

IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

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

ENFORCEMENT NOTICE

ISSUED BY STAFFORD BOROUGH COUNCIL

1 THIS IS A FORMAL NOTICE which is issued by the Council because it appears to them that there has been a breach of planning control, under Section 171A(1)(a) 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 AFFECTED

The Land lying to the East of Stallington Road Blythe Bridge Stoke-On-Trent Staffordshire ST11 9PB shown edged red on the attached plan (hereinafter referred to as 'the Land').

3 THE BREACH OF PLANNING CONTROL ALLEGED

Without planning permission, the unauthorised;

- (i) material change of use from agricultural land to residential traveller encampment, in the approximate location shown shaded in blue on the attached plan, and storage of caravans, trailers, plant machinery and all associated equipment; and
- (ii) operational development including the erection of close boarded timber fence, around the perimeter of the encampment as shown on the plan outlined in blue, the installation of a septic tank and associated water and soil pipes, engineering works to level the ground and the laying of aggregate hardstanding including hardcore, road planings, gravel and other associated material.

4 REASONS FOR ISSUING THIS NOTICE

It appears to the Council that the above breaches of planning control have occurred within the last ten years.

The change of use and operational development in question were substantially completed less than ten years ago.

The unauthorised material change of use and operation development as referred to above represents inappropriate use of the Land which is within a rural area and forms part of the approved Green Belt in the development plan and outside of a settlement boundary as defined in Spatial Principle (SP) 3 of The Plan. SP7i of The Plan states that “development will only be supported where, if located within the Green Belt, it is consistent with national policies for the control of development.”

The unauthorised material change of use and operation development as referred to above represents inappropriate development in the green belt which is harmful by definition and harmful to the openness both visual and spatial terms. As the Land is in the Green Belt there is a strong presumption against any development. The development appears as an intrusion in this otherwise mainly open, rural landscape. It is contrary to development plan policies and harmful to the visual amenities of the area. In particular the unauthorised material change of use and operation development conflict with the following policies:

Policy Spatial Principle 7 – Supporting the Location of New Development;
Policy C6 - Provision for Gypsies, Travellers and Travelling Show-people;
Policy N1 - Design of the Stafford Borough Local Plan and the NPPF.

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

5 WHAT YOU ARE REQUIRED TO DO

- (i) Permanently cease the unauthorised residential use of the Land
- (ii) Remove all caravans, trailers, plant machinery and all associated equipment from the Land
- (iii) Remove from the Land, the close boarded timber fence around the perimeter of the encampment
- (iv) Remove from the Land, the aggregate hardstanding including; hardcore, road planings, gravel and any other associated material
- (v) Remove from the Land, the installed septic tank and associated water and soil pipes
- (vi) Remove from the Land, all materials including debris and rubble resulting from compliance with the works in points i) to v) above
- (vii) Restore the Land to its condition before the breach took place by levelling the ground and reseedling it with grass.

6 TIME FOR COMPLIANCE

The period for compliance with the steps set out in paragraph 5 above is two

month(s) from the date this notice takes effect.

7 WHEN THIS NOTICE TAKES EFFECT

This notice shall take effect on 05 March 2025, unless an appeal is made against it beforehand.

DATED 29 JANUARY 2025

SIGNED 

ON BEHALF OF Stafford Borough Council, Civic Centre, Riverside, Stafford.
ST16 3AQ

Nominated officer: Jeanette Oates
Telephone number: 01785 619512

Annex

Stafford Borough Council has issued an enforcement notice relating to Land lying to the East of Stallington Road Blythe Bridge Stoke-On-Trent Staffordshire ST11 9PB and you are served with a copy of that notice as you have an interest in the Land. Copies of the notice have also been served on the parties listed at the end of this Annex.

YOUR RIGHT OF APPEAL

You can appeal against this enforcement notice, but any appeal must be **received** by the Planning Inspectorate (or be posted or electronically communicated at such time that, in the ordinary course of post or transmission, it would be **received** by the Planning Inspectorate) **before** the date specified in paragraph 7 of the notice.

If you intend to appeal against this notice you should follow the instructions given on the information sheet from the Planning Inspectorate which accompanies this notice or the online instructions at,
<https://www.gov.uk/government/publications/enforcement-appeals-procedural-guide/procedural-guide-enforcement-notice-appeals-england>

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 the date specified in Paragraph 7 of the Notice.

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 £2,344, which is double the amount of a normal planning application. You should pay the fee to Stafford Borough Council. Joint appellants need only pay one set of fees.

If you decide to appeal, when you submit it, 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.

STATUTORY PROVISIONS

A copy of sections 171A, 171B and 172 to 177 of the TCPA 1990 is attached for your information.

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 periods specified in the notice. Failure to comply with an enforcement notice which has taken effect can result in prosecution and/or remedial action by the Council.

THIS NOTICE HAS BEEN SERVED ON THE FOLLOWING:-

Simon McDonagh, Land lying to the East of, Stallington Road, Blythe Bridge , Stoke-On-Trent, ST11 9PB

Simon McDonagh, Jersery Barn, St Michaels Road, Stramshall, Uttoxeter, ST14 5DU

The Occupants of Land lying to the East of, Stallington Road, Blythe Bridge, Stoke-On-Trent, ST11 9PB