



# The Planning Inspectorate

## Questionnaire (s174) & (s39)

Received

### Enforcement and Listed Building/Conservation Area Enforcement Notice

Appeal ref: APP/C1950/C/14/2225586

Appeal by: IAN KEITH CIANNEY

Grid ref: \_\_\_\_\_

Site address: 63 THE RIDGEWAY, NORTHAW, POTTERS BAR

Postcode: EN6 4BD

When you have completed this questionnaire you must send a copy, with attachments, to the appellant/agent and to our case officer, **within 2 weeks** of the 'starting date'. You can send it to us by e-mail. The start date and case officer's details and e-mail address are in our letter.

<b>1</b>	Do you agree to the written representation procedure?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>
	If NO, do you wish to be heard by an Inspector at:-		
a	a local inquiry? or	YES <input type="checkbox"/>	NO <input type="checkbox"/>
b	a hearing?	YES <input type="checkbox"/>	NO <input type="checkbox"/>
c	How long do you expect an inquiry would last?	_____	days
d	How many witnesses do you intend to call?	_____	
<b>2</b>	<b>a</b> If the written procedure is agreed, can the relevant part of the appeal site be seen from a road or other public land?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>
	<b>b</b> Is it <i>essential</i> for the Inspector to enter the site to check measurements or other relevant facts?	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
	If YES, please explain;		
	_____		
	<b>c</b> Are there any known health and safety issues that would affect the conduct of the site inspection?	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
	If YES, please describe;		
	_____		
	<b>d</b> Would the Inspector have to go onto any privately owned adjoining land as well as the appeal site itself?	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
	If YES please state where;		
	_____		
<b>3</b>	Please provide the name, telephone number and e-mail address of the officer we can contact to make arrangements for the site visit, hearing or inquiry.		
	Name: <u>MR WILLIAM MYERS</u>		

Tel No: 01707 357 284

E-mail address: W.MYERS@WELHHT.GOU.UK

- 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.  
GROUND D APPEAL

- 5 a Is the appeal site within a Conservation Area? YES  NO
- b Does this appeal relate to a Conservation Area Enforcement Notice? YES  NO
- If YES, please give the name of the Conservation Area, provide a plan and indicate when the Conservation Area was designated.  
Conservation Area \_\_\_\_\_ Designated on \_\_\_\_\_

- 6 Does this appeal relate to a Listed Building Enforcement Notice? YES  NO
- If YES, please attach a copy of the listing of the building or premises specified in the enforcement notice to which this appeal relates.  Attached

**Questions 7 to 9 relate to Listed Building/Conservation 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.  Attached

- 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
- If YES, please provide our reference numbers;  
Refs: \_\_\_\_\_  Attached

**If this is only a Listed Building Enforcement Notice appeal the section is now finished. Please go to question 26.**

**Questions 10 to 25 relate to Enforcement Notice appeals only.**

- 10 a Does the notice relate to building, engineering, mining or other operations? YES  NO
- If YES, please state the area of the site shown in the notice plan, in hectares. 0.23
- b Is the area of the alleged breach different from the above? YES  NO
- If YES, please state the area, in hectares. 0.002
- c Does the alleged breach create any floor space? YES  NO

If YES, please state the amount of gross floor space created, in square metres. _____	
<b>11</b>	Does the enforcement notice relate to a change of use to land for:-
a	the disposal of refuse or waste materials? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
b	the deposit of materials remaining after mineral extraction? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
c	the storage of minerals in the open? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
If YES to any of these, please state the site area and, if different, the area of the alleged breach.	
Site area _____ Area of alleged breach _____	
<b>12</b>	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 Agricultural Act (1947))? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
<b>13</b>	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 <input type="checkbox"/> NO <input checked="" type="checkbox"/>
<b>14</b>	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 <input type="checkbox"/> NO <input checked="" type="checkbox"/>
If YES, please attach a copy of the relevant order. <input type="checkbox"/> Attached	
<b>15</b>	Has any planning permission been granted previously in respect of the development? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
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. <input type="checkbox"/> Attached	
<b>16</b>	Has the appellant applied for planning permission and paid the appropriate fee for the same development as in the enforcement notice? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
If YES, please provide:-	
a	the date of the relevant application; 03/09/2012
b	the date of the LPA's decision (if any); 29/10/2012
c	a copy of the decision (if any); <input checked="" type="checkbox"/> Attached
d	the reference number. S6/2012/1775/FP
<b>17</b>	Has a planning contravention notice been served? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
If YES, please send a copy of the PCN and reply. <input type="checkbox"/> Attached	
<b>18</b>	Please state whether:-
a	the appeal site is within 67 METRES OF A TRUNK ROAD? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
If YES, please state which one; _____	
b	the appeal site is CROWN LAND (as defined in s293 of the Act)? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
If YES, please provide a copy of the consent form; <input type="checkbox"/> Attached	
c	a STOP NOTICE has been served in addition to the enforcement notice? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>

