

**South
Derbyshire
District Council**

BY HAND

Dear

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 172
ENFORCEMENT NOTICE – CHANGE OF USE
LAND OR PREMISES AT Land on the North East side of Cauldwell Road, Linton,
Swadlincote, Derbyshire.**

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 **30 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: 1 April, 2009

Our ref: E/2008/00108

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: Mr. [Name] [Address] [City] [County] [Postcode]

Ms. [Name] [Address] [City] [County] [Postcode]

Mr. [Name] [Address] [City] [County] [Postcode]

Ms. [Name] [Address] [City] [County] [Postcode]

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: [Redacted]

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

Issued date: 1 April 2009

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 Land on the North East side of Cauldwell Road, Linton, Swadlincote, Derbyshire 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 redundant landfill site to use to facilitate a gypsy site by importing waste materials to raise the levels of the land, installation of services, the laying of concrete bases and erection of a boundary wall in excess of 1m high adjacent to the highway 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) There is strong evidence to suggest that the site is contaminated by the presence of landfill gas and asbestos and it has not been demonstrated that the site is safe for human habitation and free of risk. Land levels have been significantly raised through the importation of waste material of an unknown origin, increasing the risk to any occupants, and laying of concrete bases to facilitate the change of use to a gypsy site, without the necessary remediation measures. Service pipes have been laid throughout the site, without the necessary measures to prevent contamination and risk to human health.
- (3) The raised land levels has decreased the effective screening of the boundary hedge and increased the extent that any caravans stationed on the land will be visible to the detriment of the surrounding open countryside.
- (4) The boundary wall is of a design and materials that create an incongruous feature to the detriment of this rural location.
- (5) The unauthorised change of use is therefore contrary to saved Housing Policy 15 of the South Derbyshire Local Plan, East Midlands Regional Plan 2009, PPS1, PPS7, PPG18, Circular 01/06, Circular 10/97 and Designing Gypsy and Traveller Sites- Good Practice Guidance.
- (6) 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 a gypsy site.
- (2) Permanently remove all imported waste material from the Land.
- (3) Permanently remove all the service pipes from the Land.
- (4) Permanently remove all the concrete bases from the Land.
- (5) Reduce the boundary wall to a height not exceeding 1m from the natural ground level.

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 **30 April 2009** unless an appeal is made against it beforehand.

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

YOUR RIGHT OF APPEAL

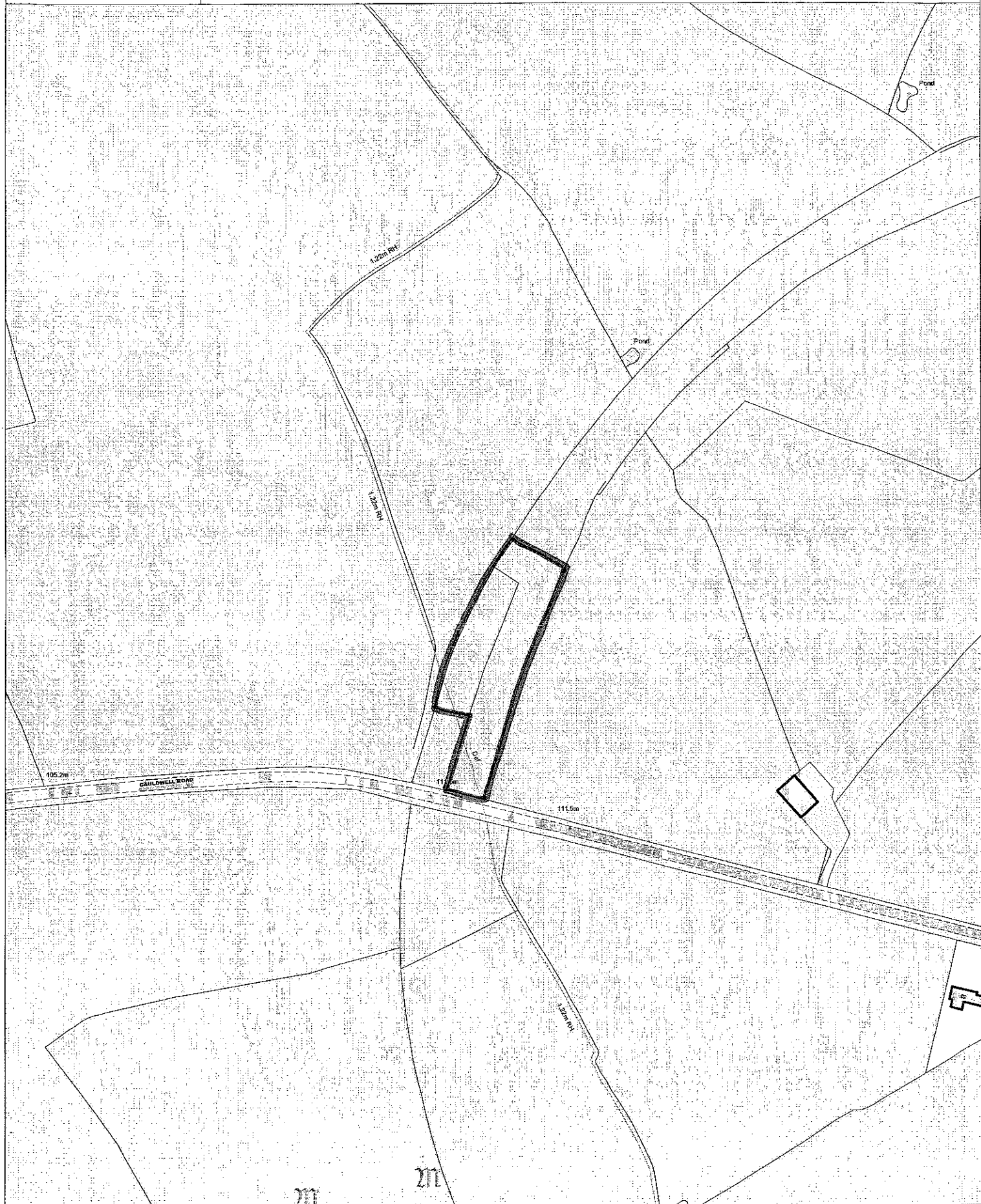
- (1) You can appeal against this Notice, but any appeal must be received, or posted in time to be received, by the Secretary of State **before** the date specified in paragraph 7 of this notice. The enclosed leaflet advises how to appeal. Read it carefully.

