

**IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY**

**TOWN AND COUNTRY PLANNING ACT 1990 (as amended by the PLANNING  
AND COMPENSATION ACT 1991)**

**BREACH OF CONDITION NOTICE**

**Issued by: North East Lincolnshire Borough Council**

1. **This is a formal notice** which is issued by the Council, under Section 187A of the above Act, because the Council considers that conditions imposed on a grant of planning permission DC/1117/10/HUM relating to the land described below, have not been complied with. It considers that you should be required to secure compliance with the conditions specified in this notice.

2. **The land affected by the notice**

The land known as 130 Humberston Fitties, Humberston, Grimsby, North East Lincolnshire DN36 4EZ (edged red on the attached plan).

3. **The relevant planning permission**

The relevant planning permission to which this notice relates is the permission granted by the Council on the 3<sup>rd</sup> February 2011 as per approved planning application no. DC/1117/10/HUM (attached hereto).

4. **The breach of condition**

The following condition has not been complied with:-

Condition 5

The development hereby approved shall proceed in strict accordance with approved plans including drawing no.H32-01 revH

Reason

For the avoidance of doubt, in the interests of proper planning and to accord with saved Policies GEN2 and BH1 of the North East Lincolnshire Local Plan 2003

5. **What you are required to do**

As the person responsible for the breach of condition specified in paragraph 4 of this notice, you are required to comply with the stated condition by taking the following steps:-

**Requirement No. 1**

Submit a valid Planning Application to vary condition 5 of Planning Approval DC/1117/10/HUM to take into account changes made to the development in respect of the veranda sides and the incorporation of the side structure and roof into the main development which are not approved on drawing H32-01 rev H.

**Time for Compliance:**

**Requirement No. 1**

28 Days from the date this notice takes effect.

6. **When this notice takes effect**

This notice takes effect immediately it is served on you or you receive it by postal delivery.

Signed:



Dated:

18<sup>th</sup> JULY 2012.

**On behalf of:** North East Lincolnshire Borough Council

**WARNING**

**There is no right of appeal against the notice**

It is an offence to contravene the requirements stated in paragraph 5 of this notice after the end of the compliance period. You will then be at risk of immediate prosecution in the Magistrates' Court, for which the maximum penalty is £2,500 for a first offence and for any subsequent offence. If you are in any doubt about what this notice requires you to do, you should get in touch immediately with Miss K Walker, Planning and Transportation Department, Origin One, Origin Way, Europarc, Grimsby DN37 9TZ. Tel. 01472 324998

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. A lawyer will advise you on what this procedure involves.

**Do not leave your response to the last minute**

## NOTICE OF DECISION

**Application Number:** DC/1117/10/HUM

**Issuing Authority:** North East Lincolnshire Council

**Applicant's Name and Address:**

Mr Shaun Perry  
2 St Michaels Close  
Goldthorpe  
Rotherham  
S63 9BS

**Agent's Name and Address:**

Kennedy Design Ltd  
Mr Kevin Kennedy  
153 Cavanagrove House  
Goldthorpe  
Rotherham  
South Yorkshire  
S63 9JA

The following decision has been made upon your application received on **9th December 2010** relating to:-

**Application Site:** 130 Humberston Fitties Humberston Grimsby N E Lincolnshire

**Proposal:** Erection of canopy over decked area, replace the existing corrugated roof with a new corrugated roof and replace boundary fence

**Granted subject to:-**

- 1 Condition**  
The development hereby permitted shall commence within a period of three years from the date of this permission.

**Reason**  
To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
- 2 Condition**  
The external materials to be used in the construction of the development shall be as specified on the approved plan.

**Reason**  
To ensure the proposed development has an acceptable external appearance, is in keeping with the visual amenity and character of the area and accords with saved Policy GEN2 of the North East Lincolnshire Local Plan 2003.
- 3 Condition**  
Notwithstanding the details shown on the approved plans, the eaves and barge boards should be finished externally in treated wood and any flashing shall be positioned behind the wooden finishes.

**Reason**  
To maintain the historic appearance of the area and accord with saved Policies GEN2 and BH1 of the North East Lincolnshire Local Plan 2003.

4 Condition

Notwithstanding the approved plans, a scaled detail drawing of the construction of the veranda roof shall be submitted to and agreed in writing with the Local Planning Authority and thereafter completed in accordance with the approved detail.

Reason

To maintain the character of the area and to accord with saved Policies GEN2 and BH1 of the North East Lincolnshire Local Plan 2003.

5 Condition

The development hereby approved shall proceed in strict accordance with approved plans, including drawing no. H32 -01 rev H.

Reason

For the avoidance of doubt, in the interests of proper planning and to accord with saved Policies GEN2 and BH1 of the North East Lincolnshire Local Plan 2003.

