

The Planning Inspectorate

ENFORCEMENT NOTICE APPEAL FORM (Online Version)

WARNING: The appeal **must** be received by the Inspectorate **before** the effective date of the local planning authority's enforcement notice.

Appeal Reference: APP/B3410/C/19/3232151

A. APPELLANT DETAILS

Name	Mr. Michael Hargreaves
Company/Group Name	Bamford Property Group Limited
Address	c/o agent Grant Anderson Hill Dickinson 50 Fountain Street Manchester M2 2AS
Email	grant.anderson@hilldickinson.com
Preferred contact method	Email <input checked="" type="checkbox"/> Post <input type="checkbox"/>

A(i). ADDITIONAL APPELLANTS

Do you want to use this form to submit appeals by more than one person (e.g. Mr and Mrs Smith), with the same address, against the same Enforcement notice? Yes No

B. AGENT DETAILS

Do you have an Agent acting on your behalf?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Name	Mr Grant Anderson
Company/Group Name	Hill Dickinson
Address	Hill Dickinson 50 Fountain Street MANCHESTER M2 2AS
Phone number	07715376654
Email	grant.anderson@hilldickinson.com
Preferred contact method	Email <input checked="" type="checkbox"/> Post <input type="checkbox"/>

C. LOCAL PLANNING AUTHORITY (LPA) DETAILS

Name of the Local Planning Authority

East Staffordshire Borough Council

LPA reference number (if applicable)

ENF/2018/00113

Date of issue of enforcement notice

28/05/2019

Effective date of enforcement notice

01/07/2019

D. APPEAL SITE ADDRESS

Is the address of the affected land the same as the appellant's address?

Yes

No



Does the appeal relate to an existing property?

Yes

No



Address

Banks Farm also known as Mince Pie Hall
Hollington Road
Rocester
Staffordshire
ST14 5HY

Are there any health and safety issues at, or near, the site which the Inspector would need to take into account when visiting the site?

Yes

No



Please describe the health and safety issues

The appeal site is a security protected working operational site/compound used in conjunction with the construction of the adjoining golf course and country club. There are therefore construction/maintenance machinery/vehicles in transit. Security clearance is required to gain access.

What is your/the appellant's interest in the land/building?

Owner



Tenant



Mortgagee



None of the above



E. GROUNDS AND FACTS

Do you intend to submit a planning obligation (a section 106 agreement or a unilateral undertaking) with this appeal?

Yes

No



(a) That planning permission should be granted for what is alleged in the notice.



The facts are set out in

see 'Appeal Documents' section

(b) That the breach of control alleged in the enforcement notice has not occurred as a matter of fact.



(c) That there has not been a breach of planning control (for example because permission has already been granted, or it is "permitted development").



The facts are set out in

see 'Appeal Documents' section

(d) That, at the time the enforcement notice was issued, it was too late to take enforcement action



against the matters stated in the notice.

(e) The notice was not properly served on everyone with an interest in the land.

(f) The steps required to comply with the requirements of the notice are excessive, and lesser steps would overcome the objections.

(g) The time given to comply with the notice is too short. Please state what you consider to be a reasonable compliance period, and why.

The facts are set out in

see 'Appeal Documents' section

F. CHOICE OF PROCEDURE

There are three different procedures that the appeal could follow. Please select one.

1. Written Representations

2. Hearing

3. Inquiry

You must give detailed reasons below or in a separate document why you think an inquiry is necessary.

The reasons are set out in

the box below

Choice of Appeal Procedure

Having regard to the Planning Inspectorate's criteria for determining the procedure for the appeal, the Appellant considers that the appeal should be dealt with by way of public inquiry – in particular:-

The appeal will involve evidence from three/four witnesses on behalf of the Appellant. It is anticipated this will include professional expert evidence in relation to heritage issues, landscape/visual impact and planning policy as well as evidence from the Appellant with regard to the operation of the golf course and the need for the building in that context;

There is likely to be conflicting professional evidence given to the inspector by the Council and it is important that the Appellant is afforded the opportunity to properly test the Council's evidence through formal cross examination, not only in the interests of fairness but given the serious consequences for the Appellant if the EN is upheld.

The total number of professional witnesses likely to be involved in the appeal for the Appellant and the Council means that the inquiry procedure is the most appropriate format.

