

**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**

22 Pelham Road, Immingham, North East Lincolnshire shown edged red on the attached plan referenced Location Map (Plan 1) ("the land")

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

The erection of a fence without planning permission. The fence ("the fence") is shown in blue on Location Map (Plan 2).

4. **REASONS FOR ISSUING THIS NOTICE**

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

A retrospective application to retain the fence was refused on 18<sup>th</sup> May 2012 on the basis of the fence's position as it is placed in close proximity to the highway.

An appeal against the Council's decision was submitted to the Planning Inspectorate (APP/B2002/A/12/2178721) the appeal was subsequently dismissed on the same basis.

The proposed fencing by reason of its design, position and appearance creates a significantly detrimental impact on the character and appearance of the street scene in direct conflict with saved Policy GEN1 of the North East Lincolnshire Local Plan 2003 and Section 7 (Requiring Good Design) of the National Planning Policy Framework 2012.

The Council does not consider that planning permission should be given because planning conditions could not overcome these objections.

5. WHAT YOU ARE REQUIRED TO DO

Remove the fence shown blue on Location Map (Plan 2).

6. TIME FOR COMPLIANCE

31 days after this notice takes effect. (27/5/13)

7. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on 26/4/13 unless an appeal is made against it beforehand.

Dated: 27/3/13

Signed: 

R. Walsh  
Strategic Director Governance and Transformation  
North East Lincolnshire Borough Council  
Municipal Offices  
Town Hall Square  
Grimsby  
DN31 1HU

## **ANNEX**

### **YOUR RIGHT OF APPEAL**

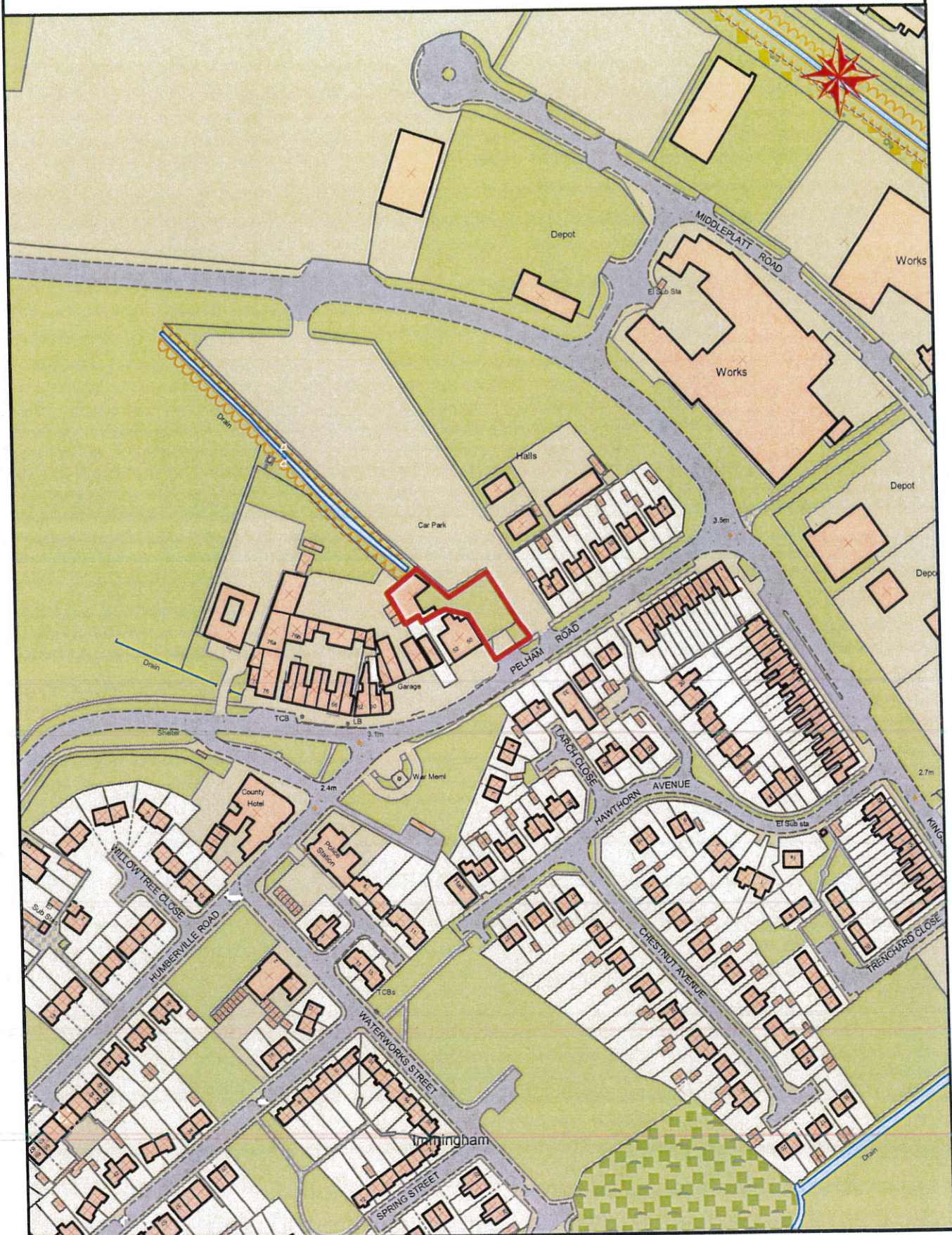
You can appeal against this notice, but any appeal must be received, or posted in time to be received, by the Secretary of State before the date specified in paragraph 7 of this notice. The enclosed booklet "Enforcement Appeals – A Guide to Procedure" sets out your rights. Read it carefully. You may 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.



