

The Planning Inspectorate

QUESTIONNAIRE (s174) ENFORCEMENT NOTICE (Online Version)

You must ensure that a copy of the completed questionnaire, together with any enclosures, is sent to the appellant/agent. Any documents which you have indicated as 'To follow' should also be sent to the case officer by the date given in the start letter.

If notification or consultation under an Act, Order or Departmental Circular would have been necessary before granting permission and has not yet taken place, please inform the appropriate bodies of the appeal now and ask for any comments to be sent direct to us within 6 weeks of the 'starting date'.

Appeal Reference

APP/C3430/C/23/3330315

Appeal By

MRS SAMINA SARWAR

Site Address

Featherstone Fish Bar
20A The Avenue, Featherstone
WOLVERHAMPTON
WV10 7AT

PART 1

1.a. Do you agree to the written representation procedure? Yes No

*Note: If the written procedure is agreed, the Inspector will visit the site **unaccompanied** by either party unless the relevant part of the site cannot be seen from a road or other public land, or it is essential for the Inspector to enter the site to check measurements or other relevant facts.*

2.a. If the written procedure is agreed, can the relevant part of the appeal site be seen from a road or other public land? Yes No

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

To fully assess the appeal site

2.c. Are there any known health and safety issues that would affect the conduct of the site inspection? Yes No

Please describe:

2.d. Would the Inspector have to go onto any privately owned adjoining land as well as the appeal site itself? Yes No

PART 2

3. Are there any related appeals currently before the Secretary of State, e.g. under s.78, 174 or 195 of the Town and Country Planning Act 1990, s20 or 39 of the Planning (Listed Buildings and Conservation Areas) Act 1990 or orders under s102 of the Town and Country Planning Act 1990? If yes please provide reference number(s) Yes No

4.a. Has the local planning authority received the correct fee payable for the deemed planning application/ground (a) to be considered? Yes No

5.a. Is the appeal site within a conservation area? Yes No

5.b. Is the appeal site adjacent to a conservation area? Yes No

PART 3

6.a. Does the notice relate to building, engineering, mining or other operations? Yes No

If YES, please state the area of the site shown in the notice plan, in hectares.

0.07 hectare(s)

6.b. Is the area of the alleged breach different from the above? Yes No

6.c. Does the alleged breach create any floor space? Yes No

If YES, please state the amount of gross floor space created, in square metres.

71 sq metre(s)

Does the enforcement notice relate to a change of use of land to use for:

7.a. the disposal of refuse or waste materials? Yes No

7.b. the deposit of materials remaining after mineral extraction? Yes No

7.c. the storage of minerals in the open? Yes No

8. If the enforcement notice relates to the erection of a building or buildings, is it accepted that their use is for purposes of agriculture on land used for agricultural purposes (not necessarily an agricultural unit as defined in the Agriculture Act (1947))? Yes No

9. Does the enforcement notice relate to the erection/change of use of a building which is a single private dwellinghouse, as defined in Regulation 2(1) of the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012? Yes No

PART 4

10. Has the local planning authority made a Local Development Order under sections 61A to 61C of the Town and Country Planning Act 1990 (as inserted by section 40 of the Planning and Compulsory Purchase Act 2004) in relation to the application site? Yes No

11. Has any planning permission been granted previously in respect of the development? Yes No

12. Has the appellant applied for planning permission and paid the appropriate fee for the same development as in the enforcement notice? Yes No

13. Has a planning contravention notice been served? Yes No

14.a. the appeal site is within 67 METRES OF A TRUNK ROAD? Yes No

14.b. the appeal site is CROWN LAND (as defined in s293 of the Act)? Yes No

14.c. a STOP NOTICE has been served in addition to the enforcement notice? Yes No

14.d. the appeal site is in or adjacent to or likely to affect a SSSI? Yes No

14.e. any protected species are likely to be affected by the alleged development? Yes No

14.f. the appeal site is in a Green Belt or AONB? Yes No

14.g. any part of the site is subject to a Tree Preservation Order? Yes No

14.h. the appeal site is within 400m of an area of underground or surface Yes No

mineral interest?			
14.i. the appeal site is within 250m of a waste landfill site?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
14.j. does the development affect the setting of a listed building or ancient monument?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
14.k. has importation of waste materials been involved in the development?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
14.l. does the appeal involve persons claiming gypsy/traveller status, whether or not this is accepted by the planning authority?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>

PART 5

16.a. Is the appeal site subject to an ARTICLE 4 Direction?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
17. Have any development rights been restricted by means of a planning condition?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
18. Does the development relate to operational development for a disabled person, as defined by s29 of the National Assistance Act 1948?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
19. Will any consultation be carried out on the possibility of planning permission being granted if the appeal is confirmed as valid?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>

Environmental Impact Assessment - Schedule 1

20.a. Is the alleged development within Schedule 1 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
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Environmental Impact Assessment - Schedule 2

20.b.i. Is the development Schedule 2 development as described in Column 1, Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
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Environmental Impact Assessment - Environmental Statement (ES)

20.e. Has the appellant supplied an environmental statement?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
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PART 6

21.a. a copy of the letter with which you notified people about the appeal. <input checked="" type="checkbox"/> see 'Questionnaire Documents' section			<input checked="" type="checkbox"/>
21.b. a list of the people you notified and the deadline you gave for their comments to be sent to us. <input checked="" type="checkbox"/> see 'Questionnaire Documents' section			<input checked="" type="checkbox"/>
the deadline you gave for their comments to be sent to us.		<input type="text" value="02/01/2024"/>	
21.c. the planning officer's report to committee or delegated report and any other relevant document/minutes. <input checked="" type="checkbox"/> see 'Questionnaire Documents' section			<input checked="" type="checkbox"/>
21.d. where ground (a) (s174) has been pleaded and any fee required has been paid, a comprehensive list of conditions which you consider should be imposed if planning permission is granted. You need not attach this now, but it should reach us within 6 weeks of the starting date. The list must be submitted separately from your appeal statement.			<input type="checkbox"/>

Policies/Planning Guidance

22.a. extracts from any relevant statutory development plan policies (even if you intend to rely more heavily on the emerging plan). You must include the front page, the title and date of approval/adoption, and the status of the plan. Copies of the policies should include the relevant supporting text.

List of policies

Core Policy 4 and EQ11

[see 'Questionnaire Documents' section](#)

22.b. extracts of any relevant policies which have been 'saved' by way of a Direction.

22.c. extracts from any supplementary planning guidance, that you consider necessary, together with its status, whether it was the subject of public consultation and consequent modification, whether it was formally adopted, and if so when.

22.d. extracts from any supplementary planning document that you consider necessary, together with the date of its adoption. In the case of emerging documents, please state what stage they have reached.

22.e. if any Development Plan Document (DPD) or Neighbourhood Plan relevant to this appeal has been examined and found sound/met the basic conditions and passed a referendum, the date the DPD or Neighbourhood Plan is likely to be adopted and, if you consider this date will be before the Inspector's decision on this appeal is issued, an explanation of the Council's policy position in respect of this appeal upon its adoption. You should also include an explanation of the status of existing policies and plans, as they relate to this appeal, upon adoption and which (if any) will be superseded;

22.f. if any DPD or Neighbourhood Plan relevant to this appeal has been submitted for examination, or in the case of a Neighbourhood Plan has been examined and is awaiting a referendum, an explanation of any substantive changes in the progress of the emerging plan, and their relevance to this appeal if it is considered that the plan will not be adopted before the Inspector's decision on this appeal is issued;

22.g. your Authority's CIL charging schedule is being/has been examined;

22.h. your Authority's CIL charging schedule has been/is likely to be adopted.

