

# **IMPORTANT: THIS COMMUNICATION AFFECTS YOUR PROPERTY**

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

## **ENFORCEMENT NOTICE – CHANGE OF USE**

**Issued to:** Amy Blackwell, nee Hawsworth, of Alder Carr Farm, Church Lane, Church Mayfield, Staffordshire DE6 2JR

**Issued by:** East Staffordshire Borough Council, P.O. Box 8045, Burton upon Trent, Staffordshire DE14 9JG

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 Alder Carr Farm, Church Lane, Church Mayfield, Staffordshire, DE6 2JR shown edged in red on the attached plan (“the Land”).

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

Change of use of the Land from use for agriculture to residential by the permanent residential use of a static caravan on the land 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 Council does not consider that planning permission should be given, because planning conditions could not overcome these objections.
- (3) East Staffordshire Local Plan Policy ( SP1 (East Staffordshire Approach to Sustainable Development), SP8 (Development Outside Settlement Boundaries), SP24 (High Quality Design), DP1 (Design of New Development)

5. **What you are required to do**

(1) Permanently cease the residential use of the static caravan from the "Land".

**6. Time for compliance**

6 months beginning with the day on which this Notice takes effect.

**7. When this notice takes effect**

This Notice takes effect on 17<sup>th</sup> February 2024 unless an appeal is made against it beforehand.

Dated: 10/01/2024

Signed:

\_\_\_\_\_  
Head of Legal and Regulatory Services and Monitoring Officer  
(the Council's authorised officer)

on behalf of: East Staffordshire Borough Council, P.O. Box 8045, Burton upon Trent,  
Staffordshire DE14 9JG



**The Planning Inspectorate**

CST Room 3/13

Direct Line 0303-444-5000

Temple Quay House

2 The Square

Temple Quay

Bristol

BS1 6PN

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.



## ANNEX

EAST STAFFORDSHIRE BOROUGH COUNCIL has issued an Enforcement Notice relating to the Land at Alder Carr Farm, Church Lane, Church Mayfield, Staffordshire DE6 2JR 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 £578. 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:

Alexander Blackwell

Amy Blackwell, nee Hawksworth