



**Sal Khan CPFA, MSc
Head of Service (Section 151 Officer)**

Date: 15 September 2020

Direct Line: 01283 508782

Direct Fax: 01283 508388

Reply to: D. Ward

Our ref: ENF/2020/00066

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

DELIVERED BY HAND

IMPORTANT: THIS COMMUNICATION AFFECTS YOUR PROPERTY

Dear Sir,

RE: Breach of Condition Notice-Section 187a Town and Country Planning Act 1990 (as amended) for Land South West of Byrkley Drive, Rangemore, Burton upon Trent, Staffordshire DE14 2EB

This Council has issued a Breach of Condition Notice in relation 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 a second copy of the notice. Please sign and return this 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.

If you fail, without reasonable excuse, to comply with any of the requirements of this notice, 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.

Yours Sincerely

DWard

Enforcement Officer

david.ward@eaststaffsbc.gov.uk

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

BREACH OF CONDITION NOTICE

To:

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

1. This is a formal notice which is served by the Council, under Section 187A of the above Act, because it considers that a condition imposed on a grant of planning permission, relating to the land described in paragraph 2 below, has not been complied with. The Council considers that you should be required to comply with the condition specified in this notice. The Annex at the end of this notice contains important additional information.

2. The land to which this notice relates

The land known as land lying South West of Byrkley Drive, Rangemore, Burton upon Trent, Staffordshire DE13 9RW shown edged in red on the attached plan ("the Land").

3. The relevant planning permission

The relevant planning permission to which this Notice relates is the permission granted by the Council on 17/01/2020 for the "Change of use of land for exercising dogs" under Planning Permission Number P/2019/01319.

4. The breach of condition

The following condition, Condition 3 of P/2019/01319, has not been complied with:

The use hereby permitted shall not be operated outside the following times:

Sundays 11.30am- 14.30pm

Mondays 11.30am- 14.30pm

In that dogs have been exercising, within the curtilage of the planning permission P/2019/01319, prior to 11.30am.

5. What you are required to do

As the person responsible for the breach of condition specified in paragraph 4 of this Notice, you are required to secure compliance with the stated condition by taking the following steps:

- (1) Ensure that the use hereby permitted, shall not be operated outside the hours of Sundays 11.30am- 14.30pm and Mondays 11.30am- 14.30pm

ceasing the following activities:

- (1) Exercising of dogs outside the hours stated in Condition 3 of P/2019/01319

6. Time for compliance

30 days beginning with the day on which this notice is served on you.

7. When this notice takes effect

This notice takes effect immediately it is served on you or you receive it by postal delivery.

Dated: 14th September 2020

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

Annex

This notice takes effect IMMEDIATELY it is served on you in person or on the day you received it by post.

There is no right of appeal to the First Secretary of State against this notice.

It is an offence to contravene the requirements stated in paragraph 5 of this notice after the end of the compliance period. You will then be at risk of **immediate prosecution** in the Magistrates' Court, for which the maximum penalty is £2,500 for a first offence and for any subsequent offence. If you are in any doubt about what this notice requires you to do, you should get in touch immediately with:

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

If you do need independent advice about this notice, you are advised to contact urgently a lawyer, planning consultant or other professional adviser specialising in planning matters. If you wish to contest the validity of the notice, you may only do so by an application to the High Court for judicial review. Your professional adviser will advise you on what this procedure involves.

Do not leave your response until the last minute.



Ref.ENF/2020/00066

Land lying to the South East of Byrkley Drive, Rangemore, Burton upon Trent DE13 9RW

Planning Services
Scale: 1:1417
Date: 15 September 2020

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