The appeal will also involve legal submissions, particularly in respect of the ground C appeal, which will require the instruction and attendance of specialist counsel.

For the above reasons the Appellant considers and requests that the appeal is dealt with by way of inquiry. It is anticipated that the inquiry will last for four days.

(a) How long do you estimate the inquiry will last?

4 day(s)

(b) How many witnesses do you intend to call?

4

(c) Is there any further information relevant to the inquiry which you need to tell us about? Yes No

G. FEE FOR THE DEEMED PLANNING APPLICATION

1. Has the appellant applied for planning permission and paid the appropriate fee for the same development as in the enforcement notice? Yes No

2. Are there any planning reasons why a fee should not be paid for this appeal? Yes No

If no, and you have pleaded ground (a) to have the deemed planning application considered as part of your appeal, you must pay the fee shown in the explanatory note accompanying your Enforcement Notice.

H. OTHER APPEALS

Have you sent other appeals for this or nearby sites to us which have not yet been decided? Yes No

I. SUPPORTING DOCUMENTS

01. Enforcement Notice:

see '[Appeal Documents](#)' section

02. Plan (if applicable and not already attached)

see '[Appeal Documents](#)' section

J. CHECK SIGN AND DATE

I confirm that all sections have been fully completed and that the details are correct to the best of my knowledge.

I confirm that I will send a copy of this appeal form and supporting documents (including the full grounds of appeal) to the LPA today.

Signature

Date

Name

On behalf of

The gathering and subsequent processing of the personal data supplied by you in this form, is in accordance with the terms of our registration under the Data Protection Act 2018. Further information about our Data Protection policy can be found on our website under Privacy Statement.

K. NOW SEND

Send a copy to the LPA

Send a copy of the completed appeal form and any supporting documents (including the full grounds of the appeal) to the LPA.

To do this by email:

- open and save a copy of your appeal form
- locating your local planning authority's email address:
<https://www.gov.uk/government/publications/sending-a-copy-of-the-appeal-form-to-the-council>
- attaching the saved appeal form including any supporting documents

To send them by post, send them to the address from which the enforcement notice was sent (or to the address shown on any letters received from the LPA).

When we receive your appeal form, we will write to you letting you know if your appeal is valid, who is dealing with it and what happens next.

You may wish to keep a copy of the completed form for your records.

L. APPEAL DOCUMENTS

We will not be able to validate the appeal until all the necessary supporting documents are received.

Please remember that all supporting documentation needs to be received by us within the appropriate deadline for the case type. If forwarding the documents by email, please send to **appeals@pins.gsi.gov.uk**. If posting, please enclose the section of the form that lists the supporting documents and send it to Initial Appeals, Temple Quay House, 2 The Square, Temple Quay, BRISTOL, BS1 6PN.

You will not be sent any further reminders.

Please ensure that anything you do send by post or email is clearly marked with the reference number.

The documents listed below were uploaded with this form:

Relates to Section:	GROUPS AND FACTS
Document Description:	Facts to support that planning permission should be granted for what is alleged in the notice.
File name:	Bamford Property Limited Banks Farm(aka Mince Pie Hall) - Enforcement Notice Grounds of Appeal.docx
Relates to Section:	GROUPS AND FACTS
Document Description:	Facts to support that there has not been a breach of planning control (for example because permission has already been granted, or it is "permitted development").
File name:	Bamford Property Limited Banks Farm(aka Mince Pie Hall) - Enforcement Notice Grounds of Appeal.docx
Relates to Section:	GROUPS AND FACTS
Document Description:	Facts to support why the time given to comply with the notice is too short. Also state what you consider to be a reasonable compliance period, and why.
File name:	Bamford Property Limited Banks Farm(aka Mince Pie Hall) - Enforcement Notice Grounds of Appeal.docx
Relates to Section:	SUPPORTING DOCUMENTS
Document Description:	01. The Enforcement Notice.
File name:	ESBC Enforcement Notice MPH 28May2019 (003).pdf
Relates to Section:	SUPPORTING DOCUMENTS
Document Description:	02. The Plan.
File name:	BAmford Property Limited enforcement plans.pdf

The documents listed below are to follow by post:

Relates to Section:	CHOICE OF PROCEDURE
Document Description:	Document containing detailed reasons why an inquiry is necessary.

