

Appeal Decision

Site visit made on 17 January 2017

by George Mapson DipTP DipLD MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 23 January 2017

Appeal Ref: APP/G2435/C/16/3152183

Land off Measham Lodge Farm, Gallows Lane, Measham, Swadlincote, Leicestershire, DE12 7HA

- **The appeal**

The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991. It is made by Duncan Rogers (Tank Mania) against an enforcement notice (Ref 16/00005/NOTICE) issued by North West Leicestershire District Council on 13 April 2016.

- **The breach of planning control alleged in the enforcement notice**

Failure to comply with the following conditions:

(i) Nos. 2, 5, 10, 12 and 16, of a planning permission Ref 14/00309/FULM granted on 1 August 2014;

(ii) No. 3 of a planning permission Ref 14/01032/FUL granted on 23 December 2014; and

(iii) Nos. 2, 5, 10, 11 and 15 of a planning permission Ref 15/00195/VCIM granted on 1 June 2015.

- **The development to which the permission Ref 14/00309/FULM relates**

"Use of land for the operational use of military and civilian "off Road Vehicles" (including tanks, Armoured fighting vehicles, Heavy duty vehicles and off-road 4x4s) along with the provision of 3.0 metres high straw bales (Revised Scheme)..."

The conditions in question (Nos. 2, 5, 10, 12 and 16) are set out in Schedule 1 attached to this decision. The notice alleges that the conditions have not been complied with for the reasons set out in that Schedule.

- **The development to which the permission Ref 14/01032/FUL relates**

"Use of a part of the land for the storage of military and civilian "off Road Vehicles" (in association with 14/000309/FULM) and the erection of security fencing..."

The condition in question (No. 3) is set out in Schedule 2 attached to this decision. The notice alleges that the condition has not been complied with for the reason set out in that Schedule.

- **The development to which the permission Ref 15/00195/VCIM relates**

"Removal of condition No. 11 attached to 14/00309/FULM, to remove the need for highway works, as land is no longer at Measham Lodge Farm Gallows Lane Measham Swadlincote."

The conditions in question (Nos. 2, 5, 10, 11 and 15) are set out in Schedule 3 attached to this decision: The notice alleges that the conditions have not been complied with for the reasons set out in that Schedule.

- **The requirements of the notice**

Schedule 4 attached to this decision sets out the 8 requirements (Steps 1-8) of the notice.

- **The period for compliance**

Schedule 5 attached to this decision sets out the 8 periods for compliance with the requirements.

- **Grounds of appeal**

The appeal is proceeding on the grounds set out in section 174(2)(e) and (b) of the Town and Country Planning Act 1990 as amended. Since the prescribed fees have not been paid within the specified period, the application for planning permission deemed to have been made under section 177(5) of the Act as amended does not fall to be considered.

Decision

1. The enforcement notice is corrected by:
 - 1) inserting in Section 2 the words “, *Measham, Swadlincote, Leicestershire, DE12 7HA*,” after the words “*Gallows Lane*”; and
 - 2) deleting from Section 5, Steps 5 and 6, the words “*To*” at the beginning of the sentence.
2. The enforcement notice is varied by:
 - 1) deleting from Section 5, Step 7 in its entirety; and
 - 2) deleting from Section 6, Step 7 in its entirety.
3. Subject to these corrections and variations the appeal is dismissed and the enforcement notice is upheld.