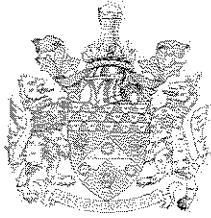
WHAT HAPPENS IF YOU DO NOT APPEAL

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.



Land North East of Cauldwell Rd -TSN





**South
Derbyshire
District Council**

BY HAND

[Faint handwritten text]

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: 1 April, 2009

Our ref: E/2008/00108

IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY

Dear *[Name]*

RE: TOWN AND COUNTRY PLANNING ACT 1990 (as amended) – Section 183 STOP NOTICE – Land on the North East side of Cauldwell Road, Linton, Swadlincote, Derbyshire

I write to inform you that the Council has issued a Stop Notice relating to the above and accordingly, I now serve on you a copy of that notice, in view of your interest in the property. Copies of the notice have been served on others with an interest in the Land.

There is no right of appeal to the Secretary of State against the notice and if you fail to comply with the notice you will be at risk of immediate prosecution.

If you need independent advice about this notice, you are advised to contact a lawyer urgently.

Should you require any further information please contact Gaynor Richards in the Council's Development Control Department on 01283 595750.

Yours sincerely

Gaynor Richards (Mrs)
Senior Enforcement Officer
Development Control

CC: *[Faint list of names]*

[Faint handwritten notes and signatures]

IMPORTANT –THIS COMMUNICATION AFFECTS YOUR PROPERTY

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

STOP NOTICE

**SERVED BY: SOUTH DERBYSHIRE DISTRICT COUNCIL, Civic Offices, Civic Way,
Swadlincote, Derbyshire, DE11 0AH**

TO

1. On **1 April 2009** the Council issued an enforcement notice (of which a copy is attached to this notice) alleging that there has been a breach of planning control at Land on the North East side of Cauldwell Road, Linton, Swadlincote, Derbyshire
2. **THIS NOTICE** is issued by the Council, in exercise of their power in section 183 of the 1990 Act, because they consider that it is expedient that the activity specified in this notice should cease before the expiry period allowed for compliance with the requirements of the enforcement notice on the land described in paragraph 3 below. The Council now prohibits the carrying out of the activity specified in this notice. Important additional information is given in the Annex to this notice.

3. THE LAND TO WHICH THIS NOTICE RELATES

Land on the North East side of Cauldwell Road, Linton, Swadlincote, Derbyshire
shown edged red on the attached plan.

4. ACTIVITY TO WHICH THIS NOTICE RELATES

Change of use of the Land from use for redundant landfill site to use to facilitate a gypsy site by importing waste materials to raise the levels of the land, installation of services, the laying of concrete bases and erection of a boundary wall in excess of 1m high adjacent to the highway without planning permission.

5. WHAT YOU ARE REQUIRED TO DO

1. Stop using any part of the Land for a gypsy site.
2. Stop all importation of waste material to the Land.
3. Stop all works to facilitate the change of use to a gypsy site.
4. Do not station any caravans on or occupy the land.

6. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on **4 April 2009** when all the activity specified in this notice shall cease.

Date:

Signed:

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

Annex

WARNING

THIS NOTICE TAKES EFFECT ON THE DATE SPECIFIED IN PARAGRAPH 6.

THERE IS NO RIGHT OF APPEAL TO THE SECRETARY OF STATE FOR THE ENVIRONMENT AGAINST THIS NOTICE.

It is an offence to contravene a stop notice after a site notice has been displayed or the stop notice has been served on you. (Section 187(1) of the 1990 Act). If you then fail to comply with the stop notice you will be at risk of **immediate prosecution** in the Magistrate's Court, for which the maximum penalty is £20, 000 on summary conviction for a first offence and for any subsequent offence. The fine on conviction on indictment is unlimited. If you are in any doubt about what this notice requires you to do, you should get in touch **immediately** with Gaynor Richards. If you 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.