

Development Management

Central Bedfordshire Council
Priory House, Monks Walk
Chicksands, Shefford
Bedfordshire SG17 5TQ
www.centralbedfordshire.gov.uk



ENFORCEMENT NOTICE 4 CB/ENC/11/0267

**TOWN AND COUNTRY PLANNING ACT 1990
(AS AMENDED BY THE PLANNING AND COMPENSATION ACT 1991)**

IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

ISSUED BY: CENTRAL BEDFORDSHIRE COUNCIL ('The Council')

1. THIS NOTICE is issued by the Council because it appears to the Council that there has been a breach of planning control, under Section 171A(1)(a) of the above Act, at the land described below. The Council considers that it is expedient to issue this notice, having regard to the provisions of the development plan and to other material planning considerations. The Explanatory Notes at the end of the notice contain important additional information.

2. THE LAND TO WHICH THE NOTICE RELATES

Land and grain store building at White Gables Farm, Blunham Road, Moggerhanger MK44 3RA, shown edged blue on the attached plan, (the Land).

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

Without planning permission, the material change of use of the Land and grain store building (shown hatched and noted on the attached plan) from agriculture/horticulture to mixed use of land and grain store building for agriculture/horticulture and the storage of materials and storage and parking of vehicles in connection with a haulage business use.

4. REASONS FOR ISSUING THIS NOTICE

- (a) It appears to the Council that the above breach of planning control has occurred within the last ten years.
- (b) The material change of use of land and grain store building for the storage of materials and storage and parking of vehicles in connection with a haulage business use encroaches on to the open countryside and has an adverse impact on the character of the area and a detrimental

impact on the amenities of residents of the surrounding properties, by way of noise and disturbance from the unauthorised use.

- (c) The material change of use of the Land and grain store building from agriculture/horticulture use to mixed use for agriculture/ horticulture and for the storage of materials and storage and parking of vehicles in connection with a haulage business use is contrary to policies DM3 - High Quality Development, and DM12 - Horticultural and Redundant Agricultural Sites, of Central Bedfordshire Core Strategy and Development Management Policies 2009. These Policies are consistent with the National Planning Policy Framework aims to reduce adverse impact.
- (d) The Council does not consider that planning permission should be granted because planning conditions could not overcome these objections to the development.

5. WHAT YOU ARE REQUIRED TO DO

- (i) Remove all materials, equipment and fixtures and fittings including trollies and racks that are stored on the Land and in the grain store building in connection with the haulage business use.
- (ii) Remove from the Land all vehicles that are stored or parked on the Land or in the grain store building in connection with the haulage business use.
- (iii) Cease using the Land and grain store building for the storage, delivery, and distribution of materials, including plants, in connection with a haulage business use.
- (iv) Cease using the Land and grain store building for parking and storage of vehicles in connection with a haulage business use.

6. TIME FOR COMPLIANCE


- (i), (ii), (iii), and (iv) One month from the date when this notice takes effect.

7. WHEN THIS NOTICE TAKES EFFECT

The Notice takes effect on 20th December 2013, unless an appeal is made against it beforehand.

Dated: 20th November 2013

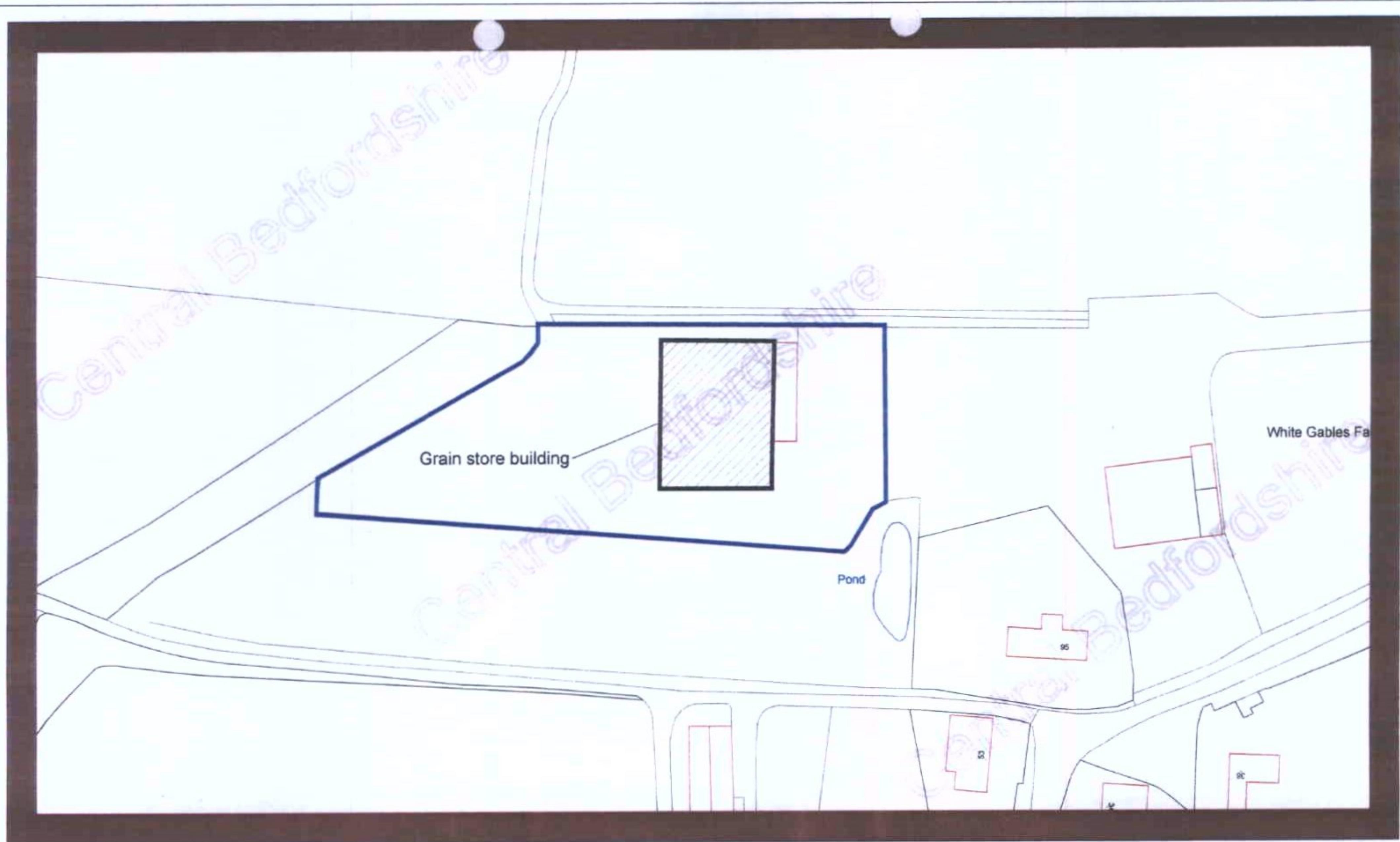
Signed:



John Atkinson

Head of Legal Services

On behalf of Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford, Bedfordshire, SG17 5TQ



Land at White Gables Farm, Blunham Road
Chalton, Moggerhanger, MK44 3RA
Enforcement Notice 4 CB/ENC/11/0267

November 2013
1:1250

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Ordnance Survey 100049029.
Central Bedfordshire Council

ENFORCEMENT NOTICE - EXPLANATORY NOTES

YOUR RIGHT OF APPEAL

There is a right of appeal to the Secretary of State (at the Planning Inspectorate) against the Notice. Unless an appeal is made, as described below, the Notice will take effect on **20th December 2013** and you must then ensure that the required steps, for which you may be held responsible, are taken within the period specified in the Notice.

If you decide that you want to appeal against the Notice you must ensure that you send your appeal soon enough so that 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, which is **20th December 2013**.

The enclosed Planning Inspectorate note gives guidance on how to make an enforcement appeal. A booklet titled 'Making your appeal - How to complete your enforcement appeal form' can be downloaded from the Planning Inspectorate website, or a copy can be requested from the Planning Inspectorate.

Please note that a separate appeal form must be completed for each individual person or organisation.

GROUND OF APPEAL

The grounds on which an appeal may be brought are set out in Section 174 of the Town and Country Planning Act 1990 (as amended), and are explained in the aforementioned booklet 'Making your appeal - How to complete your enforcement appeal form' which can be obtained from the Planning Inspectorate.

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.

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

FEE PAYABLE FOR DEEMED APPLICATION FOR PLANNING PERMISSION

If you appeal on ground (a) that planning permission ought to be granted for the development to which the notice relates, a fee is payable for the deemed application by the appellant under the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012.

The fee is payable to the Council who issued this notice. It is twice the equivalent fee you would have had to pay to the Council if you had applied for planning permission for the matters to which the enforcement notice relates.

The appropriate planning fee for the development alleged in this notice is £770. A cheque for the sum of £770 shall be made payable to "Central Bedfordshire Council" and this cheque should be posted together with one copy of the appeal form to Planning Enforcement and Appeals, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford, Beds, SG17 5TQ.

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 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.

PERSONS SERVED

The names and addresses of the persons on whom the enforcement notice has been served are as follows:

Robert Alan Anderson
White Gables Farm
95 Blunham Road
Chalton
Moggerhanger
Bedford
MK44 3RA

David Charles Anderson
41 Wilsheres Road
Biggleswade
Bedfordshire
SG18 0DN

Owner/Occupier
White Gables Farm
Blunham Road
Chalton
Moggerhanger
Bedford
MK44 3RA



The Planning Inspectorate

CST Room 3/13
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

Direct Line 0303 - 444 - 5000

Fax No 0117 - 372 - 8782

THIS IS IMPORTANT

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

- on-line at the Planning Casework Service area of the Planning Portal (www.planningportal.gov.uk/pcs); or
- by getting enforcement appeal forms by phoning us on 0303 444 5000 or by emailing us at enquiries@pins.gsi.gov.uk

You MUST make sure that we receive your appeal before the effective date on the enforcement notice.

In exception circumstances you may give notice of appeal by fax or letter. You should include:-

- the name of the local planning authority;
- the site address;
- your address' and
- the effective date of the enforcement notice.

We MUST receive this before the effective date in the enforcement notice. This should **immediately** be followed by your completed appeal forms.