

**IMPORTANT: THIS COMMUNICATION AFFECTS YOUR PROPERTY**

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

**BREACH OF CONDITION NOTICE**

**Issued by:** Stafford Borough Council

To: Miss K L McCreath at: Woodland View Cottage, Stafford Road Lawnhead  
Stafford.

1 **This is a formal notice** which is issued by the Council, under Section 187A of the above Act, because they consider that a condition imposed on a grant of planning permission, relating to the land described below, has not been complied with. They consider that you should be required to comply with the condition specified in this notice.

2 **The land affected by the notice**

Sand Ménage at Woodland View Cottage, Stafford Road Lawnhead Stafford shown edged red on the attached plan.

3 **The relevant planning permission**

The relevant planning permission to which this notice relates is the permission granted by the Council on 30 September 2013 for the change of use of pasture land to an all weather riding ménage. The Council's reference number is 13/19017/COU.

4 **The breach of condition**

The following condition has not been complied with:-

Condition 2 of planning permission 13/19017/COU states;  
"The Ménage hereby approved shall be for the exclusive use of the occupiers of the adjoining premises, Woodland View Cottage, and shall not be used for any commercial purpose including special events"

5 **What you are required to do**

As the person responsible for the breach of condition specified in paragraph 4 of this notice, you are required to comply with the stated condition by (taking the following steps):-

- 1) Permanently cease using the Ménage for the purpose of a commercial riding school.

Time for compliance: 2 months beginning with the day on which this Notice is served on you.

**6 When this Notice takes effect**

This notice takes effect **immediately** it is served on you or you receive it by postal delivery.

Dated: 30 November 2018

Signed:

On behalf of: Stafford Borough Council, Civic Centre, Riverside, Stafford. ST16 3AQ

## Warning

### **There is no right of appeal against this notice**

It is an offence to contravene the requirements stated in paragraph 5 of this notice after the end of the compliance period. You will then be at risk of **immediate prosecution** in the Magistrates' Court, for which the maximum penalty is £1,000 for a first offence and for any subsequent offence. If you are in any doubt about what this notice requires you to do, you should get in touch **immediately** with Mark Alford, Senior Planning Officer (Team Leader), Stafford Borough Council, Civic Centre, Riverside, Stafford, telephone No. (01785) 619524.

If you need independent advice about this notice, you are advised to contact urgently a lawyer, planning consultant or other professional adviser specialising in planning matters. If you wish to contest the validity of the notice, you may only do so by an application to the High Court for judicial review. A lawyer will advise you on what this procedure involves.

**Do not leave your response to the last minute.**

## TOWN AND COUNTRY PLANNING ACT 1990

- 187A -
- (1) This section applies where planning permission for carrying out any development of land has been granted subject to conditions.
  - (2) The local planning authority may, if any of the conditions is not complied with, serve a notice (in this Act referred to as a "breach of condition notice") on:-
    - (a) any person who is carrying out or has carried out the development;or
    - (b) any person having control of the land, requiring him to secure compliance with such of the conditions as are specified in the notice.
  - (3) References in this section to the person responsible are to the person on whom the breach of condition notice has been served.
  - (4) The conditions which may be specified in a notice served by virtue of sub-section (2)(b) are any of the conditions regulating the use of the land.
  - (5) A breach of condition notice shall specify the steps which the authority consider ought to be taken, or the activities which the authority consider ought to cease, to secure compliance with the conditions specified in the notice.
  - (6) The authority may be notice served on the person responsible withdraw the breach of condition notice, but its withdrawal shall not affect the power to serve on him a further breach of condition notice in respect of the conditions specified in the earlier notice or any other conditions.
  - (7) The period allowed for compliance with the notice is:-
    - (a) such period of not less than twenty-eight days beginning with the date of service of the notice as may be specified in the notice;or
    - (b) that period as extended by a further notice served by the local planning authority on the person responsible.
  - (8) If, at any time after the end of the period allowed for compliance with the notice:-
    - (a) any of the conditions specified in the notice is not complied with; and

- (b) the steps specified in the notice have not been taken or, as the case may be, the activities specified in the notice have not ceased, the person responsible is in breach of the notice.
- (9) If the person responsible is in breach of the notice he shall be guilty of an offence.
- (10) An offence under sub-section (9) may be charged by reference to any day or longer period of time and a person may be convicted of a second or subsequent offence under that sub-section by reference to any period of time following the preceding conviction for such an offence.
- (11) It shall be a defence for a person charged with an offence under sub-section (9) to prove:-
  - (a) that he took all reasonable measures to secure compliance with the conditions specified in the notice;
  - or
  - (b) where the notice was served on him by virtue of sub-section (2)(b), that he no longer had control of the land.
- (12) A person who is guilty of an offence under sub-section (9) shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale (presently £1,000).
- (13) in this section:-
  - (a) "conditions" includes limitations; and
  - (b) references to carrying out any development include causing or permitting another to do so.

Ref 014525 JS

Constraints Map - Application No: 18/29504/FUL / COND/00083/EN18