22.i. any other relevant information or correspondence you consider we should know about.

PART 7

23. A true copy of the Enforcement Notice

[see 'Questionnaire Documents' section](#)

25. A list of those served with the Notice

[see 'Questionnaire Documents' section](#)

26. Do you wish to attach your statement of case?

Yes No



LPA Details

I certify that a copy of this appeal questionnaire and any enclosures will be sent to the appellant or agent today.

LPA's reference

21/00022/UNDEV

Completed by

Mark Bray

On behalf of

South Staffordshire District Council

Please provide the details of the officer we can contact for this appeal, if different from the Planning Inspectorate's usual contact for this type of appeal.

Name

Salindra Shakespeare

Phone no (including dialling code)

01902696274

Email

Appeals@sstaffs.gov.uk

Please advise the case officer of any changes in circumstances occurring after the return of the questionnaire.

QUESTIONNAIRE DOCUMENTS

Appeal Reference APP/C3430/C/23/3330315

Appeal By MRS SAMINA SARWAR

Site Address Featherstone Fish Bar
20A The Avenue, Featherstone
WOLVERHAMPTON
WV10 7AT

The documents listed below were uploaded with this form:

Relates to Section: PART 6
Document Description: 21.a. A copy of the letter with which you notified people about the appeal.
File name: 5 Appeal notice.pdf

Relates to Section: PART 6
Document Description: 21.b. A list of the people you notified and the deadline you gave for their comments to be sent to us.
File name: 4 LOIP - Featherstone and Brinsford.pdf

Relates to Section: PART 6
Document Description: 21.c. the planning officer's report to committee or delegated report and any other relevant document/minutes.
File name: 2 Officer report.pdf

Relates to Section: PART 6
Document Description: 22.a. Extracts from any statutory development plan policy including the front page, title and date of approval/adoption and status.
File name: 3 Core strategy front page.pdf
File name: 3a Policies.pdf

Relates to Section: PART 7
Document Description: 23. A true copy of the Enforcement Notice.
File name: 3 Enforcement Notice.pdf

Relates to Section: PART 7
Document Description: 25. A list of those served with the Notice.
File name: 6 List of those served notice.pdf

Completed by Not Set

Date 24/11/2023 09:20:51

LPA South Staffordshire District Council



Authorisation for Enforcement Action

THE AUTHORITY TO AUTHORISE THE ACTIONS PROPOSED IS DELEGATED TO THE CORPORATE DIRECTOR INFRASTRUCTURE AND BUSINESS GROWTH, BY VIRTUE OF PART 3 OF THE CONSTITUTION.

ENFORCEMENT REFERENCE: 21/00022/UNDEV

ADDRESS: Land at the rear of 20, 20A and 22A, The Avenue, Featherstone, Wolverhampton WV10 7AT

BREACH OF PLANNING CONTROL:

Without planning permission, unauthorised operational development consisting of the construction of two single storey extensions on the land, ("the Land") outlined in red for identification purposes on the site plan attached to this report. The Unauthorised Extensions are identified on the aerial image at Appendix 1 to this report, marked building 1 ("Building 1") and building 2 ("Building 2") for identification purposes and for the avoidance of doubt.

POLICY CONSIDERATIONS:

National Planning Policy Framework

12. Achieving well designed places

Adopted Core Strategy

Core Policy 4: Promoting High Quality Design

EQ11: Wider Design Considerations

RELEVANT PLANNING HISTORY:

There is no relevant planning history attached to the host building situated at 20A, The Avenue, Featherstone, Wolverhampton WV10 7AT.

CASE SUMMARY:

The host buildings, (which are 20 and 20A, The Avenue, Featherstone, Wolverhampton WV10 7AT), are located in the village of Featherstone and are a number of commercial units located at the junction of The Avenue and South Crescent. Rear access to the site is off South Crescent. To the rear of the Host Buildings there is a service yard upon which the Unauthorised Extensions have been constructed.

In January 2021 the Council received complaints relating to the construction of a single storey extension taking place on the Land to the rear of the host building.

On 25th January 2021 Council officers conducted a site visit and found a large single storey extension under construction to the rear of the host dwelling together with a smaller extension, both identified as Building 1 and Building 2 at Appendix 1 attached to this report. Both extensions were constructed from breeze blocks and appeared to be of a poor design.

Further investigation revealed that both buildings had been constructed on Land forming a service yard to the commercial units with examination of aerial imagery showing they had been constructed after April 2020.

The leasehold owner of the host dwelling was contacted on a number of occasions but after numerous attempts at negotiating a resolution, failed to regularise the breach in planning control either by removing the buildings or submitting a retrospective planning application.

The service yard provides access to four commercial business units consisting of a number of takeaway outlets and a convenience store, all of which have now been impeded by the Unauthorised Extensions. The land provides an area for storage of bins and other associated paraphernalia of the various business uses which is necessary for their effective functioning.

Whilst it is acknowledged that the service yard in itself is not a particularly attractive area it provides space around the buildings and amenity to those users sharing the space. The Unauthorised Extensions have almost entirely filled the usable space to the rear 20, 20A and 22A, The Avenue, This creates an incongruous juxtaposition of built form with narrow and uncomfortable spaces around it which impedes access into the neighbouring buildings. The entire form of the extension creates a cramped oppressive environment.

Further officer visits carried out in 2022 revealed that the stark breeze block construction of Building 1 had been clad in wooden fence panels giving Building 1 the appearance of a shed attached to a building. The use of wooden fence panels over breeze block as cladding to the whole structure is not in keeping with any local vernacular. The fence panels have been cut and pushed together giving the appearance that the building is going to fall down. This is compounded by the use of two entirely different doors and a small window which look like they have come from 3 different buildings, and which have been finished to a very poor standard in terms of their fitting. The resultant appearance is contrived, of very poor quality and wholly inappropriate. Building 2 has retained its breeze block construction and although less visible located to the rear of Building 1 is no less stark and incongruous in its setting.

Taken together the Unauthorised Extensions are overlarge and overbearing and creates cramped and unusable space about the buildings. It appears no consideration has been given to the external appearance of the building. The scheme is clearly ill considered and jars with the form other buildings in the immediate vicinity. Although not highly visible from views external to the site it can be seen from the adjacent road and public footpath, as well as from inside the site, which is a shared space, the building appears wholly alien and sits uncomfortably within its setting.

The leasehold owner has stated that the kitchen facilities and potato store are located within the extension and that his business cannot function without these elements. No evidence has been provided to substantiate this position. The owner also acknowledges that prior to his purchase and extension the site operated as a fish and chip shop. Google street view shows this use was continuous since at least 2009, which would suggest that there is sufficient capacity within what was the previous structure for the

business to operate. Whilst the Council seeks to support local business any development must be balanced against any harm identified. In this instance the harm identified clearly outweighs the desire to expand the business.

In addition, the leasehold owner has acknowledged that neither Building 1 nor Building 2 have actually been built on land within his ownership and concerns have been expressed from the owners of the surrounding businesses in relation to the poor-quality design of the extensions and the loss of the service yard.

