

**South
Derbyshire
District Council**

BY HAND

New Barn Farm
Coton Park
Linton
Swadlincote
Derbyshire
DE12 6RG

Dear

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 172
ENFORCEMENT NOTICE – CHANGE OF USE
LAND OR PREMISES AT New Barn Farm, Coton Park, Linton, Swadlincote,
Derbyshire, DE12 6RG**

This Council has issued an enforcement notice relating 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.

Unless an appeal is made to the Secretary of State, as described below, the notice will take effect on **20 April 2009**. You must then ensure that the required steps for which you may be held responsible are taken within the period specified in paragraph 6 of the notice. If you fail to comply within that time 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. The Council may also carry out remedial action.

If you wish to appeal against the notice, you should first read carefully the enclosed leaflet from the Planning Inspectorate. Then you or your agent should complete the official appeal forms and send one copy, together with a copy of the enforcement notice enclosed with this letter, to the address shown on the appeal form and one copy to the Development Control Manager, South Derbyshire District Council, Civic Offices, Civic Way, Swadlincote Derbyshire, DE11 0AH.

Gill Hague
Head of Planning Services

Civic Offices, Civic Way,
Swadlincote, Derbyshire DE11 0AH

Please ask for Gaynor Richards
Telephone direct line: 01283 595750
Fax (01283) 595850

Minicom: (01283) 228149
DX 23912 Swadlincote
E-mail: gaynor.richards@south-derbys.gov.uk

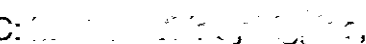
Date: 19 March 2009

Our ref: E/2005/00352


You may have to pay a fee for the deemed planning application that arises on an Enforcement appeal, which the Council calculate to be £335 x 2, but the Secretary of State will notify you of the appropriate fee after the appeal has been lodged. To be valid the Secretary of State must receive your appeal **before** the date given in paragraph 7 of the notice as the date when the notice takes effect.

Yours sincerely


Gaynor Richards (Mrs)
Senior Enforcement Officer
Development Control

CC: , New Barn Farm, Coton Park, Linton, Swadlincote,
Derbyshire, DE12 6RG

 New Barn Farm, Coton Park, Linton, Swadlincote, Derbyshire, DE12
6RG

, J.S.M. Distributor Direct Ltd, New Barn Farm, Coton Park,
Linton, Swadlincote, Derbyshire, DE12 6RG




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: New Barn Farm, Coton Park, Linton, Swadlincote,
Derbyshire, DE12 6RG

Issued by: South Derbyshire District Council, Civic Offices, Civic Way, Swadlincote, Derbyshire,
DE12 6RG

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 and the enclosures to which it refers contain important additional information.

2. The land to which this notice relates

The land known as New Barn Farm, Coton Park, Linton, Swadlincote, Derbyshire, DE12 6RG 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 a mixed use for agricultural and residential purposes to a mixed use for C3 (residential), B1 (light industrial) and B8 (storage and distribution) 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 ten years.
- (2) The change of use has resulted in an increase in the number and size of vehicles using the access track to the site, which is unmade and of single width. This increase is detrimental to the safety of other users of the track, both vehicular and pedestrian alike.
- (3) Public Footpath 2 in the parish of Linton joins the access track serving the site. The change of use has resulted in an increase in the number of vehicles using the track, which in turn has increased the potential hazards to pedestrians using the track to access the Public Right of Way.
- (4) The development is outside the settlement boundary and has no proven essential need to a rural based activity. The development is detrimental to the character of the countryside and surrounding landscape.
- (5) The use of the buildings does not provide an acceptable alternative to the mixed use for agricultural and residential purposes due to being contrary to environmental and traffic policies. The development is not unavoidable in the countryside.
- (6) The development is contrary to policies Transport Policy 6, Environment Policy 1, Employment Policies 4 & 5 of the South Derbyshire Local Plan adopted May 1998; PPS 7; PPG 18 and Enforcing Planning Control: Good Practice Guide for Local Authorities.
- (7) 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) Stop using any part of the Land for B1 (light industrial) and/or B8 (storage and distribution)

- (2) Permanently remove all goods related to the B1 and B8 use, including the sewing machines, related articles, quad bikes, pneumatic heat presses and laminators from the Land.
- (3) Permanently remove the storage containers from the Land.

