

**IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY**

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

**ENFORCEMENT NOTICE**

**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 Whitsend Farm, Thoroughfare, Ashby Cum Fenby, North East Lincolnshire DN37 0QX shown edged red on the attached plan ("the land")

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

Without planning permission

- 1) the material change of use of the land from agriculture to a mixed use with the following elements:
  - a. Agriculture involving and concerning the keeping and grazing of cows and sheep and the sheering of the latter;
  - b. The storage of plant and equipment on the land not used for the purposes of agriculture on the land including the storage of
    - two ploughs
    - a yellow cherry picker cage
    - a green and two red tractors (one with a power arm)
    - a flail mower and collector
    - a roof truss boom
    - a large blue trailer (10/12t grain trailer)
    - four yellow road blade/scrapers
    - a green road brush
    - a large blue flatbed trailer
    - a generator
    - a blue steel container
    - metal wire,

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- hoses,
  - acro props
  - a cement mixer
  - red gas bottles
  - a blue steel slatted bucket
  - a white/yellow hopper
  - a red Hakki Pilke oh60 firewood processor
  - a Jensen wood chipper
  - a green horsebox
  - a blue oil storage tank
  - three large blue metal containers and one yellow container
  - a yellow dumper truck
  - metal fencing panels
  - a generator
  - large coils of blue ribbed piping
  - a large static caravan
  - a Teagle machine
  - two lighting rigs with generator
  - a slatted back lifter bucket
  - a green Chieftan low loader; and
  - a red car and two unidentified pieces of small machinery
- c. The storage of plant and equipment in connection with a plant hire business including storage of
- A green tractor
  - A red generator
  - A red maniscopic telehandler with bale attachment
- d. The storage of building materials including:
- yellow pipe
  - road chippings
  - rolls of chicken wire and two rolls of metal wire
  - road signs
  - rolls of plastic piping
  - timber
  - old metal poles
- e. The storage of waste and surplus building materials and plant including:
- old timber
  - timber pallets, both whole and broken
  - broken tarmac, stone and rubble
  - broken concrete posts with seating concrete attached
  - stone and earth
  - broken bricks
  - road chippings
  - bins,
  - a metal gate,

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- pile of drainage pipes,
  - old oil drum.
  - large metal cylinder covered with horse blankets
  - mound of bark chippings around 2m high
  - mound of earth and broken brick
  - concrete and broken bricks and rubble mound 2m high
  - blue high sided trailer
  - general old and rusting machinery and pieces of machinery,
  - corrugated metal sheeting, general rubbish and metal
- f. Storage of general non-agricultural waste including
- grass mower parts,
  - a child's bicycle,
  - old rope,
  - plastic bottles,
  - plastic bags,
  - empty glass bottles
  - old newspapers,
  - plastic,
  - timber
  - tyres
  - a red and white road safety cone
- 
- patio doors,
  - two plastic chairs,
  - low metal steps,
  - corrugated sheeting,
  - broken timber pallets,
  - domestic type gas heater/fire,
  - metal fencing panels
  - general rubbish
  - old caravan
  - wire fencing, an old stool, rusting containers, rusting filing cabinet, old timber and general rubbish
  - a motorbike,
  - drainage piping,
  - piles of rusting machinery and metal,
  - old timber gates,
  - horse blankets
  - small folding garden chair
- 2) The formation of an earth bund in the approximate position shown edged and shaded blue on the plan being approximately 1.5m high, about 45m long when viewed from the road 'Thoroughfare', about 2m in width at the eastern side of the site, with a return about 3m long where the bund is closest to the Thoroughfare entrance to the land.



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- tins of specialist paint
- gas bottles
- two rusting wheelbarrows
- plastic containers/drums
- cut stone blocks
- broken clay pipes
- roofing tiles,
- glass blocks
- pantiles
- an old trailer
- paving slabs
- plastic pipes,
- a large roll of terram fabric type material
- large black plastic pipe
- fence panels
- a timber and some metal gates
- a Trailer
- metal beams
- a white wc
- metal fencing
- blue tank on wheels
- old metal and timber trailer
- old and dilapidated red and yellow piece of machinery with grass and moss growing on them
- red and blue steel drums
- open red container with some green plastic netting and an old black plastic dustbin and some old metal equipment
- small old trailer
- red plastic storage container
- grey tarpaulin
- metal gates
- mounds of unidentifiable 'material' with the appearance of spoil
- An old rusty green horse box, old green container, white steel container
- A concrete mixer,
- dilapidated old trailer
- wheels
- two old timber trailers
- large rusting open container
- white polystyrene and plastic insulation panels
- old rusting metal box,
- an old metal safe on a pallet,
- old sacks filled with builders sand
- plastic containers
- rusting machinery,
- a yellow tank on wheels
- a stack of tyres
- rolls of fencing wire

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### **4. REASONS FOR ISSUING THIS NOTICE**

The above breaches of planning control have occurred:

- as regards the change of use, within the last ten years; and
- as regards the creation of the bund, within the last four years

The bund and the continued storage of plant, equipment, caravans, large containers or other mobile structures, construction materials and waste on the land detracts from the appearance and visual amenity of the land having regard to its proximity to a footpath (No 89) other public roads and private properties and is detrimental to the character of the rural area contrary to Policy GEN2 of the North East Lincolnshire Local Plan 2003.

The land is also outside of the development boundary of Ashby cum Fenby Village and is adjacent to the Lincolnshire Wolds Area of Outstanding Natural Beauty.

The Council does not consider that planning permission should be given because planning conditions could not overcome the visual intrusion resulting from the current use of the site.

