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Head of Regulatory Services

Date: 05 January 2012

Direct Line: 01283 508605

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Reply to: Aida McManus

Our ref: ENF/2011/00278

*(please quote this reference on all
correspondence with us)*

BY HAND

Dear Sir

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 172
ENFORCEMENT NOTICE – OPERATIONAL DEVELOPMENT
LAND OR PREMISES AT FOREST VIEW, SANDPITS LANE, YOXALL, STAFFORDSHIRE,
DE13 8PF**

This Council has issued an enforcement notice relating to the above land and I now serve on you a copy of that notice, in view of your interest in the land. I also enclose two copies of the notice. Please sign and return one to me to acknowledge receipt of the notice. Copies of the notice are also being served on others who, it is understood, have interests in the land.

Unless an appeal is made to the Secretary of State, as described below, the notice will take effect on **3rd February 2012**. You must then ensure that the required steps for which you may be held responsible are taken within the period(s) specified in paragraph 6 of the notice. If you fail to comply within that time you will be liable to prosecution and, on conviction, to a fine. Continuing contravention after conviction can lead to a further fine for each day the offence continues. The Council may also carry out remedial action.

You may have to pay a fee for the deemed planning application that arises on an enforcement appeal, which the Council have calculated to be £1340.00 but the Secretary of State will notify you of the appropriate fee after the appeal has been lodged. To be valid the Secretary of State must

receive your appeal **before** the date given in paragraph 7 of the notice as the date when the notice takes effect.

Yours faithfully

Aida McManus

Aida McManus
Enforcement Consultant

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, The Maltsters, Wetmore Road, Burton upon Trent, Staffordshire DE14 1LS

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 Forest View, Sandpits Lane, Yoxall, Staffordshire, DE13 8PF Staffordshire shown edged in red on the attached plan (“the Land”).

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

The erection of a detached building to form stable block, tack room, machinery store, and hay and feed store including installation of solar panels without planning permission.

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 stable block occupies a site outside any development boundary defined in the Local Plan and is neither essential to the efficient working of the rural economy nor does it provide a facility for the general public or local community. Whilst it is accepted that the principle of a stable block constitutes development otherwise appropriate in the countryside, the scale, design and materials of the building, including the installation of solar panels, are not commensurate with its proposed use, particularly given recent permissions for other permanent structures on the site as a whole, and the presence of an existing unauthorised stable block on land at the rear, which arguably fulfil some of the intended functions of this building. Consequently, a building of this size, design and degree of permanence is considered unnecessary and inappropriate in this location and therefore constitutes an unwarranted visual intrusion in the countryside to the detriment of the character and appearance of this rural locality
- (3) The Development is contrary to East Staffordshire Local Plan Saved Policies NE1, BE1 and H9, Staffordshire Structure Plan Saved Policies D2 and NC1, the provisions of Planning Policy Statement 7, the East Staffordshire Design Guide and the Supplementary Planning Guidance ‘Horse Related Development’.

(4) 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

(1) Permanently remove the detached building to form stable block, tack room, machinery store, and hay and feed storing and solar panels, including the footings and remove all resultant material from the site.

6. Time for compliance

60 days beginning with the day on which this notice takes effect.

7. When this notice takes effect

This notice takes effect on 3rd February 2012 unless an appeal is made against it beforehand.

Dated: 5th January 2012

Signed:

~~Legal Services Manager (Solicitor)~~ *Head of Legal & Democratic Services*
(the Council's authorised officer)

on behalf of: East Staffordshire Borough Council, The Maltsters, Wetmore Road, Burton upon Trent, Staffordshire DE14 1LS

Annex

YOUR RIGHT OF APPEAL

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); or
- By getting enforcement appeal forms by phoning the Planning Inspectorate on 0117 372 6372 or by emailing them at enquiries@pins.gsi.gov.uk

You must make sure that they 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
- The effective date of the enforcement notice

The Planning Inspectorate must receive this before the effective date on the enforcement notice. This should immediately be followed by your completed appeal forms.

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 this 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(s) specified in paragraph 6 of this notice. Failure to comply with an enforcement notice which has taken effect can result in prosecution and/or remedial action by the Council.

NORTHGATE SE GIS Print Template



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