6. Time for compliance

[90] days beginning with the day on which this notice takes effect.

7. When this notice takes effect

This notice takes effect on **20 April 2009** unless an appeal is made against it beforehand.

Dated:

[19/03/09]

Signed:

Development Control Manager
(the Council's authorised officer)

on behalf of: South Derbyshire District Council, Civic Offices, Civic Way, Swadlincote,
Derbyshire, DE11 0AH

Annex

YOUR RIGHT OF APPEAL

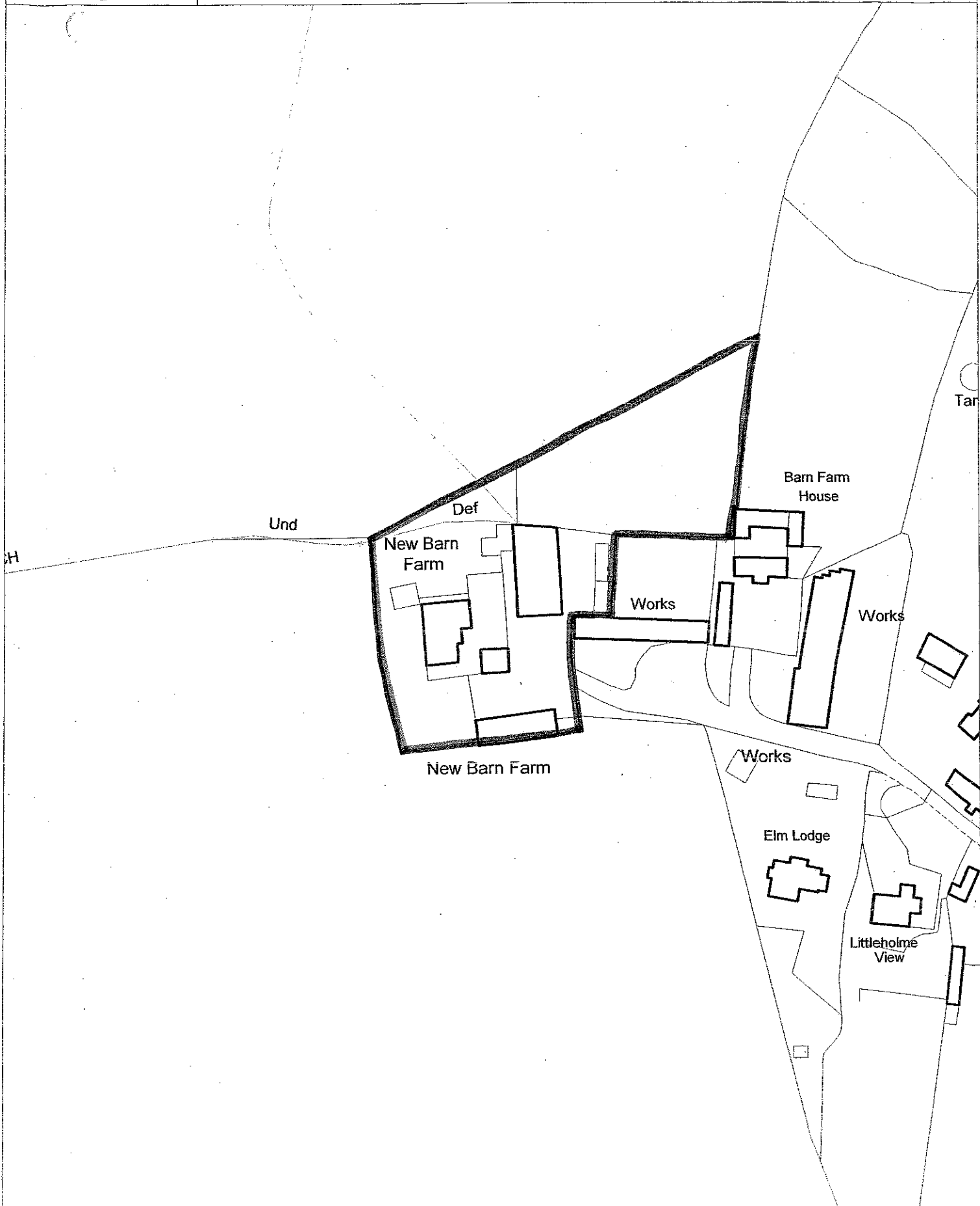
- (1) You can appeal against this Notice, but any appeal must be received, or posted in time to be received, by the Secretary of State **before** the date specified in paragraph 7 of this notice. The enclosed booklet leaflet advises how to appeal. Read it carefully.

