

IMPORTANT: THIS COMMUNICATION AFFECTS YOUR PROPERTY

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

1. This is a formal notice which is served by the Council, under Section 187A of the above Act, because it considers that conditions imposed on a grant of planning permission, relating to the land described in paragraph 2 below, have not been complied with. The Council considers that you should be required to secure compliance with the conditions 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 adjacent to Nordale Cottage, Horninglow Road, Burton upon Trent, Staffordshire 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 11th May 2010 for the erection of a detached dwelling under Planning Permission Number P/2010/00088/CEH.

4. The breach of condition

The following conditions have not been complied with:

(7) Prior to the commencement of development a scheme of landscaping, fencing and walling, and measures for the protection of trees to be retained during the course of development shall be submitted to and approved in writing by the Local Planning Authority.

in that a scheme of landscaping, fencing and walling and measures for the protection of the trees to be retained during the course of development have not been submitted to and approved in writing by the Local Planning Authority and the development has commenced.

- (9) Prior to the commencement of the development a Noise Impact Assessment shall be submitted to and approved in writing by the Local Planning Authority which shall include details of any noise mitigation measures required. The development shall only be implemented in accordance with approved mitigation measures and maintained as such for the life of the development.

in that a Noise Impact Assessment has not been submitted to and approved in writing by the Local Planning Authority and the development has commenced.

5. What you are required to do

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

- (1) Submit a scheme of landscaping, fencing and walling and measures for the protection of trees to be retained during the course of development through the formal process to the Local Planning Authority for approval.
- (2) Submit a Noise Impact Assessment through the formal process to the Local Planning Authority for approval.
- (3) Implement the development in accordance with the approved mitigation measures and maintain as such for the life of the development.

6. Time for compliance

- (a) Item 1 above 30 days beginning with the day on which this notice is served on you.
- (b) Item 2 above 60 days beginning with the day on which this notice is served on you.
- (c) Item 3 above on approval by the Local Planning Authority of the Noise Impact Assessment.

7. When this notice takes effect

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

Dated: 16th April 2012

Signed:

Legal Services Manager (Solicitor)
(the Council's authorised officer)

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

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.

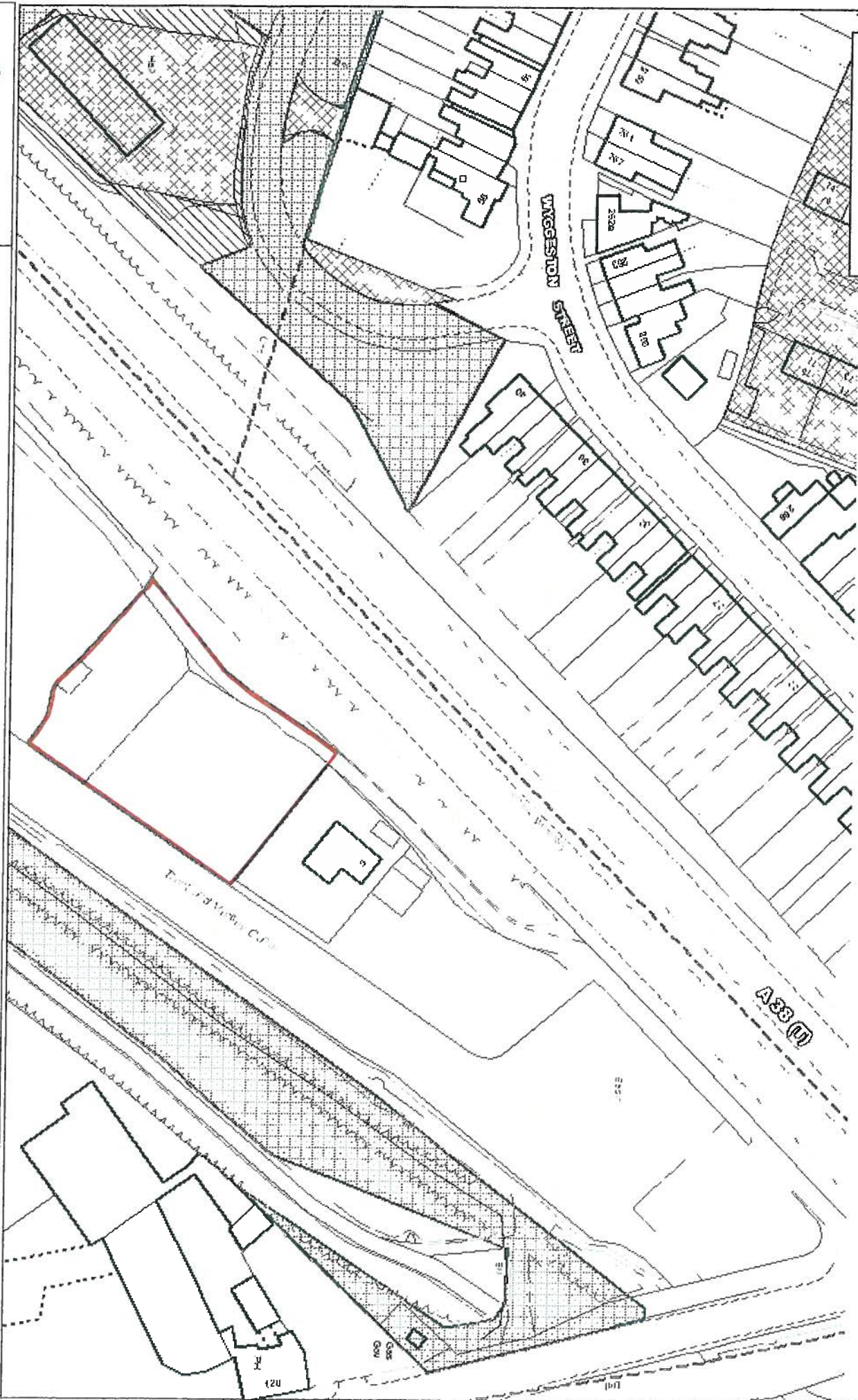
It is an offence to contravene the requirements stated in paragraph 5 of this notice after the end of the compliance period. You will then be at risk of **immediate prosecution** in the Magistrates' Court, for which the maximum penalty is £1,000 for a first offence and for any subsequent offence. If you are in any doubt about what this notice requires you to do, you should get in touch immediately with:

Planning Delivery
The Maltsters
Wetmore Road
Burton upon Trent
Staffordshire
DE14 1LS

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.

For identification only



Nordale Cottage Horninglow Road Burton upon Trent

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Legal Services
Scale: 1:1000
Date: 13th April 2012