

Mr C White
54 Woodland Drive
Leicester
LE3 3EB

Please Contact: Mr James Hicks

Direct Line: 01509 634736

Your Ref:

18th November 2003

Dear Mr. White

ENFORCEMENT NO: E/03/134/1

DEVELOPMENT: Without the necessary consents, the alteration of a vehicular access, the creation of a culvert and vehicular crossing, the raising of land levels, the removal of a section of an embankment and the removal of trees from within the Swithland Conservation Area.

LOCATION: Land at Main Street, Swithland.

The Council has received an allegation about the above development and is at the present time investigating the matter.

I enclose a copy of a Planning Contravention Notice. This Notice requires you to provide further information about the development. This information will help us decide what further action the Council may need to take.

The Notice includes reference to the possibility of a meeting to discuss this case in more detail if you wish. An extra copy of the Notice is enclosed so you can retain one for your records.

You are required to return the Notice within 21 days, however the sooner the completed notice can be returned the sooner further advice can be given in respect to this matter. Failure to complete and return the notice may result in prosecution in the Magistrates' Court.

You will note that the notice makes no reference to the allegation of works to or the removal of trees from the site. This is for legal reasons. I must advise that at the present time the Council has substantial evidence that indicates that works to trees have taken place.

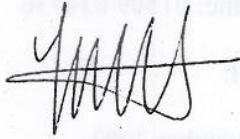
By way of part of this site being within the Swithland Conservation Area the trees are protected by S.211 of the Town and Country Planning Act 1990. Prior to any works to trees being carried out you are obliged to give the Council 6 weeks notice of your intention to carry out works, within this time the Council must decide if the works can be carried (with consent), if a Tree Preservation Order be placed on the tree or neither be carried out. If you deliberately destroy a tree, or damage it in a manner likely to destroy it, you could be fined up to £20,000 if convicted in the Magistrates Court.

At the present time I am liaising with the Council's Head of Legal Services, to ascertain the likelihood of a successful prosecution based upon the evidence obtained. Should you wish to provide further information or discuss any aspect of works to the trees on the

site this should be done through the meeting process detailed in paragraph 5 of the attached notice.

Please contact me on 01509 634736 if you require any further information or need help to complete the Notice.

Yours faithfully



Mr J Hicks
Planning Enforcement Officer

Mr C White
24 Woodland Drive
Luton
LU3 1ER

Dear Mr White

ENFORCEMENT NOTICE
DEVELOPMENT:
LOCATION:
The Council has received an allegation about the above development and is at the present time investigating the matter.
I enclose a copy of a Planning Enforcement Notice. This notice requires you to provide further information about the development. This information will help us decide what further action the Council may need to take.
The Notice includes references to the possibility of a meeting to discuss the case in more detail if you wish. An extra copy of the Notice is enclosed so you can retain one for your records.
You are required to enter the Notice within 21 days however the scope the enforcement notice can be required the sooner further advice can be given in respect to the matter. Failure to complete and return the notice may result in prosecution in the Magistrates' Court.
You will note that the notice makes an reference to the obligation of works to be on the removal of trees from the site. This is for legal reasons. I want to advise that at the present time the Council has substantial evidence that indicates that works to trees have taken place.
By way of part of this being with the Swindon Conservation Area the trees are protected by 2011 of the Town and Country Planning Act 1990. Prior to any works to trees being carried out you are obliged to give the Council's works notice of your intention to carry out works, within the time the Council must decide if the works can be carried out with consent. If this restriction either be placed on the tree or another be carried out. If you deliberately destroy a tree or damage it in a manner likely to destroy it you could be fined up to £20,000 if convicted in the Magistrates' Court.
At the present time I understand that the Council's Head of Legal Services is currently

**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: Charnwood Borough Council**

To: Mr C White
54 Woodland Drive
Leicester
LE11 2TN

1. **THIS NOTICE** is served by the Council because it appears to them that there may have been a breach of planning control, within section 171A(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**

Land adjacent to 67 Main Street, Swithland, Loughborough, Leicestershire, *shown edged red on the attached plan.*

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

Without the necessary consents, the alteration of a vehicular access, the creation of a culvert and vehicular crossing, the raising of land levels, the removal of a section of an embankment and the removal of trees from within the Swithland Conservation Area.

4. **WHAT YOU ARE REQUIRED TO DO**

Provide in writing, the following information:

What interest do you have in the land? (E.g. owner, part owner, Lessee, occupier).

Please give names and addresses of any other owners of the land. If there a mortgage on the land please give details of the mortgage company. Indicate on the attached plan the boundaries of any further owners.

Does any other person have an interest in the land? (E.g. Is any part of the land rented or occupied or used by any other person).

If so please mark on the attached plan the extent of the use of any other person.

State what you consider the use of the land to be at 1st November 2003.

State what your use of the land is at the immediate time. If this use only relates to part of the site please indicate the boundaries of such a use on the attached plan.

If known, state your intended long-term use of the land.

State any other activity being carried out on the land, which is not already specified in the notice.

What modifications, if any, have taken place to the vehicular access point marked as VA1 on the attached plan?

What modifications, if any have taken place to the watercourse between the section marked WC1 and WC2 on the attached plan?

Provide information as to any planning permissions or reasons why permission is not thought to be required for any of the activity carried out on the land.

If applicable, provide the trading names of any business operating from the site.

Date by which the information must be provided: Within 21 days, beginning with the day on which this notice is served on you, that is **18th November 2003.**

5. OPPORTUNITY TO MAKE REPRESENTATION IN RESPONSE TO NOTICE

If you wish to make an offer to apply for planning permission, or to refrain from carrying out any operations or activities, or to undertake remedial works; or to make any representations about this notice please contact Mr James Hicks on 01509 634736, who will be pleased to arrange a convenient appointment for such discussions.

6. WARNING

It is an offence to fail, without reasonable excuse, to comply with any requirements 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 £1,000. Continuing failure to comply following a conviction will constitute a further offence. 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 £5,000.

7. ADDITIONAL INFORMATION

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.

If the Council serve a stop notice, under section 183 of the 1990 Act, section 186(5)(b) of the 1990 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: 18th November 2003

Signed:



G S Moffat
Development Control Manager
On behalf of Charnwood Borough Council