

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: Darun Aziz Abdulla of 15, Balata Way, Burton upon Trent DE13 0TY

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

The land known as 15, Balata Way, Burton upon Trent DE13 0TY 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, the unauthorised erection of a porch to the principle elevation of the building identified in paragraph 2 above.

4. Reasons for issuing this notice

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

- a) It appears to the Council that the above breach of planning control has occurred within the last four years.
- b) It is considered expedient to issue this notice to safeguard the character and appearance of the site and its surroundings.
- c) NPPF states that effective enforcement is important as a means of maintaining confidence in the planning system.
- d) The development is contrary to the East Staffordshire Local Plan Policies SP1, SP24 and DP1 East Staffordshire Design Guide, Horninglow and Eton Neighbourhood Plan and the National Planning Policy Framework.
- e) The Council does not consider that planning permission should be given because planning conditions could not overcome the above objections.

5. What you are required to do

- a) Completely remove the porch identified in paragraph 3 above.
- b) Return the land to its previous condition prior to the erection of the porch.

6. Time for compliance

For both 5 a) and b), the works are to be completed within 5 months from the date this Notice takes effect.

7. When this notice takes effect

This notice takes effect on 14th June 2024 unless an appeal is made against it beforehand.

Dated: 25 April 2024

Authorised Signatory.

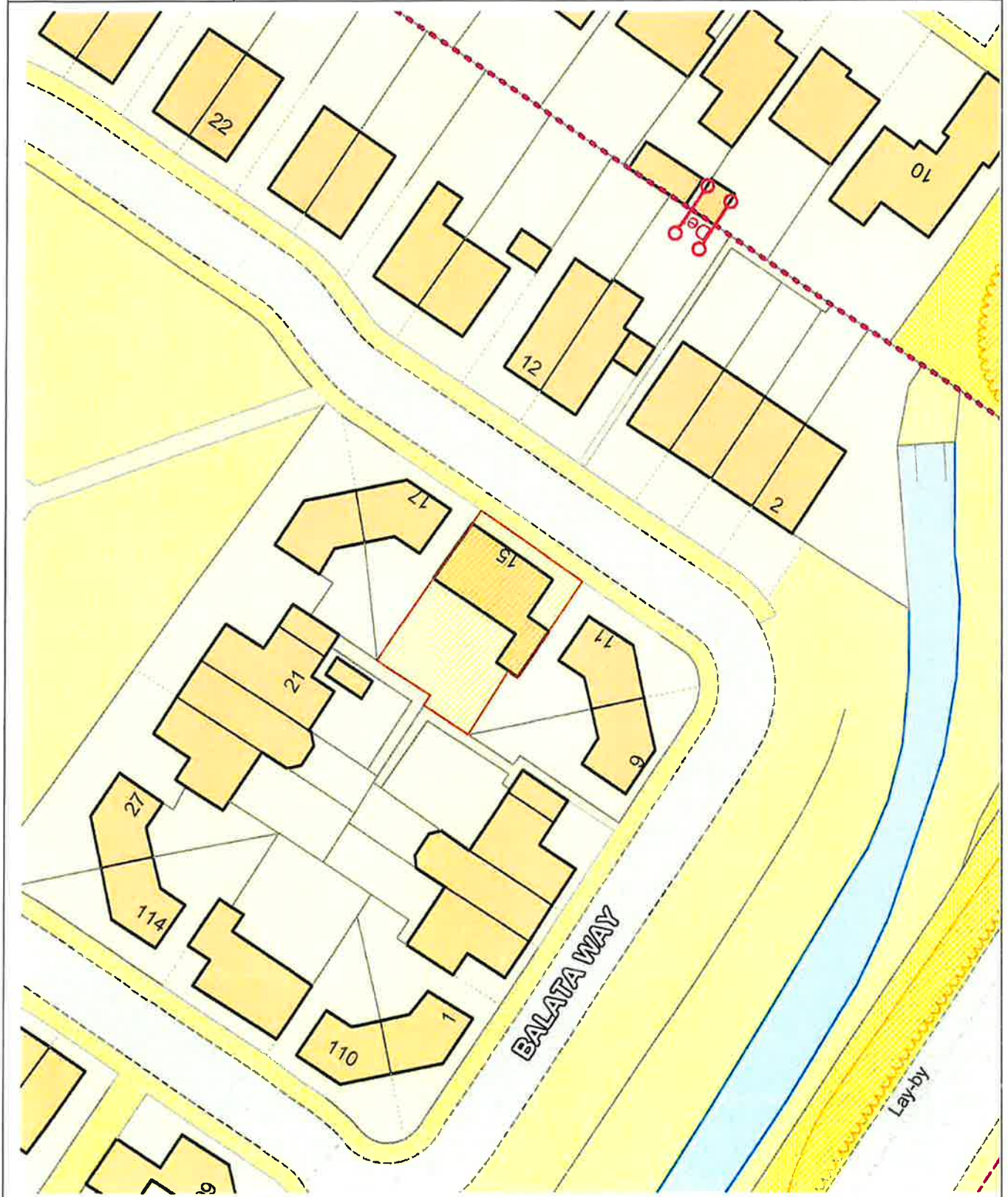
on behalf of: East Staffordshire Borough Council, Town Hall, King Edward Place, Burton upon Trent, Staffordshire DE14 2EB