	If YES, please provide a copy of the stop notice;	<input type="checkbox"/> Attached
d	the appeal site is in or adjacent to or likely to affect a SSSI?	YES <input type="checkbox"/> NO <input type="checkbox"/>
	If YES, please attach the comments of Natural England;	<input type="checkbox"/> Attached
e	any protected species are likely to be affected by the alleged development?	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
	If YES, please send details;	<input type="checkbox"/> Attached
f	the appeal site is in a Green Belt or AONB?	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
	If YES, please state which one (name);	
	<u>GREEN BELT</u>	
g	any part of the site is subject to a Tree Preservation Order?	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
	If YES, please enclose a plan showing the extent of the Order and any relevant details;	<input checked="" type="checkbox"/> Attached
	<u>TPO64 T75</u>	
h	the appeal site is within 400m of an area of underground or surface mineral interest?	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
	If YES, please provide a plan showing the location of the interest and appeal site;	<input type="checkbox"/> Attached
i	the appeal site is within 250m of a waste landfill site?	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
j	the development affects the setting of a listed building or ancient monument?	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
k	has importation of waste materials been involved in the development?	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
l	the appeal involves persons claiming gypsy/traveller status, whether or not this is accepted by the planning authority?	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
19	Please provide a plan of any public rights of way affected by the site.	<input type="checkbox"/> Attached
20	Are there any related cases (e.g. appeals under s78 or orders under s102 of the Town and Country Planning Act 1990) currently before the Secretary of State?	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
	If YES, please list our reference numbers;	
21	Is the appeal site subject to an Article 4 Direction?	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
	If YES, please send relevant Article 4 Direction.	<input type="checkbox"/> Attached
	What permitted development rights are affected by the Direction?	
22	Have any development rights been restricted by means of a planning condition?	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
	If YES, please send relevant permission.	<input type="checkbox"/> Attached
23	Does the development relate to operational development for a disabled person, as defined by s29 of the National Assistance Act 1948?	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>

If YES, please state which schedule and section.

**24 Environmental Impact Assessment**

**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

If YES, under which description of development? i.e. Nos 1-20

**Schedule 2**

- b(i) Is the development Schedule 2 development as described in Column 1, Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) (England & Wales) Regulations 1999? YES  NO

If YES, under which description of development in Column 1? i.e. Nos 1-13

- (ii) 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 and Wales) Regulations 1999? YES  NO

If YES, please provide 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 SO that was placed on the planning register, and any other related correspondence; Attached

- (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

If YES, 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.

Attached

- 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.

- 26 Copies of the following documents must, if appropriate, be attached to this questionnaire; N/A No of docs

- a A copy of the letter with which you notified people about the appeal;  \_\_\_\_\_

b	A list of the people you notified and the deadline you gave for their comments to be sent to us;	<input checked="" type="checkbox"/>	_____
c	The deadline you gave for their comments to be sent to us.	N/A	No of docs
27	<b>Policies/Planning Guidance</b>	N/A	No of docs
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.	<input type="checkbox"/>	<u>2</u>
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.	<input checked="" type="checkbox"/>	_____
List of policies: _____			
Direction attached <input type="checkbox"/> Letter attached <input type="checkbox"/>			
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;	<input checked="" type="checkbox"/>	_____
d	extracts from any supplementary planning document that you consider necessary, together with the date of its adoption. In the case of emerging documents, please state what stage they have reached:	<input checked="" type="checkbox"/>	<u>1</u>
<u>SUPPLEMENTARY DESIGN GUIDANCE 2005.</u>			
e	any other relevant information or correspondence you consider we should know about	No of docs	_____
28	<b>The following documents must all be sent with your questionnaire or follow by post:</b>		
a	a true copy of the Enforcement Notice	<input checked="" type="checkbox"/>	Attached
b	the Enforcement Notice Plan	<input checked="" type="checkbox"/>	Attached
c	a list of those served with the Notice	<input checked="" type="checkbox"/>	Attached

Your reference: SG/2014/2272/EA

I confirm that a copy of this questionnaire and any attachments have been sent to the appellant/agent today.

Name: ANDREW WINDSCHEFFEL

On behalf of (LPA): WELWYN HATFIELD BOROUGH COUNCIL

Date: 16/10/14

Please tell us of any changes to the information you have given on this form.

EXTRA QUESTIONS FOR QUESTIONNAIRE:

*- If any Development Plan Document (DPD) or Neighbourhood Plan relevant to this appeal has been examined and found sound/met the basic conditions and passed a referendum, the date the DPD or Neighbourhood Plan is likely to be adopted and, if you consider this date will be before the Inspector's decision on this appeal is issued, an explanation of the Council's policy position in respect of this appeal upon its adoption. You should also include an explanation of the status of existing policies and plans, as they relate to this appeal, upon adoption and which (if any) will be superseded;*

\_\_\_\_\_ (Insert date) \_ (attach comments) \_ (N/A)

*- If any DPD or Neighbourhood Plan relevant to this appeal has been submitted for examination, or in the case of a Neighbourhood Plan has been examined and is awaiting a referendum, an explanation of any substantive changes in the progress of the emerging plan, and their relevance to this appeal if it is considered that the plan will not be adopted before the Inspector's decision on this appeal is issued;*

\_\_\_\_\_ (attach comments) \_ (N/A)

*- If your Authority's CIL charging schedule is being/has been examined, the date the CIL is likely to be adopted OR if the CIL has been adopted the date of adoption;*

\_\_\_\_\_ (Insert date) \_ (N/A)

