

## The Planning Inspectorate

### ENFORCEMENT NOTICE APPEAL FORM (Online Version)

**WARNING:** The appeal must be received by the Inspectorate before the effective date of the local planning authority's enforcement notice.

**Appeal Reference: APP/C3430/C/23/3324336**

#### A. APPELLANT DETAILS

Name	Mr Clive Evans
Company/Group Name	Maximum projects LTD
Address	Leighton View Cottage Chillington Lane Codsall WOLVERHAMPTON WV8 1QF
Phone number	
Email	
Preferred contact method	Email <input checked="" type="checkbox"/> Post <input type="checkbox"/>

#### A(i). ADDITIONAL APPELLANTS

Do you want to use this form to submit appeals by more than one person (e.g. Mr and Mrs Smith), with the same address, against the same Enforcement notice? Yes  No

#### B. AGENT DETAILS

Do you have an Agent acting on your behalf? Yes  No

#### C. LOCAL PLANNING AUTHORITY (LPA) DETAILS

Name of the Local Planning Authority	South Staffordshire District Council
Date of issue of enforcement notice	19/05/2023
Effective date of enforcement notice	20/06/2023

#### D. APPEAL SITE ADDRESS

Is the address of the affected land the same as the appellant's address? Yes  No

Leighton View Cottage Chillington Lane  
Codsall  
WOLVERHAMPTON  
WV8 1QF

Are there any health and safety issues at, or near, the site which the Inspector would need to take into account when visiting the site? Yes  No

What is your/the appellant's interest in the land/building?

Owner

Tenant

Mortgagee

None of the above

### E. GROUNDS AND FACTS

Do you intend to submit a planning obligation (a section 106 agreement or a unilateral undertaking) with this appeal? Yes  No

(a) That planning permission should be granted for what is alleged in the notice.

(b) That the breach of control alleged in the enforcement notice has not occurred as a matter of fact.

(c) That there has not been a breach of planning control (for example because permission has already been granted, or it is "permitted development").

(d) That, at the time the enforcement notice was issued, it was too late to take enforcement action against the matters stated in the notice.

The facts are set out in

see '[Appeal Documents](#)' section

(e) The notice was not properly served on everyone with an interest in the land.

(f) The steps required to comply with the requirements of the notice are excessive, and lesser steps would overcome the objections.

(g) The time given to comply with the notice is too short. Please state what you consider to be a reasonable compliance period, and why.

### F. CHOICE OF PROCEDURE

There are three different procedures that the appeal could follow. Please select one.

1. Written Representations

(a) Could the Inspector see the relevant parts of the appeal site sufficiently to judge the proposal from public land? Yes  No

(b) Is it essential for the Inspector to enter the site to check measurements or other relevant facts? Yes  No

Please explain.

it is not possible to observe the alleged breach from public land and the inspector must enter site to observe this.

2. Hearing

### 3. Inquiry

### G. FEE FOR THE DEEMED PLANNING APPLICATION

1. Has the appellant applied for planning permission and paid the appropriate fee for the same development as in the enforcement notice? Yes  No
2. Are there any planning reasons why a fee should not be paid for this appeal? Yes  No
- the box below  
 [see 'Appeal Documents' section](#)

### H. OTHER APPEALS

- Have you sent other appeals for this or nearby sites to us which have not yet been decided? Yes  No

### I. SUPPORTING DOCUMENTS

01. Enforcement Notice:  
 [see 'Appeal Documents' section](#)

### J. CHECK SIGN AND DATE

I confirm that all sections have been fully completed and that the details are correct to the best of my knowledge.

I confirm that I will send a copy of this appeal form and supporting documents (including the full grounds of appeal) to the LPA today.

**Signature**

Mr Clive Evans

**Date**

18/06/2023 18:02:19

**Name**

Mr Clive Evans

The gathering and subsequent processing of the personal data supplied by you in this form, is in accordance with the terms of our registration under the Data Protection Act 2018.

The Planning Inspectorate takes its data protection responsibilities for the information you provide us with very seriously. To find out more about how we use and manage your personal data, please go to our [privacy notice](#).

### K. NOW SEND

#### Send a copy to the LPA

Send a copy of the completed appeal form and any supporting documents (including the full grounds of the appeal) to the LPA.

To do this by email:

- open and save a copy of your appeal form
- locating your local planning authority's email address:  
<https://www.gov.uk/government/publications/sending-a-copy-of-the-appeal-form-to-the-council>
- attaching the saved appeal form including any supporting documents

To send them by post, send them to the address from which the enforcement notice was sent (or to the address shown on any letters received from the LPA).

When we receive your appeal form, we will write to you letting you know if your appeal is valid, who is dealing with it and what happens next.

**You may wish to keep a copy of the completed form for your records.**

## L. APPEAL DOCUMENTS

We will not be able to validate the appeal until all the necessary supporting documents are received.

Please remember that all supporting documentation needs to be received by us within the appropriate deadline for the case type. If forwarding the documents by email, please send to **appeals@planninginspectorate.gov.uk**. If posting, please enclose the section of the form that lists the supporting documents and send it to Initial Appeals, Temple Quay House, 2 The Square, Temple Quay, BRISTOL, BS1 6PN.

**You will not be sent any further reminders.**

Please ensure that anything you do send by post or email is clearly marked with the reference number.

### The documents listed below were uploaded with this form:

<b>Relates to Section:</b>	GROUNDS AND FACTS
<b>Document Description:</b>	Facts to support that, at the time the enforcement notice was issued, it was too late to take enforcement action against the matters stated in the notice.
<b>File name:</b>	LETTER 1.docx
<b>File name:</b>	Mark Bray response.pdf
<b>File name:</b>	C1 C2 C3 C4 2.pdf
<b>File name:</b>	H1 H2 H3.pdf
<b>File name:</b>	LETTER 2.docx
<b>File name:</b>	A4 A5 PDF.pdf
<b>File name:</b>	Ariel PDF.pdf
<b>File name:</b>	A6 A7 A8 PDF.pdf
<b>File name:</b>	F1 F2.pdf
<b>File name:</b>	F2 F3.pdf
<b>File name:</b>	A1 A2 A3 PDF.pdf
<b>File name:</b>	LETTER 3.docx
<b>File name:</b>	2002 PDF.pdf
<b>File name:</b>	B3 B4 B5 PDF.pdf
<b>File name:</b>	B18 B19 B20 PDF.pdf
<b>File name:</b>	B6 B7 B8 PDF.pdf
<b>File name:</b>	B12 B13 B14 PDF.pdf
<b>File name:</b>	B9 B10 B11 PDF.pdf
<b>File name:</b>	B21 B22 B23 PDF.pdf
<b>File name:</b>	B15 B16 B17 PDF.pdf
<b>File name:</b>	PLAN 1.pdf
<b>File name:</b>	P1 P2 P3 PDF.pdf
<b>File name:</b>	Letter 4 Word.docx
<b>File name:</b>	Summary.docx
<b>File name:</b>	Email trail.docx
<b>Relates to Section:</b>	FEE FOR THE DEEMED PLANNING APPLICATION
<b>Document Description:</b>	Any planning reasons why a fee should not be paid for this appeal.
<b>File name:</b>	F1 F2.pdf
<b>Relates to Section:</b>	SUPPORTING DOCUMENTS
<b>Document Description:</b>	01. The Enforcement Notice.
<b>File name:</b>	Enforcement notice.pdf

**Completed by** MR CLIVE EVANS

**Date** 18/06/2023 18:02:19

# **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 & Operational Development**

**ISSUED BY:** South Staffordshire District Council

1. **THIS NOTICE** is issued by the Council because it appears to them 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. They consider 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 the notice and the enclosures to which it refers contain important additional information.

#### **2. THE LAND TO WHICH THIS NOTICE RELATES**

Land at Leighton Pools, Chillington Lane, Codsall Wood, WV8 1QF outlined in red on the plan ("the Plan") attached to this notice ("the Land").

#### **3. THE MATTERS WHICH APPEAR TO CONSTITUTE THE BREACH OF PLANNING CONTROL**

1. Without planning permission, the unauthorised material change of use of land to storage purposes in the approximate position shaded blue on the Plan and shown edged blue on the aerial image at Appendix 1.
2. Without planning permission unauthorised development consisting of:
  - a. the erection of four storage buildings, in the approximate position shaded green on the Plan and identified as buildings 1 to 4 on the photographs at Appendix 2, and the erection of a wooden building and associated development including, but not exclusively, hardstanding, paving flags and walls, in the approximate position shaded pink on the Plan.
  - b. the erection of a wooden building and associated development including, but not exclusively, hardstanding, paving flags and walls, in the approximate position shaded pink on the Plan.

#### **4. REASONS FOR ISSUING THIS NOTICE**

It appears to the Council that the material change of use has occurred within the last ten years and the unauthorised development has occurred within the last four years therefore, the unauthorised development subject of this notice is not immune from enforcement action.

The Land consists of large mixed-use site for a mixture of agricultural use, a number of sizeable fishing ponds in use as a pay to fish enterprise, a static caravan holiday park and residential use. Entry to the site is via Chillington Lane. As you enter the site there are a

number of former agricultural buildings sited north of the entrance and these are surrounded by agricultural fields to the north and west. The Land is within the Green Belt and the fishing ponds are set within a biodiversity alert site.

The agricultural buildings are no longer within agricultural use having been occupied by a number of businesses over the last ten years with the area of hardstanding in front of them used for storage purposes. The unauthorised buildings shown 1 to 4 on Appendix 2 are set within the hard standing area, with building 2 sited on an extended area of land subject of the material change of use. This extended piece of land extends into the field to the north and has been laid with hardstanding to join the existing hardstanding and used to store wood and pallets in connection with the owners business. An aerial image showing this extended piece of land is edged blue at Appendix 1.

