

IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY

SECTION 171A(1)(a) TOWN AND COUNTRY PLANNING ACT 1990
(AS AMENDED BY THE PLANNING AND COMPENSATION
ACT 1991)

ENFORCEMENT NOTICE – OPERATIONAL DEVELOPMENT

To: Thomas Darren Lince, The Nutshell, Chapel Lane, Scawby, Brigg, North Lincolnshire. DN20 9AQ

ISSUED BY: **NORTH EAST LINCOLNSHIRE COUNCIL**

1. THIS IS A FORMAL NOTICE which is issued by the Council under section 171A(1)(a) of the Town and Country Planning Act 1990 (“the Act”) because it appears to the Council that there has been a breach of planning control carried out at the land described in paragraph 2 of this notice. 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 about appealing against this notice.

2. **THE LAND AFFECTED**

Land at 1-3 Bethlehem Street, Grimsby, North East Lincolnshire shown edged red on the attached plan (“the land”).

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

Without planning permission:

- 3.1 The installation of 2 large flues (see Photos 1 and 2).
- 3.2 The removal and replacement of two external doors to the ground floor (see Photos 3 and 4).
- 3.3 The creation of a timber bin enclosure and timber storage box (see Photos 5 and 6).
- 3.4 The installation of 12 downlights at eaves level (see Photos 7 and 8).

4. **REASONS FOR ISSUING THIS NOTICE**

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

- 4.2 The installation of the flues by virtue of design, siting, amount and materials used, detrimentally affects the character and integrity of the listed building, the conservation area and the setting of St James Church [Grade I], contrary to saved policies GEN1, BH1 and BH5 of the North East Lincolnshire Local Plan 2003, policies 2, 20 and 38 of the Submitted North East Lincolnshire Local Plan 2016 and Sections 7 and 12 of the National Planning policy Framework. Furthermore the noise and odour from the flues has a detrimental effect on the amenity of neighbouring premises.
- 4.3 The installation of the replacement doors, timber bin enclosure and timber storage box by virtue of design, siting, amount and materials used, detrimentally affects the character and integrity of the listed building contrary to saved policies BH1 and BH5 of the North East Lincolnshire Local Plan 2003, policy 38 of the Submitted North East Lincolnshire Local Plan 2016 and Sections 7 and 12 of the National Planning policy Framework.
- 4.4 The installation of downlights at eaves level by virtue of design, siting, amount and materials used, detrimentally affects the character and integrity of the listed building, the conservation area and the setting of St James Church [Grade I], contrary to saved policies GEN1, BH1 and BH5 of the North East Lincolnshire Local Plan 2003, policies 2, 20 and 38 of the Submitted North East Lincolnshire Local Plan 2016 and Sections 7 and 12 of the National Planning policy Framework.
- 4.5 Planning Application DM/0505/17/FUL for the retention of lighting, creation of bin enclosure and installation of 2 flues was refused on 22nd August 2017.

5. WHAT YOU ARE REQUIRED TO DO IN ORDER TO RESTORE THE LAND TO ITS FORMER STATE:

- 5.1 Remove external flues and fixings (see Photo 1 and Photo 2). Using matching brickwork (matching brick, matching bond and matching lime mortar) repair holes in walls where each flue exited the building and repoint any areas of damage where the flue was fixed to the building.
- 5.2 Remove all 12 external lights (see Photos 7 and 8), their fittings and electricity supply (using a competent and approved electrician). Use lime putty to fill any holes or damage, leave to dry for 2 days before sanding for a smooth finish.
- 5.3 Remove 2 external doors (see Photos 3 and 4) and replace with doors to match those removed (see Photo 9), timber ledged and braced painted in black gloss.

5.4 Remove the 2 timber storage boxes (see Photos 5 and 6) from the premises.

6. TIME FOR COMPLIANCE

3 months after this notice takes effect.

7. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on 9th October 2017 unless an appeal is made against it beforehand.

Dated: 8th September 2017

Signed: 

Angela Blake

Director of Economy and Growth
North East Lincolnshire Borough Council
Municipal Offices
Town Hall Square
Grimsby
North East Lincolnshire
DN31 1HU

(North East Lincolnshire Council has issued an enforcement notice relating to land at 1-3 Bethlehem Street, Grimsby, North East Lincolnshire and you are served with a copy of that notice as you have an interest in the Land. Copies of the notice have also been served on the parties listed at the end of this Annex.)

ANNEX

YOUR RIGHT OF APPEAL

You can appeal against this enforcement notice, but any appeal must be **received** by the Planning Inspectorate (PINS) (or be posted or electronically communicated at such time that, in the ordinary course of post or transmission, it would be delivered to the Planning Inspectorate) **before** the date specified in paragraph 7 of the notice.

If you want to appeal against this enforcement notice you can do it:

- Online at the Planning Casework Service area of the Planning Portal (www.planningportal.gov.uk/pcs).
- By getting enforcement appeal forms from the Planning Inspectorate on 0303 444 5000 or by e-mailing the Planning Inspectorate at enquiries@pins.gsi.gov.uk.

