The Planning Inspectorate

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QUESTIONNAIRE (Online Version)

ENFORCEMENT AND LISTED BUILDING/CONSERVATION AREA ENFORCEMENT NOTICE

Appeal Ref:	APP/W1715/C/13/2205671
Appeal By:	Mr K A Flint
Address	7c Albert Road EASTLEIGH Hampshire
Postcode	SO50 4JE
Grid Reference: Easting	4458517
Northing	1201982

You must ensure that a copy of the completed questionnaire, together with any enclosures, is sent to us and the appellant, within 2 weeks of the 'starting date' given in our letter. Please send our copy to the case officer. Their address is shown on our letter.

If notification or consultation under an Act, Order or Departmental Circular would have been necessary before granting permission and has not yet taken place, please inform the appropriate bodies of the appeal now and ask for any comments to be sent direct to us within 6 weeks of the 'starting date'.

1 Do you agree to the written representations procedure? ☑ YES ☐ NO

(An exchange of written statements, which will be studied by the Inspector, prior to visiting the site).

Note: If the written procedure is agreed the Inspector will visit the site unaccompanied 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.

If NO,

Do you wish to be heard by an Inspector at a) a local inquiry? or ☐

b) a hearing? ☐

c) How long do you expect an inquiry would last?

d) How many witnesses do you intend to call?

e) What are the preferred Inquiry/Hearing dates you have agreed with the appellant/agent? (2 dates should be provided, or more if possible.)

2 a. If the written procedure is agreed, can the relevant part of the appeal site be seen from a road or other public land? ☑ YES ☐ NO

b. Is it essential for the Inspector to enter the site to check measurements or other relevant facts? ☑ YES ☐ NO

If the answer to 2b is YES, please explain:

In order to fully assess the impact of the development

c. Are there any known health and safety issues that would affect the conduct of the site inspection? ☐ YES ☑ NO

☑ *Document provided*

Please describe:

d. Would the Inspector have to go onto any privately owned adjoining land as well as the appeal site itself? ☐ YES ☑ NO

If YES, please state where:

3 Please provide the name and telephone number of the officer we can contact to make arrangements for the site visit, hearing or inquiry.

Name Mark Fletcher Phone 02380688353

4 (a) Has the local planning authority received the correct fee payable for the deemed planning application/ground (a) to be considered? ☐ YES ☑ NO

b(i). If NO, is the appeal fee exempt? ☐ YES ☑ NO

b(ii).If YES, please state why the appeal is fee exempt.

5 (a) Is the appeal site within a conservation area? ☐ YES ☑ NO

(b) Does the appeal relate to a Conservation Area Enforcement Notice? ☐ YES ☑ NO

If the answer to 5a or 5b is YES, please give the name of the Conservation Area, provide a plan and indicate when the Conservation Area was designated.

☐ *Document provided*

Conservation Area Designated

6 Does this appeal relate to a listed building enforcement? ☐ YES ☑ NO

If YES, please enclose a copy of the listing of the building or premises specified in the enforcement notice to which the appeal relates.

☐ *Document provided*

Questions 7- 9 relate to Listed Building Enforcement Notice appeals only

7 Has payment been made of a grant for this building under s3A or s4 of the Historic Buildings and Ancient Monuments Act 1953? ☐ YES ☐ NO

If YES please give details

8 Has any listed building consent been granted previously in respect of the works? ☐ YES ☐ NO

If YES, please send a copy of that consent and any documents necessary for its interpretation, e.g. plans accompanying the application or any other relevant correspondence about the application.

☐ *Document provided*

9 Are there any related appeals currently before the Secretary of State, e.g. under s78 or s174 of the Town & Country Planning Act 1990, or under s20 or s39 of the Listed Buildings Act 1990? ☐ YES ☐ NO

The Listed Building Enforcement Notice appeal section is now finished.
Please go on to question 26.

10 (a) If the notice relates to building, engineering, mining or other operations, please state the area of the site shown in the notice plan, in hectares. 0.003 (hectares)

(b) Please state the area of the alleged breach, if different from the above, in hectares. (hectares)

(c) Please state, if applicable, the amount of gross floor space created by the alleged breach, in square metres. 30 (sq.metres)

11 Does the enforcement notice relate to a change of use of land to use for:-

(a) the disposal of refuse or waste materials? ☐ YES ☑ NO

(b) the deposit of materials remaining after mineral extraction? ☐ YES ☑ NO

(c) the storage of minerals in the open? ☐ YES ☑ NO

If answering YES to any of these questions please state the **site area** and, if different, the **area of the alleged breach**.

