

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 because it appears to the Local Planning Authority that there has been a breach of planning control under section 171A(1)(a) of the above Act, at the land described below. The Local Planning Authority 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 230 Ninth Avenue, Humberston Fitties Chalet Park, Humberston, North East Lincolnshire, and 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 installation of uPVC framed windows, uPVC door and frame, erection of close boarded access gates and the installation of an air-conditioning unit.

4. REASONS FOR ISSUING THIS NOTICE

The breach of planning control has occurred within the last four years. The development is still subject to planning control even having regard to the introduction of the Town and Country Planning (General Permitted Development) (Amendment)(No.2)(England) Order 2008.

The property is situated within a designated conservation area. A Direction under Article 4(2) of the General Permitted Development Order 1995 was made on the 6 August 1997.

The effect of this Order is (inter alia) that the permitted development rights relating to development involving the enlargement, improvement or other alterations of a property in the said conservation area are removed and any such development requires planning permission.

The Council has adopted a Design Guide in respect of the Humberston Fitties Chalet Park Conservation area which makes provision for the types of materials which the Council considers acceptable for the installation of window frames and doors and door frames. The use of uPVC is not considered acceptable. The Council has given consideration to saved policies GEN2 and BH1 in the North East Lincolnshire Local Plan Adopted November 2003 and considers that the use of uPVC framed windows at the holiday chalet in this location is detrimental to the character and appearance of the Fitties conservation area.

Wooden gates have also been erected at the holiday chalet. The smaller gate is close boarded and does not comply with guidelines as laid down in the Humberston Fitties Chalet Park Design Guide. There are also double gates that have been erected on the boundary of the site. These are close boarded and are more than a metre in height.

On the northern elevation of the chalet, an air-conditioning unit has been sited without the required approval.

All these matters are in contravention of guidance given in the Humberston Fitties Chalet Park Design Guide and are considered to be in contravention of local saved policies GEN2 and BH1. The Council therefore does not consider that planning permission should be given because planning conditions could not overcome the reasons for issue of the Notice.

5. WHAT YOU ARE REQUIRED TO DO

1. Remove the uPVC windows and doors installed at the holiday chalet and replace them with glass windows, and window frames and doors that are made of hard wood, soft wood or suitably painted steel, (N.B. These are materials that are recommended in the Humberston Fitties Chalet Park Design Guide),
2. Remove the wooden close boarded gates,
3. Remove the air conditioning unit located on the northern elevation of the holiday chalet.

6. TIME FOR COMPLIANCE

Two months after this notice takes effect.

7. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on 27/2/19 unless an appeal is made against it beforehand.

Dated: 21/1/19

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.

230 Ninth Avenue, Humberston Fitties Chalet Park



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