# Location Map (Plan 1)



Details  
Plotting in MapInfo made easier

Rev  
No.

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www.5L 2000

Drawn by  
chapl

Scale  
1:2500

Date  
01/03/2013

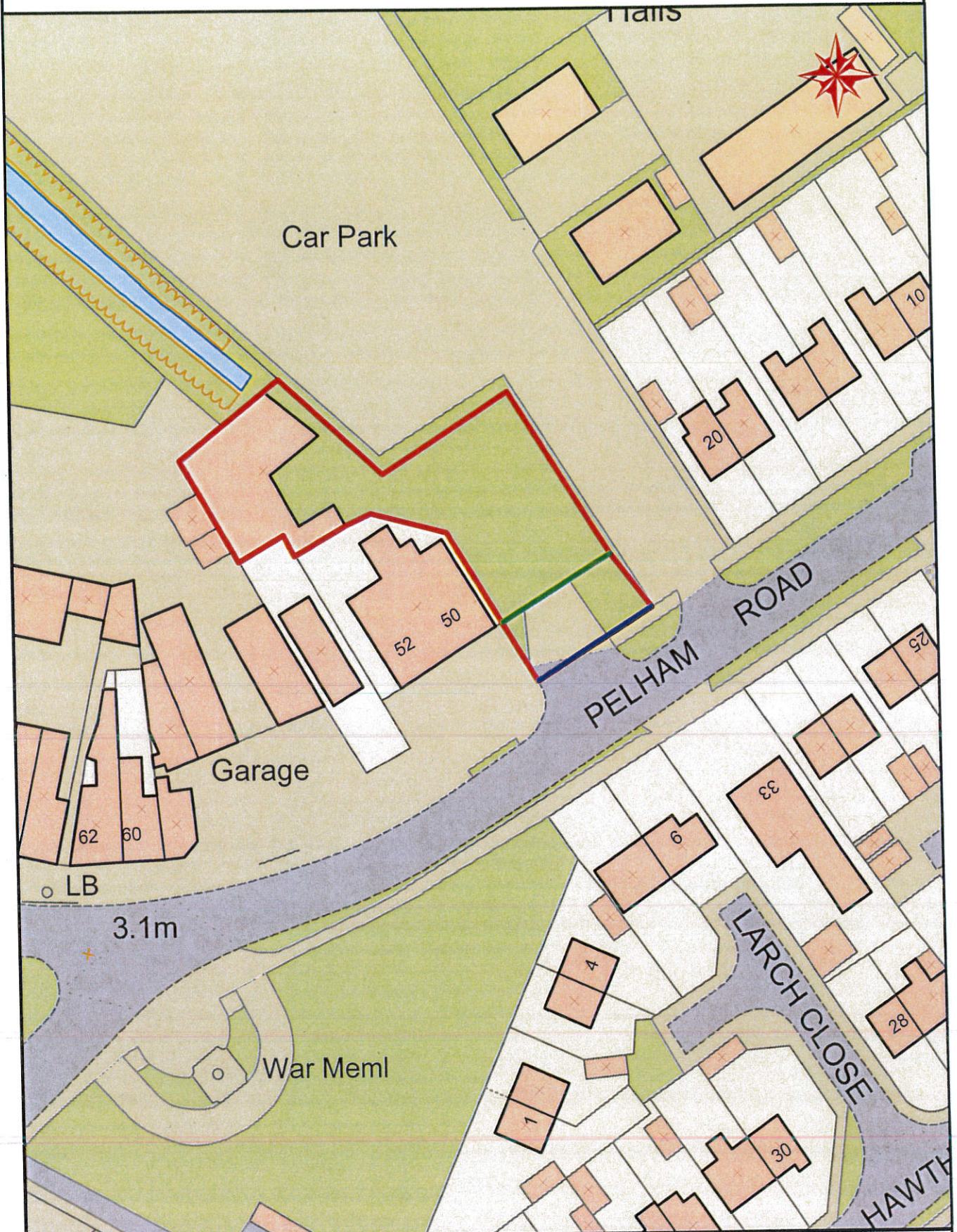
Aligned Assets Limited  
Links One, Links Business Centre  
Old Woking Road, Old Woking  
Surrey, GU22 8BF

[www.aligned-assets.co.uk](http://www.aligned-assets.co.uk)

File Pathname / Project / Drawing No.



# Location Map (Plan 2)



Details  
Plotting in MapInfo made easier

Drawn by  
chapl

Scale  
1:-1000

Date  
01/03/2013

File Pathname / Project / Drawing No.

Rev  
No.

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