

IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY

TOWN AND COUNTRY PLANNING ACT 1990
(AS AMENDED BY THE PLANNING AND COMPENSATION
ACT 1991)

ENFORCEMENT NOTICE – OPERATIONAL DEVELOPMENT

ISSUED BY: **NORTH EAST LINCOLNSHIRE COUNCIL**

1. THIS IS A FORMAL NOTICE which is issued by the Council because it appears to them that there has been a breach of planning control, under section 171A(1)(a) of the above act, at the land described below. They consider that it is expedient to issue this notice, having regard to the provisions of the development plan and to other material planning considerations. The annex at the end of the notice and the enclosures to which it refers contain important additional information.

2. **THE LAND AFFECTED**

Land at 18 Humber Street Cleethorpes, North East Lincolnshire, shown edged red on the attached plan (“the land”)

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

Without planning permission the change of use of land from a garden into a car park and the installation and retention of 2 large gates to facilitate vehicular access

An application for retrospective planning permission was made to the Council in relation to this matter. It was refused by the Planning Committee on 18th November 2005.

4. **REASONS FOR ISSUING THIS NOTICE**

Planning permission was refused on 18th November 2005 on the grounds that ‘the enclosure of this former area of car park and the fencing and access arrangements represent an unacceptable loss of part of a public car part that is convenient, popular and well used and as such the development is contrary to Policy T8 of the North East Lincolnshire Local Plan November 2003’.

A copy of the decision of the Planning Committee is attached to this notice.

It appears that the breach of the above planning control has occurred within the last four years in **DIRECT** contravention of the decision referred to above.

The application for retrospective planning permission also made reference to an attempt to acquire and use an additional piece of land owned by the Council, as edged blue on the attached plan, 'the Council land.' This was also refused by the Committee on the same grounds.

5. WHAT YOU ARE REQUIRED TO DO

The land must be restored to its original use as a garden.

The gates and fencing must be removed from the 'Council land'.

6. TIME FOR COMPLIANCE

30 days after this notice takes effect. (26th May 2007)

7. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on the 26th of April 2007 unless an appeal is made against it beforehand.

Dated: 26 March 2007

Signed:

R Walsh
Director of Law and Democratic Services
North East Lincolnshire Borough Council
Municipal Offices
Town Hall Square
Grimsby
DN31 1HU

ANNEX

YOUR RIGHT OF APPEAL

You can appeal against this notice, but any appeal must be received, or posted in time to be received, by the Secretary of State before the date specified in paragraph 7 of this notice. The enclosed booklet "Enforcement Appeals – A Guide to Procedure" sets out your rights. Read it carefully. You may use the enclosed appeal forms. If you decide to appeal. One copy of the form is for you to send to the Secretary of State, together with a copy of the enforcement notice. A spare copy is enclosed for this purpose. The second copy of the appeal form and the notice should be sent to the Council. The other is for you to keep as a duplicate for your own records.

WHAT HAPPENS IF YOU DO NOT APPEAL

If you do not appeal against this enforcement notice, it will take effect on the date specified in paragraph 7 of this notice and you must then ensure that the required steps for complying with it, for which you may be held responsible, are taken within the period(s) specified in the notice. Failure to comply with an enforcement notice, which has taken effect, can result in prosecution and/or remedial action by the Council.