



## PLANNING ENFORCEMENT NOTICE APPEAL TO SCOTTISH MINISTERS

UNDER SECTION 130 OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997  
THE TOWN AND COUNTRY PLANNING (APPEALS) (SCOTLAND) REGULATIONS 2013

**IMPORTANT: Please read and follow the notes provided when completing this form -  
failure to supply all relevant information could invalidate your appeal**

**Use BLOCK CAPITALS if completing in manuscript**

<b>Appellant(s)</b>	<b>Agent (if any)</b>
Name Address  Postcode  Contact Tel No 1 Contact Tel No 2 Fax No  E-mail	Name Address  Postcode  Contact Tel No 1 Contact Tel No 2 Fax No  E-mail  Mark this box to confirm all contact should be through this representative <input type="checkbox"/>

\* Do you agree to all correspondence regarding your appeal being sent **by e-mail**?  Yes  No

Planning authority	<input style="width: 95%;" type="text"/>
Planning authority's application reference number (if known)	<input style="width: 95%;" type="text"/>
Site address	<input style="width: 95%;" type="text"/>
OS Map Grid Ref or Postcode	<input style="width: 50%;" type="text"/>
Area of Appeal Site (m <sup>2</sup> /ha)	<input style="width: 50%;" type="text"/>

Date on which the enforcement notice is specified to take effect. <i>Note: the appeal must be received by DPEA before that date.</i>	<input style="width: 95%;" type="text"/>
What is your interest in the land?	
<input type="checkbox"/> Owner	<input type="checkbox"/> Occupier
<input type="checkbox"/> Tenant	<input type="checkbox"/> Lessee
If none of the above, please explain your interest in the land here.	
<input style="width: 95%; height: 30px;" type="text"/>	

## STATEMENT OF APPEAL

Ground(s) of appeal, as set out in Section 130(1)(b)-(g) of the Town and Country Planning (Scotland) Act 1997. *Note: your appeal must be based on one or more of these grounds.*

- (b) the matters stated in the notice to involve a breach of planning control have not occurred
- (c) the matters stated in the notice (if they occurred) do not constitute a breach of planning control
- (d) at the date when the notice was issued, no enforcement action could be taken in relation to the matters stated in the notice to involve a breach of planning control
- (e) copies of the enforcement notice were not served as required by Section 127 of Town and Country Planning (Scotland) Act 1997
- (f) the steps required by the notice to be taken (or the activities required by the notice to cease) exceed what is necessary to remedy any breach of planning control stated in the notice, or to remedy any injury to amenity caused by that breach
- (g) the period specified in the notice (to comply with the steps to be taken) falls short of what should reasonably be allowed

Provide a statement of your appeal below, setting out all matters you wish to raise and which require to be taken into account in determining your appeal. *Note: you may not have an opportunity to add to your appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account. (If necessary, this can be continued or provided in full on a separate document.)*

### List of documents/evidence

Provide a list of all documents, materials and evidence which you have provided with your appeal and intend to rely on in support of your appeal and ensure that the documents are clearly numbered. (If necessary, this can be continued or provided in full on a separate document.)

## APPEAL PROCEDURE

The person appointed to determine your appeal will decide the procedure to be used. In general, a decision will be made based on your appeal documents and the planning authority's response. In some cases the appointed person may require further procedures to gain more information on specific matters before reaching a decision. This is your opportunity to indicate what procedure you think is most appropriate for the handling of your appeal. (See Notes for Appellants)

- 1  Review of all relevant information provided by yourself and other parties only, with no further procedure
- 2  Inspection of the land subject of the appeal
- 3  Further written submissions on specific matters
- 4  Holding of one or more hearing sessions (i.e. round table discussions) on specific matters
- 5  Holding of one or more formal inquiry sessions on specific matters

\* You can suggest a combination involving more than one further procedure, if necessary.

If you have marked boxes 3, 4 or 5, please explain here which of the matters (as set out in your statement above) you believe ought to be subject of that procedure, and why. (If necessary, this can be continued or provided in full on a separate document.)

### Site inspection

In the event that the Scottish Government Reporter appointed to consider your appeal decides to inspect the appeal site, in your opinion:

Can the site be viewed entirely from public land?

Yes  No

Is it possible for the site to be accessed safely, and without barriers to entry?

Yes  No

Are there any biosecurity issues that affect the site?

Yes  No

(for more information on biosecurity, please see the site inspection section in the notes for appellants)

If there are reasons why you think the Reporter would be unable to access and view the appeal site alone, please explain here:

## OTHER APPEALS

Have you made any other appeals to Scottish Ministers concerning this land?

Yes  No

If yes, please give details, including our appeal reference numbers (if known):

## CHECKLIST

Please mark the appropriate boxes to confirm you have provided all supporting documents/evidence relevant to your appeal:

- Enforcement notice issued by the planning authority, which is the subject of your appeal
- Full completion of all parts of this form
- Full statement of appeal
- All documents, materials and evidence which you intend to rely on

**The Scottish Government routinely publishes all documents relating to each appeal on its website at [www.dpea.scotland.gov.uk](http://www.dpea.scotland.gov.uk). You must advise DPEA if there are particular reasons why you think any document you have provided cannot be published.**

## DECLARATION

**I appeal to the Scottish Ministers as set out on this form and supporting documents. I confirm that I have today sent a copy of my appeal to the planning authority.**

Signed

Date

If you take part in the appeals process, use DPEA websites, contact the division or attend a webcast, the DPEA may collect certain information about you. To find out more about what information is collected, how the information is used and managed please read the [DPEA's privacy notice](#)

This form and all supporting documents should be sent to:

E-mail: [dpea@gov.scot](mailto:dpea@gov.scot)

Post: Planning and Environmental Appeals  
4 The Courtyard  
Callendar Business Park  
Falkirk  
FK1 1XR

Contact Tel: 0300 244 6668