

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 the Council that there has been a breach of planning control, under section 171A(1)(a) of the above act, at the land described below. The Council considers 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 191 Humberston Road, 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 erection of a wall, fence and gates, and creation of access, shown in blue on the attached plan ('the wall, fence, gates and access').

4. REASONS FOR ISSUING THIS NOTICE

It appears that the breach of the above planning control has occurred within the last four years.

The wall, fence and gates are greater than 1 metre in height and as such forms a discordant feature in the street scene to the detriment of the visual amenity of the character and appearance of the area.

The creation of the access directly affects trees subject to a Tree Preservation Order potentially restricting the future growth of the trees. Approving the wall, fence and gates would set a precedent which would make it difficult for the Local Planning Authority to resist such boundaries in the future and lead to the further erosion of the character of the area.

Planning permission has been refused for the creation of the access on 26 February 2007 (DC/1601/06/HAV) because planning conditions could not overcome these objections.

5. WHAT YOU ARE REQUIRED TO DO

Remove the wall, fence, gates and access from the front of the above property known as 191 Humberston Road, Cleethorpes.

6. TIME FOR COMPLIANCE

28 days after this notice takes effect.

7. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on 1/10/08 unless an appeal is made against it beforehand.

Dated:

22/8/08

Signed:

R. Walsh

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.