Completed by MR GRANT ANDERSON

Date 28/06/2019 12:03:07

BAMFORD PROPERTY LIMITED - ENFORCEMENT NOTICE

Grounds of Appeal

Bamford Property Limited (“the Appellant”) appeals the Enforcement Notice (“EN”) issued by East Staffordshire Borough Council (“the Council”) on 28 May 2019 on the following grounds.

Ground C

There has been no breach of planning control as alleged in the EN.

The erection of the building which is the subject of the EN is permitted development pursuant to Schedule 2 Part 4 Class A of the Town and Country Planning (General Permitted Development) Order 2015.

Part 4 Class A permits “The provision on land of buildings, moveable structures, works, plant or machinery required temporarily in connection with and for the duration of operations being or to be carried out on, in, under or over that land or on land adjoining that land”.

Planning Permission was granted by the Council on 16 July 2014 for the construction of a golf course and country club complex under reference P/2014/00228. A subsequent section 73 permission was granted to that permission by the Council on 23 September 2016 under reference P/2016/00434 which altered the access arrangements. The 2016 permission is the extant planning permission for the golf course and country club.

JCB has invested heavily in its Staffordshire facilities as part of a multimillion pound investment plan referred to as the “Staffordshire Plan.” The aim of the Staffordshire Plan has been to drive the growth of JCB worldwide business with the creation of c.2500 direct new jobs in Staffordshire. The Staffordshire Plan comprises a number of significant investments as part of an integrated strategy including the construction of new factory near to Uttoxeter, the acquisition of a quarry and development of a state of the art demonstration and testing facility, the significant expansion of production capacity at existing manufacturing factories in Cheadle, the expansion and enhancement of production, sales and visitor facilities at the World Headquarters Complex. JCB now receives circa 40,000 visitors per year to its World Headquarters comprising customers and dealers many of whom enjoy the JCB experience whilst at JCB. This involves one or more of the following:- hospitality, theatre presentations, the story of JCB, product range demonstrations, tour of manufacturing processes. JCB also undertakes a considerable training roster for its national and international dealership network.

The JCB Golf Course and Country Club is an integral part of the Staffordshire Plan where the proposal is to create an internationally acclaimed PGA Championship Golf Course and Country Club which will be used primarily to support JCB's business, used primarily by JCB's UK/international customers and dealers as a means of promoting the JCB brand.

Construction of the golf course commenced in 2016. As part of the golf course and country club project, a number of related developments have been authorised including the provision of a golf academy building, an interim clubhouse and the provision of ten golf accommodation lodges. Further design work is ongoing on the permanent clubhouse, hotel and leisure/spa facilities which were authorised in the original scheme permissions and a further application for this phase of the project is anticipated in the near future.

The building which is the subject of the EN was erected in 2017 following the grant of the golf course permission in order to provide a central administrative/storage/maintenance compound/project office for the Appellant during and for the purposes of the construction of the golf course and country club. The building continues to be required for those purposes by the Appellant during the ongoing construction of the golf course and country club facilities. The building is therefore permitted development within Schedule 2 Part 4 Class A.

Ground A

In the alternative to the appeal made under ground C, the Appellant requests that planning permission is granted for the retention of the building which is the subject of the EN either permanently or in the alternative on a temporary basis during the construction of the golf course and country club.

The Appellant does not agree that substantial harm is caused to the setting or to the significance of Mince Pie Hall, as a heritage asset, as alleged by the Council in the EN or that the building is contrary to policy DP5 of the adopted East Staffordshire Local Plan ("Local Plan"). In relation to policy SP25 of the Local Plan which the Council alleges in the EN that the building is contrary to, that policy requires that any proposals should protect, conserve and enhance heritage assets or their setting and does not provide for any consideration or balancing of any harm or benefits of any proposal. It is therefore inconsistent with national planning policy on the historic environment contained in the National Planning Policy Framework (February 2019). The Appellant considers the effect of the building on the significance of Mince Pie Hall and other related heritage assets is justified in the context of national planning policy.

