

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:

Issued by: East Staffordshire Borough Council, The Maltsters, Wetmore Road, Burton upon Trent, Staffordshire DE14 1LS (“the Council”)

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 of the type defined at paragraph (a) of section 171A(1) of the above Act, in that development has been carried on without the required planning permission. The Council 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 at **The Alders, Old Uttoxeter Road, Crakemarsh, Staffordshire ST14 5BL** showed edged in red on the attached plan (“the Land”).

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

Development has been carried out on the Land without the required planning permission: namely, the change of use of a stable block from equestrian, to residential use. The position of the stable block is shown hatched in black on the plan of the Land referred to at paragraph 2 above.

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 change of use results in a development occurring in a rural area with no access to necessary everyday amenities without the use of the private motor vehicle, owing to the distance of the Land from nearby settlements, the lack of regular alternative transport opportunities and the lack of safe walking routes. It is therefore considered that the development constitutes unsustainable development in environmental terms contrary to Sections 1 and 6 of the National Planning Policy Framework. Strategic Policy 1 (East Staffordshire Approach to Sustainable development) of the Local Plan 2012-2031 requires that all developments sustainability is assessed in relation to

- criteria stated in the policy. The change of use fails to satisfy these criteria as it is not safe or convenient to walk, cycle and travel by public transport to workplaces, shops education, health, recreation, leisure and community facilities from the development.
- (3) For the reasons set out at (2) above, the conversion of the stable for residential use is a development in an unsustainable location and is contrary to policy. Strategic Policy 8, Development Outside Development Boundaries of the Local Plan 2012-2031 sets out certain forms of development which are acceptable outside development boundaries. The development clearly fails to satisfy any of the types of development which is considered acceptable outside development boundaries. It is thus development which is seen as being unacceptable because it causes a domesticification of the countryside which is harmful to its attractive character.
 - (4) Strategic Policy 1, East Staffordshire Approach to Sustainable development, of the Local Plan 2012-2031 requires that development should only be allowed if it does not incur unacceptable flood risk. The stable block is located within flood zone 3 as defined by the Environment Agency, which is land which is recognised as being at risk of flooding. The change of use is therefore considered to be a development that should not be permitted as it does incur unacceptable flood risk
 - (5) 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) Cease the unlawful use of the Land by ceasing the use of the stable block, referred to at paragraph 3. above, for residential purposes.
- (2) Remove all items from the stable block which is not normally used for equestrian purposes.


6. Time for compliance

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

7. When this notice takes effect

This notice takes effect on 1st October 2016 unless an appeal is made against it beforehand.

Dated: 30th August 2016

Signed: 
Solicitor to the Council, Monitoring Officer
(the Council's authorised officer)

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

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THIS IS IMPORTANT

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 us on 0303 444 5000 or by emailing us at enquiries@pins.gsi.gov.uk

You MUST make sure that we 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; 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.