To date the development remains in situ with no efforts having been made by its owner to regularise the unauthorised development consisting of two single storey extensions on the Land marked Building 1 and Building 2 on the aerial image at Appendix 1.

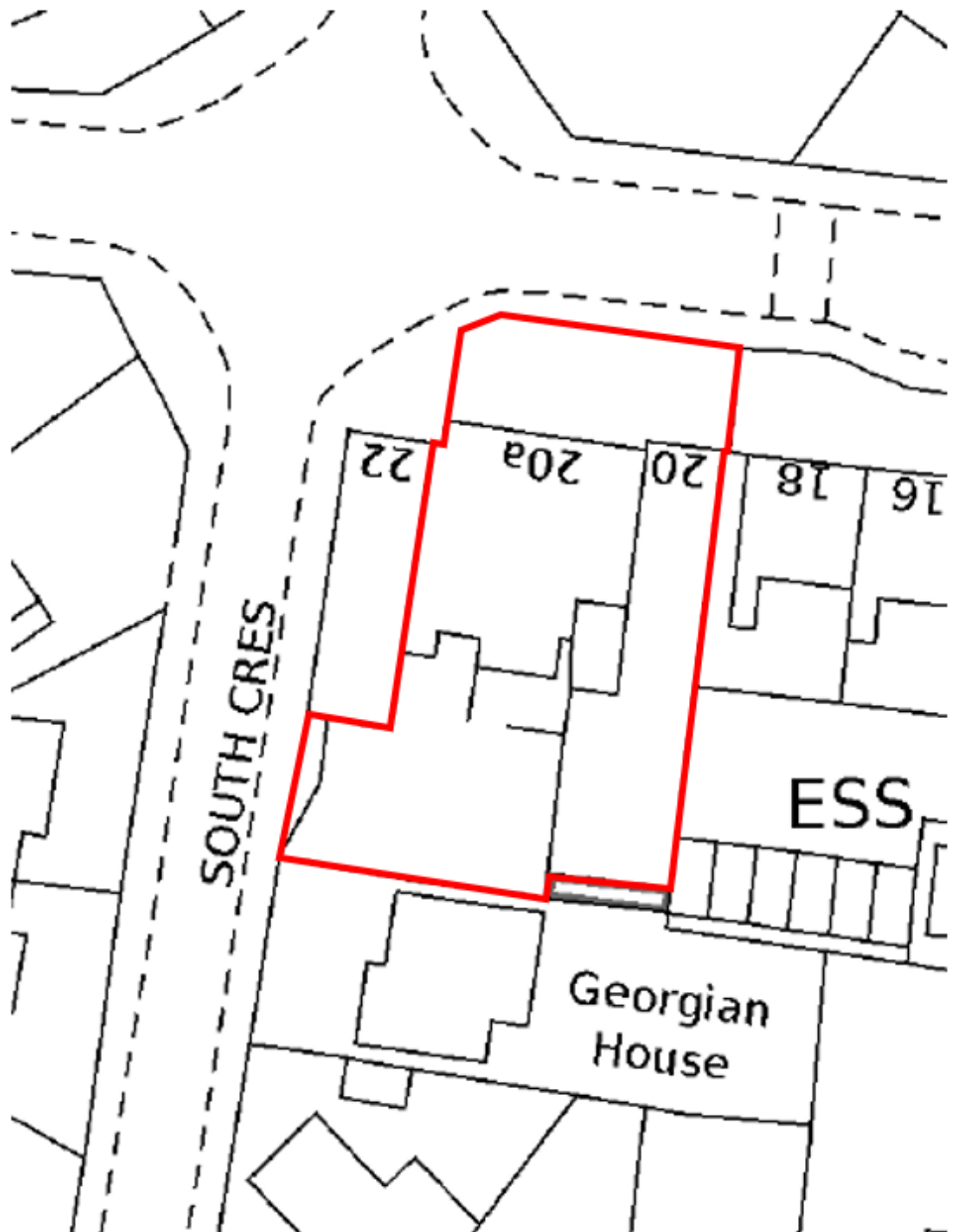
EXPEDIENCY OF ENFORCEMENT ACTION:

Planning Enforcement action is a discretionary power which may be exercised where there has been a breach of planning control which affects public amenity or otherwise affects land or buildings meriting protection in the public interest. This case relates to inappropriate development of a poor-quality design and construction leading to the loss of a service yard to a number of commercial units.

Given the landowners lack of response to the Councils efforts to regularise the breach in planning control, it is left with little alternative but to proceed with formal enforcement action to secure the removal of the building and restore the existing service yard for the use of the commercial units that continue to operate from the buildings surround it.

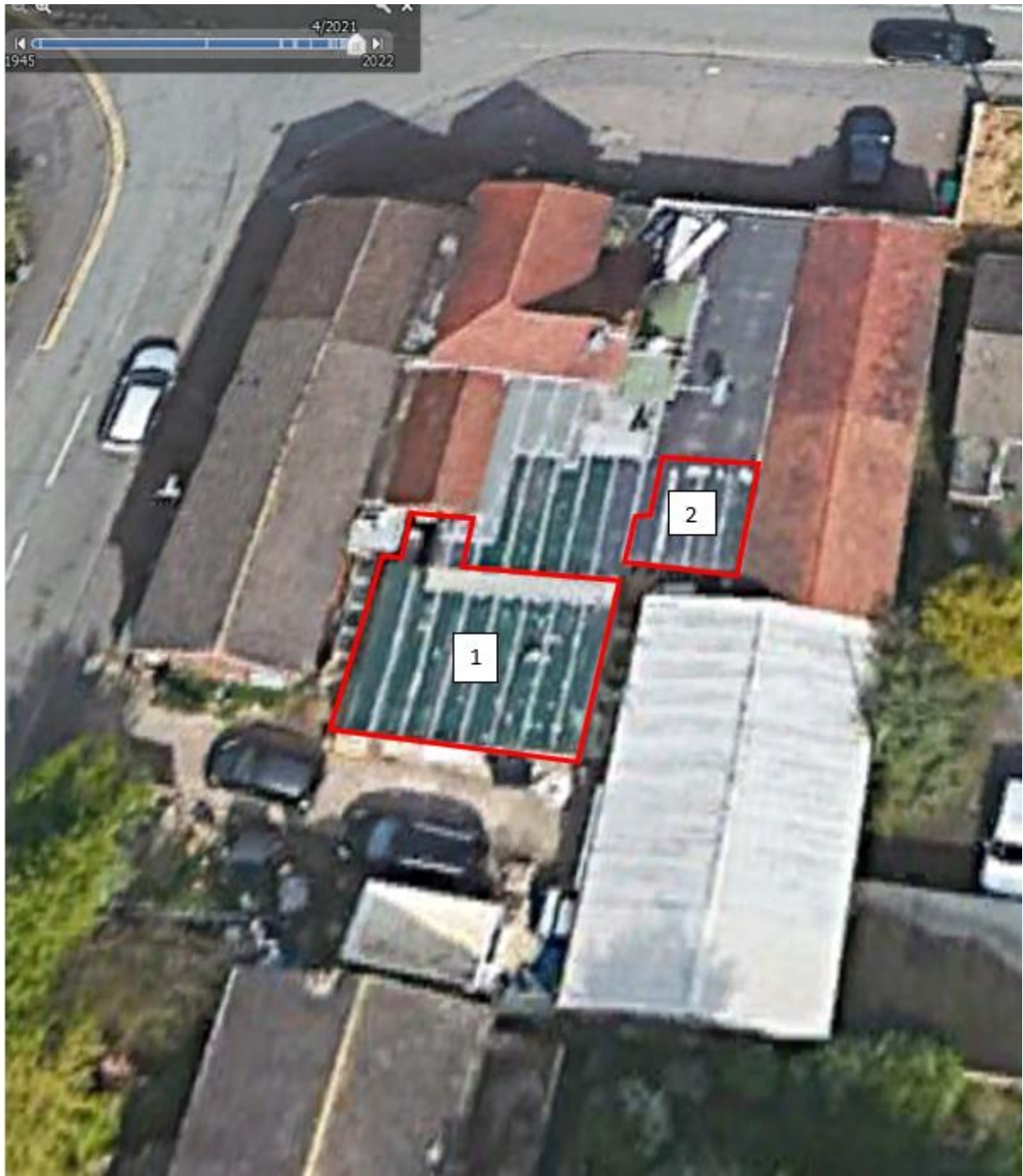
Land at the rear of 20, 20A and 22 The Avenue, Featherstone, Wolverhampton WV10 7AT

