

**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: **Bromsgrove District Council** ("the 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. 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 Appendices at the end of this notice contain important additional information.

**2) THE LAND AFFECTED**

Land at Four Stones Restaurant, Adams Hill, Clent, Stourbridge Worcestershire DY9 9PS shown edged red on the attached plan ("the Land").

**3) THE BREACH OF PLANNING CONTROL ALLEGED**

Without planning permission the erection of a replacement glazed sunroom ("the unauthorised development").

**4) REASONS FOR ISSUING THIS NOTICE**

It appears to the Council that the above breach of planning control has occurred within the last four years.

The Land is situated within the Green Belt and the Clent Conservation Area ("the CA"). Planning permission was granted under planning application 16/0403 for a replacement sunroom ("the permitted scheme") but the development has not been built in accordance with the approved plans. The unauthorised development has been dismissed at Appeal Reference APP/P1805/W/3191833. The unauthorised development comprises a contemporary design sunroom attached to the front of the restaurant which is glazed on all sides and has an over-sailing roof that slopes upwards away from the main elevation. The canopy created by the over-sail is supported by posts that sit forward of the sunroom's front elevation. The unauthorised development represents a disproportionate addition to a building which is inappropriate in the Green Belt as it is materially taller and deeper than the permitted scheme. The sunroom's over-sailing roof and extent of its forward projection give it a greater volume and presence at the front of the main building in comparison to the permitted scheme having a greater effect

Continued.....

on the openness and thereby harming the openness of the Green Belt. No very special circumstances exist that clearly outweigh the harm caused.

The unauthorised development has a visually dominant appearance that is out of place in the CA. It does not preserve or enhance the character or appearance of the CA. The unauthorised development conflicts with Policy BDP20 of the Bromsgrove District Plan 2017 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1992 and the National Planning Policy Framework .

The Council does not consider that planning conditions could overcome these problems.

#### **5) WHAT YOU ARE REQUIRED TO DO**

As the person responsible for the breach of planning control specified in paragraph 3 of this notice, you are required to take the following steps:-

1. Remove the unauthorised development from the Land;
2. Remove from the Land all building materials and rubble arising from compliance with the requirements of step 1 above.

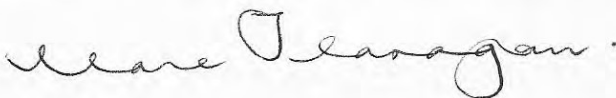
#### **6) TIME FOR COMPLIANCE:**

**3 months** after this Notice takes effect.

#### **7) WHEN THIS NOTICE TAKES EFFECT**

This Notice takes effect on **3 January 2019** unless an appeal is made against it beforehand.

Dated: 27 November 2018

Signed: 

Clare Flanagan  
Principal Solicitor  
Bromsgrove District Council  
Parkside  
Market Street  
Bromsgrove  
B61 8DA

## **Appendix 1**

### **The Town and Country Planning (Enforcement Notices and Appeals) (England) Regulations 2002; Part 2, 5 (c)**

#### **ENFORCEMENT NOTICE**

#### **LIST OF PERSONS UPON WHOM THE NOTICE WAS SERVED**

The following person(s) have been served with a copy of the Enforcement Notice relating to the above land:

1. Amrik Singh Bhandal, The Bhandal Dental Practice, 74 Birmingham Road, Rowley Regis B65 9BA
2. Amrik Singh Bhandal, Four Stones Restaurant, Adams Hill, Clent, Stourbridge DY9 9PS
3. Balbir Singh Bhandal, The Bhandal Dental Practice, 74 Birmingham Road, Rowley Regis B65 9BA
4. Balbir Singh Bhandal, Four Stones Restaurant, Adams Hill, Clent, Stourbridge DY9 9PS
5. Baljit Singh Bhandal, The Bhandal Dental Practice 74 Birmingham Road, Rowley Regis B65 9BA
6. Baljit Singh Bhandal, Four Stones Restaurant, Adams Hill, Clent, Stourbridge DY9 9PS
7. Lloyds Bank PLC, Dept. No. 9612 of Pendeford Securities Centre, Pendeford Business Park, Wobaston Road, Wolverhampton WV9 5HZ
8. The Owner(s) / Occupier(s), Four Stones Restaurant, Adams Hill, Clent, Stourbridge DY9 9PS

## Appendix 2

### YOUR RIGHT OF APPEAL

Bromsgrove District Council has issued an enforcement notice relating to the land detailed in 2) above. I now serve on you a copy of that notice in view of your interest in the land. Copies of the notice may also be served on other parties identified as having an interest in the land. Any other persons served with a copy are shown on a separate sheet attached to the notice.

There is a right of appeal to the Secretary of State through the Planning Inspectorate against the Council's decision to issue the notice. Unless an appeal is made as described below, the notice will take effect on **3 January 2019** and you must then ensure that the required steps, for which you may be held responsible, are taken within the period(s) specified in the notice.