Background

4. The appellant’s company, ‘Tank Mania’, offers tank, army and armoured vehicle driving ‘experiences’ for visiting members of the public. Planning permission for this use of the land was granted initially on 1 August 2014. That permission was subject to variations granted on 23 December 2014 and 1 June 2015.
5. The enforcement notice cites breaches of several planning conditions that were attached to those planning permissions. These conditions are set out in full in Schedules 1, 2 and 3 attached to this notice. Briefly, they require the implementation of the approved development in full accordance with:
 - 1) the site/location plan (received by the Council on 4 April 2014);
 - 2) the ‘*Tank Mania Management Plan*’ (1st revision received 15 May 2014; 2nd revision received 3 March 2015);
 - 3) specified access improvements listed in the conditions (to be carried out within a stated timescale);
 - 4) a plan (to be submitted within a stated timescale and approved by the Council) for the formation of a surfaced car park to accommodate 15 vehicles (to be carried out within a stated timescale following the Council’s approval and thereafter retained);
 - 5) a plan (to be submitted within a stated timescale and approved by the Council) for 3m high straw bale bund (to be erected within a stated timescale following the Council’s approval and thereafter retained); and
 - 6) a Design and Access Statement received on 31 October 2014, which states that an approved security fence shall be painted dark green.
6. The alleged breaches of the conditions relate to four matters. These are:
 - 1) failure to retain and maintain a 3m high bund of straw bales, as shown on a submitted plan, and failure to conduct regular inspections of the bund, as set out in the ‘*Tank Mania Management Plan*’;
 - 2) failure to carry out a scheme of access improvements;
 - 3) failure to submit a plan for a surfaced car park that would accord with the requirements of the County Council’s Highways Authority and a failure to carry out the required works; and
 - 4) failure to paint the security fence.

Preliminary matters

Corrections and variations to the notice

7. Before I address the grounds of appeal, I must consider whether the enforcement notice is in good order. It is important to get the notice right because legal culpability arises from a failure to comply with its requirements.
8. I am satisfied that the corrections and variations to the notice that are set out below would not cause injustice to any party.

'The land to which this notice relates'

9. The first point is a minor one; it relates to the site address. Section 2 of the notice refers to the site simply as "*Land and buildings to the south eastern side of Gallows Lane as shown edged red on the attached plan ("The Land") and known as Land Registry Title number LT381170*". No address is given, but Section 3 refers to breaches of conditions imposed on the planning permissions for development at "*Measham Lodge Farm, Gallows Lane, Measham, Swadlincote*".
10. It would be appropriate, in my view, for Section 2 to set out the full address of the land affected by the notice (including the county and postcode, as derived from the appeal form). I shall correct the notice accordingly.

'What you are required to do'; the actions that the appellant is required to take

11. The second point is also a minor one; it relates to the wording of two of the eight steps which the Council requires to be taken (see Schedule 4). Six of these steps start with a verb indicating that an action must be taken, but at the beginning of Steps 5 and 6 the word "*To*" appears. This is superfluous in the context of the other steps and should be omitted. I shall correct the notice accordingly.

The tests for conditions, including enforceability

12. The third point is a significant one; it relates to the tests for planning conditions that are set out in paragraph 206 of the National Planning Policy Framework.
13. This paragraph explains that "*Planning conditions should only be imposed where they are necessary, relevant to planning and the development to be permitted, enforceable, precise and reasonable in all other respect*".
14. The appellant has not made a valid appeal on ground (a)¹ which, in a breach of condition case, is that the original development should carry on without complying with the particular conditions that the notice seeks to enforce. Consequently, I cannot consider the reasonableness of those conditions or the necessity for them. However, I have a duty to consider whether a particular condition is valid and that entails, among other things, coming to a view on whether or not it would be enforceable.
15. In this case, it is evident to me that condition No. 3 of planning permission 14/00309/FULM (see Schedule 2) is unenforceable. It requires an approved security fence to be painted in a "*dark green/black finish*", but sets no time limit within which the fence must be painted and no requirement for the fence to be retained thereafter in the stipulated colour.
16. I saw that, since the notice was issued, the fence has been painted dark green, seemingly in compliance with this condition. However, the condition is invalid because it fails to meet the test of enforceability and for that reason, I shall vary the notice by deleting from Sections 5 and 6 the references to it.

¹ Although ground (a) was pleaded, whether or not the deemed planning application falls to be considered depends on the payment of a prescribed fee. In this case, the fee was not paid and the deemed application lapsed.

General principles with appeals made on legal grounds

17. Ground (b) and (e) are legal grounds on appeal. When considering such appeals the planning merits are not relevant and cannot be taken into account. The decision depends entirely on factual evidence about the history and planning status of the building, structure or land in question and the interpretation of any relevant planning law or judicial authority.
18. The burden of proof regarding decisive matters of fact rests on the appellant. He has asserted firstly, that the notice was not properly served; and secondly, that some of the breaches of conditions alleged in the notice have not occurred as a matter of fact. He must therefore adduce enough relevant, clear and unambiguous evidence to demonstrate the truth of those assertions. The relevant test of the evidence is 'the balance of probability' (i.e., that it is more probable than not).
19. In this case the appellant has not submitted a statement of case or any evidence in support of his appeal. His case comprises the information provided on his appeal form.