Red Line Plan



TO BE READ IN CONJUNCTION WITH THE ATTACHED NOTICE

APPENDIX 1



TO BE READ IN CONJUNCTION WITH THE ATTACHED NOTICE

CASE OFFICER DECLARATION:

I hereby declare that I have adhered to the Council's Planning Enforcement Policy & Procedures, and that based on the evidence gathered during my investigation I recommend the service of the notice attached to this form, including, where relevant, the amendments made by the named Officers below.

I have given consideration to [South Staffordshire Council's Planning Policies](#), the [National Planning Policy Framework](#), and to the Government's [Enforcement and post-permission matters](#) guidance during the course of my investigation and in the construction of the attached notice, ensuring that it is a proportionate and reasonable response to the breach of planning control.

CASE OFFICER: Mark Bray
POSITION: Planning Enforcement Consultant
DATE: 12th May 2023

Signed:



LINE MANAGER COMMENTS, INSERTIONS OR REVISIONS:**DECLARATION:**

I hereby declare that I have reviewed the case and support the Case Officer declaration above.

Based on my review of the evidence gathered during the investigation, it is both expedient and in the public interest to serve the notice attached to this form, including, where relevant, my amendments detailed above, and those made by the other named Officers.

I have given consideration to [South Staffordshire Council's Planning Policies](#), the [National Planning Policy Framework](#), and to the Government's [Enforcement and post-permission matters](#) guidance during my review of the investigation and my amendments to the attached notice, ensuring that it is a proportionate and reasonable response to the breach of planning control.

NAME: Catherine Gutteridge
POSITION: Planning Enforcement Team Manager
DATE: 12 May 2023

Signed:



DEVELOPMENT MANAGEMENT COMMENTS, INSERTIONS OR REVISIONS:

DECLARATION:

I hereby declare that I have reviewed the case and support the Officer declarations above.

Based on my review of the evidence gathered during the investigation, it is both expedient and in the public interest to serve the notice attached to this form, including, where relevant, my amendments detailed above, and those made by the other named Officers.

I have given consideration to [South Staffordshire Council's Planning Policies](#), the [National Planning Policy Framework](#), and to the Government's [Enforcement and post-permission matters](#) guidance during my review of the investigation and my amendments to the attached notice, ensuring that it is a proportionate and reasonable response to the breach of planning control.

NAME: Lucy
Duffy

POSITION:
Assistant Team
Manager

DATE: 15/5/2023

Signed:



LEGAL SERVICES COMMENTS, INSERTIONS OR REVISIONS:

DECLARATION:

I hereby declare that subject to the previous legal advice, the comments in this report and authorisation form, and on the attached draft enforcement notice, the draft notice attached is in a legally acceptable form.

NAME: jane
Cotton

POSITION:
Planning
Solicitor South
Staffs Council

DATE: 11 07 2023

Signed:




AUTHORISING OFFICER COMMENTS, INSERTIONS OR REVISIONS:

DECLARATION:

I hereby declare that I have reviewed the case and support the Officer declarations above.

Based on my review of the evidence gathered during the investigation, it is both expedient and in the public interest to serve the notice attached to this form, including, where relevant, my amendments detailed above, and those made by the other named Officers.

I have given consideration to [South Staffordshire Council's Planning Policies](#), the [National Planning Policy Framework](#), and to the Government's [Enforcement and post-permission matters](#) guidance during my review of the investigation and my amendments to the attached notice, ensuring that it is a proportionate and reasonable response to the breach of planning control.

Annette Roberts

Corporate Director Infrastructure and Business Growth

DATE:

Signed:



South Staffordshire Council

Core Strategy

December 2012



Further information can be found at
www.sstaffs.gov.uk



A Local Plan for
South Staffordshire

Core Strategy Development Plan Document

Adopted 11th December 2012

South Staffordshire Council

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 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 the rear of 20, 20A and 22A, The Avenue, Featherstone, Wolverhampton WV10 7AT 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**

Without planning permission, unauthorised operational development consisting of the construction of two single storey extensions on the land, ("the Land") outlined in red for identification purposes on the site plan attached to this report. The Unauthorised Extensions are identified on the aerial image at Appendix 1 to this report, marked building 1 ("Building 1") and building 2 ("Building 2") for identification purposes and for the avoidance of doubt.

4. **REASONS FOR ISSUING THIS NOTICE**

It appears to the Council that the Unauthorised Extensions where substantially completed within the last four years and are therefore, not immune from enforcement action.

The Host Buildings, (which are 20 and 20A, The Avenue, Featherstone, Wolverhampton WV10 7AT), ("the Host Buildings") are located in the village of Featherstone and are a number of commercial units located at the junction of The Avenue and South Crescent. Rear access to the Land is off South Crescent. To the rear of the Host Buildings there is a service yard upon which the Unauthorised Extensions have been constructed.

Paragraph 134 of the National Planning Policy Framework (NPPF), states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to:

- a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or
- b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

Core Policy 4, supported by the Councils Design Guide SPD 2018 and development Policy EQ11 that seeks to promote high quality design which respects and enhances local character and distinctiveness. Developments must be of the appropriate scale, design and materials for their location and conform to the design principles set out in the Policy which includes providing an attractive, functional, accessible, safe, healthy and secure environment.

The service yard provides access to four commercial business units consisting of a number of takeaway outlets and a convenience store, all of which have now been impeded by the Unauthorised Extensions. The land also provides an area for storage of bins and other associated paraphernalia of the various business uses which is necessary for their effective functioning.

Whilst it is acknowledged that the service yard in itself is not a particularly attractive area it provides space around the buildings and amenity to those users sharing the space. The Unauthorised Extensions have almost entirely filled the usable space to the rear 20, 20A and 22A, The Avenue, This creates an incongruous juxtaposition of built form with narrow and uncomfortable spaces around it which impedes access into the neighbouring buildings. The entire form of the extension creates a cramped oppressive environment.

Since it was first built, the stark breeze block construction of Building 1 has now been clad in wooden fence panels giving Building 1 the appearance of a shed attached to a building. The use of wooden fence panels over breeze block as cladding to the whole structure is not in keeping with any local vernacular. The fence panels have been cut and pushed together giving the appearance that the building is going to fall down. This is compounded by the use of two entirely different doors and a small window which look like they have come from 3 different buildings, and which have been finished to a very poor standard in terms of their fitting. The resultant appearance is contrived, of very poor quality and wholly inappropriate. Building 2 has retained its breeze block construction and although less visible located to the rear of Building 1 is no less stark and incongruous in its setting.

