



**Thomas Deery BA (Hons), MSc
Head of Regeneration and Development**

Date: 07 November 2023

Direct Line: 01283 508782
Email: david.ward@eaststaffsbc.gov.uk
Reply to: D. Ward
Our ref: ENF/2023/00104
(please quote this reference on all correspondence with us)

Khalid Hussain

Dear Sir,

**Planning (Listed Building and Conservation Areas) Act 1990 – Section 38-46
Listed Building Enforcement Notice**

**In relation to 127, Horninglow Street, Burton upon Trent, Staffordshire DE14
1PJ**

I enclose, by way of service, a Listed Building Enforcement 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.

The Notice comes into effect on the **8th December 2023**. 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

DWard

Senior Planning Enforcement Consultant

IMPORTANT: THIS COMMUNICATION AFFECTS YOUR PROPERTY

PLANNING (LISTED BUILDING AND CONSERVATION AREAS) ACT 1990

(as amended by the Planning and Compensation Act 1991)

LISTED BUILDING ENFORCEMENT NOTICE – UNAUTHORISED WORKS

Issued to: Khalid Hussain of

Issued by: East Staffordshire Borough Council, The Town Hall, King Edward Place, Burton upon Trent E14 2EB (“the Council”)

1. **This is a formal notice** which is issued by the Council, because it appears to it that works have been executed to the listed building referred to in paragraph 2 below. Those works are such as to involve a contravention of section 9(1) or (2) of the above Act. It considers that it is expedient to issue this notice, having regard to the effect of the said works on the character of the said building as one of special architectural or historic interest. The Annex at the end of this Notice contains important information relating to the appeal process.

2. The building to which this notice relates:

The building known as **127 Horninglow Street, Burton upon Trent, Staffordshire DE14 1PJ** shown edged in red on the attached plan (“the Building”) which is included within a list of buildings of special architectural or historic interest compiled, or approved, under section 1 of the said Act in respect of which a Building Preservation Notice is in force under section 3 of the said Act.

3. The matters which appear to constitute the breach of listed building control:

Unauthorised painting of the external brickwork of the building without listed building consent.

4. Reasons for issuing the notice:

The works undertaken have resulted in unjustified harm to the character of the listed building as one of special architectural/historic interest. The works have been undertaken without the benefit of Listed Building Consent and are in conflict with the following policies;
East Staffordshire Local Plan Policies SP25, DP5
National Planning Policy Framework Paragraphs 189 and 193-196, 199 and 200
Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990
Formal enforcement action is required to conserve and enhance the character of the Building in accordance with the National Planning Policy Framework (March 2012).

5. What you are required to do

The Council requires you to take the steps specified below for the purposes of restoring the building to its former state, alleviating the effect of the works carried out without listed building consent and bringing the building to the state in which it would have been if the terms and conditions of any listed building consent which had been granted for the works had been complied with:

Step 1.

Submit details of a method of the complete removal of the unauthorised black paint on the exterior walls. Such details to include the details of the paint that was used and how it is to be removed without damaging the bricks and mortar for approval by the Council.

Step 2.

Remove the unauthorised paint in compliance with the method of removal when approved in writing by the Council.

6. Time for compliance

Step 1-Within 28 days beginning with the day on which this notice takes effect.

Step 2- Within 30 days from the day the method of removal of the paint is approved, in writing, by the Council

7. When this notice takes effect

This notice takes effect on 8th December 2023 unless an appeal is made against it beforehand.

Dated: 7th November 2023

Signed:

Council Solicitor
(the Council's authorised officer)

on behalf of: East Staffordshire Borough Council, The Town Hall, King Edward Place, Burton upon Trent E14 2EB ("the Council")



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); or
- By getting enforcement appeal forms by phoning us on 0303 444 5000 or by emailing us at 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.



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ANNEX

EAST STAFFORDSHIRE BOROUGH COUNCIL has issued a Listed Building Enforcement Notice relating to the **Land at 127, Horninglow Street, Burton upon Trent Staffordshire DE14 1PJ** shown edged red on the attached Plan and you are served with a copy of that Notice as you have an interest in the Land.

Copies of the Notice have also been served on the parties listed at the end of this Annex.

YOUR RIGHT OF APPEAL You can appeal against this Enforcement Notice, but any appeal must be received by the Planning Inspectorate (or be posted or electronically communicated at such time that, in the ordinary course of post or transmission, it would be received by the Planning Inspectorate) before the date specified in paragraph 7 of the Notice. The enclosed information sheet published by the Planning Inspectorate gives details of how to make an appeal.

GROUND OF APPEAL The grounds of appeal are set out in Section 39 Planning (Listed Building and Conservation Areas) Act 1990. You may appeal on one or more of the following grounds 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 (ground a).
- Those matters have not occurred (ground b).
- Those matters (if they have occurred) do not constitute a breach of planning control (ground c).
- 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 (ground d).
- Copies of the Listed Building Enforcement Notice were not served as required by Section 38-46 of the Planning (Listed building and Conservation Areas) Act 1990 (ground e).
- 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 such breach (ground f).
- Any period specified in the notice in accordance with section 38-46 of the Planning (Listed building and Conservation Areas) Act 1990(173(9)) falls short of what should reasonably be allowed (ground g).

Not all of these grounds may be relevant to you.

Listed Building Consent APPLICATION FEE If you wish to appeal on ground a of section 38-46 of the Planning (Listed building and Conservation Areas) Act 1990 this is the equivalent of applying for planning permission for the development alleged in the notice and you will have to pay a fee of £0. You should pay the fee to EAST STAFFORDSHIRE BOROUGH COUNCIL. If the fee is not paid then that ground of appeal will not be valid.

STATEMENT ON GROUNDS OF APPEAL

If you decide to appeal, you should state in writing the ground(s) on which you are appealing against the Listed Building Enforcement 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.

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 period specified in paragraph 6 of the Notice. Failure to comply with a Listed Building Enforcement Notice which has taken effect can result in prosecution and/or remedial action by the Council.

RECIPIENTS OF THE ENFORCEMENT NOTICE: The names and addresses of all persons who were served with the Notice:

Babul Haji Ali

Khalid Hussain