

**IMPORTANT: THIS COMMUNICATION AFFECTS YOUR PROPERTY**

TOWN AND COUNTRY PLANNING ACT 1990  
(as amended by the Planning and Compensation Act 1991)

## **ENFORCEMENT NOTICE**

### **OPERATIONAL DEVELOPMENT**

**Issued to:**

**Issued by:** East Staffordshire Borough Council, Town Hall, King Edward Place, Burton upon Trent, Staffordshire DE14 2EB

1. **This is a formal notice** which is issued by the Council, because it appears to it that there has been a breach of planning control, within paragraph (a) of section 171A(1) of the above Act, at the land described below. It considers that it is expedient to issue this notice, having regard to the provisions of the development plan and to other material planning considerations. The Annex at the end of this notice contains important additional information.

2. **The land to which this notice relates:**

Land on the south-east side of Newton Road, Burton upon Trent, Staffordshire DE15 0TX shown edged in red on the attached plan ("the Land").

3. **The matters which appear to constitute the breach of planning control:**

Without planning permission:

1. The creation of a vehicular access from the Land onto a classified road (B5008) and
2. The associated earth works conducted in order to create the vehicular access.

4. **Reasons for issuing this notice**

The Council considers it expedient to issue this notice for the following reasons:

- (1) It appears to the Council that the above breach of planning control has occurred within the last four years.
- (2) The earth works and creation of the vehicular access are considered as development. The development is inappropriate in terms of the visibility splay, the gradient of the access, the materials used and the drainage is unsuitable to prevent water and soil entering the highway.
- (3) The Council does not consider that planning permission should be given, because planning conditions could not overcome these objections.

**5. What you are required to do**

(i) Cease the use of the Land for the purposes of vehicular access and egress from, or to, the classified road (Newton Road);

(ii) At the site of the vehicular access, return the embankment to the height, gradient and profile that it was immediately prior to the unauthorised earth works that were undertaken to create the access.

**6. Time for compliance**

(i) With regard to requirement 5 (i) above, 7 days beginning with the day on which this notice takes effect.

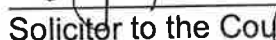
(ii) With regard to requirement 5(ii) above, 30 days beginning with the day on which this notice takes effect.

**7. When this notice takes effect**

This notice takes effect on 15th April 2019 unless an appeal is made against it beforehand.

Dated: 15<sup>th</sup> March 2019

Signed:

  
Solicitor to the Council/Monitoring Officer  
(the Council's authorised officer)

on behalf of: East Staffordshire Borough Council, Town Hall, King Edward Place, Burton upon Trent, Staffordshire DE14 2EB



## The Planning Inspectorate

CST Room 3/13  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol  
BS1 6PN

Direct Line 0303-444-5000

Fax No 0117-372-8782

### THIS IS IMPORTANT

If you want to appeal against this enforcement notice you can do it:-

- On-line at the Planning Casework Service area of the Planning Portal ([www.planningportal.gov.uk/pcs](http://www.planningportal.gov.uk/pcs)); or
- By getting enforcement appeal forms by phoning us on 0303 444 5000 or by emailing us at [enquiries@pins.gsi.gov.uk](mailto:enquiries@pins.gsi.gov.uk)

**You MUST make sure that we receive your appeal before the effective date on the enforcement notice.**

In exceptional circumstances you may give notice of appeal by fax or letter. You should include:-

- The name of the local planning authority;
- The site address;
- Your address; and
- The effective date of the enforcement notice.

We MUST receive this before the effective date on the enforcement notice. This should **immediately** be followed by your completed appeal forms.