Taken together the Unauthorised Extensions are overlarge and overbearing and creates cramped and unusable space about the buildings. It appears no consideration has been given to the external appearance of the building. The scheme is clearly ill considered and jars with the form other buildings in the immediate vicinity. Although not highly visible from views external to the site it can be seen from the adjacent road and public footpath, as well as from inside the site, which is a shared spaced, the building appears wholly alien and sits uncomfortably within its setting.

As such the development in contrary to paragraph 134 of the NPPF and policy 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) Demolish the Unauthorised Extensions identified as Building 1 and Building 2 on the aerial image at Appendix 1 attached to this notice.
- ii) Restore the Land and the Host Buildings to their previous state and condition before the breach took place .
- iii) Remove all materials and debris resulting from compliance with i) above from the Land.

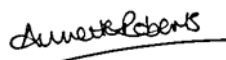
6. TIME FOR COMPLIANCE

Within three months from the date the notice takes effect.

7. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on 1st October 2023, unless an appeal is made against it beforehand.

Dated: 28th July 2023



Signed:

Annette Roberts

Corporate Director of Place and Communities, South Staffordshire District Council, Council Offices,
Wolverhampton Road, Codsall, South Staffordshire WV8 1PX

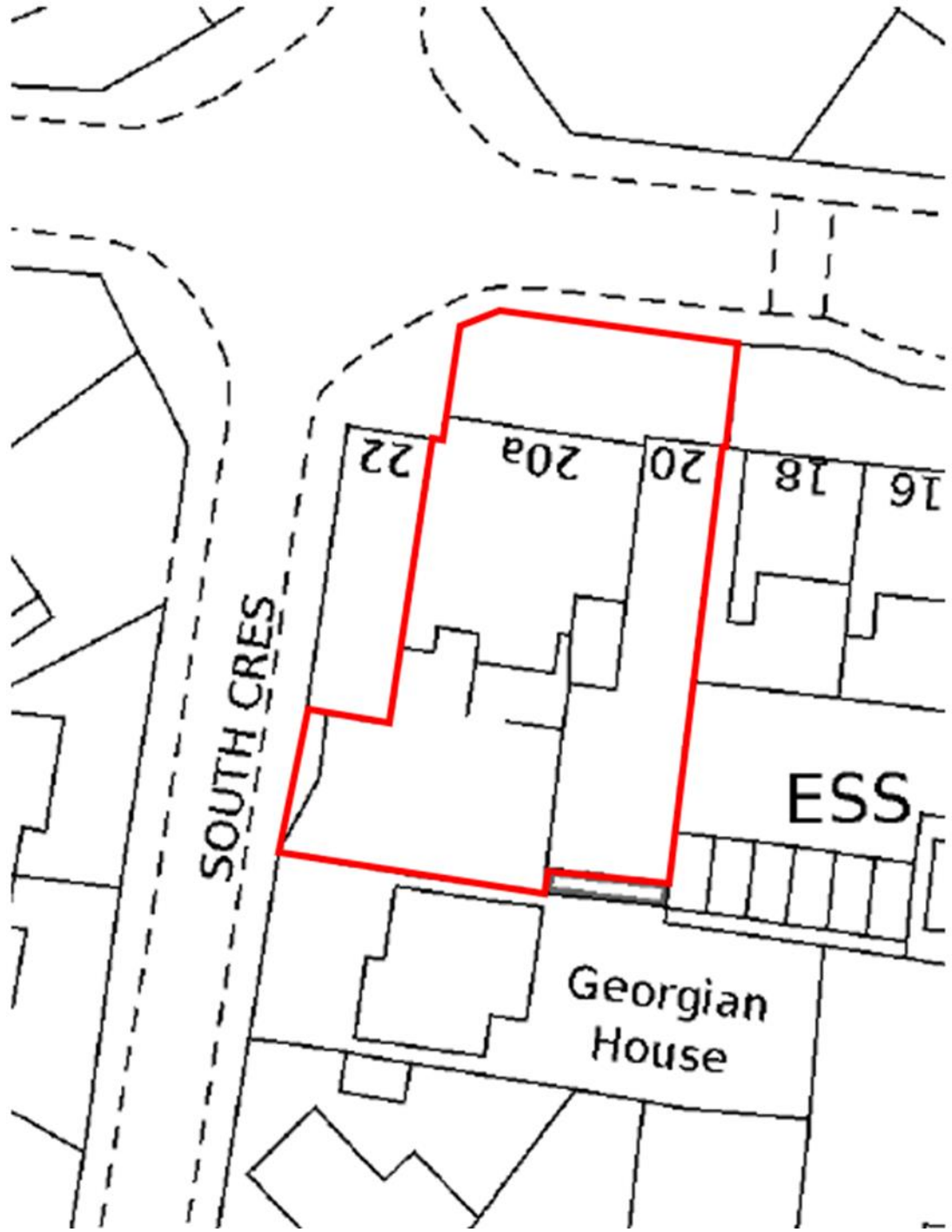
Nominated Officer:

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

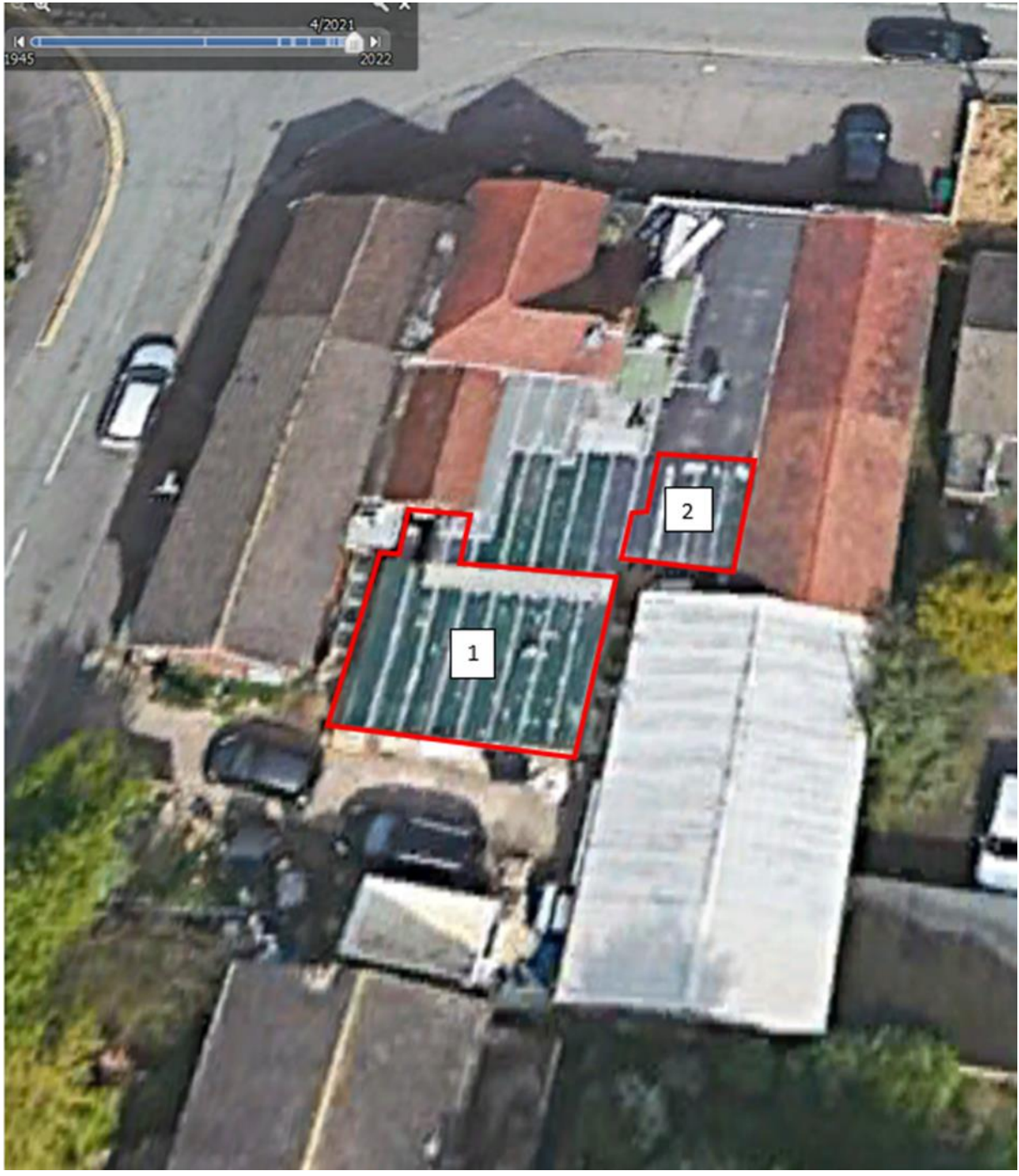
RED LINE PLAN TO ACCOMPANY ENFORCEMENT NOTICE