Whilst the Council acknowledges that the existing area of hardstanding where buildings 1 to 4 are situated have been used without planning permission for storage purposes for a number of years, together with buildings and permanently sited container units, new buildings have appeared to join these existing buildings and sited containers, to which this notice relates. The site appears cramped and disorganised with building numbers 2, 3 and 4 having been put together with what appears to be spare pieces of wood and mismatched doors and have, overall, been finished to a very poor standard. The resultant appearance is that of a crudely constructed small scale industrial site of very poor quality and wholly inappropriate.

The poor appearance of the site has been exacerbated by its extension into agricultural land to the north of the existing hardstanding where building number 2 is sited. The use of this extended piece of land for building number 2 and for the storage of wood and wooden pallets that are piled high affects the openness of the Green Belt and represents form of encroachment into the Green Belt. The height and scale of building number 1 similarly affects the openness of the Green Belt and results in development where previously there was none and is not sympathetic to its landscape setting.

As such the unauthorised material change of use of the Land and unauthorised buildings numbered 1 to 4 are contrary to paragraphs 130, 137, 138, 147, 148 and 150 of the NPPF and policies GB1, EQ4, and EQ11 of the South Staffordshire Core Strategy Development Plan Adopted 2012.

The holiday lodge shown in the position shaded pink on the Plan consists of what appears to be a number of single storey wooden modular buildings joined together, fenced off to form a garden area with hardstanding and paving slabs with a small wall and steps leading down to the entrance to the lodge and a small jetty leading out onto the pond which is set within a biodiversity alert area. The single storey wooden modular buildings and fenced off garden area cover a significant sized area of land at the western edge of the pond and now impedes access around the pond. Although only of a single storey it has a significant effect on the openness of the Green Belt, blocking the views of the landscape from all directions and is alien to the local character and distinctiveness of its setting. No consideration or assessment has been given to any effect that the erection of the holiday lodge has on the biodiversity of the adjacent pond and its presence neither contributes to nor enhances the local environment. As such the holiday lodge is contrary to paragraphs 130, 137, 138, 147, 148,

150, 174, 179 of the NPPF and policies GB1, EQ1, EQ4, and EQ11 of the South Staffordshire Core Strategy Development Plan Adopted 2012.

The Council consider that planning permission should not be given, because planning conditions could not overcome these objections to the development.

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

### **You Must**

- i) Cease the use of the Land in the approximate position shaded blue on the Plan and outlined in blue on the image at Appendix 1 for storage purposes.
- ii) Remove all materials from the Land in the approximate position shaded blue on the Plan.
- iii) Remove the hardstanding located within the area shaded blue on the Plan from the Land.
- iv) Restore the land in the approximate position shaded blue on the Plan back to the condition it was in before the breach commenced.
- v) Demolish and remove the outbuildings located in the approximate position shaded green on the Plan and identified as buildings 1 to 4 at Appendix 2.
- vi) Remove all materials and debris resulting from compliance with v) above from the Land.
- vii) Demolish and remove the wooden building located in the approximate position shaded pink on the Plan and remove the surrounding hardstanding, paving flags and walls.
- viii) Remove all materials and debris resulting from compliance with vii) above from the Land.
- ix) Restore the Land in the approximate position shaded pink on the Plan back to the condition it was in before the development commenced.

## **6. TIME FOR COMPLIANCE**

The period for compliance with the steps set out in paragraph 5 is within three months from the date the notice takes effect.

## **7. WHEN THIS NOTICE TAKES EFFECT**

This Notice takes effect on 20<sup>th</sup> June 2023 unless an appeal is made against it beforehand.



Dated: 19<sup>th</sup> May 2023

Annette Roberts

Signed:

Annette Roberts

Corporate Director Infrastructure & Business Growth, South Staffordshire District Council, Council Offices,  
Wolverhampton Road, Codsall, South Staffordshire WV8 1PX

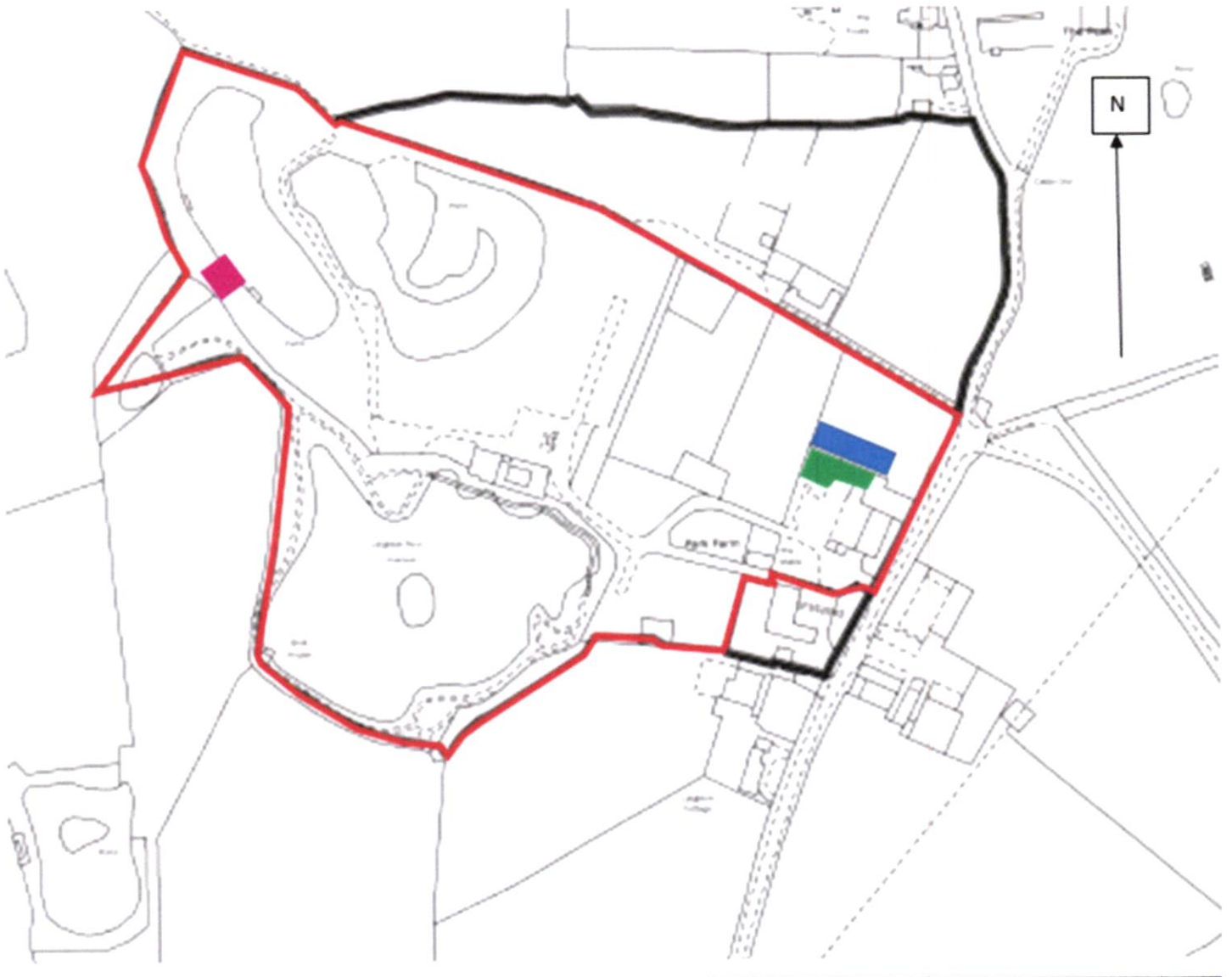
Nominated Officer:

Mark Bray, Planning Enforcement Team, South Staffordshire District Council, Council Offices, Wolverhampton  
Road, Codsall, South Staffordshire WV8 1PX

RED LINE PLAN TO ACCOMPANY ENFORCEMENT NOTICE

Land at Leighton Pools, Chillington Lane, Codsall Wood, WV8 1QF

Red Line Plan



APPENDIX 1



## APPENDIX 2

### Building 1



### Building 2



Buildings 3 & 4



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

### **Town and Country Planning Act 1990 (as amended)**

**Enforcement Notice relating to land and premises** Land at Leighton Pools, Chillington Lane, Codsall Wood, WV8 1QF.

This local planning authority, South Staffordshire Council, has issued an enforcement notice relating to the above land and you are served with a copy of that notice as you have an interest in the Land. Copies of the notice are also being served on the parties listed on the Notice who, it is understood, also have an interest in the Land.

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 20th June 2023 and you must ensure that the required steps, are taken within the period(s) specified in the notice.

**Please see the enclosed information sheet from The Planning Inspectorate which tells you how to make an appeal.**

If you decide that you want to appeal against the enforcement notice you must ensure that you send your appeal soon enough so that normally it will be delivered by post/electronic transmission to the Secretary of State (at The Planning Inspectorate) before 20th June 2023.

Under section 174 of the Town and Country Planning Act 1990 (as amended) 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.

Not all of these grounds may be relevant to you.

If you appeal under Ground (a) of Section 174(2) of the Town and Country Planning 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 £924.00. This amount is double the usual Planning Application fee. You should pay this fee to South Staffordshire Council (made payable to South Staffordshire Council). Joint appellants need only pay one set of fees. If you do not wish to proceed under Ground (a) then no fee is payable.

If you decide to appeal, when you submit your appeal, you should state in writing the ground(s) on which you are appealing against the 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.

A copy of the appeal form and a copy of the Enforcement Notice together with a cheque for £924.00 if appealing Ground a) made payable to South Staffordshire Council should be sent to the Council addressed to:-

Corporate Director Planning & Infrastructure  
South Staffordshire District Council  
Planning Department  
Council Offices  
Wolverhampton Road,  
Codsall,  
WV8 1PX

If you do not appeal against this enforcement notice, it will take effect on the 20th June 2023 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.