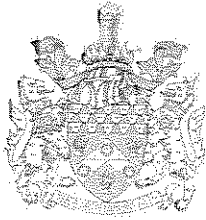
WHAT HAPPENS IF YOU DO NOT APPEAL

If you do not appeal against this enforcement notice, it will take effect on the date specified in paragraph 7 of this 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 this notice. Failure to comply with an enforcement notice, which has taken effect, can result in prosecution and/or remedial action by the Council.



New Barn Farm, Coton Park, Linton





**South
Derbyshire
District Council**

New Barn Farm
Coton Park
Linton
Swadlincote
Derbyshire
DE12 6RG

Gill Hague
Head of Planning Services

Civic Offices, Civic Way,
Swadlincote, Derbyshire DE11 0AH

Please ask for Gaynor Richards
Telephone direct line: 01283 595750
Fax (01283) 595850
E-mail: gaynor.richards@south-derbys.gov.uk

Minicom: (01283) 228149
DX 23912 Swadlincote

Date: 13 May, 2009

Our Ref: E/2005/00352

BY HAND

Dear

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 187A
BREACH OF CONDITION NOTICE
LAND OR PREMISES AT New Barn Farm, Coton Park, Linton, Swadlincote,
Derbyshire, DE12 6RG**

I enclose by way of service, a breach of condition 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.

The notice comes into effect on the date on which is it served on you. You then have the period set out in paragraph 6 of the notice in which to comply with the requirements set out in paragraph 5. If you fail to comply within that time 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

Gaynor Richards (Mrs)
Senior Enforcement Officer
Development Control

CC: *Gaynor Richards* New Barn Farm, Coton Park, Linton, Swadlincote,
Derbyshire, DE12 6RG

Gaynor Richards New Barn Farm, Coton Park, Linton, Swadlincote, Derbyshire, DE12
6RG

Gaynor Richards New Barn Farm, Coton Park,
Linton, Swadlincote, Derbyshire, DE12 6RG

IMPORTANT: THIS COMMUNICATION AFFECTS YOUR PROPERTY

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

BREACH OF CONDITION NOTICE

To: **NEW BARN FARM, COTON PARK, LINTON,
SWADLINCOTE, DERBYSHIRE, DE12 6RG**

Served by: South Derbyshire District Council, Civic Offices, Civic Way, Swadlincote, Derbyshire,
DE11 0AH

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 New Barn Farm, Coton Park, Linton, Swadlincote, Derbyshire, DE12 6RG 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 7 June 1984 for the restoration of horse drawn vehicles and the assembly of snooker tables of a building at New Barn Farm, Coton Park, Linton under Planning Permission Number 9/484/285.

4. **The breach of condition**

The following condition has not been complied with:

- (1) 2. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order, 1972, this permission shall relate to the use of the premises only for the restoration of horsedrawn vehicles and assembly of snooker tables as described in your application and for no other purpose.

Reason: In order that the Local Planning Authority may retain control over the future use of the premises and in the interests of the amenity of the area.

in that the premises are no longer in use for the restoration of horsedrawn vehicles and assembly of snooker tables, but are being used for the business of storage, distribution and selling of sewing machines and related articles.

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 comply with the stated condition by taking the following steps:

1. **Permanently remove the sewing machines and related articles from the Land**

and ceasing the following activities:

2. **Cease to use the Land for the business of storage, distribution and selling of sewing machines and related articles**

3. Cease to use the Land for the servicing and/or repairs of sewing machines and related articles.

6. Time for compliance

90 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:

[13/05/09]

Signed:

Development Control Manager
(the Council's authorised officer)

on behalf of: South Derbyshire District Council, Civic Offices, Civic Way, Swadlincote,
Derbyshire, DE11 0AH

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 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:

Mrs G J Richards
Senior Enforcement Officer
Development Control
South Derbyshire District Council
Civic Offices
Civic Way
Swadlincote
Derbyshire
DE11 0AH