Land at the rear of 20, 20A and 22 The Avenue, Featherstone, Wolverhampton WV10 7AT

Red Line Plan



APPENDIX 1



IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY

Town and Country Planning Act 1990 (as amended)

Enforcement Notice relating to land and premises Land at the rear of 20A, The Avenue, Featherstone, Wolverhampton WV10 7AT.

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 1st October 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 1st October 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 1st October 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

PERSONS SERVED WITH A COPY OF THIS ENFORCEMENT NOTICE

1. WILLIAM MASIH
254-255, Hordern Road,
Wolverhampton
WV6 0HQ

2. VANDANA GILL
254-255, Hordern Road,
Wolverhampton
WV6 0HQ

3. LLOYDS BANK PLC
Dept. No. 9983 of Pendeford Securities Centre,
Pendeford Business Park,
Wobaston Road,
Wolverhampton
WV9 5HZ.

4. SANTOKH KUMAR
568 Stafford Road,
Wolverhampton
WV10 6NN

5. RASHAM KAUR JASSAL
568 Stafford Road,
Wolverhampton
WV10 6NN

6. SAMINA SARWAR
107 Burland Avenue,
Wolverhampton
WV6 9JG

And

20a, The Avenue,
Featherstone,
Wolverhampton
WV10 7AT

7. IMRAN SARWAR
20a The Avenue,
Featherstone,
Wolverhampton
WV10 7AT

8. SUBAGINI KALAICHELVAN
16 Lyndhurst Road,
Coulsdon
CR5 3HT

9. LLOYDS BANK PLC
Dept. No.3282 Pendeford Securities Centre,
Pendeford Business Park,
Wobaston Road,
Wolverhampton
WV9 5HZ

10. LAZAROS DEMETRIOU LAZAROU
48 Hillside Road,
Sutton Coldfield
B74 4DQ

11. ANGELA LAZAROU
48 Hillside Road,
Sutton Coldfield
B74 4DQ.

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.]¹

Notes

¹ Added by Planning and Compensation Act 1991 c. 34 Pt I 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.”] ¹

Notes

¹ Added by Planning and Compensation Act 1991 c. 34 Pt I 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.] ¹

Notes

¹ 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).] ¹

Notes

¹ 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).] ¹

Notes

¹ 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. 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—

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- (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.]¹

Notes

¹ 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 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.

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- (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 179.¹

Notes

¹ 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.

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- (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.]¹

Notes

¹ 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.¹

Notes

¹ 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.]²

(3) An appeal under this section shall be made [...] ³ —

(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]³

(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.]³¹

(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.]¹

- (4) Where an appeal is brought under section 174 the enforcement notice shall [subject to any order under section 289(4A)]² 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.

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(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

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.

Town and Country Planning Act 1990 Page 220

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;]¹
- (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.]²

[(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.]²

[(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).]³

- (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.]⁴

Town and Country Planning Act 1990 Page 221

- (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.]⁵

[(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.]⁶

- (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

Customer Support Team
Temple Quay House
2 The Square
Temple Quay
Bristol
BS1 6PN

Direct Line: 0303 444 5000

Email: enquiries@planninginspectorate.gov.uk

1. THIS IS IMPORTANT

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

- online at the [Appeals Casework Portal](https://acp.planninginspectorate.gov.uk/) (<https://acp.planninginspectorate.gov.uk/>); or
- sending us enforcement appeal forms, which can be obtained by contacting us on the details above.

You MUST make sure that we RECEIVE your appeal BEFORE the effective date on the enforcement notice.

Please read the appeal guidance documents at <https://www.gov.uk/appeal-enforcement-notice/how-to-appeal> (<https://www.gov.uk/appeal-enforcement-notice/how-to-appeal>).

In exceptional circumstances you may give written notice of appeal by letter or email. You should include the name and contact details of the appellant(s) and either attach a copy of the Enforcement notice that you wish to appeal or state the following:

- the name of the local planning authority;
- the site 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.

Promoting High Quality Design

Introduction

- 7.53 Planning has a key role to play in achieving better-designed buildings and enhancing the environment of our villages. Good design has an important role in promoting sustainable development and protecting local character and distinctiveness. Good design in the creation of buildings, streets and spaces is an important component of enriching and improving the quality of life for the community.

Core Policy 4: Promoting High Quality Design

The Council will expect all development proposals to achieve a high quality of design of buildings and their landscape setting, in order to achieve the vision of a high quality environment for South Staffordshire. Support will be given to proposals that are consistent with the detailed design policy set out in Policy EQ11 and the guidance in the adopted Village Design Guide Supplementary Planning Document (or subsequent revisions), and be informed by any other local design statements, and meet the following requirements:

- a) to provide an attractive, functional, accessible, safe, healthy and secure environment;
- b) to respect and enhance local character and distinctiveness of the natural and built environment including opportunities to improve the character and quality of the area and the way it functions;
- c) to incorporate measures to reduce the risk of flooding and prepare for the predicted effects of climate change;
- d) to make a positive contribution to the public realm including the incorporation of public art where appropriate;
- e) to adopt sustainable construction principles and use locally sourced and recycled materials wherever possible;
- f) to incorporate accessibility measures to meet the needs of users and facilitate access through sustainable forms of transport;
- g) to facilitate and encourage physical activity through outdoor sport, recreation (informal sport and play) walking and cycling;
- h) to secure improvements to public spaces and the provision of additional public spaces.

Development proposals will be assessed against the design criteria in the Village Design Guide Supplementary Planning Document (or subsequent revisions) and where appropriate should take into account the actions and recommendations contained in the Council's Conservation Area

Management Plans.

Development proposals should be consistent with other local planning policies.