Planning Enforcement Contact Officer:

**Mark Bray**  
**Planning Enforcement Consultant**

**South Staffordshire District Council**  
**Planning Department**  
**Council Offices**  
**Wolverhampton Road**  
**Codsall,**  
**South Staffordshire,**  
**WV8 1PX**

**Tel: 01902 696900**

**E-mail: [m.bray@sstaffs.gov.uk](mailto:m.bray@sstaffs.gov.uk)**

**PERSONS SERVED WITH A COPY OF THIS ENFORCEMENT NOTICE**

1. CLIVE EVANS  
Leighton View Cottage  
Chillington Lane,  
Codsall Wood,  
South Staffordshire  
WV8 1QF
  
2. SUSAN ELIZABETH EVANS  
Park Farm,  
Chillington Lane,  
Codsall Wood,  
South Staffordshire  
WV8 1QF
  
3. LLOYDS BANK PLC  
Pendeford Securities Centre,  
Pendeford Business Park,  
Wobaston Road,  
Wolverhampton  
WV9 5HZ.
  
4. THE COMPANY SECRETARY  
B. D. C. ROOFING (EAST MIDLANDS) LTD  
Unit 2 Leighton Pools  
Chillington Lane,  
Codsall,  
Wolverhampton,  
WV8 1QF
  
5. THE COMPANY SECRETARY  
B. D. C. ROOFING (WEST MIDLANDS) LTD  
Unit 2 Leighton Pools  
Chillington Lane,  
Codsall,  
Wolverhampton,  
WV8 1QF



6. THE OCCUPIER  
Unit 1 Leighton Pools  
Chillington Lane,  
Codsall,  
Wolverhampton,  
WV8 1QF
  
7. THE OCCUPIER  
Unit 3 Leighton Pools  
Chillington Lane,  
Codsall,  
Wolverhampton,  
WV8 1QF
  
8. THE OCCUPIER  
Unit 4 Leighton Pools  
Chillington Lane,  
Codsall,  
Wolverhampton,  
WV8 1QF

# ANNEX

## YOUR RIGHT OF APPEAL.

You can appeal against this notice, but any appeal must be received, or posted in time to be received, by the Planning Inspectorate acting on behalf of the Secretary of State 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.

## 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[s] 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.

## Relevant Extracts from the Town & Country Planning Act 1990

[171A. — Expressions used in connection with enforcement.

- (1) For the purposes of this Act—
  - (a) Carrying out development without the required planning permission;
  - or,
  - (b) Failing to comply with any condition or limitation subject to which planning permission has been granted, constitutes a breach of planning control.
- (2) For the purposes of this Act—
  - (a) The issue of an enforcement notice (defined in section 172); or
  - (b) The service of a breach of condition notice (defined in section 187A), constitutes taking enforcement action.
- (3) In this Part “planning permission” includes permission under Part III of the 1947 Act, of the 1962 Act or of the 1971 Act.]<sup>1</sup>

### Notes

<sup>1</sup> Added by Planning and Compensation Act 1991 c. 34 Pt 1 s.4(1) (January 2, 1992 except as it relates to breach of condition notices and subject to transitional provision specified in SI 1991/2905; July 27, 1992 otherwise subject to transitional provisions in SI 1992/1630 art.3)

### Extent

Pt VII s. 171A(1)-(3): England, Wales

[171B. — Time limits.

- (1) Where there has been a breach of planning control consisting in the carrying out without planning permission of building, engineering, mining or other operations in, on, over or under land, no enforcement action may be taken after the end of the period of four years beginning with the date on which the operations were substantially completed.
- (2) Where there has been a breach of planning control consisting in the change of use of any building to use as a single dwelling house, no enforcement action may be taken after the end of the period of four years beginning with the date of the breach.
- (3) In the case of any other breach of planning control, no enforcement action may be taken after the end of the period of ten years beginning with the date of the breach.

(4) The preceding subsections do not prevent—

- (a) The service of a breach of condition notice in respect of any breach of planning control if an enforcement notice in respect of the breach is in effect; or
- (b) Taking further enforcement action in respect of any breach of planning control, if, during the period of four years ending with that action being taken, the local planning authority have taken or purported to take enforcement action in respect of that breach.”] <sup>1</sup>

Notes

<sup>1</sup> Added by Planning and Compensation Act 1991 c. 34 Pt 1 s.4(1) (January 2, 1992 except as it relates to breach of condition notices and subject to transitional provision specified in SI 1991/2905; July 27, 1992 otherwise subject to transitional provisions in SI 1992/1630 art.3)

Extent

Pt VII s. 171B: England, Wales

[171BA Time limits in cases involving concealment

- (1) Where it appears to the local planning authority that there may have been a breach of planning control in respect of any land in England, the authority may apply to a magistrates' court for an order under this subsection (a “planning enforcement order”) in relation to that apparent breach of planning control.
- (2) If a magistrates' court makes a planning enforcement order in relation to an apparent breach of planning control, the local planning authority may take enforcement action in respect of—
  - (a) The apparent breach, or
  - (b) Any of the matters constituting the apparent breach, at any time in the enforcement year.
- (3) “The enforcement year” for a planning enforcement order is the year that begins at the end of 22 days beginning with the day on which the court's decision to make the order is given, but this is subject to subsection (4).
- (4) If an application under section 111(1) of the Magistrates' Courts Act 1980 (statement of case for opinion of High Court) is made in respect of a planning enforcement order, the enforcement year for the order is the year beginning with the day on which the proceedings arising from that application are finally determined or withdrawn.
- (5) Subsection (2)—
  - (a) Applies whether or not the time limits under section 171B have expired, and
  - (b) Does not prevent the taking of enforcement action after the end of the enforcement year but within those time limits.] <sup>1</sup>

Notes

<sup>1</sup> Added by Localism Act 2011 c. 20 Pt 6 c.5 s.124(1) (April 6, 2012 subject to SI 2012/628 arts 9, 12, 13, 16 and 18-20)

Extent

Pt VII s. 171BA(1)-(5)(b): England, Wales

[171BB Planning enforcement orders: procedure

- (1) An application for a planning enforcement order in relation to an apparent breach of planning control may be made within the 6 months beginning with the date on which evidence of the apparent breach of planning control sufficient in the opinion of the local planning authority to justify the application came to the authority's knowledge.

- (2) For the purposes of subsection (1), a certificate—
  - (a) Signed on behalf of the local planning authority, and
  - (b) Stating the date on which evidence, sufficient in the authority's opinion to justify the application came to the authority's knowledge, is conclusive evidence of that fact.
- (3) A certificate stating that matter and purporting to be so signed is to be deemed to be so signed unless the contrary is proved.
- (4) Where the local planning authority apply to a magistrates' court for a planning enforcement order in relation to an apparent breach of planning control in respect of any land, the authority must serve a copy of the application—
  - (a) On the owner and on the occupier of the land, and
  - (b) On any other person having an interest in the land that is an interest which, in the opinion of the authority, would be materially affected by the taking of enforcement action in respect of the apparent breach.
- (5) The persons entitled to appear before, and be heard by, the court hearing an application for a planning enforcement order in relation to an apparent breach of planning control in respect of any land include—
  - (a) The applicant,
  - (b) Any person on whom a copy of the application was served under subsection (4), and
  - (c) Any other person having an interest in the land that is an interest which, in the opinion of the court, would be materially affected by the taking of enforcement action in respect of the apparent breach.
- (6) In this section "planning enforcement order" means an order under section 171BA(1).<sup>1</sup>

Notes

<sup>1</sup> Added by Localism Act 2011 c. 20 Pt 6 c.5 s.124(1) (April 6, 2012 subject to SI 2012/628 arts 9, 12, 13, 16 and 18-20)

Extent

Pt VII s. 171BB(1)-(6): England, Wales

[171BC Making a planning enforcement order

- (1) A magistrates' court may make a planning enforcement order in relation to an apparent breach of planning control only if—

*Town and Country Planning Act 1990 Page 207*

- (a) The court is satisfied, on the balance of probabilities, that the apparent breach, or any of the matters constituting the apparent breach, has (to any extent) been deliberately concealed by any person or persons, and
  - (b) The court considers it just to make the order having regard to all the circumstances.
- (2) A planning enforcement order must—
    - (a) Identify the apparent breach of planning control to which it relates, and
    - (b) State the date on which the court's decision to make the order was given.
  - (3) In this section "planning enforcement order" means an order under section 171BA(1).<sup>1</sup>

Notes

Extent

Pt VII s. 171BC(1)-(3): England, Wales

[Planning contravention notices] 1

[172. — Issue of enforcement notice.

- (1) The local planning authority may issue a notice (in this Act referred to as an “enforcement notice”) where it appears to them—
  - (a) That there has been a breach of planning control; and
  - (b) That it is expedient to issue the notice, having regard to the provisions of the development plan and to any other material considerations.
- (2) A copy of an enforcement notice shall be served—

*Town and Country Planning Act 1990 Page 213*

- (a) On the owner and on the occupier of the land to which it relates; and
  - (b) On any other person having an interest in the land, being an interest which, in the opinion of the authority, is materially affected by the notice.
- (3) The service of the notice shall take place—
    - (a) Not more than twenty-eight days after its date of issue; and
    - (b) Not less than twenty-eight days before the date specified in it as the date on which it is to take effect.] <sup>1</sup>

Notes

1 Substituted by Planning and Compensation Act 1991 c. 34 Pt 1 s.5(1) (November 25, 1991 for certain purposes specified in SI 1991/2728 art.2; January 2, 1992 otherwise subject to transitional provisions specified in SI 1991/2905)

Commencement

Pt VII s. 172: August 24, 1990 (1990 c. 8 Pt XV s. 337(2))

Extent

Pt VII s. 172(1)-(8): England, Wales

[172A Assurance as regards prosecution for person served with notice

- (1) When, or at any time after, an enforcement notice is served on a person, the local planning authority may give the person a letter—
  - (a) Explaining that, once the enforcement notice had been issued, the authority was required to serve the notice on the person,
  - (b) Giving the person one of the following assurances—
    - i. That, in the circumstances as they appear to the authority, the person is not at risk of being prosecuted under section 179 in connection with the enforcement notice, or
    - ii. That, in the circumstances as they appear to the authority, the person is not at risk of being prosecuted under section 179 in connection with the matters relating to the enforcement notice that are specified in the letter,

- (c) Explaining, where the person is given the assurance under paragraph (b)(ii), the respects in which the person is at risk of being prosecuted under section 179 in connection with the enforcement notice, and
  - (d) stating that, if the authority subsequently wishes to withdraw the assurance in full or part, the authority will first give the person a letter specifying a future time for the withdrawal that will allow the person a reasonable opportunity to take any steps necessary to avoid any risk of prosecution that is to cease to be covered by the assurance.
- (2) At any time after a person has under subsection (1) been given a letter containing an assurance, the local planning authority may give the person a letter withdrawing the assurance (so far as not previously withdrawn) in full or part from a time specified in the letter.

