

**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/722/08/WOL 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 Netherwood Paddock, Bradley Road, Grimsby, North East Lincolnshire DN37 0HD (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 22<sup>nd</sup> October 2008 as per approved planning application no. DC/722/08/WOL (attached hereto).

4. **The breach of conditions**

The following conditions have not been complied with:-

**Condition 4**

Within one calendar month of the permission hereby granted details of the removal from the site of the existing hard standing areas as identified to be removed on approved plan F1700-01-E received by the Local Planning Authority on 24<sup>th</sup> September 2008 shall be submitted to and agreed in writing by the Local Planning Authority. The removal of the hard standing area shall be completed in accordance with the agreed details within three calendar months of the permission hereby granted.

**Condition 5**

Within one calendar month of the permission hereby granted final details on the provision of toilet facilities and disposal of foul water shall be submitted to and agreed in writing by the Local Planning Authority. The toilet facilities shall be provided in accordance with the details agreed within three calendar months of the permission hereby granted.

#### Condition 6

Within one calendar month of the permission hereby granted details of the resurfacing of the entrance to the site from the edge of Bradley Road to the Highway Boundary shall be submitted to and approved in writing by the Local Planning Authority. The works shall be completed in accordance with the details agreed within three calendar months of the permission hereby granted.

#### 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 conditions by taking the following steps:-

##### **Requirement No. 1**

Submit details of the removal of the existing hard standing areas in writing for approval by the Local Planning Authority

##### **Requirement No. 2**

Submit final details of the provision of toilet facilities and disposal of foul water in writing for approval by the Local Planning Authority

##### **Requirement No. 3**

Submit details of the resurfacing of the entrance to the site from Bradley Road to the Highway Boundary in writing for approval by the Local Planning Authority

#### **Time for Compliance:**

##### **Requirement No. 1**

28 Days from the date this notice takes effect.

##### **Requirement No. 2**

28 Days from the date this notice takes effect

##### **Requirement No. 3**

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:

4 - 08 - 09

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 £1,000 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 Two, 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/722/08/WOL

**Issuing Authority:** North East Lincolnshire Council

**Applicant's Name and Address:**

Mr R Shepherd  
6 Kidier Avenue  
Grimsby  
N E Lincolnshire  
DN33 3DA

**Agent's Name and Address:**

Mr Steve Hanks  
Louth VW Centre  
North Holme Road  
Louth  
Lincolnshire  
LN11 0JQ

The following decision has been made upon your application received on **19th June 2008** relating to:-

**Application Site:** Bradley Road (Netherwood Paddock) Grimsby

**Proposal:** Resubmission DC/1033/07/WOL to retain hardstanding, chicken sheds, entrance gates & alter existing buildings in accordance with amended plans received 24th September 2008

**Granted subject to:-**

**1 Condition**

The new buildings and hardstanding areas hereby permitted shall be removed from the site and the land reinstated to its former condition at or before 22nd October 2010 unless before that date an extension of the period has been granted on a further application by the Local Planning Authority. For the avoidance of doubt the new buildings are defined as the chicken sheds, greenhouses, duck shed and sales to be used for storage as detailed on approved plan F1700-01-E received by the Local Planning Authority on 24th September 2008 with the hardstanding areas similarly identified.

**Reason**

To enable the Local Planning Authority to monitor the proposal in the interests of protecting the rural character of the area and local residential amenity, to accord to Saved policy GEN2 of the North East Lincolnshire Local Plan (2003).

**2 Condition**

There shall be no retailing from the site other than the sale of agricultural produce produced at the existing agricultural small holding.

**Reason**

Due to the open countryside location of the site it is not acceptable for general retailing to accord to Saved Policy GEN2 of the North East Lincolnshire Local Plan.



3 Condition

There shall be no retailing from the site outside the hours of 0830 to 1700 or at anytime on a Sunday.

Reason

In the interests of local residential amenity to accord to Saved Policy GEN2 of the North East Lincolnshire Local Plan.

4 Condition

Within one calendar month of the permission hereby granted details of the removal from the site of the existing hard standing areas as identified to be removed on approved plan F1700-01-E received by the Local Planning Authority on 24th September 2008 shall be submitted to and agreed in writing by the Local Planning Authority. The removal of the hard standing area shall be completed in accordance with the agreed details within three calendar months of the permission hereby granted.

Reason

In the interests of the protection of the rural character of the area to accord to Saved Policy GEN2 of the North East Lincolnshire Local Plan.

5 Condition

Within one calendar month of the permission hereby granted final details on the provision of toilet facilities and disposal of foul water shall be submitted to and agreed in writing by the Local Planning Authority. The toilet facilities shall be provided in accordance with the details agreed within three calendar months of the permission hereby granted.

Reason

In the interests of local amenity to accord to Saved Policy GEN2 of the North East Lincolnshire Local Plan.

6 Condition

Within one calendar month of the permission hereby granted details of the resurfacing of the entrance to the site from the edge of Bradley Road to the Highway Boundary shall be submitted to and approved in writing by the Local Planning Authority. The works shall be completed in accordance with the details agreed within three calendar months of the permission hereby granted.

Reason

In the interests of highway safety.

7 Condition

No trees and/or hedges within the application site shall be wilfully damaged, cut-down, up-rooted, pruned, felled or destroyed without the prior written consent of the Local Planning Authority and any trees or hedges existing on the site at the date of application and which have been indicated for retention as part of any scheme approved in writing by the Local Planning Authority, shall, in the event of their subsequent failure to survive, or removed, be replaced within (12 months) of their failure by the planting of such live specimens in such number as may be approved in writing by the Local Planning Authority.

Reason

In order to preserve and ensure the continuity of the existing landscape features of the site in the interests of local amenity to accord to Saved Policy GEN2 of the North East Lincolnshire Local Plan 2003.

**8 Informative**

As works are required within the existing highway please ensure you contact the Highways Management Section of the Department of Environmental Services prior to the commencement of works (01472 324431).

**9 Informative**

The approved plans are site layout plan F1700-01-E received by the Local Planning Authority on 24th September 2008 and plans F1700-02-E, F1700-02-E received by the Local Planning Authority on 19th June 2008.

**10 Reason for Approval**

The Council as Local Planning Authority has had regard to the relevant policies of the development plan as set out and considers that subject to compliance with the conditions imposed the proposal would not harm the character of the area, the amenity of neighbouring property and is acceptable in highway safety terms. Saved Policy GEN2 applies. The permission is granted for a temporary period to allow for the monitoring of the site particularly with regard to the impact on the countryside and road safety.

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

**Signed:**



**Dated: 22nd October 2008**


**Ray Oxby**

**Official Capacity: Executive Director of Environmental Services**



# 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 with the permission of the Controller of HMSO. © Crown copyright 2006. All rights reserved. Licence number 100020759	
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	<b>Drawn by</b> walkek2	<b>Scale</b> 1:2500	<b>Date</b> 04/08/2009				Aligned Assets Limited Links One, Links Business Centre Old Woking Road, Old Woking Surrey, GU22 8BF	
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