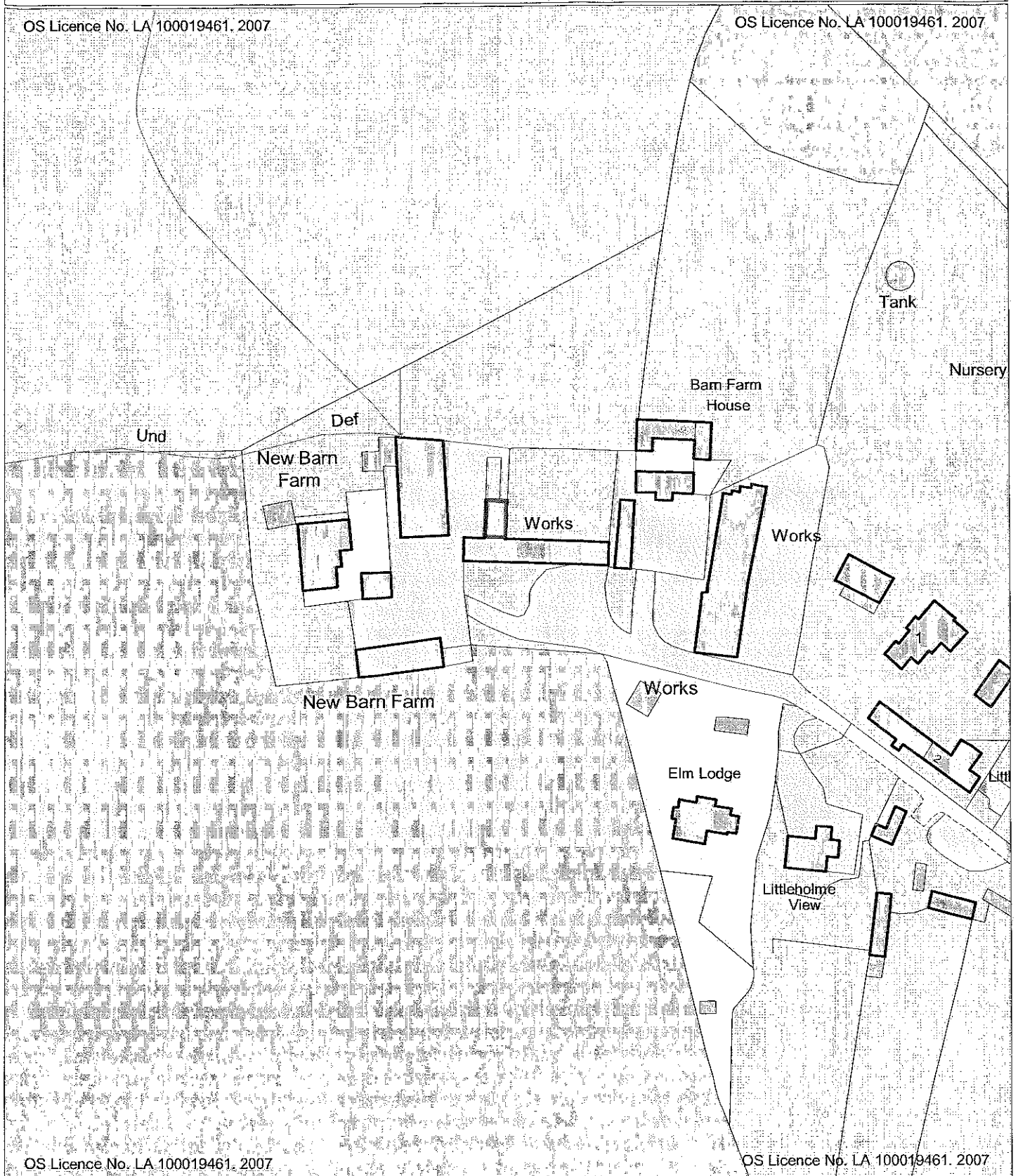
If you do need independent advice about this notice, you are advised to contact urgently a lawyer, planning consultant or other professional adviser specialising in planning matters. If you wish to contest the validity of the notice, you may only do so by an application to the High Court for judicial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

Do not leave your response until the last minute.

New Barn Farm

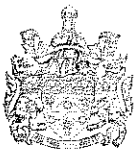
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Scale 1:1250 Date Plotted 13/5/2009

Plot centred at 426676 317997

New Barn Farm