*Town and Country Planning Act 1990 Page 214*

- (3) The time specified in a letter given under subsection (2) to a person must be such as will give the person a reasonable opportunity to take any steps necessary to avoid any risk of prosecution that is to cease to be covered by the assurance.
- (4) Withdrawal under subsection (2) of an assurance given under subsection (1) does not withdraw the assurance so far as relating to prosecution on account of there being a time before the withdrawal when steps had not been taken or an activity had not ceased.
- (5) An assurance given under subsection (1) (so far as not withdrawn under subsection (2)) is binding on any person with power to prosecute an offence under section 179.<sup>1</sup>

#### Notes

<sup>1</sup> Added by Localism Act 2011 c. 20 Pt 6 c.5 s.125 (April 6, 2012 subject to SI 2012/628 arts 9, 12, 13, 16 and 18-20)

#### Extent

Pt VII s. 172A(1)-(5): England, Wales

#### [173. — Contents and effect of notice.

- (1) An enforcement notice shall state—
- (a) The matters which appear to the local planning authority to constitute the breach of planning control; and
  - (b) the paragraph of section 171A(1) within which, in the opinion of the authority, the breach falls.
- (2) A notice complies with subsection (1) (a) if it enables any person on whom a copy of it is served to know what those matters are.
- (3) An enforcement notice shall specify the steps which the authority require to be taken, or the activities which the authority require to cease, in order to achieve, wholly or partly, any of the following purposes.
- (4) Those purposes are—
- (a) Remedying the breach by making any development comply with the terms (including conditions and limitations) of any planning permission which has been granted in respect of the land, by discontinuing any use of the land or by restoring the land to its condition before the breach took place; or

- (b) Remedying any injury to amenity which has been caused by the breach.
- (5) An enforcement notice may, for example, require—
- (a) The alteration or removal of any buildings or works;
  - (b) The carrying out of any building or other operations;
  - (c) Any activity on the land not to be carried on except to the extent specified in the notice;
- Or
- (d) The contour of a deposit of refuse or waste materials on land to be modified by altering the gradient or gradients of its sides.

*Town and Country Planning Act 1990 Page 215*

- (6) Where an enforcement notice is issued in respect of a breach of planning control consisting of demolition of a building, the notice may require the construction of a building (in this section referred to as a "replacement building") which, subject to subsection (7), is as similar as possible to the demolished building.
- (7) A replacement building—
- (a) Must comply with any requirement imposed by any enactment applicable to the construction of buildings;
  - (b) May differ from the demolished building in any respect which, if the demolished building had been altered in that respect, would not have constituted a breach of planning control;
  - (c) Must comply with any regulations made for the purposes of this subsection (including regulations modifying paragraphs (a) and (b)).
- (8) An enforcement notice shall specify the date on which it is to take effect and, subject to sections 175(4) and 289(4A), shall take effect on that date.
- (9) An enforcement notice shall specify the period at the end of which any steps are required to have been taken or any activities are required to have ceased and may specify different periods for different steps or activities; and, where different periods apply to different steps or activities, references in this Part to the period for compliance with an enforcement notice, in relation to any step or activity, are to the period at the end of which the step is required to have been taken or the activity is required to have ceased.
- (10) An enforcement notice shall specify such additional matters as may be prescribed, and regulations may require every copy of an enforcement notice served under section 172 to be accompanied by an explanatory note giving prescribed information as to the right of appeal under section 174.
- (11) Where—
- (a) An enforcement notice in respect of any breach of planning control could have required any buildings or works to be removed or any activity to cease, but does not do so; and
  - (b) All the requirements of the notice have been complied with, then, so far as the notice did not so require, planning permission shall be treated as having been granted by virtue of section 73A in respect of development consisting of the construction of the buildings or works or, as the case may be, the carrying out of the activities.
- (12) Where—

- (a) An enforcement notice requires the construction of a replacement building; and
- (b) All the requirements of the notice with respect to that construction have been complied with, planning permission shall be treated as having been granted by virtue of section 73A in respect of development consisting of that construction.]<sup>1</sup>

Notes

<sup>1</sup> Substituted by Planning and Compensation Act 1991 c. 34 Pt I s.5(1) (November 25, 1991 for certain purposes specified in SI 1991/2728 part.2; January 2, 1992 otherwise subject to transitional provisions specified in SI 1991/2905)

Commencement

Pt VII s. 173: August 24, 1990 (1990 c. 8 Pt XV s. 337(2))

*Town and Country Planning Act 1990 Page 216*

Extent

Pt VII s. 173(1)-(12)(b): England, Wales

[173A. — Variation and withdrawal of enforcement notices.

- (1) The local planning authority may—
  - (a) Withdraw an enforcement notice issued by them; or
  - (b) Waive or relax any requirement of such a notice and, in particular, may extend any period specified in accordance with section 173(9).
- (2) The powers conferred by subsection (1) may be exercised whether or not the notice has taken effect.
- (3) The local planning authority shall, immediately after exercising the powers conferred by subsection (1), give notice of the exercise to every person who has been served with a copy of the enforcement notice or would, if the notice were re-issued, be served with a copy of it.
- (4) The withdrawal of an enforcement notice does not affect the power of the local planning authority to issue a further enforcement notice.]<sup>1</sup>

Notes

<sup>1</sup> Added by Planning and Compensation Act 1991 c. 34 Pt I s.5(1) (November 25, 1991 for certain purposes specified in SI 1991/2728 art.2; January 2, 1992 otherwise subject to transitional provisions specified in SI 1991/2905)

Extent

Pt VII s. 173A(2)-(4): England, Wales

174. — Appeal against enforcement notice.

- (1) A person having an interest in the land to which an enforcement notice relates or a relevant occupier may appeal to the Secretary of State against the notice, whether or not a copy of it has been served on him.
- (2) [An appeal may be brought on any 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;

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- (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.

(2A) An appeal may not be brought on the ground specified in subsection (2)(a) if—

- (a) The land to which the enforcement notice relates is in England, and
- (b) the enforcement notice was issued at a time—
  - i. After the making of a related application for planning permission, but
  - ii. Before the end of the period applicable under section 78(2) in the case of that application.

(2B) An application for planning permission for the development of any land is, for the purposes of subsection (2A), related to an enforcement notice if granting planning permission for the development would involve granting planning permission in respect of the matters specified in the enforcement notice as constituting a breach of planning control.]<sup>2</sup>

(3) An appeal under this section shall be made [...] <sup>3</sup> —

- (a) By giving written notice of the appeal to the Secretary of State before the date specified in the enforcement notice as the date on which it is to take effect; or
- (b) By sending such notice to him in a property addressed and pre-paid letter posted to him at such time that, in the ordinary course of post, it would be delivered to him before that date [ ; or ]<sup>3</sup>
- (c) [By sending such notice to him using electronic communications at such time that, in the ordinary course of transmission, it would be delivered to him before that date.]<sup>3</sup><sup>1</sup>

(4) A person who gives notice under subsection (3) shall submit to the Secretary of State, either when giving the notice or within the prescribed time, a statement in writing—

- (a) Specifying the grounds on which he is appealing against the enforcement notice; and
- (b) Giving such further information as may be prescribed.

(5) If, where more than one ground is specified in that statement, the appellant does not give information required under subsection (4)(b) in relation to each of those grounds within the prescribed time, the Secretary of State may determine the appeal without considering any ground as to which the appellant has failed to give such information within that time.

(6) In this section “relevant occupier” means a person who—

- (a) On the date on which the enforcement notice is issued occupies the land to which the notice relates by virtue of a licence [...]⁴ ; and
- (b) Continues so to occupy the land when the appeal is brought.

Notes

1 Substituted by Planning and Compensation Act 1991 c. 34 Pt I s.6(1) (January 2, 1992 subject to transitional provisions specified in SI 1991/2905)

2 Added by Localism Act 2011 c. 20 Pt 6 c.5 s.123(4) (April 6, 2012 subject to SI 2012/628 arts 9, 12, 13, 16 and 18-20)

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3 S.174(3)(c) inserted in relation to Wales by Town and Country Planning (Electronic Communications) (Wales) (No. 1) Order 2004/3156 art.3 (January 1, 2005)

4 Words omitted by Planning and Compensation Act 1991 c. 34 Sch.7 para.22 (January 2, 1992)

Commencement

Pt VII s. 174: August 24, 1990 (1990 c. 8 Pt XV s. 337(2))

Extent

Pt VII s. 174(1)-(6)(b): England, Wales

P Partially In Force

175. — Appeals: supplementary provisions.

