

The Planning Inspectorate

LISTED BUILDING CONSENT OR CONSERVATION AREA CONSENT 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/B3410/F/15/3139268

A. APPELLANT DETAILS

The name of the person(s) making the appeal must appear as an applicant on the planning application form.

Name	<input type="text"/>
Company/Group Name	<input type="text" value="drinks direct"/>
Address	<input type="text" value="Unit 1, 19 High Street
Tutbury
BURTON-ON-TRENT
STAFFORDSHIRE
DE13 9LS"/>
Phone number	<input type="text"/>
Email	<input type="text"/>
Preferred contact method	Email <input type="checkbox"/> Post <input type="checkbox"/> <input checked="" type="checkbox"/>

B. AGENT DETAILS

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

C. LOCAL PLANNING AUTHORITY (LPA) DETAILS

Name of the Local Planning Authority	<input type="text" value="East Staffordshire Borough Council"/>
LPA reference number (if applicable)	<input type="text" value="ENF/2015/00074"/>
Date of issue of enforcement notice	<input type="text" value="02/11/2015"/>
Effective date of enforcement notice	<input type="text" value="05/12/2015"/>

D. APPEAL SITE ADDRESS

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

Address	<input type="text" value="Unit 1, 19 High Street"/>
---------	---

Tutbury
BURTON-ON-TRENT
STAFFORDSHIRE
DE13 9LS

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 building?

Owner

Tenant

Mortgagee

None of the above

E. CHOICE OF PROCEDURE

There are three different procedures that the appeal could follow. Please select one.

1. Written Representations

2. Hearing

You must give detailed reasons below or in a separate document why you think a hearing is necessary. The reasons are set out in

the box below

I believe it should be heard for the fact that the signage has been put in place so the inside of the shop can not be viewed as we have previously been broken in to by people trying to gain entrance through the window! we believe the window signs are a better look then having bars going along the windows and after speaking to local planning officers said that bars would most probably not be allowed as the property is a grade 2 listed building.

Is there any further information relevant to the hearing which you need to tell us about? Yes No

3. Inquiry

F. 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 the building is not of special architectural or historic interest.

(b) That the matters alleged to constitute a contravention of section 9(1) or (2) have not occurred.

(c) That those matters (if they occurred) do not constitute such a contravention.

(d) That works to the building were urgently necessary in the interests of safety or health or for the preservation of the building, that it was not practicable to secure safety or health or, as the case may be, the preservation of the building by works of repair or works for affording temporary support or shelter, and that the works carried out were limited to the minimum measures immediately necessary.

(e) That listed building consent ought to be granted for the works, or that any relevant condition of such consent which has been granted ought to be discharged, or different conditions substituted.

The facts are set out in

the box below

I don't believe the signs are not in keeping with the village

(f) That copies of the notice were not served as required by section 38(4).

(g) Except in relation to such a requirement as is mentioned in section 38(2)(b) or (c), that the requirements of the notice exceed what is necessary for restoring the building to its condition before the works were carried out.

(h) That the period specified in the notice as the period within which any step required by the notice is to be taken falls short of what should reasonably be allowed.

(i) That the steps required by the notice for the purpose of restoring the character of the building to its former state would not serve that purpose.

(j) That steps required to be taken by virtue of section 38(2)(b) exceed what is necessary to alleviate the effect of the works executed to the building.

(k) That steps required to be taken by virtue of section 38(2)(c) exceed what is necessary to bring the building to the state in which it would have been if the terms and conditions of the listed building consent had been complied with.

G. OTHER APPEALS

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

H. BUILDING INFORMATION

Please indicate the grade of the building

Grade I

Grade II*

Grade II

What date was the building first listed?

Has a grant been made under section 3A or 4 of the Historic Buildings and Ancient Monuments Act 1953? Yes No

I. SUPPORTING DOCUMENTS

01. Enforcement Notice:

see '[Appeal Documents](#)' section

02. Plan:

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

Date

25/11/2015 13:12:26

Name

mr ari mohammad

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 1998. 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 PO Box 326, Bristol, BS99 7XF.