The appeal on ground (e)

20. An appeal on ground (e) is that the notice was not properly served on everyone with an interest in the land.
21. There are 2 strands to the appellant's case. The first is that a copy of the notice was not served on Mr Edward Parkes, the former owner Measham Lodge Farm, who retains ownership of the site. The second is that Council officers came to the appellant's home address to deliver an envelope containing a copy of the notice. They handed it to his 14 year old grandson, which caused his grandson distress.

Relevant provisions of the 1990 Act, as amended

22. Section 172(2) of the Act provides that a copy of the notice shall be served on the owner and occupier of the land to which it relates, and on any other person having an interest in the land, including mortgagees, tenants and sub-tenants, being an interest which, in the Council's opinion, is materially affected. It is for the Council to decide who is materially affected, but it risks an appeal on ground (e) if it exercises its discretion wrongly.
23. Section 176(5) gives the Secretary of State or an Inspector power to disregard non-service on a person, provided that neither the appellant nor that person has been substantially prejudiced by the failure to serve him or her.

Reasons and conclusions on the ground (e) appeal

24. Dealing first with the non-service point, the Council says that it only became aware that the land owner's address was no longer that which was registered with the Land Registry when correspondence sent to that address was returned. However, copies of the notice were delivered by hand to the appellant's home address and sent by recorded delivery to his business address, and laminated copies were displayed as site notices on the land. I am satisfied that the Council took all reasonable steps to ensure that persons with an interest in the land were identified and served with a copy of the notice.
25. Turning next to the distress experienced by the appellant's grandson, I recognise that for many people any involvement in enforcement proceedings can be stressful. I accept that the appellant's grandson might have found it unsettling to be the recipient of a hand-delivered copy of the notice. However, hand-delivery of notices is not an uncommon practice; it is one of several methods that local planning authorities use to ensure that the requirements of section 172(2) are met.

26. I find that the appellant has presented no cogent argument, supported by evidence, to demonstrate that either he or Mr Parkes have been substantially prejudiced by non-service of the notice directly on Mr Parkes. The burden of proof placed upon him has not been discharged and accordingly, the appeal on ground (e) fails.

The appeal on ground (b)

27. An appeal on ground (b) is that matters alleged in the notice have not occurred as a matter of fact.
28. The gist of the appellant's case is that the conditions relating to access improvements have been complied with because some works have been carried out at the entrance to the site.
29. The Council says that these works were carried out *after* the enforcement notice was issued and that they do not satisfy any of the breached conditions. To date, the appellant has not submitted an acceptable application vary the conditions in line with the minor works that have been implemented.

Reasons and conclusions on the ground (b) appeal

30. The Council's statement of case has set out in detail the reasons for concluding that there has been a non-compliance with the conditions identified in the notice.
31. The appellant has submitted neither a meaningful rebuttal of the matters raised in the Council's statement nor any relevant, clear and unambiguous evidence to support his ground (b) appeal. He has not disputed the fact that the conditions have been breached. He has not challenged the reasonableness of the conditions, or the necessity for imposing them, or the requirements of the notice to comply with them.
32. It is evident that the alleged breaches of conditions have occurred as a matter of fact. The appellant's subsequent actions to carry out some alterations to the site entrance do not discharge the relevant conditions and do not satisfy the requirements of the notice. For these reasons, the appeal on ground (b) fails.

Overall conclusions

33. I have taken account of all the matters raised in the written representations and my observations at the site. For the reasons given the appeal is dismissed and the enforcement notice, as corrected and varied, is upheld.

George Mapson

INSPECTOR

SCHEDULE 1

Planning permission Ref 14/00309/FULM; Condition Nos. 2, 5, 10, 12 and 16

CONDITION 2: *'The development shall be carried out in strict accordance with the Site/Location Plan (1:2500), received by the Local Authority on the 4th April 2014, unless otherwise required by another condition of this permission.'*

Reason: *'For the avoidance of doubt and to determine the scope of the permission.'*

Breach: The plan referred to indicates a straw bund to be erected at a height of 3 metres on the south eastern boundary of the site. Site inspections carried out by the Council have confirmed [that] the straw bund has been in a very poor state of repair and not to the required height. Photographs taken by the Council, including those taken on the 13th April 2016 evidence the condition of this bund and it is therefore considered that this condition has not been complied with.