6 Reason for approval

The proposed alterations and extension to 132 Humberston Fitties would not detract from the appearance and character of the property, the conservation area or neighbours' amenities, in accordance with the North East Lincolnshire Local Plan 2003, particularly saved Policies GEN2 and BH1.

This Notice is issued on behalf of the Local Planning Authority.

Signed:



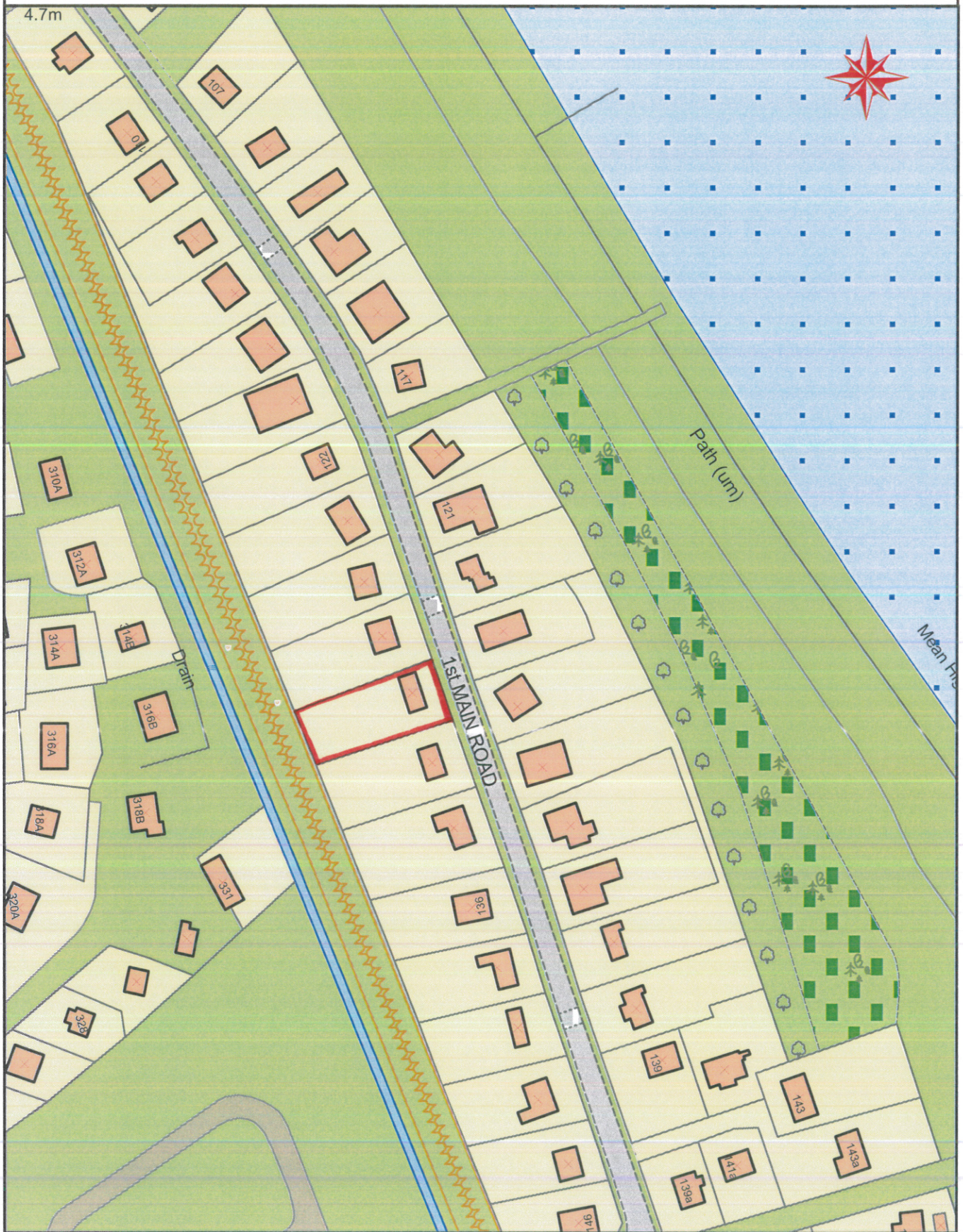
Dated: 3rd February 2011


**Marc Cole**

**Official Capacity: Executive Director of Regeneration**



# Location Map



 <p><b>NORTH EAST LINCOLNSHIRE COUNCIL</b> www.nelincs.gov.uk</p>	<b>Details</b>			<b>Rev No.</b>			This product includes mapping data licensed from Ordnance Survey ©Crown Copyright 2009. Licence number 100020759		
	Plotting in MapInfo made easier								
	<b>Drawn by</b>	<b>Scale</b>	<b>Date</b>				Aligned Assets Limited Links One, Links Business Centre Old Woking Road, Old Woking Surrey, GU22 8BF	<a href="http://www.aligned-assets.co.uk">www.aligned-assets.co.uk</a>	
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