-----------------|

| | |
|-------------|---------------------|
| Date | 10/06/2019 13:05:14 |
|-------------|---------------------|

