

## 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/N5090/C/19/3234413**

#### A. APPELLANT DETAILS

Name	Mr Shimon Ben-David
Company/Group Name	[REDACTED]
Address	35 Sunny Gardens Road Ground Floor Flat LONDON NW4 1SL
Phone number	[REDACTED]
Email	[REDACTED]
Preferred contact method	Email <input type="checkbox"/> Post <input checked="" type="checkbox"/>

#### 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 <input checked="" type="checkbox"/> No <input type="checkbox"/>
Name	[REDACTED]
Company/Group Name	[REDACTED]
Address	[REDACTED]
Phone number	[REDACTED]
Email	[REDACTED]
Preferred contact method	Email <input checked="" type="checkbox"/> Post <input type="checkbox"/>

### C. LOCAL PLANNING AUTHORITY (LPA) DETAILS

Name of the Local Planning Authority

LPA reference number (if applicable)

Date of issue of enforcement notice

Effective date of enforcement notice

### D. APPEAL SITE ADDRESS

Is the address of the affected land the same as the appellant's address? Yes  No

Address

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

the box below

Dear Sir/Madam,

The appellant, Mr Shimon Ben-David, was unaware of the requirement for submitting planning application for erecting the outbuilding at the back for the garden.

He was genuinely under the impression since the ground is his property and within the "Permitted Development Rights" size of the summer outbuilding is less then 27meter squared, and total external height only 2.30meters.

The appellant was unaware until 31st July, until after speaking with Barnet planning department on his behalf, that a breach of planning regulations was carried out, due to being oblivious to the fact that the "Permitted Development Rights" does not apply due to the fact the property was divided into flats, and since his property has sole access to the grounds.

The construction work only commenced in May 3 months ago only.

The external construction is now completed comprising timber structure and cladding, on timber floor raft erected on timber decking.

Work outstanding comprising of internal decoration to the summer outbuilding. Also some minor landscaping to the garden as it is rather barren.

The structure is situated at the rear of the garden minimum 7.5m away from the rear bathroom and 14m away from the living room the main building. It is nestled 1.9m away form the rear boundary wall under foliage. 1.4m to the left boundary and 1m away from the right side boundary.

After landscaping it will be further nestled creating a secluded shaded summer decking outbuilding.

It is intended to apply obscure glass cover to the patio doors, within the next week, to ensure privacy form any onlookers down into the outbuilding.

It is improbable the same requirement will applies as it is harder to "overlook" into a property from below, never the less, this will ensure privacy will be respected and afforded to all.

To reiterate, as the appellant was oblivious to the requirement to apply due to the fact that the "Permitted Development Rights" does not apply in this instance, he is now rectifying this and is serving the notices to all that may be concerned.

We would like to make the planning application, and are committed to ensuring transparency of communication and that all is carried out with integrity.

The whole notice was a surprise and rather daunting prospect as we are not conversant with this process. Would you please advice us as to how to progress from here.

We would really appreciate your reconsideration of this case and please let us know if there is anything else we need to carry out.

Yours sincerely

(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.

The facts are set out in

the box below

The appellant, Mr Shimon Ben-David, was unaware of the requirement for submitting planning application for erecting the outbuilding at the back for the garden.

He was genuinely under the impression since the ground is his property and within the "Permitted Development Rights" size of the summer outbuilding is less then 27meter squared, and total external height only 2.30meters.

The appellant was unaware until 31st July, only after speaking with Barnet planning department on his behalf, that a breach of planning regulations was carried out, due to being oblivious to the fact that the "Permitted Development Rights"does not apply due to the fact the property was divided into flats, and since his property has sole access to the grounds.The appellant was oblivious to the requirement to apply due to the fact that the "Permitted Development Rights" does not apply in this instance, he is now rectifying this and is serving the notices to all that may be concerned.

(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

The Appellant is willing to comply with the Local Authority Planning Regulations and submit planning application. We request you consider our appeal in favourable light considering the type and character of the outbuilding development and the circumstances outlined above.

Regarding the other flats that do not have access to the ground floor garden, as a way to maintain and nourish our neighbourly good relationships, he is happy to offer an agreement so they can enjoy joining and socialising in the garden and on various social occasions.

(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

(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

### 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

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**

[REDACTED]

**Date**

01/08/2019 12:30:38

**Name**

[REDACTED]

**behalf of**

Mr Shimon Ben-David

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:** SUPPORTING DOCUMENTS

**Document Description:** 01. The Enforcement Notice.

**File name:** Enforcement Notice Letter 6.jpeg

**File name:** Enforcement Notice Letter 5.jpeg

**File name:** Enforcement Notice Letter 4.jpeg

**File name:** Enforcement Notice Letter 3.jpeg

**File name:** Enforcement Notice Letter 7.jpeg

**File name:** Enforcement Notice Letter 2.jpeg

**File name:** Enforcement Notice Letter 1.jpeg

**Relates to Section:** SUPPORTING DOCUMENTS

**Document Description:** 02. The Plan.

**File name:** Plans for 35 Sunny Gardens Road London NW4 1SL Shimon Ben David.jpeg

**Completed by**

[REDACTED]

[REDACTED]

01/08/2019 12:30:38