CONDITION 5: *'The use of the site shall be carried out in strict accordance with the specifications outlined in the Tank Mania Management Plan of 2014 (and revised on 15th May 2014), received by the Local Authority on the 15th May 2014, unless an alternative Management Plan is first submitted to and agreed in writing by the Local Planning Authority. Should an alternative Management Plan be agreed then the use of the site shall be carried out in strict accordance with its specifications.'*

Reason: *'In the interests of preserving the amenities of neighbouring residential properties.'*

Alleged breach: Paragraph 5 of the Management Plan states: *'The straw bund is to be checked on a monthly basis and a record of this is to be kept, any damage found to the structure is to be reported to the management who in turn will inspect and arrange for repair/replacement of the affected area as soon as practicable. During long periods of bad weather and intense rain falls the bund will be inspected on a 2 weekly basis. A record of the inspection and any finding remarks are to be kept down site and available for inspection by the relevant authorities.'*

All site inspections carried out by the Council have confirmed [that] the straw bunds have been in a very poor state of repair. Photographs taken by the Council, including those taken on the 13th April 2016 evidence the condition of the bunds. An inspection undertaken on the 13th August 2015 noted that no inspections had been recorded since the 14th May 2015. It is therefore considered that the straw bunds are not being properly inspected and/or maintained and as a result the use is in breach of the Management Plan.

CONDITION 10: *'Unless within five months of the date of this decision a scheme of access improvements to the access on the east side of Gallows Lane have been implemented comprising of the following works:*

- *Widening to a minimum of 4.25 metres wide for at least the first 15.0 metres behind the highway boundary;*
 - *6.0 metre kerb radii on both sides;*
 - *Surfacing with tarmacadam, concrete or similar hard bound material (not loose aggregate) for a distance of at least 15.0 metres behind the highway boundary;*
 - *Removal of the existing gates, any new vehicular access gates, barriers, bollards, chains or other such obstructions erected shall be set back a minimum distance of 15.0 metres behind the highway boundary and shall be hung so as to open inwards only;*
- with the access once provided, thereafter being permanently maintained, the use of the site for the operation of military and civilian "off road vehicles" (including tanks, armoured fighting vehicles and off-road 4x4's) shall cease until such time as the scheme of access improvements is provided.'*

Reason: *'To ensure that the use does not compromise highway safety or result in damage to the Public Highway.'*

Alleged breach: A site visit undertaken on the 13th April 2016 has confirmed [that] these works have not been undertaken and therefore this condition has not been complied [with].

CONDITION 12: *'Unless within one month of the date of this decision a plan showing details of a surfaced car park to accommodate 15 vehicles is submitted in writing to the local planning authority for approval, and unless the approved scheme is provided within one month of the local planning authority's approval and thereafter retained for visitors to the development, the use of the site for the operation of military and civilian "off road vehicles" (including tanks, armoured fighting vehicles and off-road 4x4's) shall cease until such time as a scheme is approved and implemented.'*

Reason: *'To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking problems in the area.'*

Alleged breach: A plan was submitted by the operator in April 2015. However it was rejected by the County Council's Highways Authority and so was not approved by the Local Planning Authority. No further schemes have been submitted and a site visit undertaken on the 13th April 2016 has confirmed that no works have been undertaken and the condition has therefore not been complied with.

CONDITION 16: *'Unless within three months of the date of this decision a plan showing the provision of an additional 3.0 metre high straw bund between the north-eastern (side) elevation of the portable cabin and north eastern boundary of the operation site (as defined by the red line on the site location plan), which shall be placed to the north-western boundary of the public footpath (P85), is submitted in writing to the local planning authority for approval, and unless the approved scheme is provided within one month of the local planning authority's approval and thereafter retained, the use of the site for the operation of military and civilian "off road vehicles" (including tanks, armoured fighting vehicles and off-road 4x4's) shall cease until such time as a scheme is approved and implemented.'*

Reason: *'In the interests of the further preservation of residential amenities.'*

Alleged breach: Although a plan has been submitted to the local planning authority, a site visit undertaken on the 13th April 2016 has confirmed that the straw bund has not been provided and therefore this condition has not been complied with.