You MUST make sure that PINS receive your appeal before the effective date on the enforcement notice.

In exceptional circumstances you may give notice of appeal by fax or letter. You should include:

- The name of the local planning authority.
- The site address.
- Your address.
- The effective date of the enforcement notice.

PINS MUST receive this before the effective date on the enforcement notice. This should **immediately** be followed by your completed appeal forms.

The Planning Inspectorate's address and contact details are as follows:

The Planning Inspectorate

CST Room 3/13

Temple Quay House

2 The Square

BRISTOL BS1 6PN

Direct line: 0303 444 5000

Fax number: 0117 372 8782

Under section 174 of the TCPA 1990 you may appeal on one or more of the following grounds that:

- In respect of any breach of planning control which may be constituted by the matters stated in the notice, planning permission ought to be granted or, as the case may be, the condition or limitation concerned ought to be discharged.
- Those matters have not occurred.
- Those matters (if they have occurred) do not constitute a breach of planning control.
- At the date when the notice was issued, no enforcement action could be taken in respect of any breach of planning control which may be constituted by those matters.
- Copies of the enforcement notice were not served as required by section 172 of the TCPA 1990.
- The steps required by the notice to be taken, or the activities required by the notice to cease, exceed what is necessary to remedy any breach of planning control which may be constituted by those matters or, as the case may be, to remedy any injury to amenity which has been caused by such breach.
- Any period specified in the notice in accordance with section 173(9) of the TCPA 1990 falls short of what should reasonably be allowed.

Not all of these grounds may be relevant to you.

If you appeal under ground (a) of section 174(2) of the TCPA 1990 this is the equivalent of applying for planning permission for the development alleged in the notice and you will have to pay a fee of £195.00. You should pay the fee to North East Lincolnshire Council.

If you decide to appeal, you should state in writing the ground(s) on which you are appealing against the enforcement notice and you should state briefly the facts on which you intend to rely in support of each of those grounds. If you do not do this when you make your appeal the [Secretary of State **OR** National Assembly] will send you a notice requiring you to do so within 14 days.

A copy of sections 171A, 171B and 172 to 177 of the TCPA 1990 are attached for your information.

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.

PERSONS SERVED WITH A COPY OF THIS ENFORCEMENT NOTICE ARE AS FOLLOWS:

Philip Michael Bradley
The Nutshell
Chapel Lane
Scawby
Brigg
NorthLincolnshire. DN20 9AQ

The Company Secretary
HSBC Bank PLC
8 Canada Square
London. E14 5HQ

The Company Secretary
GPL Properties No. 6 Limited
Propco
13 Dudley Street
Grimsby
North East Lincolnshire. DN31 2AW

Photo 1 – Showing Flue A.



Flue

Hole in brickwork
where flue exits the
building.

Photo 2 – Showing Flue B



Flue

Hole in brickwork
where flue exits
the building.

Photo 3 – External Door leading to stairwell.



Photo 4 – External Door leading to kitchen/store.



Photo 5 – Showing Storage Box A



Photo 6 - Showing Storage Box B.



Photo 7 – Showing lights 1 – 6 on Wellowgate elevation.

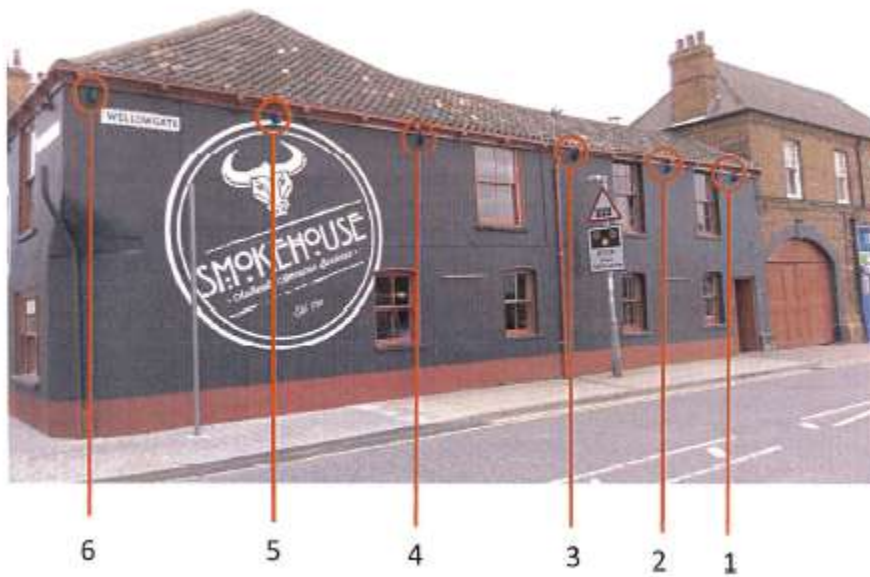


Photo 8 – Showing lights 7 – 12 on Bethlehem Street elevation.



Photo 9 - Showing style of door.



Original doors
(painted black)

