

APPENDIX 26

Eastgate, Anna

To: charles@swithland.com
Cc: Robinson, Helen
Subject: Enforcement Notice - Swithland Barn
DOCID: 2147430969
SENTON: 17/11/2008 13:28:11

Dear Mr White,

I write to acknowledge receipt of your email to my colleague Aisha Akhtar, regarding the above matter.

I also understand you have discussed this matter with Helen Robinson from the Council's enforcement team, this morning.

In response to the points you have raised in your email, my comments are as follows:-

The Council served the enforcement notice and attached copies of it to the land in question on Thursday 13th November 2008. Copies of the notice were attached to the property to satisfy the service provisions set out in section 329 of the Town and Country Planning Act 1990.

In terms of your comments in relation to having planning permission, my understanding is that you submitted details under the prior notification procedure, in which you sought to rely on the structure currently being erected on the land as permitted development, such that it would not require express planning permission from the Council. As a consequence, the Council has not granted planning permission. The reference number you have quoted is in relation to your prior approval notice and not a grant of planning permission, which is an entirely different matter. The Council's records do not indicate that you have an express planning permission for the structure currently being erected.

The Council will not be removing the notices from the land at this stage. The Head of Planning, Head of Legal Services and Directors are aware of the action taken in relation to this matter and are being kept informed by officers of the position.

I understand that you are aware of your right of appeal against the enforcement notice issued by the Council, and you have referred to your legal team who I am sure will be able to assist and advise you as appropriate.

If I can be of any further assistance, please do not hesitate to contact me.

Yours sincerely,

Anna Eastgate
Locum Planning Solicitor
DDI: 01509 634719

17/11/2008

Eastgate, Anna

From: Akhtar, Aisha
Sent: 17 November 2008 09:38
To: Eastgate, Anna
Subject: FW: enforcement notice-swithland barn

Aisha Akhtar
Trainee Solicitor
Charnwood Borough Council
01509 63(4617)

From: Charles White - Swithland HK Ltd [mailto:charles@swithland.com]
Sent: 17 November 2008 06:18
To: Akhtar, Aisha
Subject: RE: enforcement notice-swithland barn

Dear Ms Akhtar

Without Prejudice

Ref : Planning Permission P/04/0373/2

I have been notified by our construction workers that there is an enforcement notice attached to a gate on our agricultural holding in Swithland Village.

The enforcement notice demands the removal of the barn that is nearing completion.

I think there must have been some mistake by the council, I do have planning permission and the planning permission reference is P/04/0373/2. Kindly check your records. I have further documentation issued by the council confirming the legality of the planning permission which will be produced at appeal if this case goes that far.

This email is also formal notification that unless the notices that have been posted on my land are not removed by the council within the next 24 hours, and unless I receive a formal written apology from the head of planning at Charnwood Borough Council for the stress so caused by the councils actions within the next seven days, I will be instructing my legal team to commence litigation against the council.

As you will appreciate, it is illegal to revoke planning permission once it has been granted so long as construction is underway. The building is nearing completion at a cost of many hundreds of thousands of pounds. Im also shocked that this matter was not first reviewed by your legal risk assessment team because exposing the council to this level of litigation will have very serious financial implications.

You will also be hearing from my legal team later this week, and in addition to any potential litigation, I may also demand costs for legal work undertaken by my legal team in response to the council's actions, a bill of which will follow in due course should the matter not be settled today.

I trust you will check the relevant planning files without delay and that you will get back to me today to avoid this case escalating to litigation.

Yours sincerely
Mr White

17/11/2008

-----Original Message-----

From: Akhtar, Aisha [mailto:Aisha.Akhtar@charnwood.gov.uk]

Sent: Thursday, November 13, 2008 11:30 PM

To: charles@swithland.com

Subject: enforcement notice-swithland barn

Mr white

I attach a copy of a letter and enforcement notice -operational development in relation to the above property.

regards

Aisha Akhtar
Trainee Solicitor
Charnwood Borough Council
01509 63(4617)