

# **IMPORTANT: THIS COMMUNICATION AFFECTS YOUR PROPERTY**

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

## **ENFORCEMENT NOTICE – OPERATIONAL DEVELOPMENT**

**Issued to:**

**Issued by:** East Staffordshire Borough Council, The Maltsters, Wetmore Road, Burton upon Trent, Staffordshire DE14 1LS

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 contains important additional information.

2. **The land to which this notice relates**

The land known as land lying north of Meadow Lane, Yoxall, Burton upon Trent, Staffordshire DE13 8FJ shown edged in red on the attached plan ("the Land").

3. **The matters which appear to constitute the breach of planning control**

Without planning permission, the siting of a static caravan and a horse box unit on the Land.

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 four years.
- (2) The unauthorised development sits outside settlement boundaries. The development is not essential to rural business, or provide an accessible public facility, it is not an appropriate re-use of rural buildings or development otherwise appropriate in the open countryside. Policy H2 from the Yoxall Neighbourhood Plan states that development proposals outside the settlement boundary must preserve the character or appearance of the area. The siting of a static caravan in this location does not benefit from falling into any of the specified criteria under Policy SP8 for appropriate countryside development and therefore the principle of development is unacceptable. Owing to its size, scale, appearance and degree of permanence it is considered that the caravan harms the character of open countryside and fails to respect the rural locality. The development does not therefore provide any significant benefits to the appearance or character of open countryside and the identified harm upon the area is added to the inappropriateness of the scheme as a result of the principle being unacceptable. Accordingly, it is considered

that the proposal would constitute an unnecessary and unsustainable form of development in the countryside contrary to Policy SP8 of the East Staffordshire Local Plan and Policy H2 from the Yoxall Neighbourhood Plan and nor would it constitute sustainable development as promoted by the National Planning Policy Framework 2018. East Staffordshire Local Plan Policy SP1 lists principles for assessing development. This includes whether the proposal can be developed without incurring unacceptable flood risk. Paragraph 155 from the NPPF 2018 states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk.

A lightweight caravan structure which is capable of accommodating people overnight falls into a flood risk vulnerability category that is inappropriate in the functional floodplain area of the Flood Zone in which the site is located. The development would therefore put people at risk during a flooding event and a static caravan at the site would be unacceptable from a flood risk point of view. Accordingly, the proposal conflicts with East Staffordshire Local Plan Policy SP1 and the National Planning Policy Framework 2018.

- (3) The siting of the caravan and horse box unit is contrary to East Staffordshire Local Plan specifically SP1 and SP8. It is also contrary to NPPF 2018 paragraph 155.
- (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) Remove the horse box style unit from the Land.
- (2) Remove the static caravan from the Land.

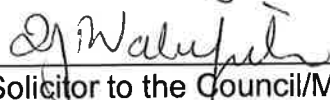
**6. Time for compliance**

- (1) 30 days beginning with the day on which this notice takes effect.
- (2) 30 days beginning with the day on which this notice takes effect.

**7. When this notice takes effect**

This notice takes effect on 09/02/2019 unless an appeal is made against it beforehand.

Dated: 9<sup>th</sup> January 2019

Signed:   
Solicitor to the Council/Monitoring Officer  
(the Council's authorised officer)

on behalf of: East Staffordshire Borough Council, The Maltsters, Wetmore Road, Burton upon Trent, Staffordshire DE14 1LS

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)

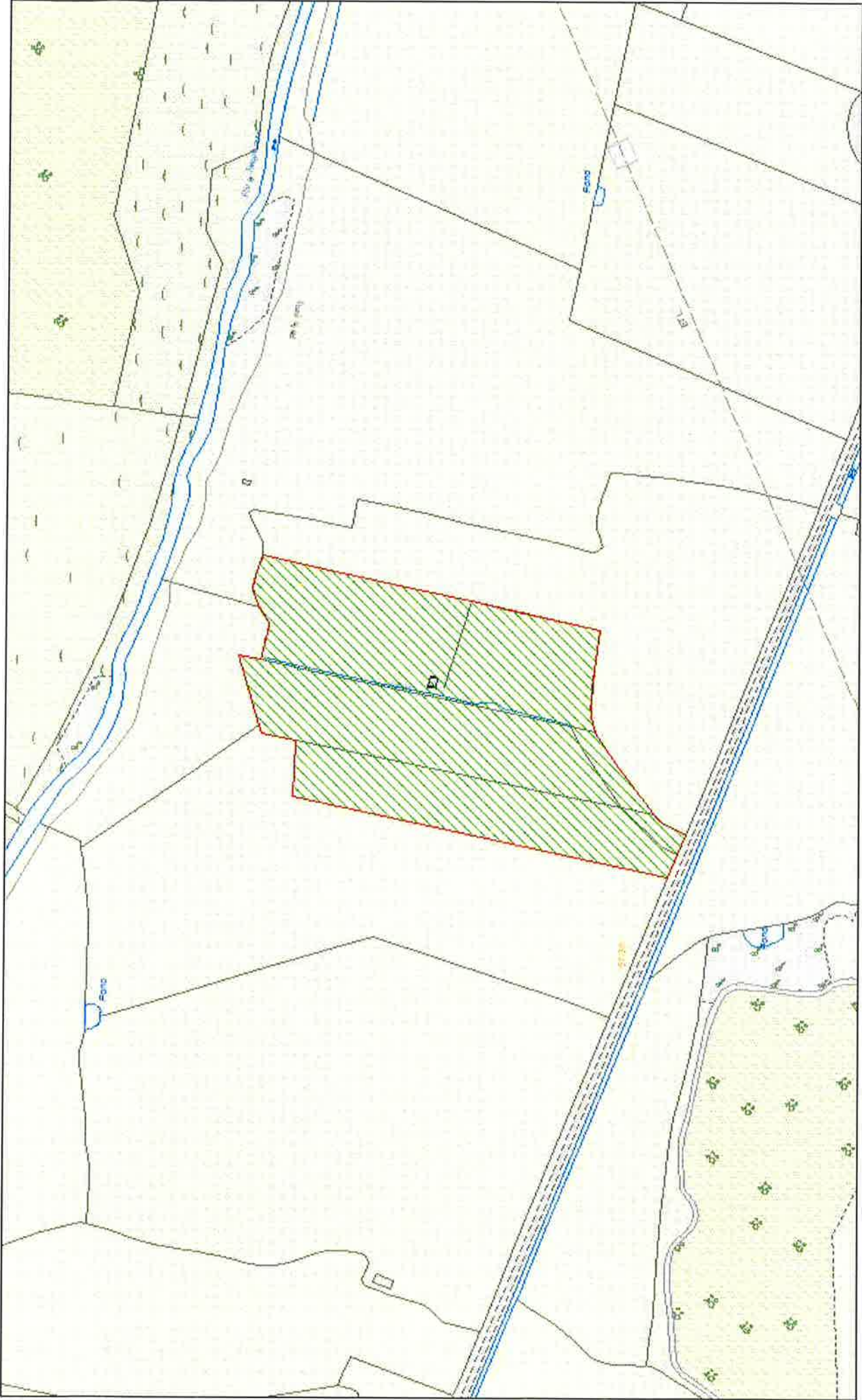
**You MUST make sure that we receive your appeal before the effective date on the enforcement notice.**

In exceptional 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 on the enforcement notice. This should **immediately** be followed by your completed appeal forms.





Land lying North of Meadow Lane, Yoxall, Burton upon Trent, Staffordshire DE13 8FJ

Ref. ENF/2017/00132

Planning Services  
Scale: 1:2500  
Date: 9 January 2019