The web links below provide advice about how to appeal against this notice

<https://www.gov.uk/appeal-enforcement-notice>

<https://www.gov.uk/government/publications/enforcement-appeals-procedural-guide>

<https://www.gov.uk/government/publications/enforcement-notice-appeals-how-to-complete-your-appeal-form>

Alternatively you can contact the Planning Inspectorate by phone or e-mail:

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 **3 January 2019**

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 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 briefly state the facts on which you intend to rely on 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.

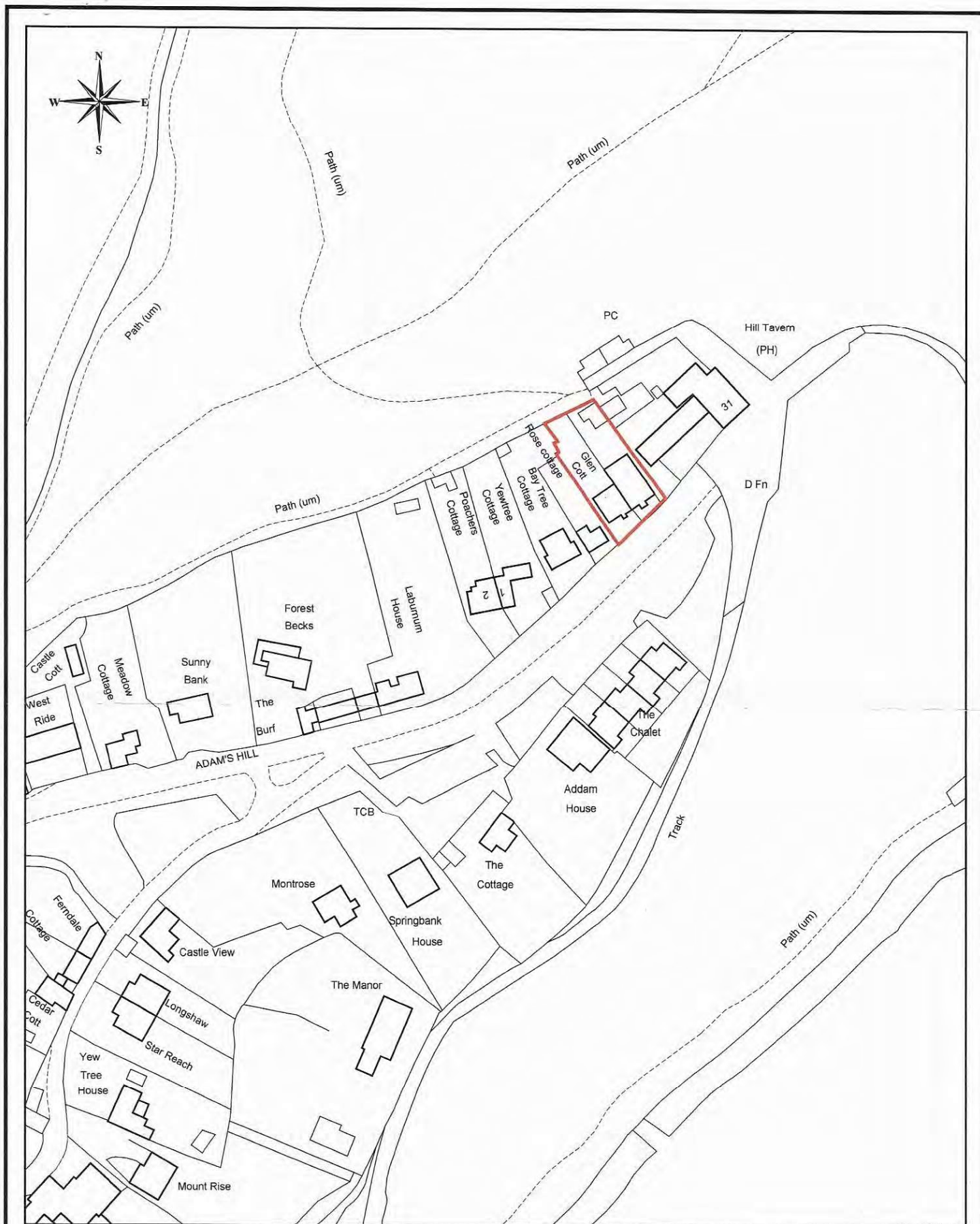
If your appeal includes a submission under Ground (a) as outlined above, this is the equivalent of making an application for planning permission for the development alleged in the notice. That carries a fee which is double the standard fee for such an application. Accordingly, you will have to pay a fee of £468.00 which should be paid to Bromsgrove District Council. Joint appellants need only pay one fee.



#### **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 the requirements of an enforcement notice which has taken effect can result in prosecution and/or remedial action being taken by the Council.





  <p><b>Bromsgrove</b> District Council <a href="http://www.bromsgrove.gov.uk">www.bromsgrove.gov.uk</a></p>	<p>Project: <b>Four Stones, Adams Hill Clent, Stourbridge DY9 9PS</b></p>	<p>Drawn: KAB</p>	<p><b>Planning Services</b> Town Hall Walter Stranz Square Redditch Worcs B98 8AH</p>
	<p>Drawing: <b>Location Details</b></p>	<p>Scale: 1/1250 @ A4</p>	
	<p>Drawing No: <b>P2234/7</b></p>	<p>Date: Nov 2017</p>	

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