

IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY

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

ENFORCEMENT NOTICE - CHANGE OF USE

ISSUED BY: **NORTH EAST LINCOLNSHIRE COUNCIL**

1. THIS IS A FORMAL NOTICE which is issued by the Council because it appears to the Council that there has been a breach of planning control, under section 171A(1)(a) of the above Act, at the land described below. 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.

2. **THE LAND AFFECTED**

Whitsend Farm, Thoroughfare, Ashby cum Fenby, North East Lincolnshire shown edged red on the attached plan ("the land")

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

Without planning permission the use of the agricultural land for the storage of plant machinery (e.g. mobile digger, telehandler bucket loader, cement mixer), building materials, including plastic drainage pipes and plastic septic tanks, and building waste. The storage of these and similar items which are not reasonably required for agricultural activity on the site constitutes a material change of use of the land from an agricultural use to a combination of agricultural use and storage of non-agricultural items.

4. **REASONS FOR ISSUING THIS NOTICE**

The breach of the above planning control has occurred within the last ten years.

The continued siting of the plant machinery, building materials and building waste is in contravention of the approved use of the land. 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 use detracts from the appearance of the land and the agricultural nature of the property and is detrimental to the visual amenity of the

area. The road that is Thoroughfare, Ashby cum Fenby is a narrow country lane and the use of the road is inappropriate for the traversing of plant machinery and the transportation of plant machinery, building materials and building waste.

The Council does not consider that planning permission should be given because planning conditions could not overcome objections to the form of use that is taking place at the site. The proposal is thus contrary to saved Policy GEN2 of the North East Lincolnshire Local Plan November 2003.

5. WHAT YOU ARE REQUIRED TO DO

Remove all plant, vehicles, waste and building materials from the site that are not reasonably required for agricultural activity at the site and Permanently cease use of the land for use as a storage area for plant machinery, building materials and building waste.

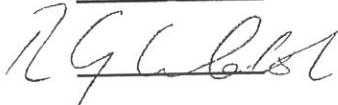
6. TIME FOR COMPLIANCE

Within one month from the date this Notice takes effect.

7. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on 16TH SEPTEMBER 2010 unless an appeal is made against it beforehand.

Dated: 18TH AUGUST 2010

Signed: 

R. Walsh
Executive Director of Business 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 information sheet sets out your rights. Read it carefully.

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



Details

Plotting in MapInfo made easier

Drawn by

walkek2

Scale

1:2000

Date

18/08/2010

Rev
No.

File Pathname / Project / Drawing No.

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