- (1) The Secretary of State may by regulations prescribe the procedure which is to be followed on appeals under section 174 and, in particular, but without prejudice to the generality of this subsection, may—
  - (a) Require the local planning authority to submit, within such time as may be prescribed, a statement indicating the submissions which they propose to put forward on the appeal;
  - (b) Specify the matters to be included in such a statement;
  - (c) Require the authority or the appellant to give such notice of such an appeal as may be prescribed;
  - (d) Require the authority to send to the Secretary of State, within such period from the date of the bringing of the appeal as may be prescribed, a copy of the enforcement notice and a list of the persons served with copies of it.
- (2) The notice to be prescribed under subsection (1)(c) shall be such notice as in the opinion of the Secretary of State is likely to bring the appeal to the attention of persons in the locality in which the land to which the enforcement notice relates is situated.
- (3) Subject to section 176(4), the Secretary of State shall, if either the appellant or the local planning authority so desire, give each of them an opportunity of appearing before and being heard by a person appointed by the Secretary of State for the purpose.

[[3A) Subsection (3) does not apply to an appeal against an enforcement notice issued by a local planning authority in England.]<sup>1</sup>

- (4) Where an appeal is brought under section 174 the enforcement notice shall [subject to any order under section 289(4A)]<sup>2</sup> be of no effect pending the final determination or the withdrawal of the appeal.
- (5) Where any person has appealed to the Secretary of State against an enforcement notice, no person shall be entitled, in any other proceedings instituted after the making of the appeal, to claim that the notice was not duly served on the person who appealed.

- (6) Schedule 6 applies to appeals under section 174, including appeals under that section as applied by regulations under any other provisions of this Act.

*Town and Country Planning Act 1990 Page 219*

(7) [...]³

#### Notes

1 Added by Planning Act 2008 c. 29 Sch.10 para.5 (April 6, 2009 in relation to England and Wales for purposes specified in SI 2009/400 art.3(j); not yet in force otherwise)

2 Words added by Planning and Compensation Act 1991 c. 34 Pt I s.6(2) (January 2, 1992 subject to transitional provisions specified in SI 1991/2905)

3 Repealed by Planning (Consequential Provisions) Act 1990 c. 11 Sch.4 para.3 (January 2, 1992: repeal has effect on January 2, 1992 for purposes specified in SI 1991/2698 art.3 subject to transitional provisions specified in SI 1991/2698 art.4 and on April 6, 2009 in relation to England only, for purposes specified in SI 2009/849 art.2(2)-(3) subject to transitional provisions specified in SI 2009/849 art.3; not yet in force otherwise)

#### Commencement

Pt VII s. 175: August 24, 1990 except for the provision specified in 1990 c.11 Sch.4 para 7, January 2, 1992 for purposes specified in SI 1991/2698 art 3; not yet in force otherwise (1990 c. 8 Pt XV s. 337(2); 1990 c. 11 Sch. 4 para. 7; SI 1991/2698 art. 3)

#### Extent

Pt VII s. 175(1)-(7): England, Wales

P Partially In Force

#### 176. — General provisions relating to determination of appeals.

- (1) [On an appeal under section 174 the Secretary of State may—
- (a) Correct any defect, error or misdescription in the enforcement notice; or
  - (b) Vary the terms of the enforcement notice, if he is satisfied that the correction or variation will not cause injustice to the appellant or the local planning authority.
- (2) Where the Secretary of State determines to allow the appeal, he may quash the notice.
- (2A) The Secretary of State shall give any directions necessary to give effect to his determination on the appeal.]¹
- (3) The Secretary of State—
- (a) May dismiss an appeal if the appellant fails to comply with section 174(4) within the prescribed time; and
  - (b) May allow an appeal and quash the enforcement notice if the local planning authority fail to comply with any requirement of regulations made by virtue of paragraph (a), (b), or
  - (c) Of section 175(1) within the prescribed period.
- (4) If [section 175(3) would otherwise apply and ] 2 the Secretary of State proposes to dismiss an appeal under paragraph (a) of subsection (3) [ of this section ] 3 or to allow an appeal and quash the enforcement notice under paragraph (b) of that subsection, he need not comply with section 175(3).
- (5) Where it would otherwise be a ground for determining an appeal under section 174 in favour of the appellant that a person required to be served with a copy of the enforcement notice was not served, the Secretary of State may disregard that fact if neither the appellant nor that person has been substantially prejudiced by the failure to serve him.

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## Notes

1 S.176(1)-(2A) substituted for s.176(1)-(2) by Planning and Compensation Act 1991 c. 34 Sch.7 para.23 (January 2, 1992)

2 Words inserted by Planning Act 2008 c. 29 Sch.10 para.6(a) (April 6, 2009 in relation to England and Wales for purposes specified in SI 2009/400 art.3(j); not yet in force otherwise)

3 Words inserted by Planning Act 2008 c. 29 Sch.10 para.6(b) (April 6, 2009 in relation to England and Wales for purposes specified in SI 2009/400 art.3(j); not yet in force otherwise)

## Commencement

Pt VII s. 176: August 24, 1990 (1990 c. 8 Pt XV s. 337(2))

## Extent

Pt VII s. 176(1)-(5): England, Wales

## 177. — Grant or modification of planning permission on appeals against enforcement notices.

(1) On the determination of an appeal under section 174, the Secretary of State may—

- (a) [Grant planning permission in respect of the matters stated in the enforcement notice as constituting a breach of planning control, whether in relation to the whole or any part of those matters or in relation to the whole or any part of the land to which the notice relates;]<sup>1</sup>
- (b) Discharge any condition or limitation subject to which planning permission was granted;
- (c) [Determine whether, on the date on which the appeal was made, any existing use of the land was lawful, any operations which had been carried out in, on, over or under the land were lawful or any matter constituting a failure to comply with any condition or limitation subject to which planning permission was granted was lawful and, if so, issue a certificate under section 19.]<sup>2</sup>

[(1A) The provisions of sections 191 to 194 mentioned in subsection (1B) shall apply for the purposes of subsection (1)(c) as they apply for the purposes of section 191, but as if—

- (a) Any reference to an application for a certificate were a reference to the appeal and any reference to the date of such an application were a reference to the date on which the appeal is made; and
- (b) References to the local planning authority were references to the Secretary of State.

(1B) Those provisions are: sections 191(5) to (7), 193(4) (so far as it relates to the form of the certificate), (6) and (7) and 194.]<sup>2</sup>

[(1C) If the land to which the enforcement notice relates is in England, subsection (1)(a) applies only if the statement under section 174(4) specifies the ground mentioned in section 174(2)(a).]<sup>3</sup>

- (2) In considering whether to grant planning permission under subsection (1), the Secretary of State shall have regard to the provisions of the development plan, so far as material to the subject matter of the enforcement notice, and to any other material considerations.
- (3) [The planning permission that may be granted under subsection (1) is any planning permission that might be granted on an application under Part III.]<sup>4</sup>

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- (4) Where under subsection (1) the Secretary of State discharges a condition or limitation, he may substitute another condition or limitation for it, whether more or less onerous.
- (5) [Where an appeal against an enforcement notice is brought under section 174 and—
  - (a) The land to which the enforcement notice relates is in Wales, or

- (b) That land is in England and the statement under section 174(4) specifies the ground mentioned in section 174(2)(a), the appellant shall be deemed to have made an application for planning permission in respect of the matters stated in the enforcement notice as constituting a breach of planning control.]<sup>5</sup>

[(5A) Where—

- (a) The statement under subsection (4) of section 174 specifies the ground mentioned in subsection (2)(a) of that section;
- (b) Any fee is payable under regulations made by virtue of section 303 in respect of the application deemed to be made by virtue of the appeal; and
- (c) The Secretary of State gives notice in writing to the appellant specifying the period within which the fee must be paid, then, if that fee is not paid within that period, the appeal, so far as brought on that ground, and the application shall lapse at the end of that period.]<sup>6</sup>
- (6) Any planning permission granted under subsection (1) on an appeal shall be treated as granted on the application deemed to have been made by the appellant.
- (7) In relation to a grant of planning permission or a determination under subsection (1) the Secretary of State's decision shall be final.
- (8) For the purposes of section 69 the Secretary of State's decision shall be treated as having been given by him in dealing with an application for planning permission made to the local planning authority.

#### Notes

1 Substituted by Planning and Compensation Act 1991 c. 34 Sch.7 para.24(1)(a) (January 2, 1992)

2 S.77(1)(c), (1A) and (1B) substituted for s.77(1)(c) by Planning and Compensation Act 1991 c. 34 Sch.7 para.24(1)(b) (July 27, 1992 subject to transitional provisions specified in SI 1992/1630 art.3)

3 Added by Localism Act 2011 c. 20 Pt 6 c.5 s.123(5) (April 6, 2012 subject to SI 2012/628 arts 9, 12, 13, 16 and 18-20)

4 Substituted by Planning and Compensation Act 1991 c. 34 Sch.7 para.24(2) (January 2, 1992)

5 Words and s.177(5)(a)-(b) substituted for words by Localism Act 2011 c. 20 Pt 6 c.5 s.123(6) (April 6, 2012 subject to SI 2012/628 arts 9, 12, 13, 16 and 18-20)

6 Added by Planning and Compensation Act 1991 c. 34 Pt I s.6(3) (January 2, 1992 subject to transitional provisions specified in SI 1991/2905)

#### Commencement

Pt VII s. 177: August 24, 1990 (1990 c. 8 Pt XV s. 337(2))

#### Extent

Pt VII s. 177(1)-(8): England, Wales

Clive Evans  
Leighton View Cottage  
Chillington Lane  
Codsall Wood  
South Staffordshire  
WV8 1QF  
28th March 2023

Case Officer: Mark Bray  
Case Reference: 22/00372/UNDEV

Dear Mr Bray

In reference to the letter dated 17th March 2023 please find my response to your concerns below.

As I am aware your local authority can serve an enforcement notice on you when they consider you have broken planning control rules. Normally this will be because they consider what you are doing or what you have done is harmful to your neighbourhood.

The decisive issue for the local planning authority should be whether the breach would unacceptably affect public amenity or the existing use of the land or building meriting protection in the public interest.

