

**IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY**

**TOWN AND COUNTRY PLANNING ACT 1990  
(As amended by the Planning and Compulsory Purchase Act 2004)**



**TEMPORARY STOP NOTICE**

**ISSUED BY VALE OF GLAMORGAN COUNCIL** herein after referred to as “the Council”.

**COUNCIL REFERENCE NUMBER: ENF/2024/0033 (A)**

**To:**

Mr. Jacob George  
5, Meadow View Court,  
Sully,  
Penarth,  
CF64 5AY.

1. The Council considers that there has been a breach of planning control on the land described in paragraph 3 below. The breach of planning control is:

The carrying out of operational development comprising ground engineering operations, including the importation, deposition, spreading and moving of materials, including soil and hardcore / rubble and the re-profiling of the land without planning permission.

Accordingly, the Council considers that development undertaken on the Land is unauthorised and in breach of planning control.

2. This temporary stop notice is issued by the Council, in exercise of their power in section 171E of the 1990 Act, because they think that it is expedient that the activity specified in this notice **should cease** on the land described in paragraph 4 below. The Council **now prohibits** the carrying out of the activity specified in this notice. Important additional information is given in the Annex to this notice.

**3. THE LAND TO WHICH THIS NOTICE RELATES**

Land at Meadowcroft, Port Road, Rhose (“the Land”), shown edged in red on the attached plan (“the Plan”).

**4. ACTIVITY TO WHICH THIS NOTICE RELATES**

Without planning permission, the carrying out of operational development comprising ground engineering operations, including the importation, deposition, spreading and moving of materials, including soil and hardcore / rubble and the re-profiling of the land.

## **5. THE REASONS FOR ISSUING THIS NOTICE**

The importation of materials, including soil, rubble, and construction waste has raised the level of the land significantly to the rear of the bungalow (circa 0.5 – 1m), while several stockpiles of material also remain to the front. From the raised land, there are now wide-ranging views over neighbouring land to the rear and in the absence of a planning application, it has not been possible to consider the visual or neighbour impacts of the change in ground level. Furthermore, it has not been demonstrated that any imported materials, including sub and topsoil's have been tested for contaminants. A report detailing the results and any recommendations from a scheme of sample testing carried out on the material would normally be required by condition to be submitted to the local planning authority for consideration prior to the material being deposited on the land, in circumstances where planning permission has been applied for. No details of any testing of the material have been submitted and therefore it is not possible to rule out that the imported materials may be contaminated, resulting in ground pollution.

Between the first site visit on 26<sup>th</sup> February 2024 and the most recent visit on 15<sup>th</sup> April 2024, further loads of materials comprising of soils and rubble have been imported and deposited at the site without planning permission. Vast quantities of material have been tipped to the rear of the property in particular and spread over the ground. Given the visual impact resulting from the significant change in ground levels and the environmental impact from possible contamination, it is considered that the continued uncontrolled engineering operation is contrary to Policies MD2 (Design of New Development) and MD7 (Environmental Protection).

The continued operational development comprising uncontrolled ground engineering operations, will further exacerbate the harm identified above. It is therefore necessary to require the cessation of any further ground engineering operations, including the importation, deposition, spreading and moving of materials, including soil and hardcore / rubble and the re-profiling of the land.

Finally, under the 2015 Act the Council not only have a duty to carry out sustainable development, but must also take reasonable steps in exercising its functions to meet its sustainable development (or wellbeing) objectives. This report has been prepared in consideration of the Council's duty and the "sustainable development principle", as set out in the 2015 Act, in recommending the service of a Temporary Stop Notice, the Council has sought to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

## **6. WHAT YOU ARE REQUIRED TO DO**

Cease all ground engineering operations, including the importation, deposition, spreading and moving of materials, including soil and hardcore / rubble and the re-profiling of the land.

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

This notice takes effect on 24<sup>th</sup> April 2024, when all the activity specified in this notice must cease. This notice will cease to have effect on 22<sup>nd</sup> May 2024.

Dated: 24<sup>th</sup> April 2024.

Signed: 

**Head of Legal and Democratic Services**  
**On behalf of Vale of Glamorgan Council, Docks Office, Barry Docks, CF63 4RT.**

**Nominated Officer:** Mr. Marc Stephens

**Telephone Number:** (01446) 706185

## **ANNEX**

### **WARNING**

**THIS NOTICE TAKES EFFECT ON THE DATE SPECIFIED IN PARAGRAPH 7. THERE IS NO RIGHT OF APPEAL TO THE WELSH MINISTERS AGAINST THIS NOTICE.**

It is an offence to contravene a temporary stop notice after a site notice has been displayed or the temporary stop notice has been served on you (section 171G(1) of the 1990 Act). If you then fail to comply with the temporary stop notice you will be at risk of prosecution in the Magistrates' Court, for which the maximum penalty is £20,000 on summary conviction for a first offence and for any subsequent offence.

The fine on conviction on indictment is unlimited. If you are in any doubt about what this notice requires you to do, you should get in touch immediately with Mr. Marc Stephens on (01446)706185.

If you need independent advice about this notice, you are advised to contact urgently a lawyer, planning consultant or other professional adviser specialising in planning matters.

If you wish to contest the validity of the notice, you may only do so by an application to the High Court for judicial review.

### **Section 171G – Town and Country Planning Act 1990**

#### **Temporary stop notice: offences**

- (1) A person commits an offence if he contravenes a temporary stop notice:
  - (a) which has been served on him, or
  - (b) a copy of which has been displayed in accordance with section 171E(5).
- (2) Contravention of a temporary stop notice includes causing or permitting the contravention of the notice.
- (3) An offence under this section may be charged by reference to a day or a longer period of time.
- (4) A person may be convicted of more than one such offence in relation to the same temporary stop notice by reference to different days or periods of time.
- (5) A person does not commit an offence under this section if he proves:
  - (a) that the temporary stop notice was not served on him, and
  - (b) that he did not know, and could not reasonably have been expected to know, of its existence.
- (6) A person convicted of an offence under this section is liable on summary conviction, or on conviction on indictment, to a fine.

- (7) In determining the amount of the fine the court must have regard in particular to any financial benefit which has accrued or has appeared to accrue to the person convicted in consequence of the offence.