The building is required in relation to the on-going construction of the golf course and country club which is an essential part of JCB's Staffordshire Plan investment programme to support the growth of the business and in due course will be required for the operation of the golf course and country club. Once the project has been completed, the building will be required permanently to accommodate essential operations and on-going maintenance

functions at the golf course. The building therefore accords with policy SP8 of the Local Plan.

To locate the building elsewhere within the golf course would cause the Appellant irresolvable operational difficulties. To locate such a functional building elsewhere within the course would compromise the high quality public face of the golf course and country club and would have greater visual impact. In contrast the siting of the building provides a centralised facility in an accessible location just off the golf course. Furthermore the siting of the building means that it is almost entirely screened and is not visible from outside the curtilage of Mince Pie Hall.

The Appellant submits that planning permission should be granted for the permanent retention of the building or in the alternative that planning permission should be granted on a temporary basis during the ongoing construction of the golf course and country club.

Ground G

The EN specifies that the building must be dismantled and the resulting materials removed from the land within 30 days of the EN taking effect. Given the importance of the building to the Appellant's operations in relation to the construction of the golf course and country club and the logistical difficulties for the Appellant in having to secure/deliver replacement facilities elsewhere the period of 30 days is insufficient and a period of at least 12 months should be substituted for the 30 days currently specified in the EN.

In accordance with the Planning Inspectorate's Enforcement Notice Appeal Procedural Guide, the Appellant's case for this appeal will be set out more fully in its statement of case which will:

- include a list of documents, maps and plans the Appellant intends to rely on;
- describe, but not contain, the evidence;
- refer to any policies or other documents not referred to by the Council but considered to support the Appellant's case;
- set out both the planning and legal arguments which the Appellant intends to put forward at the inquiry;
- cite any statutory provisions and case law the Appellant intends to use in support of its case;
- briefly describe any suggested mitigating factors;
- focus on the areas of differences between the Appellant and the Council, the areas of agreement being set out in the statement of common ground.

BAMFORD PROPERTY LIMITED - ENFORCEMENT NOTICE

Grounds of Appeal

Bamford Property Limited (“the Appellant”) appeals the Enforcement Notice (“EN”) issued by East Staffordshire Borough Council (“the Council”) on 28 May 2019 on the following grounds.

Ground C

There has been no breach of planning control as alleged in the EN.

The erection of the building which is the subject of the EN is permitted development pursuant to Schedule 2 Part 4 Class A of the Town and Country Planning (General Permitted Development) Order 2015.

Part 4 Class A permits “The provision on land of buildings, moveable structures, works, plant or machinery required temporarily in connection with and for the duration of operations being or to be carried out on, in, under or over that land or on land adjoining that land”.

Planning Permission was granted by the Council on 16 July 2014 for the construction of a golf course and country club complex under reference P/2014/00228. A subsequent section 73 permission was granted to that permission by the Council on 23 September 2016 under reference P/2016/00434 which altered the access arrangements. The 2016 permission is the extant planning permission for the golf course and country club.

JCB has invested heavily in its Staffordshire facilities as part of a multimillion pound investment plan referred to as the “Staffordshire Plan.” The aim of the Staffordshire Plan has been to drive the growth of JCB worldwide business with the creation of c.2500 direct new jobs in Staffordshire. The Staffordshire Plan comprises a number of significant investments as part of an integrated strategy including the construction of new factory near to Uttoxeter, the acquisition of a quarry and development of a state of the art demonstration and testing facility, the significant expansion of production capacity at existing manufacturing factories in Cheadle, the expansion and enhancement of production, sales and visitor facilities at the World Headquarters Complex. JCB now receives circa 40,000 visitors per year to its World Headquarters comprising customers and dealers many of whom enjoy the JCB experience whilst at JCB. This involves one or more of the following:- hospitality, theatre presentations, the story of JCB, product range demonstrations, tour of manufacturing processes. JCB also undertakes a considerable training roster for its national and international dealership network.

The JCB Golf Course and Country Club is an integral part of the Staffordshire Plan where the proposal is to create an internationally acclaimed PGA Championship Golf Course and Country Club which will be used primarily to support JCB's business, used primarily by JCB's UK/international customers and dealers as a means of promoting the JCB brand.