Site Area Area of alleged breach

12 If the enforcement notice relates to the erection of a building or buildings, is it accepted that their use is for purposes of agriculture on land used for agricultural purposes (not necessarily an agricultural unit as defined in the Agriculture Act (1947)? ☐ YES ☑ NO

13 Does the enforcement notice relate to the erection/change of use of a building which is a single private dwellinghouse, as defined in Regulation 2(1) of the Town and Country Planning (Fees for Applications and Deemed Applications) Regulations 1989? ☐ YES ☑ NO

14 Has the local planning authority made a Local Development Order under sections 61A to 61C of the Town and Country Planning Act 1990 (as inserted by section 40 of the Planning and Compulsory Purchase Act 2004) in relation to the application site? ☐ YES ☑ NO

☐ *Document provided*

15 Has any planning permission been granted previously in respect of the development? ☐ YES ☑ NO

If YES, please send a copy of the permission and all relevant documents e.g. the plans accompanying the application, or any other relevant correspondence about the application.

☐ *Document provided*

16 Has the appellant applied for planning permission and paid the appropriate fee for the same development as in the enforcement notice? ☐ YES ☑ NO

If YES, please provide

(a) the date of the relevant application

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

(c) a copy of the decision

☐ *Document provided*

(d) the reference number

17 Has a planning contravention notice been served? ☐ YES ☑ NO
If YES, please send a copy of the PCN and the reply.

☐ *Document provided*

18 **Please state whether:-**

(a) the appeal site is within 67 METRES OF A TRUNK ROAD? ☐ YES ☑ NO
If YES, please state which one:

(b) the appeal site is CROWN LAND (as defined in s293 of the Act)? ☐ YES ☑ NO
If YES, please provide a copy of the consent form. ☐ Document provided

(c) a STOP NOTICE has been served in addition to the enforcement notice? ☐ YES ☑ NO
If YES, please send a copy to us. ☐ Document provided

(d) the appeal site is in or adjacent to or likely to affect a SSSI ☐ YES ☑ NO
If YES, please send English Nature's comments. ☐ Document provided

(e) any protected species are likely to be affected by the alleged development? ☐ YES ☑ NO
If YES, please send details. ☐ Document provided

(f) the appeal site is in a Green Belt or AONB? ☐ YES ☑ NO
If YES, please state which one (name) [ ]

(g) any part of the site is subject to a Tree Preservation Order? ☐ YES ☑ NO
If YES, please enclose a plan showing the extent of the order and any relevant details. ☐ Document provided

(h) the appeal site is within 400m of an area of underground or surface mineral interest? ☐ YES ☑ NO
If YES, please provide a plan showing the location of the interest and appeal site. ☐ Document provided

(i) is the appeal site within 250m of a waste landfill site? ☐ YES ☑ NO

(j) Does the development affect the setting of a listed building or ancient monument? ☐ YES ☑ NO

(k) Has importation of waste materials been involved in the development? ☐ YES ☑ NO

(l) Does the appeal involve persons claiming gypsy status, whether or not this is accepted by the planning authority? ☐ YES ☑ NO

19 Please provide a plan of any public rights of way affected by the site. ☐ Document provided

20 Please state our reference numbers for any related cases (e.g. appeals under s78 or orders under s102 of the Town & Country Planning Act 1990) currently before the Secretary of State.

Ref No(s):

[ ]

21 Is the appeal site subject to an ARTICLE 4 Direction? ☐ YES ☑ NO

If YES, please send relevant Article 4 Direction. ☐ Document provided

What permitted development rights are affected by the Direction?

[ ]

22 Have any development rights been restricted by means of a planning condition? ☐ YES ☑ NO

If YES, please send relevant permission. ☐ Document provided

23 Does the development relate to operational development for a disabled person, as defined by s29 of the National Assistance Act 1948? ☐ YES ☑ NO

If YES, please state which schedule and section.

[ ]

24 **Schedule 1**

(a) Is the alleged development within Schedule 1 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999? ☐ YES ☑ NO

Under which description of development? i.e. Nos 1-20

Schedule 2

(b) Is the alleged development within a 'sensitive area' as defined by Regulation 2? ☐ YES ☑ NO

Under which description of development? i.e. Nos 1-13

Is the applicable threshold/criteria in Column 2 exceeded/met? ☐ YES ☐ NO

(c) Is the development within or partly within a 'sensitive area' as defined by regulation 2 of the Town and Country Planning (Environmental Impact Assessment)(England & Wales) Regulations 1999? ☐ YES ☑ NO

☐ *Document provided*

Please give details:

Screening

(d) (i) Have you adopted a screening opinion (SO) under Regulation 25(2)? ☐ YES ☑ NO

(ii) If YES, please enclose a copy of the Screening Opinion (SO) that was placed on the planning register, and any other related correspondence. ☐ *Document provided*

If you decided that the development is not unauthorised EIA development as defined by the EIA Regulations please attach brief reasons for you opinion.

Due to the scale and location of the development.