ENF/2022/00069

15, Balata Way
Burton upon Trent
Staffordshire
DE13 0WF

Scale:
1:527
Date:
4-Apr-24



ANNEX

EAST STAFFORDSHIRE BOROUGH COUNCIL has issued an Enforcement Notice relating to the Land at 15 Balata Way, Burton upon Trent, Staffordshire DE13 0WF shown edged red on the attached Plan and you are served with a copy of that Notice as you have an interest in the Land.

Copies of the Notice have also been served on the parties listed at the end of this Annex.

YOUR RIGHT OF APPEAL You can appeal against this Enforcement Notice, but any appeal must be received by the Planning Inspectorate (or be posted or electronically communicated at such time that, in the ordinary course of post or transmission, it would be received by the Planning Inspectorate) before the date specified in paragraph 7 of the Notice. The enclosed information sheet published by the Planning Inspectorate gives details of how to make an appeal.

GROUND OF APPEAL The grounds of appeal are set out in section 174 of the TCPA 1990. You may appeal on one or more of the following grounds that:

- In respect of any breach of planning control which may be constituted by the matters stated in the notice, planning permission ought to be granted or, as the case may be, the condition or limitation concerned ought to be discharged (ground a).
- Those matters have not occurred (ground b).
- Those matters (if they have occurred) do not constitute a breach of planning control (ground c).
- At the date when the notice was issued, no enforcement action could be taken in respect of any breach of planning control which may be constituted by those matters (ground d).
- Copies of the enforcement notice were not served as required by section 172 of the TCPA 1990 (ground e).
- 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 which may be constituted by those matters or, as the case may be, to remedy any injury to amenity which has been caused by such breach (ground f).
- Any period specified in the notice in accordance with section 173(9) of the TCPA 1990 falls short of what should reasonably be allowed (ground g).

Not all of these grounds may be relevant to you.

PLANNING APPLICATION FEE If you wish to appeal on ground a of section 174(2) of the TCPA 1990 this is the equivalent of applying for planning permission for the development alleged in the notice and you will have to pay a fee of £258. You should pay the fee to EAST STAFFORDSHIRE BOROUGH COUNCIL. If the fee is not paid then that ground of appeal will not be valid.

STATEMENT ON GROUNDS OF APPEAL

If you decide to appeal, you should state in writing the ground(s) on which you are appealing against the Enforcement Notice and you should state briefly the facts on which you intend to rely in support of each of those grounds. If you do not do this when you make your appeal the

Secretary of State will send you a notice requiring you to do so within 14 days. STATUTORY PROVISIONS A copy of sections 171A, 171B and 172 to 177 of the TCPA 1990 is attached for your information.

WHAT HAPPENS IF YOU DO NOT APPEAL If you do not appeal against this enforcement notice, it will take effect on the date specified in paragraph 7 of the Notice and you must then ensure that the required steps for complying with it, for which you may be held responsible, are taken within the period specified in paragraph 6 of the Notice. Failure to comply with an enforcement notice which has taken effect can result in prosecution and/or remedial action by the Council.

RECIPIENTS OF THE ENFORCEMENT NOTICE: The names and addresses of all persons who were served with the Notice:

Darun Aziz Abdulla, 15 Balata Way, Burton upon Trent, Staffordshire DE13 0WF

Chief Executive, Earl Shilton Building Society of 22 The Hollow, Earl Shilton, Leicester LE9 7NB.



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 Appeals Casework Portal (<https://acp.planninginspectorate.gov.uk>); or
- Sending us enforcement appeal forms, which can be obtained by contacting us on the details above.

You MUST make sure that we RECEIVE your appeal BEFORE the effective date on the enforcement notice.

Please read the appeal guidance documents at <https://www.gov.uk/appeal-enforcement-notice/how-to-appeal>.

In exceptional circumstances you may give written notice of appeal by letter or email. 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.