SCHEDULE 2

Planning permission Ref 14/01032/FUM; Condition No. 3

CONDITION 3: *'The fence hereby approved shall be painted in a dark green/black finish, as stated within the submitted Design and Access Statement received by the Local Planning Authority on the 31 October 2014.'*

Reason: *'To ensure a satisfactory standard of external appearance.'*

Alleged breach: A site visit undertaken by the Council on the 13th April 2016 has confirmed [that] the fence is an unpainted silver metal and therefore this condition has not been complied with.

SCHEDULE 3

Planning permission Ref 15/00195/VCIM; Condition Nos. 2, 5, 10, 11 and 15

CONDITION 2: *'The development shall be carried out in strict accordance with the Site/Location Plan (1:2500), received by the Local Authority on the 4th April 2014, unless otherwise required by another condition of this permission.'*

Reason: *'For the avoidance of doubt and to determine the scope of the permission.'*

Alleged breach: The plan referred to indicates a straw bund to be erected on the south eastern boundary of the site at a height of 3 metres. Site inspections carried out by the Council have confirmed [that] the straw bund has been in a very poor state of repair and [is] not to the required height. Photographs taken by the Council, including those taken on the 13th April 2016, evidence the condition of this bund and it is therefore considered that this condition has not been complied with.

CONDITION 5: *'The use of the site shall be carried out in strict accordance with the specifications outlined in the Tank Mania Management Plan (dated 3 March 2015) unless an alternative Management Plan is first submitted to and agreed in writing by the Local Planning Authority. Should an alternative Management Plan be agreed then the use of the site shall be carried out in strict accordance with its specifications.'*

Reason: *'In the interests of preserving the amenities of neighbouring residential properties.'*

Alleged breach: Paragraph 5 of the Management Plan states: *'The straw bund is to be checked on a monthly basis and a record of this is to be kept, any damage found to the structure is to be reported to the management who in turn will inspect and arrange for repair/replacement of the affected area as soon as practicable. During long periods of bad weather and intense rain falls the bund will be inspected on a 2 weekly basis. A record of the inspection and any finding remarks are to be kept down site and available for inspection by the relevant authorities.'*

All site inspections carried out by the Council have confirmed [that] the straw bunds have been in a very poor state of repair. Photographs taken by the Council, including those taken on the 13th April 2016 evidence the condition of the bunds. An inspection undertaken on the 13th August 2015 noted that no inspections had been recorded since the 14th May 2015. It is therefore considered that the straw bunds are not being properly inspected and/or maintained and as a result the use is in breach of the Management Plan.

CONDITION 10: *'Unless within one month of the date of this decision a scheme of access improvements to the access on the east side of Gallows Lane have been implemented comprising of the following works:*

- Widening to a minimum of 4.25 metres wide for at least the first 15.0 metres behind the highway boundary;*
 - 6.0 metre kerb radii on both sides;*
 - Surfacing with tarmacadam, concrete or similar hard bound material (not loose aggregate) for a distance of at least 15.0 metres behind the highway boundary;*
 - Removal of the existing gates, any new vehicular access gates, barriers, bollards, chains or other such obstructions erected shall be set back a minimum distance of 15.0 metres behind the highway boundary and shall be hung so as to open inwards only;*
- with the access once provided, thereafter being permanently maintained, the use of the site for the operation of military and civilian "off road vehicles" (including tanks, armoured fighting vehicles and off-road 4x4's) shall cease until such time as the scheme of access improvements is provided.'*

Reason: *'To ensure that the use does not compromise highway safety or result in damage to the Public Highway.'*

Alleged breach: A site visit undertaken on the 13th April 2016 has confirmed these works have not been undertaken and therefore this condition has not been complied [with].

CONDITION 11: *'Unless within one month of the date of this decision a plan showing details of a surfaced car park to accommodate 15 vehicles is submitted in writing to the local planning authority for approval, and unless the approved scheme is provided within one month of the local planning authority's approval and thereafter retained for visitors to the development, the use of the site for the operation of military and civilian "off road vehicles" (including tanks, armoured fighting vehicles and off-road 4x4's) shall cease until such time as a scheme is approved and implemented.'*

Reason: *'To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking problems in the area.'*

Alleged breach: A plan was submitted by the operator in April 2015. However it was rejected by the County Councils Highways Authority and so was not approved by the Local Planning Authority. No further schemes have been submitted and a site visit undertaken on the 13th April 2016 has confirmed that no works have been undertaken and the condition has therefore not been complied with.

