

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/W1850/C/21/3273276

A. APPELLANT DETAILS

Name Mr. Darren Pearce

Address
25 Burton Wood
Weobley
Herefordshire
HR4 8SU

Preferred contact method

Email ☒ Post ☐

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: Mrs. Vicki Pearce
Appeal Reference: APP/W1850/C/21/3273277

B. AGENT DETAILS

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

Name Mr Paul Smith

Company/Group Name Paul Smith Associates

Address
1 Whitby House
Commercial Street
Hereford
HR1 9EH

Phone number 01432 264 439

Email paulsmithplanning@outlook.com

Your reference PMS/RED/EN

Preferred contact method

Email ☒ Post ☐

C. LOCAL PLANNING AUTHORITY (LPA) DETAILS

Name of the Local Planning Authority

Herefordshire Council

LPA reference number (if applicable)

EN2021/325509/ENN

Date of issue of enforcement notice

16/03/2021

Effective date of enforcement notice

19/04/2021

D. APPEAL SITE ADDRESS

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

Yes

☐ No



Does the appeal relate to an existing property?

Yes

☒ No



Address

Land at Field Known as Emily's Meadow
C1094 opposite Marsh House Farm
Weobley
Herefordshire
HR4 8RS

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").



(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

In his statement under his Ground 'a' appeal, the appellant has demonstrated that the imposition of reasonable planning conditions requiring the Council's approval of the proposed means of foul drainage including the point of disposal, where appropriate, the provision and maintenance of a southern visibility splay 43 metres long and the implementation of the proposed cladding scheme to the building (as detailed in Appendix 10 to the Ground 'a' statement would overcome all of the Council's reasons for issuing the Notice. Therefore, the requirement to cease the use of and to remove the Classroom is excessive.

(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

The running of the education service provided by Red Castle Training and its contracts with its customers are dictated by the academic year.

The next academic year commences in early September and Red Castle Training must enter formal agreements in July with its customers over the forthcoming cohort of students. Further, the company must adhere to a Service Agreement to train its students for sufficient a time to enable them to take their relevant examinations and qualifications.

Therefore, the period of 120 days to cease the use of the classroom will prevent the company from fulfilling its contracts and dissuade its customers from using its service on the grounds that the company cannot fulfil its contracts. This would have a significantly adverse and disruptive effect upon next years cohort of students and their education and upon the ability of the company to provided its service in the future.

The appellant proposes that the company be allowed to stay on site until June 2022 to enable it to fulfil its obligations towards its students and customers and to give it sufficient time to try to find alternative, albeit less favourable accommodation.

F. 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.

The Inspector would wish to consider for themselves the scope to provide a southern visibility splay.

2. Hearing



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

02/12/2020

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

05/02/2021

2. Are there any planning reasons why a fee should not be paid for this appeal? Yes ☒ No ☐
☒ the box below

The appropriate planning fee was paid by the appellant as part of a previous planning application (Council reference 201432).

The appellant has appealed against the refusal of planning permission for the same development as cited in the Enforcement Notice (PINS Ref: APP/W1850/W/21/3273273)

H. OTHER APPEALS

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

Please give details, including our reference number(s), if known.

A Section 78 planning appeal relating to the same development as the subject of this appeal (PINS Ref: APP/W1850/W/21/3273273)

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 Paul Smith

Date

16/04/2021 22:03:30

Name

Mr Paul Smith

On behalf of

Mr. Darren Pearce

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:	GROUPS AND FACTS
Document Description:	Facts to support that planning permission should be granted for what is alleged in the notice.
File name:	Redcastle Weobley EN Appeal Ground A 16 April 2021.doc
File name:	APP1 Care Farming.pdf
File name:	APP2 Testimonies of Red Castle Training.pdf
File name:	APP3 Letter of Support from Councillor Jones.pdf
File name:	APP 4 Planning Permission 191600 F.pdf
File name:	APP 5 Response from Childrens Services to application 201432.pdf
File name:	APP 6 Extract of Council Position Paper March 2020.pdf
File name:	APP7 Herefordshire Council Highways Design Guide.pdf
File name:	APP 8 Indicative 43 metre Visibility Splay.pdf
File name:	APP 9 Extract of Traffic Volume Survey September 2020.pdf
File name:	APP 10 proposed cladding scheme PSA 21_100_02_.pdf

Relates to Section:	SUPPORTING DOCUMENTS
Document Description:	01. The Enforcement Notice.
File name:	Red Castle Weobley EN March 2021.pdf

Relates to Section:	SUPPORTING DOCUMENTS
Document Description:	02. The Plan.
File name:	Red Castle Weobley EN March 2021.pdf

Completed by	MR PAUL SMITH
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Date	16/04/2021 22:03:30
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