Back in 2013 my neighbour was reported for setting up a double glazing company, making doors and windows in his garage and now his gym.

Frank Whitley responded with a letter stating that because it was a small percentage of the whole plot (5%) even though it was residential the council felt that it had not changed the overall planning consent and was regarding as ancillary use.

As you are aware we have planning permission on site for leisure, holiday lets and fishing.

**Plan 1, Number 2** Frank Whitley along with Lucy McDonald visited the site in 2013 the units were already here and situated next to the new bungalow.

The unit with white doors suffered in transit and had to be repaired extensively. Both 2 and 3 are being used by us and not rented out, they are being used in conjunction with our business, if you wish for me to remove the window frames from the shed I will.

The hard standing has been there since pre 1900's according to locals but i can only date it back to 1949.

When we came the hard standing was much bigger then it is now, it consists of very old bricks (older than 1900) approximately 60cm deep there was two others like this but not so big we dug these up and used the bricks as hardcore for the roads and put the dirt and grass in place of the hard core, I have sent two picture of the hard standing number 1 i resume circa 1949, number 2 circa 1960's when the two barns was erected.

The real extent of the hard standing only shows up on the maps as a lot of it was covered in weeds and grass that had grown between the bricks so it could not be seen, it is now smaller than it was because again we dug up some of it to build our roads.

**Plan 1 Number 1** As pointed out to you on site this shed is part container and part shed all of our containers are painted green or covered in wood and painted green so as not to be an eye sore to our neighbours.

This shed was at the side of the converted bungalow which again Frank Whitley and Lucy McDonald visited back in 2013.

It was used to maintain and repair our machinery which is used in our fishery business, it was originally approx 1000 square feet it is now approx 800 square feet.

At the time Lucy McDonald said there was no problem with this building as long as it was solely used in course of our business and not rented out, when planning permission was granted on the bungalow it was rebuilt at the bottom on the hard standing.

Fishermen stop for days or weeks at a time as we are specimen lakes and have been since our catfish licence, DERFA and CEFAS licence which was granted around the 17th February 2010 reg number EW025-0-390F.

Where there is no temporary shelter for specimen fishing fisherman bring temporary shelters knowns as bivys or tents and have been doing so on site since 1970 (Leighton Pool)

On your visit you was able to view the cabin which is situated on the side of the fishing pool.

The cabin is used for fishing, holiday lets and volunteers who support with maintenance of the fishery.

We have had a number of volunteers who have supported with the maintenance of the fishery in return for there hard work and support they are given the use of the cabin for free holidays as agreed for when the cabin is not in use.

This cabin is less than 0.001% of the fishing venue there for it does not change the overall planning permission that has been granted and is been used within the existing planning parameters there for it is ancillary to our business use as a fishery.

**Plan 1, Number 3** if you look on google earth or any plan since 1925 you will see a boat house on Leighton Pool where we used to keep our pumps insulation and rubber sheets. The purpose of the insulation is that every 2-3 years we dig a temporary pond line it with the insulation and then put a rubber sheets on top of the insulation which protects the rubber sheet from anything sharp, we then proceed to catch small fish from our pools over the next month and hold them in this temporary pool. They are then sold to a registered fish dealer, an EA approved fish dealer.

The boat shed collapsed last year and this shed was built to keep our own aquacultural equipment in.



Leighton View Cottage  
Chillington Lane  
Codsall Wood  
Wolverhampton  
WV8 1QF

## RE- Enforcement Notice

When I bought the site in 1997 it was an equine centre with twenty two stables on and two pools.

The first complaint against us was in 1998 just after I bought the site, the complaint was about containers and commercial use.

The containers had been kept under the barns and used for storage, and the barns was used by painters and decorators for storage purposes, the owner of the decorating company who used to live next door has sadly passed away.

But it was proven then to the councils satisfaction that it had been used since 1986 for storage and no further action was taken.

That means 30 years of commercial use and not the 10 years as Mr Bray suggests.

Catherine Gutteridge explained to me that when the council went digital it lost a lot of its paperwork, and not all of it was deemed necessary to save.

Mr Bray and Catherine Gutteridge was told when they attended site that all of our scrap and everything from around the fishery had been bought to the bottom to the hard standing to be sorted out and either kept or disposed of.

We also advised that all buildings get painted green including doors to make sure they look like farm buildings.

Containers get covered in wood and painted green so that they fit in to the surroundings.

To take photographs and then suggest it always looks like this is misleading, please find enclosed recent photographs C1-C4 showing the appearance of the buildings.

Mr Bray suggests our building are made out of bits of wood, we are massive recyclers who use very large shipping pallets and dismantle them for our own use, as Mr Bray was told this but yet again derogatory statements to mislead and then to say we are an industrial estate to which the definition is industrial factory's making goods again a misleading description.

Regarding Mr Brays plan one which is enclosed showing the actual size of the hard standing we are talking about again, your blue box is misleading as this is not the correct size.

On photograph A6 you can plainly see a square of grass land, what you can not tell is this is hard standing.

Photographs H1, H2 and H3 show this to be true.

This hard standing is bigger then on plan one in blue and in the same field, this was aloud to grow back to grass in favour of keeping all of our sheds/containers in one place, but it also shows you can not tell what is hard standing from an Ariel photograph.

As to the height of building one it is 3.7meters, less then 7meters away from this are our barns which are 8 meters tall.

I fail to see how this building spoils the openness of the green belt when it is much lower in height then the barns.



C1



C2



C3



C4

H1



H2

H3



**From:** Clive Evans [REDACTED]  
**Date:** 15 June 2023 at 13:53:55 BST  
**To:** Catherine Gutteridge  
[REDACTED]

**Subject: Re: Planning enforcement notice**

Catherine the bundle is asking for an extension to the 28 days and giving the reasons why .I have to lodge my appeal by 20th of June. My reasons are valid due to M Bray misleading comments  
Kind regards Clive Evans

On 15 Jun 2023, at 12:05, Catherine Gutteridge <[REDACTED]> wrote:

Dear Mr Evans,

I have been notified that there is a bundle of documents relating to Leighton Pools waiting for me at the Council Offices. I will collect them on Wednesday when I am next in the office.

Kind regards,

Catherine

Catherine Gutteridge

Planning Enforcement Team Manager  
Planning  
South Staffordshire Council

Tel: (01902) 696000  
[www.sstaffs.gov.uk](http://www.sstaffs.gov.uk)

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-----Original Message-----

From: Clive Evans

Sent: Thursday, June 15, 2023 11:46 AM

To: Catherine Gutteridge

Subject: Planning enforcement notice

[You don't often get email from [REDACTED] why this is important at <https://aka.ms/LearnAboutSenderIdentification> ]

Morning this is Clive Evans from Leighton Pools.

Can you confirm you have received my letter handed in yesterday morning. Could you please respond.

Many thanks

Clive Evans

**From:** Clive Evans <[REDACTED]>

**Date:** 18 June 2023 at 12:05:17 BST

**To:** Catherine Gutteridge <[REDACTED]>

**Cc:** Mark Bray <[REDACTED]>

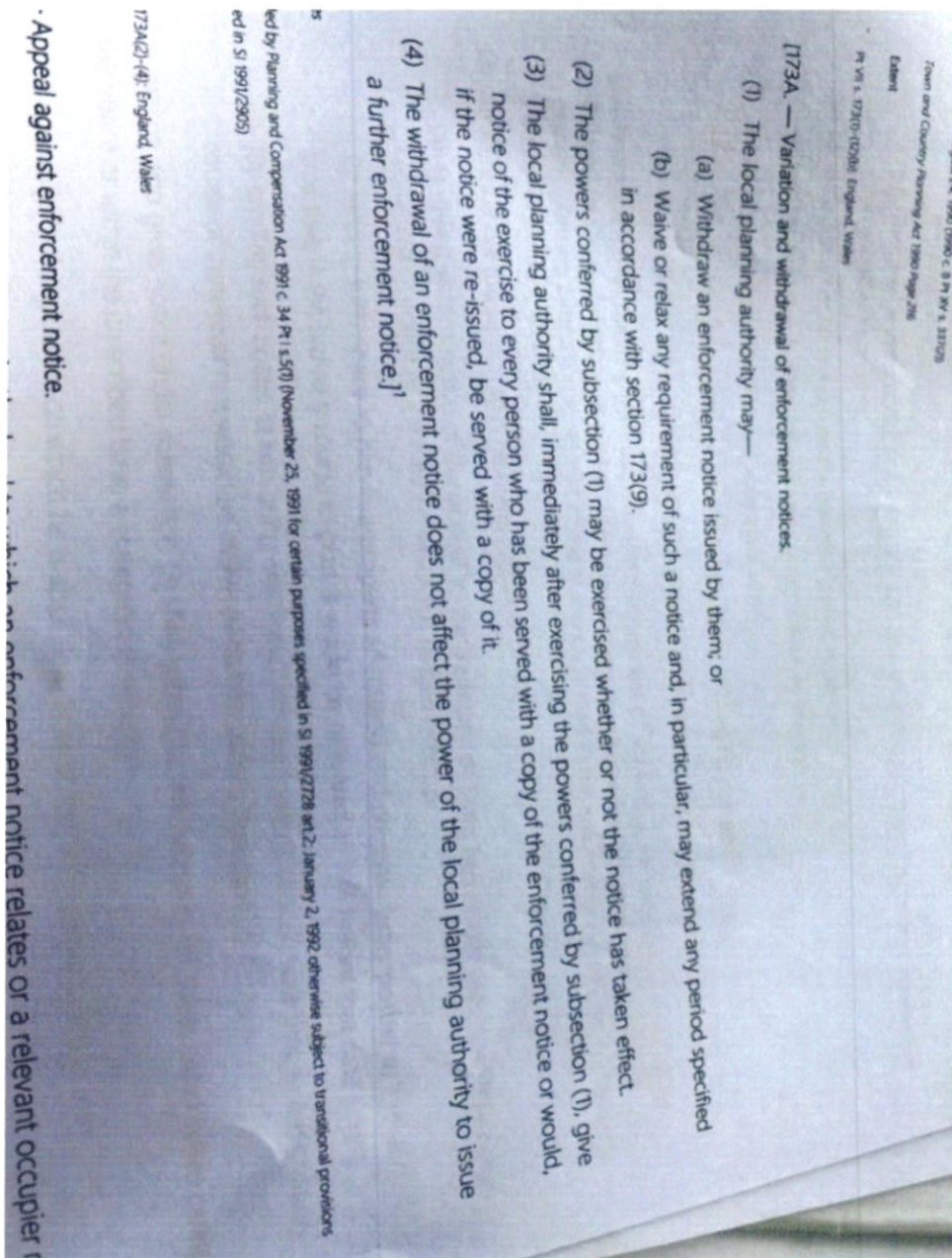
**Subject:** Re: Re enforcement notice

Have i been mislead again with the information Mr Bray has issued, because this states you can extend the time given to allow me to collect all factual evidence.

