



South
Derbyshire
District Council

Gill Hague
Head of Planning Services

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

Please ask for
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Date: 28 January 2009

Our ref: E/2008/00157

BY HAND

Dear

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 172
ENFORCEMENT NOTICE – CHANGE OF USE
LAND OR PREMISES AT Land Adjacent to Heath House, Linton Heath, 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.

Unless an appeal is made to the Secretary of State, as described below, the notice will take effect on **2 March 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 information sheet. Then you or your agent should obtain and 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. There is also a copy of the appeal form for you to complete and retain for your future reference.

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

Senior Enforcement Officer
Development Control

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: 28 January 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 adjacent Heath House, Linton Heath, 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 agricultural land purposes to a business use for a scaffold business with associated storage of scaffold planks, scaffold poles and scaffold fittings 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 site lies outside the village development boundary for Linton and in an area where National and Local Policies seek to protect the countryside from unwarranted development and to ensure any development permitted in the countryside is necessary in such a location.
- (3) The industrial storage of scaffold planks, poles and fittings creates a visual intrusion in this countryside location that is not linked to agricultural or wholly necessary in this location. The use is not unavoidable in the countryside and is therefore contrary to Environment Policy 1 and Employment Policies 4 & 5 of the Local Plan adopted May 1998; PPG 4 and PPG 18.
- (4) 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 scaffold business use and permanently remove all the scaffold planks, scaffold poles and scaffold fittings from the land.

6. Time for compliance

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

7. When this notice takes effect

