

NOTICE OF VARIATION OF ENFORCEMENT NOTICE
IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY
S173A TOWN AND COUNTRY PLANNING ACT 1990

(As amended by the Planning and Compensation Act 1991)

**SERVED BY: Staffordshire County Council (herein after referred to
as the “Council”)**

TO:

LAVER LEISURE (OAKAMOOD) LIMITED, AIZLEWOODS MILL, NURSERY
STREET, SHEFFIELD, S3 8GG.

TIMOTHY PHILPOTT, 38 SPINNEY CLOSE, LONG STRATTON, NORFOLK,
NR15 2SX.

1. This Notice of Variation is issued by the Council in respect of an Enforcement Notice (“the Enforcement Notice”) issued by the Council on 30 September 2021 relating to a breach of Condition 35 and Condition 39 of planning permission SM.96/935. A copy of the Enforcement Notice is annexed to this Notice of Variation.
2. This Notice of Variation relates to land and buildings at Moneystone Quarry, Eaves Lane, Oakamoor, Stoke-on-Trent, ST10 3DY shown edged red on the plan attached to the Enforcement Notice.
3. The Council pursuant to the powers contained in s173A of the Town and Country Planning Act 1990 (as amended) hereby varies the Enforcement Notice as follows:
 - 3.1 Paragraph 6 When This Notice Takes Effect is now varied to: “This notice takes effect on 31 December 2023 unless an appeal is made against it beforehand.”.
4. The variations specified in paragraph 3 of this Notice of Variation take effect on the date of this Notice of Variation.
5. Apart from the variations specified in paragraph 3 of this Notice of Variation all other provisions and requirements of the Enforcement Notice are unvaried and remain operative.

Dated: 22 September 2022

Signed:

Authorised Officer: Mark Parkinson

Planning Policy and Enabling Manager

On behalf of Staffordshire County Council

ANNEX

THIS IS IMPORTANT

YOUR RIGHT OF APPEAL

You can appeal against this notice, but any appeal must be **received**, by the Planning Inspectorate acting on behalf of the Secretary of State **before** the date when the notice comes into effect, i.e. 31 December 2023.

If you want to appeal against this enforcement notice you can do it:-
on-line at the Appeals Casework Portal
(<https://acp.planninginspectorate.gov.uk>)

If you are considering making an appeal and do not have access to the internet you should contact the Planning Inspectorate (contact details below) so they can send you the relevant appeal form.

If you cannot appeal online and do not have an appeal form and cannot get one to reach the Planning Inspectorate before the deadline, you may make an appeal by sending a letter or email to the Inspectorate saying that you are appealing against the enforcement notice. You must make it clear that the letter or email is a notification of appeal and include:

- Your name and address;
- The name of the Local Planning Authority;
- The address of the site/building; and
- The effective date of the enforcement notice.

The Planning Inspectorate must receive this before the effective date on the enforcement notice. This should immediately be followed by the completed appeal forms.

You must submit one appeal for each enforcement notice you wish to appeal against.

You must send a copy of the appeal form and supporting documents to the Planning Inspectorate and the Local Planning Authority.

Documents you must provide

You'll need to submit:

- a copy of your enforcement notice
- a plan (if there is one)
- any other documents that directly support your appeal, for example your grounds of appeal

You can upload these documents when you appeal.

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

The Planning Inspectorate's address and contact details are as follows:

The Planning Inspectorate
Temple Quay House
2 The Square
Temple Quay
BRISTOL
BS1 6PN

Direct line: 0303 444 5000

Email: enquiries@planninginspectorate.gov.uk

Under section 174 of the Town and Country Planning Act 1990 (TCPA 1990) you may appeal on one or more of the following grounds that:

- a) In respect of any breach of planning control which may have been 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) Those matters have not occurred.
- c) Those matters (if they have occurred) do not constitute a breach of planning control.
- d) 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) Copies of the enforcement notice were not served as required by section 172 of the TCPA 1990.
- f) 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 such breach.
- g) Any period specified in the notice in accordance with section 173(9) of the TCPA 1990 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 TCPA 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 to Staffordshire County Council. The fee for an application for variation or removal of an existing condition would be £234.

If you decide to appeal, you should state in writing the grounds(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.

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 the amended paragraph 6 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 5 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.