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 are to follow by post:

Relates to Section: SUPPORTING DOCUMENTS

Document Description: 01. The Enforcement Notice.

Relates to Section: SUPPORTING DOCUMENTS

Document Description: 02. A list of the plans, drawings and documents sent to the LPA as part of the application they considered.

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

Completed by

Date

25/11/2015 13:12:26



ENFORCEMENT APPEAL SUPPORTING STATEMENT

Description.

Unauthorised works to the listed building by the erection and installation of a fascia sign and 2 vinyl graphic signs without listed building consent.

Location

Drinks Direct
Unit 1
19 High Street
Tutbury
Burton upon Trent
Staffordshire
DE13 9LS

February 2016

PG/AM/16/02/SS



Introduction.

The Local Planning Authority has issued an Enforcement Notice upon the appellant Mr Ari Nouri Mohammad for the following;

Unauthorised works to the listed building by the erection and installation of a fascia sign and 2 vinyl graphic signs without listed building consent in contravention of Section 9(1) of the Act.

This appeal statement is in support of the appellants request to dismiss the Enforcement Action taken by Staffordshire Borough Council on Ground (e) that Listed Building Consent should be granted for the works undertaken.

No formal application for either Listed Building Consent or an Advertisement Consents has been applied for by the appellant.

Supporting Evidence.

Recent Building History.

The external structure of the building was altered in 2009 when the frontage of the building was removed and a new shop front added. This is evidenced by the photograph in Appendix 1 of this document.

The shop front had a new painted timber softwood shop front installed which was last evidenced in 2011. The colour of the paint finish to the shop front has now changed from a light yellow to a crimson colour.

The sign board over the shop front has been painted over with black paint and a valance under the fascia sign removed.

The glazing to the shop frontage has been replaced as the previous window pane was broken.

There have been no other structural alterations that can be considered relevant to this appeal.

As the fascia signs and window stickers are fixed to the building the Local Authority considers the additions to now form part of the building structure.



Signage.

The signage letters to the fascia are manufactured in coloured plastic and set 15mm off the sign fascia board. The letters are non-internally illuminated and are approximately 250mm-210mm high. The font for the signage is thought to Bauhaus 93 bold.

The signage is considered by the appellant to be essential as it provides a modern vibrant indication within the street scene where his business is located and what products are available for purchase. It is considered that a low key painted sign would not achieve the same affect.

19 High Street is located on a busy main thoroughfare through the settlement of Tutbury with limited parking availability adjacent the retail unit. The signage give passing motorist early indication of its existence and increases the opportunity to gather passing trade.

It should be noted that the signs are locally fixed to the buildings painted softwood fascia can be easily removed in the future if needed and the fascia caulked and repainted.

The fascia is a recent addition to the building so the original fabric of the Listed Building has not been harmed by the signage installed.

Vinyl Graphic Signs/decals.

The vinyl graphic signs subject to the Enforcement Notice are glued to the inside of the glass of the windows. The glass panes are a recent addition to the Listed Building.

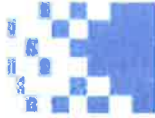
Whilst the vinyl graphic signs/decals are classes as part of the building they are in effect temporary in nature and can be peeled off without detriment to the glazing or structure of the building.

The signage/decals have been installed for the same reasons as the fascia signs, to promote the retail activity inside.

The sign/decals are also obscure and provide privacy and a degree of security to the inside of the retail unit which stores high security risk goods such as alcohol & cigarettes.

Summary.

It is the contention of the appellant that the fascia sign and sign/decals within the retail unit window do not materially harm the fabric of a Grade 2 Listed Building as they are both easily removable and have not been fixed to any part of the original building.



Whilst it could be argued that the modern and conspicuous signage & decals could detract from the appearance of the building, but it is argued that the benefits to the business and its security outweigh the non-permanent detriment.

In view of the benefits outweighing the non-permanent detriment we would seek support for this appeal.



Site Location Plan (Not to scale).



View of the building taken in 2009.



View of the building taken in 2011.



Current view of the building.



Current view of the building.

