



**South  
Derbyshire  
District Council**

Hatton  
Derby  
DE65 5DT

**BY HAND**

Dear

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 187A  
BREACH OF CONDITION NOTICE  
LAND OR PREMISES AT Land to the South West of 105 Scropton Road, Hatton,  
Derby, DE65 5DT**

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: , Hatton, Derby, DE65 5DT

Gill Hague  
Head of Planning Services

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

**Please ask for: Gaynor Richards**

Tel: (01283) 595750  
Fax: (01283) 595850  
Minicom: (01283) 595849  
DX 23912 Swadlincote  
E-mail: gaynor.richards@south-  
derbys.gov.uk

Our Ref: E/2008/00116

Date: 21 May 2009

**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: \_\_\_\_\_, Hatton, Derby, DE65 5DT

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 Land to the South West of 105 Scropton Road, Hatton, Derby, DE65 5DT 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 26 November 1997 for 'The erection of a detached building for fodder and machinery storage on land to the south west of 105 Scropton Road, Hatton, under Planning Permission Number 9/0997/0542/F.'

4. **The breach of condition**

The following condition has not been complied with:

'(1) The building hereby permitted shall be used only for the purposes stated on the application form and for no other purpose without the prior written approval of the Local Planning Authority.

Reason for Condition:

(1) In order to ensure that the building is not used for commercial purposes in a manner detrimental to the amenity of adjacent dwellings.'

in that the building is being used for business purposes for the fabrication of air conditioning ducting, which is classified as a B2 general industrial process for the purposes of the Town and Country Planning (Use Classes) Order 1987 (as amended).

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 cease the use of the Land for business purposes.

and

(1) Permanently remove all machinery and materials associated with a business use of the Land.

(2) Permanently remove all machinery and materials associated with the B2 industrial process of fabricating air conditioning ducting from the Land.

**6. Time for compliance**

180 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: 22 May 2009

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  
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.

# Land South West of 105 Scropton Rd