This information was provided with the enforcement notice.

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This information was provided with the enforcement notice.



173A(2)-(4): England, Wales

Appeal against enforcement notice.

Kind regards

Mr C Evans

Sent from my iPhone

On 16 Jun 2023, at 13:11, Catherine Gutteridge  
[REDACTED] wrote:

Dear Mr Evans,

I have now received copies of the documents that you hand-delivered to the council offices. Unfortunately, as you have been served with an Enforcement Notice, the legislation does not permit the Council to give you an extension of time.

As outlined in the Notice, you have until 19th June 2023 to lodge an appeal with the Planning Inspectorate. Details of how to do so are outlined in the papers that were served on you. Should you decide not to lodge an appeal against the Enforcement Notice, the notice will take effect on 20th June 2023 and you will have to comply with the steps to be taken as outlined in paragraph 5 of the Notice. As part of the appeals procedure, you will have the opportunity to gather further evidence to support your case which you can present to the Planning Inspectorate to consider. The appeal process is subject to tight deadlines for submission of information and so I would advise you to consider your position immediately if you wish to appeal the Notice.

Kind regards,

Catherine



Catherine Gutteridge

Planning Enforcement Team Manager  
Planning  
South Staffordshire Council

Tel: (01902) 696000

[www.sstaffs.gov.uk](http://www.sstaffs.gov.uk)

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-----Original Message-----

From: Clive Evans [REDACTED]

Sent: Friday, June 16, 2023 11:45 AM

To: Catherine Gutteridge  
[REDACTED]

Subject: Re enforcement notice

[You don't often get email

 Learn why this is important  
at <https://aka.ms/LearnAboutSenderIdentification> ]

We have sent you photographs some 20 years old refuting M Bray comments on the enforcement notice and listed the people present when they were put there in 2011 and moved them between 2019 and late 2020 also details of officers who visited in 2012 and there letters . We need time to obtain affidavits from witnesses . A report on our biodiversity we have achieved in the last 20years Structural report on the sheds ,as we no as non professionals our word does not carry much weight.

As of previous email time is up on Tuesday and for the Secretary of State to reach a true and accurate decision he must have all the facts so again I am asking for a extension to present the facts Kind regards Clive Evans

Leighton View Cottage  
Chillington Lane  
Codsall Wood  
Wolverhampton  
WV8 1QF

RE- Enforcement notice

We have told Mark Bray one, three and four, where all sited at the side of the barn now converted to a bungalow.

Ariel picture from google earth shows galvanised roof through the oak tree canopy. At the front of the barn in the shade are containers three and four also the white container.

Please find enclosed photographs A1-A5 showing the containers in situ and being moved.

The white container is now covered in wood and is part of building one.

You can also see in these photographs (A3) roller shutter door and part of the roof have been removed, the roof trusses can still clearly be seen.

Shed two replaces boat house (A7) because it collapsed.

Photograph shows how big the boat house was.

These sheds/containers have always been for our own use not as Mark Bray suggests by issuing enforcement notices to the occupier, he knows we are the occupier.

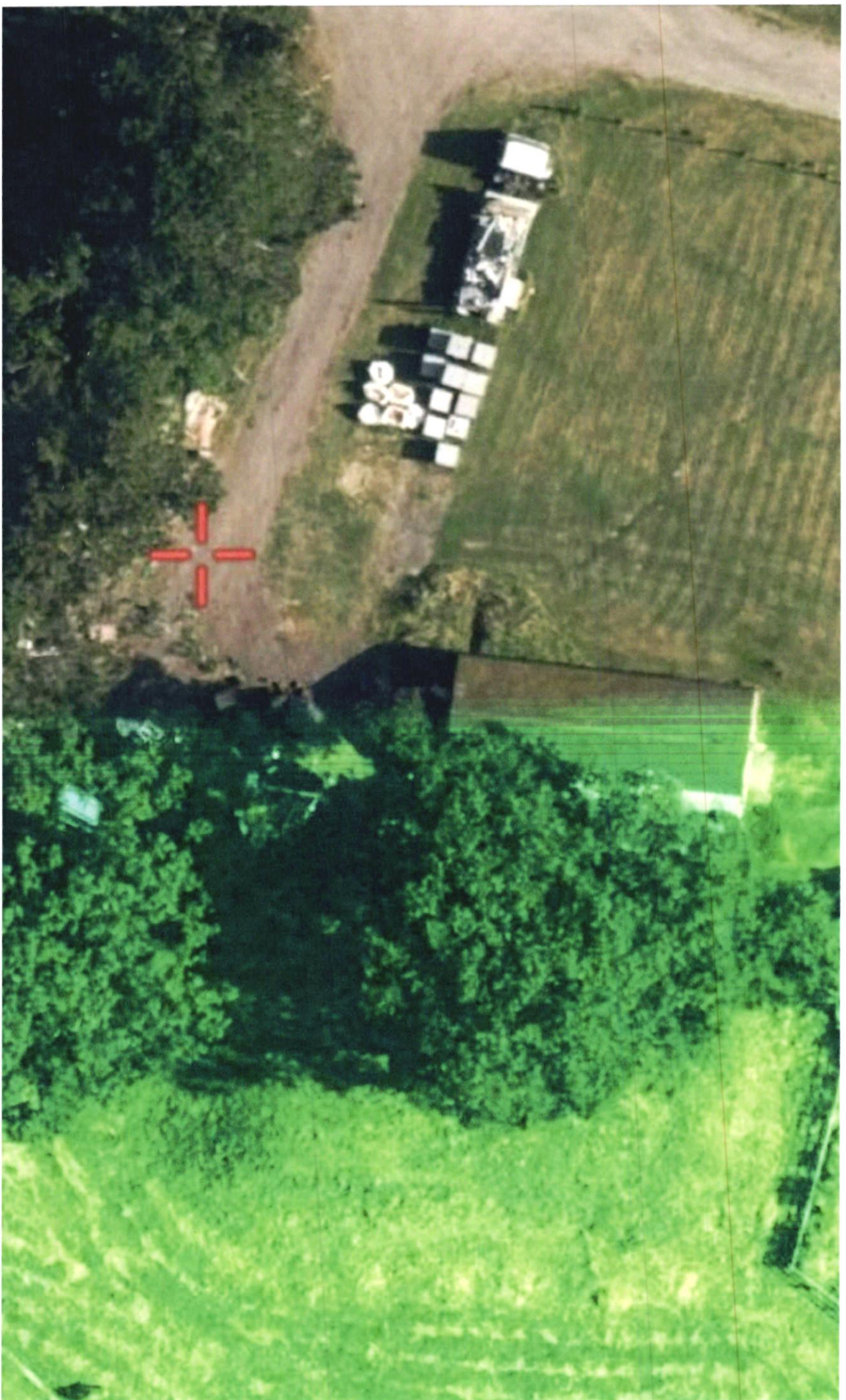
There was six people present the day the buildings was taken down and moved.

- C Evans
- K Southhall
- J Hatherway
- A Evans
- S Evans
- A Day

Frank Whitley and Lucy McDonald visited site on the 17<sup>th</sup> October 2013 regarding shed/containers to inspect them.

Please find letters enclosed F1 and F2, a meeting was held with the enforcement officers and myself to which no further action was taken.

The letter F3 from Frank Whitley explains the councils position on ancillary use.



A1



A2

A3



A4



A5



A6



A7

A8





FV

Please ask for: Chris Hammersley  
Date: 10 January 2011  
Our Ref: 10/00069/UNCOU

Direct Dial: (01902) 696420  
Email: [REDACTED]  
Post Ref: -

Mr Evans  
Wheatstone Park Farm  
Chillington Lane  
Codsall  
South Staffordshire  
WV8 1QF

Dear Mr Evans

**TOWN AND COUNTRY PLANNING ACT 1990 - ALLEGED BREACH OF PLANNING CONTROL.**

**DESCRIPTION:** Alleged unauthorised development  
**LOCATION:** Park Farm Barn Chillington Lane Codsall Wood South Staffordshire WV8 1QF

I am writing in regard to the unauthorised commercial use of the complex of buildings, residential use of a building, and storage of freight containers and other non-agricultural storage at Wheatstone Park Farm, Chillington Lane, Codsall Wood.

I refer to the site meeting at your address, dated, 19/08/10. I wrote to you about all the following matters, dated, 31/08/10.

The re-use of the building for residential use requires planning permission.

The change of use of the buildings for various commercial uses within the complex of other buildings (ref: 4466) requires planning permission.

The storage of freight containers and other non-agricultural outside storage, in close proximity to the complex of buildings also requires planning permission.

Residential building (planning permission, ref: 4466).

I understand that this building is resided in by person(s) who you state is a farm agricultural worker who is also employed by Bradshaws, off Bridgnorth Road.

