

**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 (“the Council”)

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 “E-Munchies”, 143 Branston Road, Burton upon Trent, Staffordshire, DE14 3DQ, shown edged in red on the attached plan (“the Land”).

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

The installation of an exterior extractor flue 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 four years.
- (2) The Local Planning Authority has no information concerning any adverse effects which the extractor flue may have on the amenities of neighbours due to the lack of an acceptable noise assessment being submitted to the Local Planning Authority for consideration
- (3) The development is contrary to:
  - (a) the East Staffordshire Local Plan Saved Policy BE1 in relation to noise and the amenity of neighbouring properties;
  - (b) East Staffordshire Pre-submission Local Plan Policy DP7 which relates to noise pollution and
  - (c) the National Planning Policy Framework (particularly Section 11 paragraph 123) which relates to nuisance by noise.
- (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 extractor flue from point 'A' to point 'B' shown on the attached photograph marked 'DSW1'.
- (2) Remove the extractor flue from point 'B' to point 'C' shown on the attached photograph marked 'DSW2'.
- (3) Remove all resultant material from the Land to an authorised disposal site.

**6. Time for compliance**

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

**7. When this notice takes effect**

This notice takes effect on 7th December 2014 unless an appeal is made against it beforehand.

Dated: 4/11/2014

Signed:

  
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Legal Services Manager (Solicitor)  
(the Council's authorised officer)

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

# Annex

## YOUR RIGHT OF APPEAL

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 the Planning Inspectorate on 0303 444 5000 or by emailing them at [enquiries@pins.gsi.gov.uk](mailto:enquiries@pins.gsi.gov.uk)

You must make sure that they 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:-

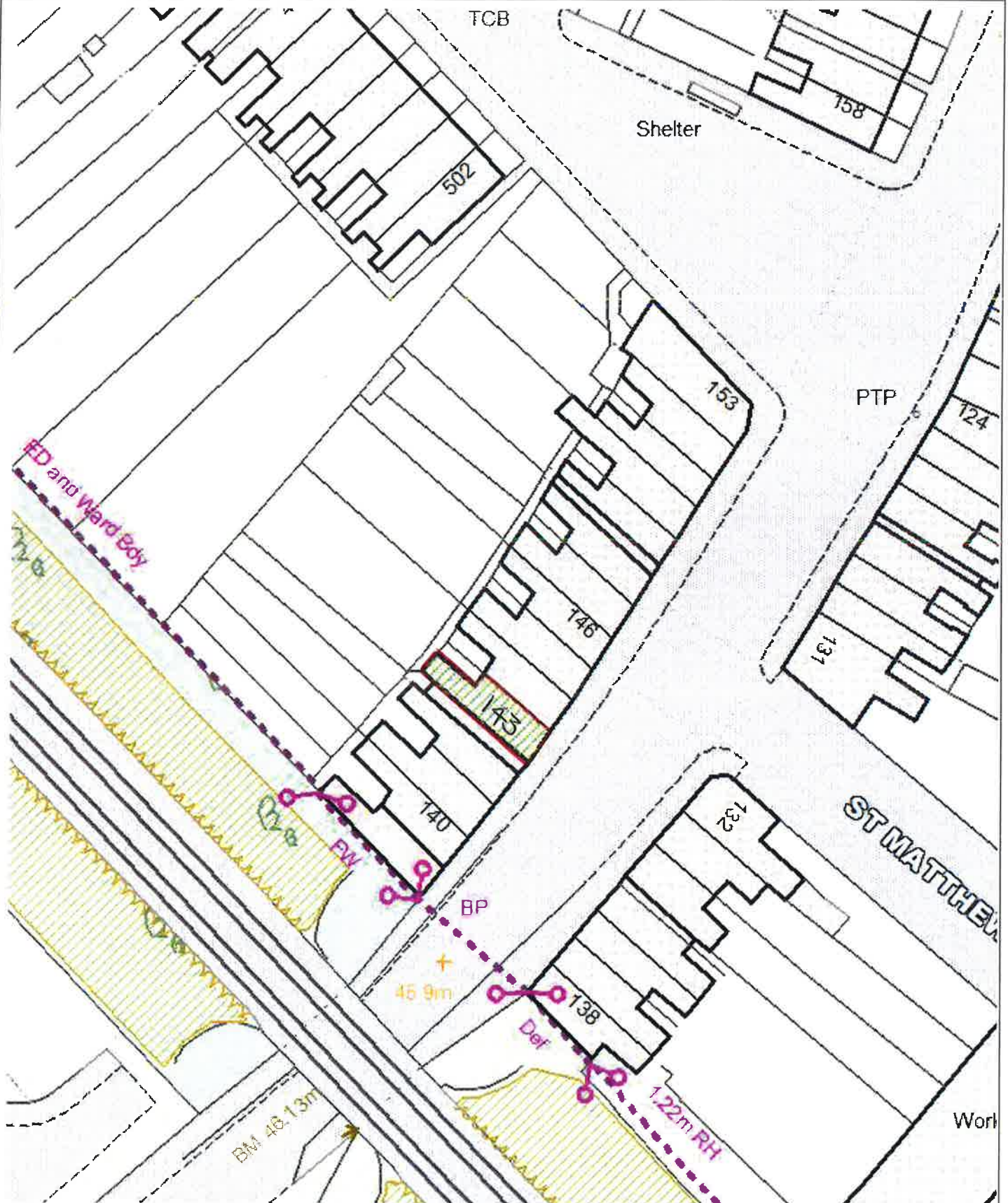
- The name of the local planning authority
- The site address
- Your address
- The effective date of the enforcement notice

The Planning Inspectorate must receive this before the effective date on the enforcement notice. This should immediately be followed by your completed appeal forms.

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









'DSW 1'



'DSW 2'