### **5. WHAT YOU ARE REQUIRED TO DO**

- a. Bring no further plant, equipment, caravans, large containers or other mobile structures, construction materials or waste onto the land or move any around the land unless it is necessary, but only for the purposes of an agriculture use of the land, to bring on or move such plant, equipment or materials on or around the land
- b. Remove from the land all plant and equipment identified above in Paragraph 3 unless such plant or equipment is actively being used in connection with an agricultural use of the land
- c. Remove from the land all plant and equipment, caravans, containers or mobile structures, construction materials and waste which is not being used in connection with an agricultural use of the land
- d. Cease the use of the site for the storage or accommodation of plant, equipment, caravans, large containers or other mobile structures, construction materials or waste
- e. Cease the use of the site to store or accommodate plant and equipment used wholly or in part as the stock in trade of a plant hire operation
- f. Remove from the land the bund and all the materials comprised in it.

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6. TIME FOR COMPLIANCE

As regards the above steps, they must be taken within the following times after this Notice becomes effective

- a. 24 hours.
- b. 7 days
- c. 14 days
- d. 14 days
- e. 14 days
- f. 28 days

7. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on **5<sup>th</sup> April 2013** unless an appeal is made against it beforehand.

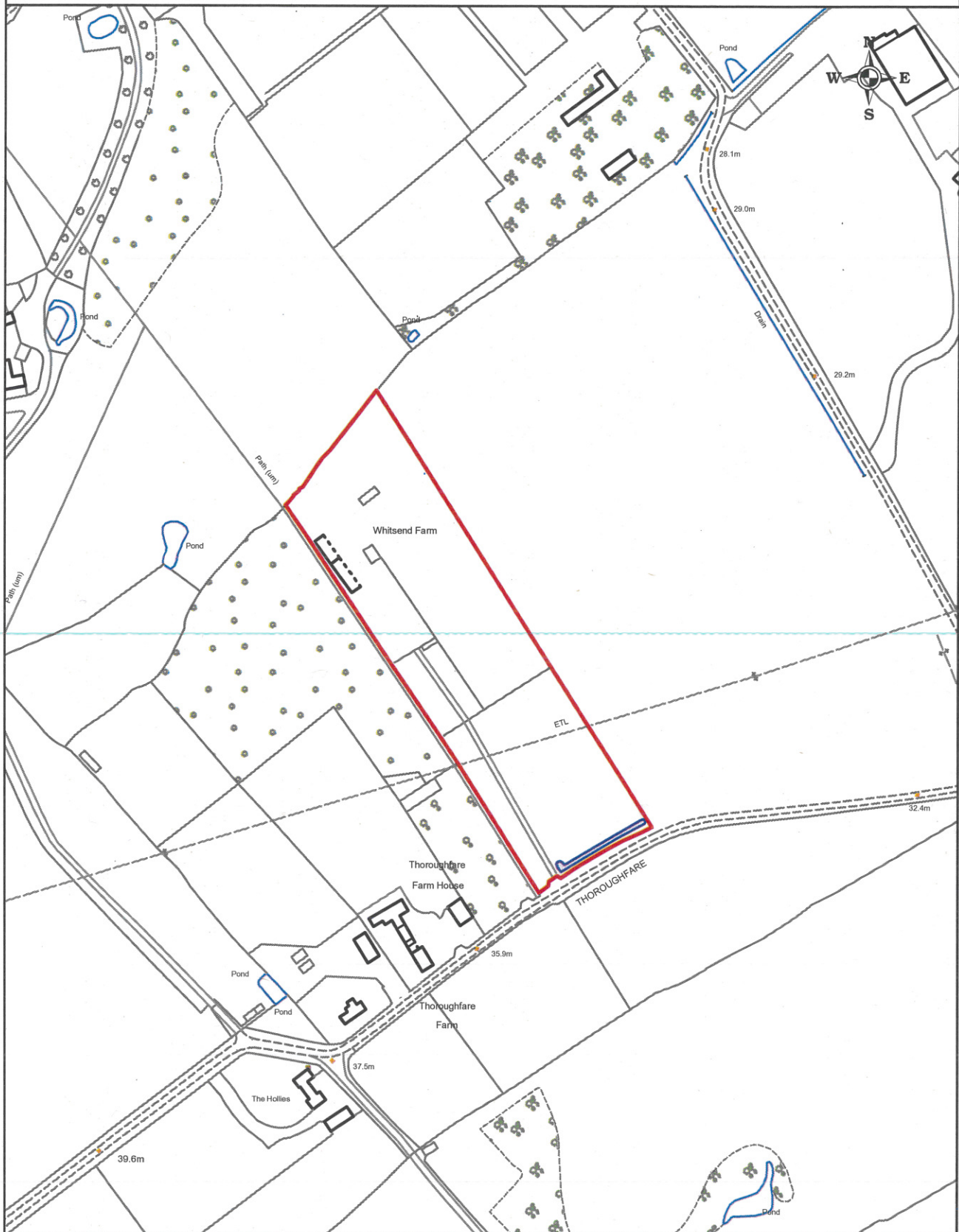
Dated: **28 February 2013**


Signed:.....

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



# Location Map



 <b>North East Lincolnshire Council</b> <b>Balfour Beatty</b> WorkPlace <b>Working in Partnership</b>	<b>Details</b>			<b>Rev No.</b>			This product includes mapping data licensed from Ordnance Survey with the permission of the Controller of HMSO. © Crown copyright 2006. All rights reserved. Licence number 100020759.	
	Land at Whitsend Farm, Ashby-cum-Fenby							
	<b>NLPG</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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