

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/M9496/C/18/3215789

A. APPELLANT DETAILS

Name Mr Daniel Thomas Richmond-Watson

Company/Group Name Dunlin Limited

Address Dunlin Ltd, Wakefield Lodge Estate
Potterspurty
TOWCESTER
NN12 7QX

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



B. AGENT DETAILS

Do you have an Agent acting on your behalf?

Yes ☒ No ☐

Name Miss Maria Ferguson

Company/Group Name Maria Ferguson Planning Limited

Address 14 Gordon Crescent
RICHMOND
DL10 5AQ

Phone number 07703742150

Email planning@mariaferguson.co.uk

Your reference 18/055

Preferred contact method

Email ☒ Post



C. LOCAL PLANNING AUTHORITY (LPA) DETAILS

Name of the Local Planning Authority	Peak District National Park Authority
LPA reference number (if applicable)	15/0057
Date of issue of enforcement notice	21/09/2018
Effective date of enforcement notice	12/11/2018

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 Mickleden Edge
Midhope Moor
Bradfield
South Yorkshire
Grid Ref Easting: 419344
Grid Ref Northing: 397700

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

The site and its surrounds is remote where mobile telephone signal may be limited.
The site and its surrounds is less accessible to those with limited mobility.
The surface of the track and its surroundings is uneven and appropriate footwear is essential.

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

☒ see 'Appeal Documents' section

(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. ☐

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 issues are complex. Large amounts of highly technical data will be provided in evidence, including as to landscape and visual impact, ecology and biodiversity, compaction and hydrology. There may be a need for EIA or appropriate assessment under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 or the Conservation of Habitats and Species Regulation 2017. There is a clear need for the highly technical data and evidence to be tested through formal questioning by an advocate. The proposal has generated significant local interest and over 180 objections, together with representations or objections from Natural England and the RSPB. The requirements of the enforcement notice are very unusual and particularly contentious. There is a need for complex oral legal submissions, including as to nullity and invalidity. Evidence may need to be given on oath including as to the past, present and future rationale for and merits of the appeal development.

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

5 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

22/12/2017

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

25/06/2018

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

Miss Maria Ferguson

Date

08/11/2018 12:15:03

Name

Miss Maria Ferguson

On behalf of

Mr Daniel Thomas Richmond-Watson

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:	MIDHOPE MOOR statement of appealv2.pdf
Relates to Section:	GROUPS AND FACTS
Document Description:	Facts to support that the steps required to comply with the requirements of the notice are excessive, and lesser steps would overcome the objections.
File name:	MIDHOPE MOOR statement of appealv2.pdf
Relates to Section:	SUPPORTING DOCUMENTS
Document Description:	01. The Enforcement Notice.
File name:	EN.pdf
Relates to Section:	SUPPORTING DOCUMENTS
Document Description:	02. The Plan.
File name:	MAP.pdf
Completed by	MISS MARIA FERGUSON
Date	08/11/2018 12:15:03