



Bromsgrove
District Council
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Town Hall, Walter Stranz Square,
Redditch, Worcestershire B98 8AH

Mr C Myatt & Stacey Chandra
7 Redhill Place
Hunnington
Halesowen
Worcestershire
B62 0JR

Case Officer: Rosie Paget
Telephone number: 01527 881184
e-mail: rosie.paget@bromsgroveandredditch.gov.uk

Date: 27.01.2023

Dear Sir/Madam,

Section 171C Town and Country Planning Act, 1990

Investigation Reference	22/00082/INV
Alleged breach:	Without planning permission, the erection of an outbuilding and the use of the building for a hairdressing business.
Location:	7 Redhill Place, Hunnington, Halesowen, Worcestershire, B62 0JR

Bromsgrove District Council in its role as Local Planning Authority believes that a breach of planning control may have occurred at the above location. Consequently, we have deemed it expedient to issue a Planning Contravention Notice (PCN) in relation to the activities specified in Section 3 of the accompanying PCN, a copy of which I hereby serve upon you, as it appears you have an interest in the land.

This PCN requires that you provide the information requested within 21 days of its receipt.

Section 171C of the Town and Country Planning Act 1990 allows the Local Planning Authority to issue a PCN:

- To require any information they want before deciding what, if any, enforcement action to take about any operations being carried out; any use of; or any activities being carried out on the land specified, and;
- To invite its recipient to respond constructively to the local planning authority about how any suspected breach of planning control may be satisfactorily remedied.

Once the information requested is received, it will be assessed and you will subsequently be advised as to what, if any, further action may be required.

Failure to complete and return a Planning Contravention Notice is a criminal offence. *It is important that you read carefully the information contained within Sections 5, 6 & 7 of the attached Notice before returning the information requested.*

Yours sincerely,

Rosie Paget

Senior Planning Officer

IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

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

PLANNING CONTRAVENTION NOTICE

Served by: **Bromsgrove District Council**

To:
Mr C Myatt & Stacey Chandra
7 Redhill Place, Hunnington,
Halesowen, Worcestershire, B62 0JR

1. THE NOTICE

This Notice is served by the Council because it appears to them that there may have been a breach of planning control, within section 171 A(1) of the above Act, at the land described below. It is served on you as a person who appears to be the owner or occupier of the land or has another interest in it, or who is carrying out operations in, on, over or under the land or is using it for any purpose. The Council require you, in exercise of their powers under section 171C(2) and (3), so far as you are able, to provide certain information about interest in, and activities on, the land.

2. THE LAND TO WHICH THE NOTICE RELATES, shown edged red on the below plan. (hereinafter "the Land")

7 Redhill Place, Hunnington, Halesowen, Worcestershire, B62 0JR



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

Without planning permission, the erection of an outbuilding and the use of the building for a hairdressing business.

4. WHAT YOU ARE REQUIRED TO DO

Provide in writing, the information required in response to the following questions within 21 days of receipt of this notice

Please read through the subsequent questions carefully before responding and note in particular the advice at sections 5, 6 and 7

- 4.1** Do you have an interest* in the land identified at Section 2 and on the plan edged red appended to this notice? *(i.e leaseholder, freeholder, tenant)
Please state either YES or NO below

Yes, the land is owned by me and my partner on a freehold basis and is part of the same land title as the remainder of 7 Redhill Place.

- 4.2** If the answer to the preceding question is 'NO', have you recently sold the land? Please state below EITHER 'YES' and identify the person(s) [full name(s)] and the contact details of the person(s) to whom the land has been sold / their representative(s) OR 'NO' I have no interest* in the land *(i.e leaseholder, freeholder, tenant).

N/A

- 4.3** If the answer to Question 4.1 is 'YES', what is the nature of your interest* in the land? *(i.e leaseholder, freeholder, tenant, mortgage provider)

Freehold owner and occupier of the full extent of land outlined red on the identified plan (including the land upon which the outbuilding is sited), which is used as part of our garden/curtilage in association with 7 Redhill Place.

4.4 How long have you have held that interest*?

***(i.e leaseholder, freeholder, tenant, mortgage provider)**

We purchased the full extent of the land in 2010, including the land upon which the outbuilding is sited. See attached dated land registry title plan for confirmation. The land upon which the outbuilding is sited has been used for the same purpose as the remainder of the land within the red line during our ownership.

4.5 Please state the names and addresses of any other persons having an interest in the land, including freeholders, leaseholders, mortgage holders, tenants or any other persons, and the nature of that interest:

NAME of any other person with an interest	ADDRESS of that person	Nature of their Interest in land (i.e leaseholder, freeholder, tenant, mortgage holder)
Stacey Chavda	7 Redhill Place, Hunnington, B62 9JR	Joint Owner

Please continue of a separate sheet if necessary

4.6 In your PCN Return dated 05.10.2022 it stated that the outbuilding was constructed in May 2021 and occupied as a hairdressing business from November 2021. Please confirm what use the building had between May 2021 and November 2021, if any?