Construction of the golf course commenced in 2016. As part of the golf course and country club project, a number of related developments have been authorised including the provision of a golf academy building, an interim clubhouse and the provision of ten golf accommodation lodges. Further design work is ongoing on the permanent clubhouse, hotel and leisure/spa facilities which were authorised in the original scheme permissions and a further application for this phase of the project is anticipated in the near future.

The building which is the subject of the EN was erected in 2017 following the grant of the golf course permission in order to provide a central administrative/storage/maintenance compound/project office for the Appellant during and for the purposes of the construction of the golf course and country club. The building continues to be required for those purposes by the Appellant during the ongoing construction of the golf course and country club facilities. The building is therefore permitted development within Schedule 2 Part 4 Class A.

Ground A

In the alternative to the appeal made under ground C, the Appellant requests that planning permission is granted for the retention of the building which is the subject of the EN either permanently or in the alternative on a temporary basis during the construction of the golf course and country club.

The Appellant does not agree that substantial harm is caused to the setting or to the significance of Mince Pie Hall, as a heritage asset, as alleged by the Council in the EN or that the building is contrary to policy DP5 of the adopted East Staffordshire Local Plan ("Local Plan"). In relation to policy SP25 of the Local Plan which the Council alleges in the EN that the building is contrary to, that policy requires that any proposals should protect, conserve and enhance heritage assets or their setting and does not provide for any consideration or balancing of any harm or benefits of any proposal. It is therefore inconsistent with national planning policy on the historic environment contained in the National Planning Policy Framework (February 2019). The Appellant considers the effect of the building on the significance of Mince Pie Hall and other related heritage assets is justified in the context of national planning policy.

The building is required in relation to the on-going construction of the golf course and country club which is an essential part of JCB's Staffordshire Plan investment programme to support the growth of the business and in due course will be required for the operation of the golf course and country club. Once the project has been completed, the building will be required permanently to accommodate essential operations and on-going maintenance

functions at the golf course. The building therefore accords with policy SP8 of the Local Plan.

To locate the building elsewhere within the golf course would cause the Appellant irresolvable operational difficulties. To locate such a functional building elsewhere within the course would compromise the high quality public face of the golf course and country club and would have greater visual impact. In contrast the siting of the building provides a centralised facility in an accessible location just off the golf course. Furthermore the siting of the building means that it is almost entirely screened and is not visible from outside the curtilage of Mince Pie Hall.

The Appellant submits that planning permission should be granted for the permanent retention of the building or in the alternative that planning permission should be granted on a temporary basis during the ongoing construction of the golf course and country club.

Ground G

The EN specifies that the building must be dismantled and the resulting materials removed from the land within 30 days of the EN taking effect. Given the importance of the building to the Appellant's operations in relation to the construction of the golf course and country club and the logistical difficulties for the Appellant in having to secure/deliver replacement facilities elsewhere the period of 30 days is insufficient and a period of at least 12 months should be substituted for the 30 days currently specified in the EN.

In accordance with the Planning Inspectorate's Enforcement Notice Appeal Procedural Guide, the Appellant's case for this appeal will be set out more fully in its statement of case which will:

- include a list of documents, maps and plans the Appellant intends to rely on;
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Part 4 Class A permits “The provision on land of buildings, moveable structures, works, plant or machinery required temporarily in connection with and for the duration of operations being or to be carried out on, in, under or over that land or on land adjoining that land”.

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Ground A

In the alternative to the appeal made under ground C, the Appellant requests that planning permission is granted for the retention of the building which is the subject of the EN either permanently or in the alternative on a temporary basis during the construction of the golf course and country club.

The Appellant does not agree that substantial harm is caused to the setting or to the significance of Mince Pie Hall, as a heritage asset, as alleged by the Council in the EN or that the building is contrary to policy DP5 of the adopted East Staffordshire Local Plan ("Local Plan"). In relation to policy SP25 of the Local Plan which the Council alleges in the EN that the building is contrary to, that policy requires that any proposals should protect, conserve and enhance heritage assets or their setting and does not provide for any consideration or balancing of any harm or benefits of any proposal. It is therefore inconsistent with national planning policy on the historic environment contained in the National Planning Policy Framework (February 2019). The Appellant considers the effect of the building on the significance of Mince Pie Hall and other related heritage assets is justified in the context of national planning policy.

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Ground G

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