

# Development Management

## Central Bedfordshire Council

Priory House, Monks Walk  
Chicksands, Shefford  
Bedfordshire SG17 5TQ  
www.centralbedfordshire.gov.uk



### ENFORCEMENT NOTICE

CB/ENC/16/0001

### TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED BY THE PLANNING AND COMPENSATION ACT 1991)

### IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

**ISSUED BY: CENTRAL BEDFORDSHIRE COUNCIL ('The Council')**

1. **THIS NOTICE** is issued by the Council because it appears to the Council that there has been a breach of planning control, under Section 171A(1)(a) of the above Act, at the land described below. The Council 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 Explanatory Notes at the end of the notice contain important additional information.
2. **THE LAND TO WHICH THE NOTICE RELATES**  
  
Land and Buildings at the Rear of, 2 Wrestlingworth Road, Pottton, Sandy, SG19 2DP shown shaded and edged blue on the attached plan ('the land')
3. **THE MATTERS WHICH APPEAR TO CONSTITUTE THE BREACH OF PLANNING CONTROL**  
  
Without planning permission, the material change of use of the Land from agricultural use to a use for the storage of materials, equipment and machinery associated with the unauthorised demolition business.
4. **REASONS FOR ISSUING THIS NOTICE**
  - (a) It appears to the Council that the above breach of planning control has occurred within the last ten years.
  - (b) The visual change of use of the Land is considered to have a harmful impact on the open countryside. The use is therefore contrary to Policies DM3 (High quality development), DM4 (Development within and beyond settlement envelopes) of the Core Strategy and Development Management Policies 2009. It is also considered contrary to policies contained within the National Planning Policy Framework 2012(NPPF) particularly paragraphs 109, 116, 117 and 118 (Conserving and enhancing the natural environment)

- (c) The Council does not consider that planning permission should be granted because planning conditions could not overcome these objections to the use.

**5. WHAT YOU ARE REQUIRED TO DO**

- i) Cease the use of the Land for the storage of materials, equipment and machinery associated with the unauthorised demolition business
- ii) Remove the materials, equipment and machinery associated with the unauthorised demolition business from the Land.

**6. TIME FOR COMPLIANCE**

- i) One month from the date when this notice takes effect.
- ii) One month from the date when this notice takes effect.

**7. WHEN THIS NOTICE TAKES EFFECT**

The Notice takes effect on 01 July 2016, unless an appeal is made against it beforehand.

**Dated:**                      **01 June 2016**

**Signed:**



Quentin Baker

**AD Legal and Democratic Services**

On behalf of Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford, Bedfordshire, SG17 5TQ

## **ENFORCEMENT NOTICE - EXPLANATORY NOTES**

### **YOUR RIGHT OF APPEAL**

There is a right of appeal to the Secretary of State (at the Planning Inspectorate) against the Notice. Unless an appeal is made, as described below, the Notice will take effect on the 1st July 2016 and you must then ensure that the required steps, for which you may be held responsible, are taken within the period specified in the Notice.

If you decide that you want to appeal against the Notice you must ensure that you send your appeal soon enough so that it will be delivered by post/electronic transmission to the Secretary of State (at the Planning Inspectorate) before the date specified in paragraph 7 of the Notice, which is 1st July 2016.

The enclosed Planning Inspectorate note gives guidance on how to make an enforcement appeal. A booklet titled 'Making your appeal - How to complete your enforcement appeal form' can be downloaded from the Planning Inspectorate website, or a copy can be requested from the Planning Inspectorate.

Please note that a separate appeal form must be completed for each individual person or organisation.

### **GROUND OF APPEAL**

The grounds on which an appeal may be brought are set out in Section 174 of the Town and Country Planning Act 1990 (as amended), and are explained in the aforementioned booklet 'Making your appeal - How to complete your enforcement appeal form' which can be obtained from the Planning Inspectorate.

You may appeal on one or more of the following grounds:

- (a) that, in respect of any breach of planning control which may be constituted by the matters stated in the notice, planning permission ought to be granted or, as the case may be, the condition or limitation concerned ought to be discharged;
- (b) that those matters have not occurred;
- (c) that those matters (if they occurred) do not constitute a breach of planning control;
- (d) that, at the date when the notice was issued, no enforcement action could be taken in respect of any breach of planning control which may be constituted by those matters;
- (e) that copies of the enforcement notice were not served as required by section 172;
- (f) that the steps required by the notice to be taken, or the activities required by the notice to cease, exceed what is necessary to remedy any breach of planning control which may be constituted by those matters or, as the case may be, to remedy any injury to amenity which has been caused by any such breach;
- (g) that any period specified in the notice in accordance with section 173(9) falls short of what should reasonably be allowed.

If you decide to appeal, you should state in writing the ground(s) on which you are appealing against the Notice, and you should state briefly the facts on which you intend to rely in support of each of those grounds. If you do not do this when you make your appeal the Secretary of State will send you a notice requiring you to do so within 14 days.

### **FEE PAYABLE FOR DEEMED APPLICATION FOR PLANNING PERMISSION**

If you appeal on ground (a) that planning permission ought to be granted for the development to which the notice relates, a fee is payable for the deemed application by the appellant under the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012.

The fee is payable to the Council who issued this notice. It is twice the equivalent fee you would have had to pay to the Council if you had applied for planning permission for the matters to which the enforcement notice relates.

The appropriate planning fee for the development alleged in this notice is £770. A cheque for the sum of £770 shall be made payable to "Central Bedfordshire Council" and this cheque should be posted together with one copy of the appeal form to Planning Enforcement and Appeals, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford, Beds, SG17 5TQ.

### **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 the 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 periods specified in paragraph 6 of the notice. Failure to comply with an enforcement notice which has taken effect can result in prosecution and/or remedial action by the Council.



# The Planning Inspectorate

CST Room 3/13  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol BS1 6PN

Direct Line 0303 - 444 - 5000

Fax No 0117 - 372 - 8782

## THIS IS IMPORTANT

If you want to appeal against this enforcement notice you can do it:-

- on-line at the Planning Casework Service area of the Planning Portal ([www.planningportal.gov.uk/pcs](http://www.planningportal.gov.uk/pcs)); or
- by getting enforcement appeal forms by phoning us on 0303 444 5000 or by emailing us at [enquiries@pins.gsi.gov.uk](mailto:enquiries@pins.gsi.gov.uk)

**You MUST make sure that we receive your appeal before the effective date on the enforcement notice.**

In exception circumstances you may give notice of appeal by fax or letter. You should include:-

- the name of the local planning authority;
- the site address;
- your address' and
- the effective date of the enforcement notice.

We MUST receive this before the effective date in the enforcement notice. This should **immediately** be followed by your completed appeal forms.