(iii) If YES, Did the SO state that the development is unauthorised EIA development as defined by the EIA Regulations? ☐ YES ☐ NO

(iv) Was a regulation 25 notice served with copies of the enforcement notice? ☐ YES ☐ NO

Environmental Statement (ES)

(e) Has the appellant supplied an environmental statement? ☐ YES ☑ NO

Please supply any related correspondence from statutory consultees and others that you may have had about the adequacy of the environmental information contained in the ES, having regard to the Town and Country Planning (Environmental Impact Assessment)(England & Wales) Regulations 1999 and Circular 2/99. ☐ *Document provided*

25 Will any consultation be carried out on the possibility of planning permission being granted if the appeal is confirmed as valid? ☐ YES ☑ NO

If YES, please state the name(s) and address(es) of any consultees. ☐ *Document provided*

26 **Copies of the following documents must, if appropriate, be attached to this questionnaire;**

(a) a copy of the letter in which you notified people of the appeal; ☑ Applies

(b) a list of the people you notified; and the deadline you gave for their comments to be sent to us ☑ Applies

11 Dec 2013

27 **Copies of the following documents must, if appropriate, be attached to this questionnaire;**

(a) Extracts from any relevant statutory development plan policies (even if you intend to rely more heavily on the emerging plan). You must include the front page, the title and date of approval/adoption, and the status of the plan. Copies of the policies should include the relevant supporting text. ☐ Applies

List of policies

(b) Extracts of any relevant policies which have been 'saved' by way of a Direction under paragraph 1(3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004 that you consider necessary. Please attach a copy of the Direction and a copy of the letter from the Government Office which accompanied the Direction. ☑ Applies

List of policies

- Eastleigh Borough Local Plan Review (2001-2011) - 59.BE

Continued...

(c) Extracts from any supplementary planning guidance, that you consider necessary, together with its status, whether it was the subject of public consultation and consequent modification, whether it was formally adopted, and if so when. ☐ Applies

(d) Extracts from any supplementary planning document, together with a statement of the consultation undertaken, the representations received and your response to those representations, together with a copy of the final statement of sustainability appraisal. In the case of emerging documents, please state what stage they have reached. ☑ Applies

- Eastleigh Borough Council Local Development Framework Character Area

Continued...

(e) Any other relevant information or correspondence you consider we should know about. ☑ Applies

Refused planning application number F/10/67568 for detached garage.

28 Council's Reference: F/10/67568

☑ I confirm that a copy of this appeal questionnaire form and any relevant documents have been sent to the appellant or agent.

Signature Angela Rainger, Planning Technicia on behalf of Eastleigh Borough Council

Date of despatch 13 November 2013

Please advise the case officer of any changes in circumstances occurring after the submission of the questionnaire.

ESSENTIAL SUPPORTING DOCUMENTS
The following documents must all be sent with your questionnaire or follow by post.

29 A true copy of the Enforcement Notice ☑ *Document provided*

30 The Enforcement Notice Plan ☑ *Document provided*

31 A list of those served with the Notice ☑ *Document provided*

STATEMENT
Do you wish to attach your statement of case? ☐ YES ☑ NO

☐ *Document provided*

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The following documents should be sent to us within 2 weeks of the 'starting date' (***unless otherwise specified***)

Description	**No. Sent**
********** * The Documents Listed Below Were Uploaded With The Questionnaire Form * ********** TITLE: 26a. A copy of the notification letter DESCRIPTION: A copy of the notification letter FILENAME: enf appeal notification letter.pdf TITLE: 26b. A list of the people you notified DESCRIPTION: List of people notified FILENAME: Appeal Notification list 26b.pdf TITLE: 27b. Development Plan Policy DESCRIPTION: 59.BE FILENAME: 59BE.pdf TITLE: 27b. Development Plan Policy DESCRIPTION: DM1 FILENAME: DM1.pdf TITLE: 27b. Development Plan Policy DESCRIPTION: Direction letter/saved policy FILENAME: Direction letter and saved policies.pdf TITLE: 27d. Extracts from supplementary planning document DESCRIPTION: Extract Character Area SPD FILENAME: Eastleigh character area appraisal extract.pdf TITLE: 27d. Extracts from supplementary planning document DESCRIPTION: Extract Quality Places SPD FILENAME: Quality places spd extracts.pdf TITLE: 27e. Other relevant information DESCRIPTION: garage application FILENAME: application F1067568 refused garage.pdf TITLE: 29. A true copy of the Enforcement Notice DESCRIPTION: Enforcement Notice FILENAME: 88975 - Enforcement notice - Land to rear 7 Albert Road.pdf ********** * The Documents Listed Below Are Already Enclosed * ********** ** 30. with enforcement notice Q29 ** 31. Q29 - Mr K Flint only	

Completed By	Angela Rainger, Planning Technician	**Date**	13 November 2013
LPA	Eastleigh Borough Council		

PLEASE ENSURE THAT A COPY OF THIS SHEET IS ENCLOSED WHEN POSTING THE ABOVE DOCUMENTS TO US.

SUPPLEMENTARY SHEET

Question 27b (Continued)

- Eastleigh Borough Local Plan 2011-2029 Pre-submission consultation August 2012 DM1

SUPPLEMENTARY SHEET

Question 27d (Continued)

Appraisals Eastleigh SPD Adopted January 2008
- Eastleigh Borough Council Quality Places Supplementary Planning Document Adopted November 2011