



**South
Derbyshire
District Council**

**Gill Hague
Head of Planning Services**

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

Please ask for: Gaynor Richards

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Our Ref: E/2008/00034

Date: 19 June 2009

Dear Mr [redacted]

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 187A
BREACH OF CONDITION NOTICE
LAND OR PREMISES AT Land at Heage Lane, Etwall, Derby**

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.

The notice comes into effect on the date on which it is 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: [redacted], Land at Heage Lane, Etwall,
Derby

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: [REDACTED]

Served by: South Derbyshire District Council, Civic Offices, Civic Way, Swadlincote, Derbyshire, DE65 6NR

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 secure compliance 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 Land at Heage Lane, Etwall, Derby 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 10 February 2009 for the "retention of a mobile home for use as office/waiting and changing amenity" under Planning Permission Number 9/2008/0943/NO.

4. The breach of condition

The following condition has not been complied with:

- (1) Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) and Article 3 and Part 3 of the Town and Country Planning (General Permitted Development) Order 1995, this permission shall relate to the use of the premises as a reception, changing facility and refreshment 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 mobile home is being used for residential purposes as well as for the approved purposes as a reception, changing facility and refreshment area.

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 ceasing the following activities:

- (1) Permanently cease the use of the mobile home for residential purposes.

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: []

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 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:

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

Do not leave your response until the last minute.

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.