CONDITION 15: *'Unless within one month of the date of this decision, the additional straw bund received by the Local Authority on the 17 October 2014, shall be re-erected/re-paired to a height of 3 metres and shall thereafter be retained in its position and maintained at that height, the use of the site for the operation of military and civilian "off road vehicles" (including tanks, armoured fighting vehicles and off road 4 X 4's) shall cease until such time as a time that the straw bunds are fully implemented to a height of 3 metres.'*

Reason: *'In the interests of the further preservation of residential amenities.'*

Alleged breach: A site visit undertaken on the 13th April 2016 has confirmed that the straw bund has not been provided and therefore this condition has not been complied with.

SCHEDULE 4

The requirements of the notice

Step 1: Cease the use of the site for the operation of military and civilian "off road vehicles" (including tanks, armoured fighting vehicles and off road 4 X 4's);

Step 2: Implement and thereafter permanently retain and maintain a scheme of access improvements to the access on the east side of Gallows Lane has been implemented comprising the following works:

- Widening to a minimum of 4.25 metres wide for at least the first 15.0 metres behind the highway boundary;
- 6.0 metre kerb radii on both sides;
- Surfacing with tarmacadam, concrete or similar hard bound material (not loose aggregate) for a distance of at least 15.0 metres behind the highway boundary;
- Removal of the existing gates, with any new vehicular access gates, barriers, bollards, chains or other such obstructions erected to be set back a minimum distance of 15.0 metres behind the highway boundary and shall be hung so as to open inwards only;
- with the access once provided, thereafter being permanently maintained ensuring full compliance with condition 11 of planning permission 14/00309/FULM and condition 10 of planning permission 15/00195/VCIM.

Step 3: Submit to, and obtain written approval of the Local Planning Authority, a plan showing details of a surfaced car park to accommodate 15 vehicles;

Step 4: Once the written approval of the Local Planning Authority has been obtained in accordance with step 2) above ensure that the car park is provided and thereafter permanently retained and maintained in accordance with the approved scheme ensuring full compliance with condition 12 of planning permission 14/00309/FULM and condition 11 of planning permission 15/00195/VCIM;

Step 5: [To] Erect and thereafter permanently retain and maintain the straw bund as shown on the plan received by the Local Planning Authority on the 4th April 2014 to a height of 3 metres as required by condition 2 of planning permissions 14/00309/FULM and 15/00195/VCIM;

Step 6: [To] Erect and thereafter permanently retain and maintain the additional straw bund as shown on the plan received by the Local Planning Authority on the 17th October 2014 to a height of 3 metres as required by condition 16 of planning permission 14/00309/FULM and condition 15 of planning permission 15/00195/VCIM;

Step 7: Paint the fence approved by planning permission 14/01032/FUL in a dark green or black finish as required by condition 3 of that permission; and

Step 8: Comply with the Management Plan (dated 3 March 2015) submitted to and agreed by the local planning authority as required by condition 5 of planning permission 15/00195/VCIM including: *'The straw bund is to be checked on a monthly basis and a record of this is to be kept, any damage found to the structure is to be reported to the management who in turn will inspect and arrange for repair/replacement of the affected area as soon as practical. During long periods of bad weather and intense rain falls the bund will be inspected on a 2 weekly basis. A record of this inspection and any finding remarks are to be kept down site and available for inspection by the relevant authorities.'*

SCHEDULE 5

Periods for compliance with the requirements of the notice

Step 1: 1 day after this notice takes effect.

Step 2: Within 60 days after this notice takes effect.

Step 3: Within 30 days after this notice takes effect.

Step 4: Within 60 days from the date written approval is obtained from the local planning authority.

Step 5: Within 30 days after this notice takes effect.

Step 6: Within 30 days after this notice takes effect.

Step 7: Within 14 days after this notice takes effect.

Step 8: Within 14 days after this notice takes effect.