Explanation

- 7.54 The Council has adopted a Village Design Guide Supplementary Planning Document with the aim of promoting the highest standards of design and construction in new development and to encourage buildings that are sustainable in construction and in use. The Council will also promote a high standard of landscape design to secure the best environment. Supported by the strong commitment to protect South Staffordshire's environmental assets, the Council will seek to ensure that the historic character of our villages is maintained and enhanced and that new development respects local character and distinctiveness. Development should be designed to create a safe, healthy and secure environment and make efficient use of resources. This approach reflects Strategic Objectives 5 and 14.
- 7.55 All new buildings and spaces must enhance and respect their surroundings and contribute towards local character and distinctiveness. Developments must be of the appropriate scale, design and materials for their location and conform to the design principles set out in above Policy. Public art may make a contribution in enhancing local character and distinctiveness and will be supported wherever appropriate.
- 7.56 Further detailed guidance on design and the requirements for new development is set out below in Policy EQ11 and reference should be made to the adopted Village Design Guide Supplementary Planning Document (or subsequent revisions). All those proposing development will be advised to refer to the Department for Transport Manual for Streets, the Commission for Architecture and the Built Environment (CABE) Building for Life standards, the CABE document Physical Activity and the Built Environment, Sport England's Active Design and the web-based toolkit the 'West Midlands Sustainability Checklist (Advantage West Midlands). Those proposing new housing development are also advised to consult the Government document 'Code for Sustainable Homes' which provides a national standard for the construction of new homes.
- 7.57 Reference to 'Building for Life', the 'West Midlands Sustainability Checklist' and the Department for Transport Manual for Streets is to ensure that early in the development stage, careful attention is given to high quality and sustainable design principles. Reference to the Council's adopted Village Design Guide (or subsequent revisions) is also essential to ensure that careful attention is given to the requirements and guidance relevant to the distinctiveness of South Staffordshire.

Key Evidence

Sustainable Community Strategy 2008 - 2020

Village Design Guide SPD 2009
Conservation Area Appraisals and Management Plans 2010
Open Space Strategy 2009

Delivery and Monitoring

Through Development Policy EQ13
LSP Environmental Quality Delivery Plan
Conservation Area Management Plans
Village Design Guide SPD (or subsequent revisions)

The monitoring arrangements are set out in the Monitoring Framework in Appendix 1.

Development Policies

7.58 The following Development Policies support Core Policy 4.

Policy EQ11: Wider Design Considerations

The design of all developments must be of the highest quality and the submission of design statements supporting and explaining the design components of proposals will be required. Proposals should be consistent with the design guidance set out in the adopted Village Design Guide Supplementary Planning Document (or subsequent revisions) and be informed by any other local design statements.

Development proposals must seek to achieve creative and sustainable designs that take into account local character and distinctiveness, and reflect the principles set out below. The Council will encourage innovative design solutions.

A. Use

- a) mixed use developments will be encouraged where the uses are compatible with and complementary to each other and to other uses in the existing community, and where the development will help support a range of services and public transport (existing or new);
- b) proposals should where possible promote a density and mix of uses which create vitality and interest where appropriate to their setting;

B. Movement

- c) opportunities should be taken to create and preserve layouts giving a choice of easy and alternative interconnecting routes, including access to facilities and public transport and offer a safe, attractive environment for all users;

- d) provision should be made, especially within the proximity of homes, for safe and attractive walking and cycling conditions, including the provision of footpath links, cycleways and cycle parking facilities, and links to green infrastructure in accordance with Policies EV11 and HWB2;

C. Form

- e) proposals should respect local character and distinctiveness including that of the surrounding development and landscape, in accordance with Policy EQ4, by enhancing the positive attributes whilst mitigating the negative aspects;
- f) in terms of scale, volume, massing and materials, development should contribute positively to the streetscene and surrounding buildings, whilst respecting the scale of spaces and buildings in the local area;
- g) development should relate to and respect any historic context of the site, including plot patterns and street layout taking account of the guidance contained in Policy EQ3;
- h) development within or adjacent to a waterway corridor should take advantage of the waterside setting with an appropriate green corridor taking account of the aims and objectives of Policy HWB2;
- i) development should take every opportunity to create good design that respects and safeguards key views, visual amenity, roofscapes, landmarks, and focal points;
- j) development should take account of traditional design and forms of construction where appropriate, and avoid the use of inappropriate details;
- k) development should incorporate high quality building design and detailing, with particular attention given to appropriately designed elements;
- l) development must ensure a high standard of access for all and that safe and easy access is available to all potential users, regardless of ability, age or gender;
- m) sustainable forms of development should be designed, incorporating renewable energy use, minimising waste production and providing opportunities for recycling, and minimising pollution. Development should seek to minimise water use including the incorporation of water recycling and harvesting, and ensure the use of Sustainable Drainage Systems (SUDS). Use or re-use of sustainable materials will be encouraged. Orientation and layout of development should maximise the potential for passive solar heating, taking account of the implications of solar heat gain;

D. Space

- n) proposals should create pedestrian-friendly places that allow for necessary vehicular access;
- o) places should be safe and secure, with effective natural surveillance;
- p) well designed private and semi-private open space should be incorporated for all buildings, appropriate to the character of the area;
- q) opportunities should be taken to support the development of a varied network of attractive, and usable publicly accessible spaces;
- r) provision for parking should where possible be made in discreet but planned locations within the development;
- s) design should seek to retain existing important species and habitats and maximise opportunities for habitat enhancement, creation and management in accordance with Policy EQ1.

The Council's Space About Dwelling standards are set out in Appendix 6.

Development proposals should be consistent with other local planning policies.

Explanation

- 7.59 The Council attaches significant importance to securing a high level of design quality in the District and this is reflected in the adopted Village Design Guide SPD (or subsequent revisions). The NPPF also refers to the importance of achieving high quality and inclusive design and the CABI publication "Making Design Policy Work" highlights a number of important issues to take into account in developing a policy approach to design.
- 7.60 The design guidance set out in the above Policy identifies the importance of local character and distinctiveness, and gives guidance on achieving sustainable development, use, movement, form and space. Achieving safe designs will be important and issues relating to community safety are addressed in Core Policy 13 and Policy CS1.

Key Evidence

Sustainable Community Strategy 2008 – 2020
Southern Staffordshire Surface Water Management Plan Phase 1 2010
Planning for Landscape Change – Staffordshire County Council SPG 1996-

List of Persons and Interested Parties

Appeal Ref: APP/C3430/C/23/3330315

Enforcement Ref: 21/00022/UNDEV

Appeal by: Mrs Samina Sarwar

Site at: Featherstone Chip Shop 20A The Avenue Featherstone Wolverhampton WV10 7AT

1 copy to the Occupier(s)