The outbuilding was constructed in May 2021 as a summer room for purposes incidental to the residential enjoyment of 7 Redhill Place. By November 2021, we had decided to use the summer room as part of a home hairdressing salon. However, for the reasons set out in our previous PCN return, we are of the view that the nature of the use is such that no material change of use has occurred. As such, its use is still a domestic one used ancillary to our residential enjoyment.

4.7 In Question 2 the outbuilding is identified in an area that did not form part of the planning application boundary to the conversion of 7 Redhill Place application reference 11/0137, before the outbuilding was erected what was the use of this land?

As demonstrated by the land title plan, we purchased the land upon which the outbuilding has been sited in 2010, along with the remainder of the residential property known as 7 Redhill Place. It was used as garden prior to our acquisition.

The land where the outbuilding is sited has continued to be used as domestic garden / residential curtilage associated with 7 Redhill Place since our first occupation of the property, which occurred in 2012 following the earlier granting of permission for the dwelling. The land has been incorporated within our residential curtilage at 7 Redhill Place, along with the remainder of the garden, since 2012.

Whilst the land upon which the outbuilding has been sited did not form part of the application site (red line) under ref: 11/0137, it is a fact that the land has been used as garden/residential curtilage associated with 7 Redhill Place since the first occupation of the dwelling. It has therefore become lawful through the passage of time. The land in question had intended to be part of the application site, but was not included in error by our architect at the time.

The main relevance to the fact that the outbuilding is located on land outside the original application site, is that this land is not subject to the same planning conditions as the rest of the plot. This includes the restriction on Permitted Development Rights, which do not apply to this part of the land. It is for that reason that we consider the construction of the outbuilding to be lawful, as there are no restrictions on the use of householder permitted development rights on that part of the land.

4.8 When did the land use in Question 4.7 begin?

The land has been incorporated within our residential curtilage at 7 Redhill Place, along with the remainder of the garden, since 2012. Since our occupation of the land, it has always been used and continues to be used for purposes incidental to the residential enjoyment of 7 Redhill Place. For instance, this has included domestic garden planting, storage and garden equipment.

Having taken professional advice from a planning consultant, I am advised that the use of this land for residential garden purposes is now lawful through the passage of time (i.e. 10 years of continuous use)

Please print your **full name, telephone number, e-mail and current postal address** below:

Print full name..... Curt Harry John Myatt
Date of birth..... 05/01/1988
Telephone Number..... 07969685328
e-mail..... khsroofing@me.com
Current Address..... 7 Redhill Place, Hunnington, B62 0JR
.....
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Signed: Curt Myatt (electronic)

Dated: 17/02/2023

5. OPPORTUNITY TO MAKE REPRESENTATIONS IN RESPONSE TO THIS NOTICE

If you wish to offer to –

- Regularise an alleged breach of planning control by making an application,
- Voluntarily cease carrying out any alleged unauthorised operations or activities,
- Undertake remedial works,
and /or
- Make any representations about this notice,
please make this clear in your response, which should be returned to the case officer whose details are provided below:

Case Officer: Miss Rosie Paget, Senior Planning Officer
Telephone: 01527 881184
E-mail: rosie.paget@bromsgroveandredditch.gov.uk
Please cc. newplan@bromsgroveandredditch.gov.uk
Address: Redditch Borough Council
Town Hall,
Walter Stranz Square,
Redditch,
Worcestershire, B98 8AH

Please note: The Notice requires that you complete and return the Notice within 21 days of its receipt. Once the information requested is received, it will be assessed and you will be advised as to what, if any, further action may be required.

Failure to complete and return a Planning Contravention Notice is a criminal offence.

6. WARNING!

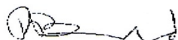
- 6.1) It is an offence to fail, without reasonable excuse, to comply with any requirement of this notice within twenty-one days beginning with the day on which it was served on you. The maximum penalty on conviction of this offence is a fine of £1000. Continuing failure to comply following a conviction will constitute a further offence.
- 6.2) It is also an offence knowingly or recklessly to give information, in response to this notice, which is false or misleading in a material particular. The maximum penalty on conviction of this offence is a fine of £5000.

7. ADDITIONAL INFORMATION

- 7.1) If you fail to respond to this notice, the Council may take further action in respect of the suspected breach of planning control. In particular, they may issue an enforcement notice, under section 172 of the 1990 Act, requiring the breach, or any injury to amenity caused by it, to be remedied.
- 7.2) If the Council serve a stop notice, under section 183 of the 1990 Act, section 186(5)(b) of the Act provides that should you otherwise become entitled (under section 186) to compensation for loss or damage attributable to that notice, no such compensation will be payable in respect of any loss or damage which could have been avoided had you given the Council the information required by this notice, or had you otherwise co-operated with the Council when responding to it.

Dated: **27.01.23**

Signed:



Ruth Bamford
Head of Planning and Regeneration
On behalf of Bromsgrove District Council