Please provide details for this building, as shown on the attached plan; as follows:  
- The original authorised use of the building;  
- How many years the building has been resided in giving details of full names, and age of any persons occupying the building and their relationship to you.

Complex of buildings (being the complex of buildings situated next to the road).

I understand that the buildings are being used for a number of different non-agricultural commercial uses which you stated include: builder, tat, painter/decorator, storage tyres, storage of cadillac motor cars, UPVC.

Please mark on the attached plan and describe for each of the buildings; as follows:

- The number of years each of the buildings has been constructed;
- The original use of each of these buildings;
- Current use of each of these buildings;
- How long the current use of any building has continued for.







Page

Storage of freight containers.

Please provide details of how long any freight containers have occupied the site in their current location and their use.

The Officer dealing with this case is Chris Hammersley and can be contacted on (01902) 696420.

Yours Faithfully



Chris Hammerley  
Enforcement Officer

No further action was taken.



F2

Please ask for: Frank Whitley  
Date: 5 November 2013  
Our Ref: 12/00207/UNCOU

Telephone: 01902 696000  
Email: [REDACTED]

Mr C Evans  
Wheatstone Park Farm  
Chillington Lane  
Codsall Wood  
South Staffordshire  
WV8 1QF

Dear Mr Evans

<b>DESCRIPTION:</b>	Various planning enforcement matters
<b>LOCATION:</b>	Wheatstone Park Farm, Chillington Lane, Codsall Wood Wolverhampton, South Staffordshire WV8 1QF

Further to our previous visit, myself and Lucy Macdonald would like to carry out a further inspection on **Wednesday 13 November at 1500hrs**. In particular we wish to see:

- Buildings and containers- all tyres and other stored items not connected with either agriculture or the fishing pools should have been removed.
- Chalet/mobile home- extent of "garden" and timber sheds etc
- Static and touring caravans- there should be no more than 5 caravans, occupied solely in connection with 13/00230/COU. It would be helpful if you could confirm all the current occupiers and the duration of visits.
- Fishing pools- we will need to inspect recent ground works to ensure there is no evidence of recent damage to protected trees

*Any Tyres removed  
Personal items  
into tray  
up: 5 year  
inspected by  
14.9.00  
There is  
no more  
than 5  
own planning  
site  
You are not  
qualified*

If the proposed time and date is not convenient I would be grateful if you could let me know.

Yours sincerely



Frank Whitley  
Planning Enforcement Officer  
Legal and Public Health Protection





Please ask for: Frank Whitley  
Date: 1 August 2014  
Our Ref: 13/00380/UNCOU

Telephone: 01902 696000

Email: [REDACTED]

Mr CR Evans  
Leighton View Cottage,  
Chillington Lane, Codsall Wood,  
Wolverhampton  
WV8 1QF

F3

Dear Mr Evans

**Park Farm Barn, Chillington Lane; Operation of a business**

I refer to your previous complaints about the operation of a double glazing business from the above property. I write to advise you about the outcome of this investigation.

Whilst I acknowledge that there is a business being run, and it might even cause you occasional disruption, I do not consider that there has been a material change of use in planning terms. In other words, I consider that the property is still fundamentally a residential dwelling and the business part of its function is merely ancillary to its main use. I have taken into account deliveries, storage of materials on site, number of employees, hours of operation and the level of activity on site associated with the business.

I appreciate that the decision may come as a disappointment to you, since it effectively rules out any sort of enforcement action against the owner. However if the nature of operations changes substantially in the future I am happy to investigate this issue again.

Yours sincerely

Frank Whitley  
Planning Enforcement Officer  
Legal and Public Health Protection

CC Lucy Macdonald



Leighton View Cottage  
Chillington Lane  
Codsall Wood  
Wolverhampton  
WV8 1QF

## RE- Enforcement Notice

### Biodiversity Alerts

At this moment in time the whole planet is classed as a biodiversity alert, all pools are classed as a biodiversity alert site. The only difference with this one is that we made it.

We dug the pools, we planted the different species of rushes, we put the aquatic weeds in the pools, we planted the trees (over 1000) and we cut and maintain the narrows paths throughout the site, the rest been left to grow wild.

This action was taken because when we bought the site, we had no previous experience so we contacted the environmental agency and they was only too please to help, hence a twenty year programme was started to increase the conservation and biodiversity of our fishery.

Photographs B1 and B2 shows our fishery from 22years ago showing no trees no rushes and everything been mown around the pool Lynton, Chapel pool had yet to be dug.

Photographs B3-B23 shows the pool Chapel now dug, the paths and wildlife sections including trees and rushes, that have been planted.

These photographs are 22 years after photographs B1 and B2 and we have still not finished.

We don't use blue dye in our pools as most commercial fisheries do, as not only does this kill the weed it kills all aquatic life that lives in the weed.

We manage our weed by raking clearings to fish, thus preserving our aquatic life.

This is done because since building our pools and conservation areas, we now have herons, kingfishers, bats from the local area feed here between may and September, song birds too numerous to mention, kestrels, tawny owls, little owls and much more.

We have done this and to have Mark Bray to tell us we don't care about our biodiversity and to say he needs to protect our site from us is offensive.

When we bought the site there was 45 pegs on the pools, there are now only five double pegs, so ten people are aloud to fish, each peg is only booked out for a maximum of seventy two hours per week, which allows us to protect our conservation site.

If you noticed when you was on site all of our boundaries edges are allowed to grow twelve feet tall and six feet wide, this increases the number of berries for song birds but also allows the birds to nest higher off the ground from predators.

This means the hedges have to be hand pruned and cleared of ivy.

The cost of maintain our conservation areas is between £10,000- £15,000 a year not cheap but it has to be looked after.

Some of the containers and storage units are a necessary evil to create an income stream which allows us to protect and maintain our conservation areas we have made, other ie 1-4 on your map are for our own personal use which we have told you numerous times before in other letters and in person.



131

CIRCA 2001/2



B2

133



134

135



B6



B7

B8



139



1310

1311



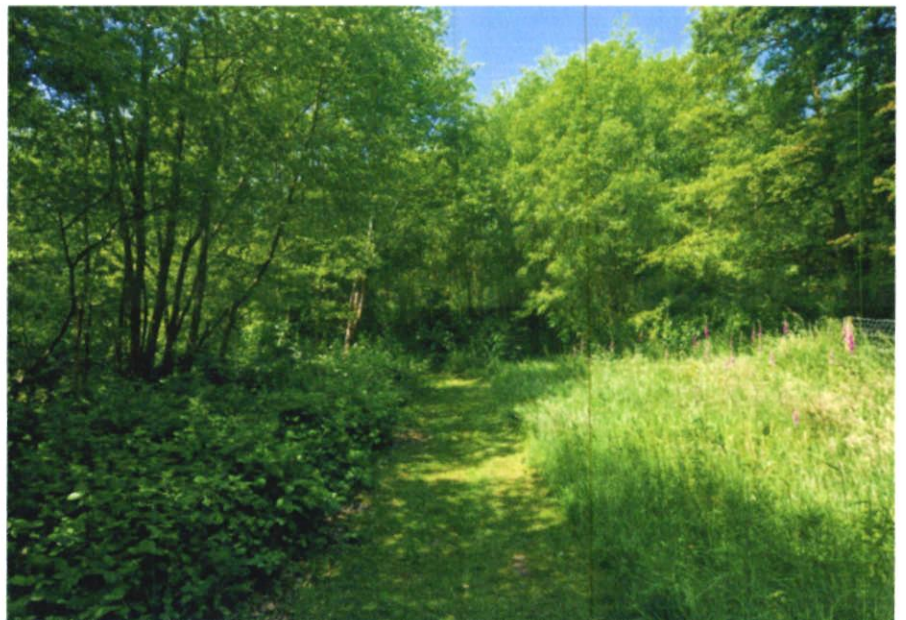


B12



B13

B14



B15

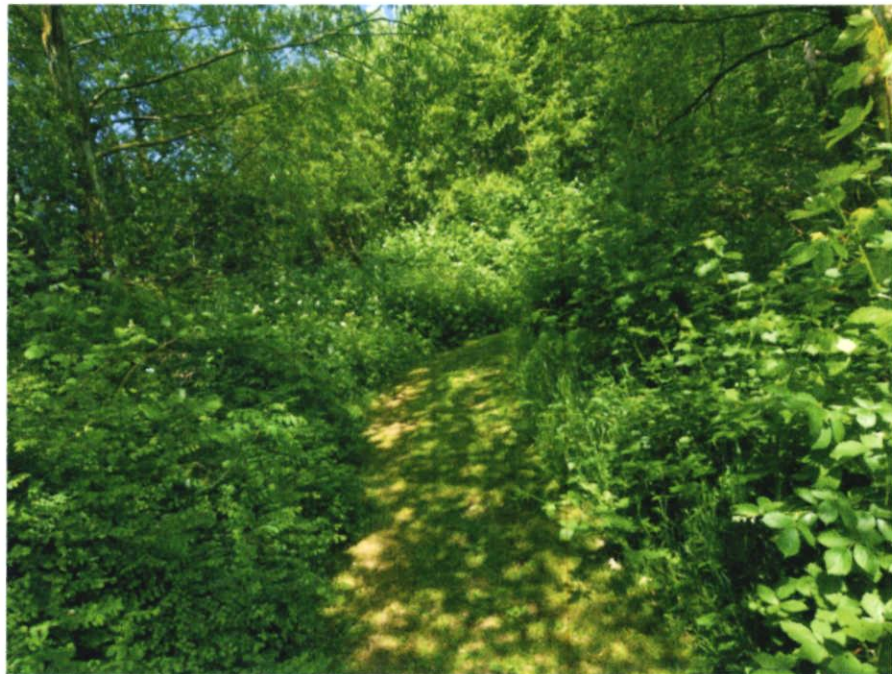


B16

B17



B18



B19

B20



B21



B22

B23