Londis 22 The Avenue Featherstone WOLVERHAMPTON WV10 7AT
24 The Avenue Featherstone WOLVERHAMPTON WV10 7AS
31 South Crescent Featherstone WOLVERHAMPTON WV10 7AU
29 South Crescent Featherstone WOLVERHAMPTON WV10 7AU
29B South Crescent Featherstone WOLVERHAMPTON WV10 7AU
23 The Avenue Featherstone WOLVERHAMPTON WV10 7AS
21 The Avenue Featherstone WOLVERHAMPTON WV10 7AS
19 The Avenue Featherstone WOLVERHAMPTON WV10 7AT
17 The Avenue Featherstone WOLVERHAMPTON WV10 7AT
16 The Avenue Featherstone WOLVERHAMPTON WV10 7AT
18 The Avenue Featherstone WOLVERHAMPTON WV10 7AT
14 The Avenue Featherstone WOLVERHAMPTON WV10 7AT
Georgian House South Crescent Featherstone WOLVERHAMPTON WV10 7AU
22C The Avenue Featherstone WOLVERHAMPTON WV10 7AT
22B The Avenue Featherstone WOLVERHAMPTON WV10 7AT
Flat Over 22A The Avenue Featherstone WOLVERHAMPTON WV10 7AT
Featherstone Pizza 22A The Avenue Featherstone WOLVERHAMPTON WV10 7AT

1 copy to the Clerk to Featherstone and Brinsford Parish Council

R. Young, 2B Appian Close, Two Gates, Tamworth, Staffordshire, B77 1JA

Email: blueseas02@outlook.com

1 copy to the Chairman/Vice-Chairman of the Council

Councillor Meg Barrow

Email: m.barrow@sstaffs.gov.uk

Councillor, Dan Kinsey

Email: d.kinsey@sstaffs.gov.uk

1 copy to the Chairman/Vice-Chairman of the Planning Committee

Councillor Mark Evans

Email: m.evans@sstaffs.gov.uk

Councillor Bob Cope, 1 Spires Croft, Shareshill, Wolverhampton, WV10 7JH

Email: r.cope@sstaffs.gov.uk

1 copy to the following local member(s)

Councillor John Brindle

Email: j.brindle@sstaffs.gov.uk

Councillor Robert Cope

Email: r.cope@sstaffs.gov.uk



The Occupier/Others

Phone: (01902) 696274
Email: appeals@sstaffs.gov.uk
Date: 22 November 2023

TOWN AND COUNTRY PLANNING ACT 1990 APPEAL UNDER SECTION 174

Appellant's name: Mrs Samina Sarwar
Site Address: Featherstone Fish Bar, 20A The Avenue,
Featherstone, Wolverhampton, WV10 7AT

Description of Breach: Without planning permission, unauthorised operational development consisting of the construction of two single storey extensions on the land, ("the Land") outlined in red for identification purposes on the site plan attached to this report. The Unauthorised Extensions are identified on the aerial image at Appendix 1 to this report, marked building 1 ("Building 1") and building 2 ("Building 2") for identification purposes and for the avoidance of doubt.

Enforcement reference: 21/00022/UNDEV
Appeal reference: APP/C3430/C/23/3330315
Appeal start date: 21 November 2023

I refer to the above details. An appeal has been made to the Secretary of State against an enforcement notice issued by South Staffordshire District Council on 28 July 2023.

The enforcement notice was issued for the following reasons:

It appears to the Council that the Unauthorised Extensions were substantially completed within the last four years and are therefore, not immune from enforcement action.

The Host Buildings, (which are 20 and 20A, The Avenue, Featherstone, Wolverhampton WV10 7AT), ("the Host Buildings") are located in the village of Featherstone and are a number of commercial units located at the junction of The Avenue and South Crescent. Rear access to the Land is off South Crescent. To the rear of the Host Buildings there is a service yard upon which the Unauthorised Extensions have been constructed.

Paragraph 134 of the National Planning Policy Framework (NPPF), states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to:

- a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or
- b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

Core Policy 4, supported by the Councils Design Guide SPD 2018 and development Policy EQ11 that seeks to promote high quality design which respects and enhances local character and distinctiveness. Developments must be of the appropriate scale, design and materials for their location and conform to the design principles set out in the Policy which includes providing an attractive, functional, accessible, safe, healthy and secure environment.

The service yard provides access to four commercial business units consisting of a number of takeaway outlets and a convenience store, all of which have now been impeded by the Unauthorised Extensions. The land also provides an area for storage of bins and other associated paraphernalia of the various business uses which is necessary for their effective functioning.

Whilst it is acknowledged that the service yard in itself is not a particularly attractive area it provides space around the buildings and amenity to those users sharing the space. The Unauthorised Extensions have almost entirely filled the usable space to the rear 20, 20A and 22A, The Avenue, This creates an incongruous juxtaposition of built form with narrow and uncomfortable spaces around it which impedes access into the neighbouring buildings. The entire form of the extension creates a cramped oppressive environment.

Since it was first built, the stark breeze block construction of Building 1 has now been clad in wooden fence panels giving Building 1 the appearance of a shed attached to a building. The use of wooden fence panels over breeze block as cladding to the whole structure is not in keeping with any local vernacular. The fence panels have been cut and pushed together giving the appearance that the building is going to fall down. This is compounded by the use of two entirely different doors and a small window which look like they have come from 3 different buildings, and which have been finished to a very poor standard in terms of their fitting. The resultant appearance is contrived, of very poor quality and wholly inappropriate. Building 2 has retained its breeze block construction and although less visible located to the rear of Building 1 is no less stark and incongruous in its setting.

Taken together the Unauthorised Extensions are overlarge and overbearing and creates cramped and unusable space about the buildings. It appears no consideration has been given to the external appearance of the building. The scheme is clearly ill considered and jars with the form other buildings in the immediate vicinity. Although not highly visible from views external to the site it can be seen from the adjacent road and public footpath, as well as from inside the site, which is a shared space, the building appears wholly alien and sits uncomfortably within its setting.

As such the development in contrary to paragraph 134 of the NPPF and policy 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.

The enforcement notice requires the following steps to be taken:

- i) Demolish the Unauthorised Extensions identified as Building 1 and Building 2 on the aerial image at Appendix 1 attached to this notice.
- ii) Restore the Land and the Host Buildings to their previous state and condition before the breach took place.
- iii) Remove all materials and debris resulting from compliance with i) above from the Land.

The appellant has appealed against the notice on the following grounds:

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

The appeal will be determined on the basis of **written representations**. The procedure to be followed is set out in the Town and Country Planning (Enforcement) (Written Representations Procedure) (England) Regulations 2002.

If you wish to make comments, you can do so at <https://www.gov.uk/government/organisations/planning-inspectorate> If you do not have access to the internet, you can send **three** copies to:

Ben White
The Planning Inspectorate
Room 3B
Temple Quay House
2 The Square
Bristol
BS1 6PN

All representations must be received by 2 January 2024. Any representations submitted after the deadline will not usually be considered and will be returned. The Planning Inspectorate does not acknowledge representations. **All representations must quote the appeal reference.**

Please note that any representations you submit to the Planning Inspectorate will be copied to the appellant and this local planning authority and will be considered by the Inspector when determining the appeal.

If you submit comments and then subsequently wish to withdraw them, you should make this request to the Planning Inspectorate by the date above.

The appeal documents (including the decision when made) can be viewed online at [Enforcement Appeal Cases \(sstaffs.gov.uk\)](https://www.enforcementappeals.gov.uk) by clicking on the relevant Enforcement appeal case.

You can get a copy of one of the Planning Inspectorate's "Guide to taking part in enforcement appeals" booklets free of charge from the Planning Portal at: www.planningportal.gov.uk/pcs or from us.

When made, the decision will be published online at <https://acp.planninginspectorate.gov.uk> and the Council website. Paper copies of the appeal decision can be obtained from the Council. Please be aware that there may be a copying fee.

Helen Benbow
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Telephone Enquiries: (01902) 696274 (Salindra Shakespeare)