

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

8 North Street, Cleethorpes, North East Lincolnshire and land to the rear of 8 North Street, Cleethorpes, North East Lincolnshire shown edged red on the attached plan ("the land")

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

The erection of a balcony and fence without planning permission. The fence is shown in blue on the attached plan ("the fence") and the construction of a cantilever balcony area, shown in green on the attached plan ("the balcony").

4. REASONS FOR ISSUING THIS NOTICE

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

The retention of the fencing on the balcony detracts from the character of the residential area and is over-dominant alongside other residential development in the area. The whole structure also encroaches onto land belonging to another person. The fence thus affects the visual amenity of the area and amenities, which other residents should be allowed to enjoy. The proposal is thus contrary to Policy GEN1 of the North East Lincolnshire Local Plan Adopted November 2003.

The retention of the balcony would allow persons using this outdoor area to look from the balcony directly into the rear bedroom windows of the properties to either side and to look down into the private rear yards of the dwellings to the north. This would be unacceptably detrimental to

the privacy and amenity which the occupiers of these houses could reasonably expect to enjoy in their own homes. The proposal is thus contrary to Policy GEN 1 of the North East Lincolnshire Local Plan Adopted November 2003.

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

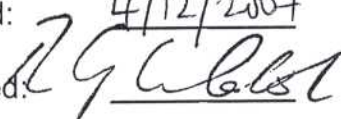
Remove the fence and the balcony from the above property known as 8 North Street, Cleethorpes and from land at the rear of 8 North Street, Cleethorpes.

6. TIME FOR COMPLIANCE

28 days after this notice takes effect.

7. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on 4/1/2008 unless an appeal is made against it beforehand.

Dated: 4/12/2007
Signed: 

R. Walsh
Director of Law and Democratic Services
North East Lincolnshire Borough Council
Municipal Offices
Town Hall Square
Grimsby
DN31 1HU

ANNEX

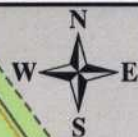
YOUR RIGHT OF APPEAL

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.

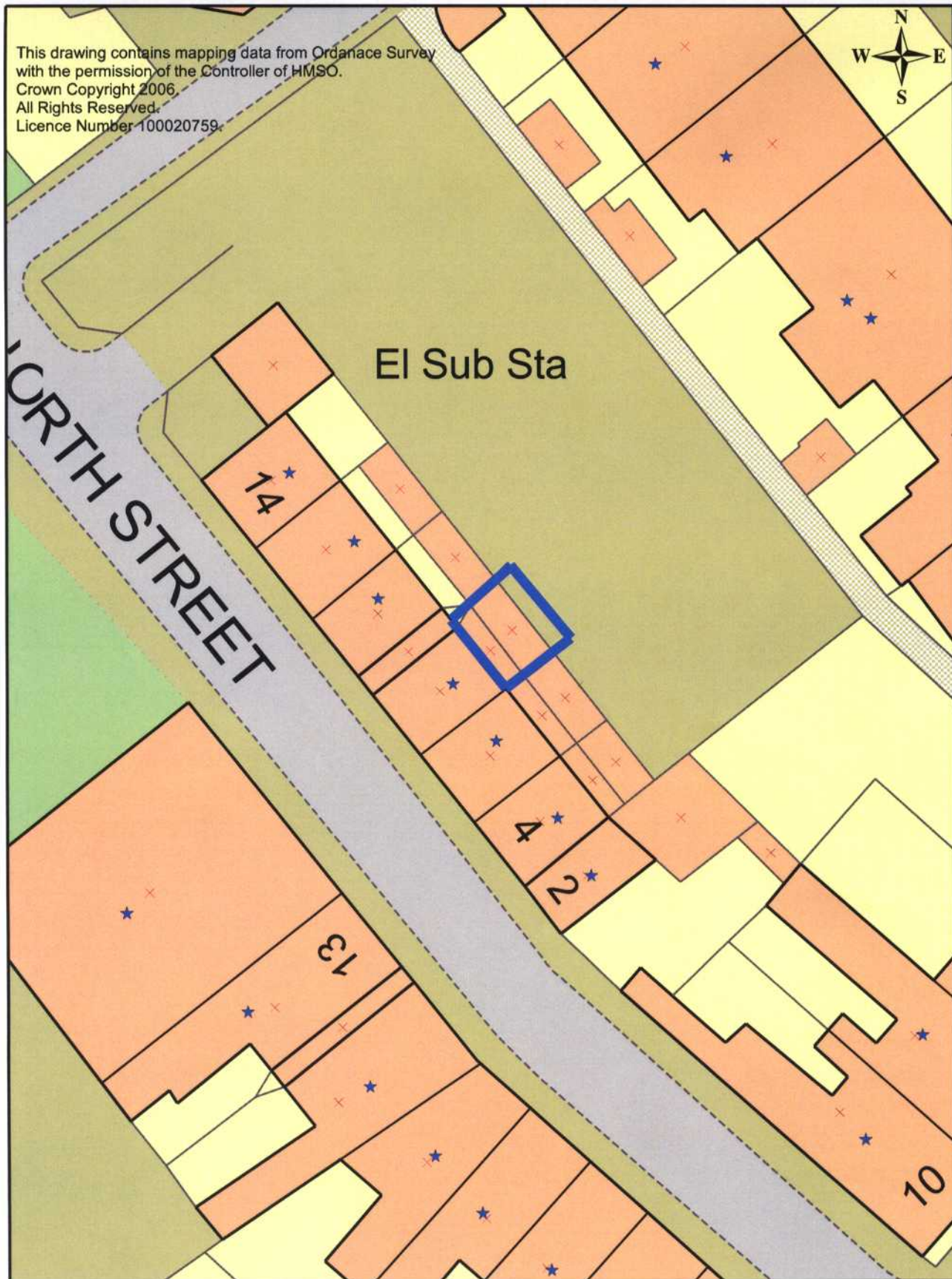
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