

your copy

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**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 Borough 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.

2.     THE LAND AFFECTED

The land and premises at 42 Cyrano Way, Grimsby, 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 change of use of the land from residential use to a mixed residential and business use.

4.     REASONS FOR ISSUING THIS NOTICE

It appears to the Council that the above breach of planning control has occurred within the last ten years. In the opinion of the Local Planning Authority:

- (a)    The parking of vehicles, in connection with the unauthorised business use, on the land has a detrimental impact on the visual amenities of nearby residents;
- (b)    The number and scale of commercial deliveries to the land (including the delivery of food crates and gas bottles by large lorries) detrimentally affects the appearance of the land as well as the character and amenities of the surrounding residential area;
- (c)    The siting of a commercial freezer unit within the rear garden of the land has an unacceptable and detrimental affect on the amenities of the land itself as well as those of nearby residents;
- (d)    The noise generated by the freezer unit has a detrimental affect on nearby residents enjoyment of their property;

- (e) The siting of 2 part completed trailer units within the rear garden of the land detrimentally affects the character and appearance of the land.

5. WHAT YOU ARE REQUIRED TO DO

- (a) Stop using the land in connection with a business use;
- (b) Stop all deliveries of food and gas bottles to the land in connection with the unauthorised business use;
- (c) Stop using the land for the storage of food and drink products in connection with the unauthorised business use;
- (d) Permanently remove the following from the land:
  - (i) Ice Cream Van (front garden)
  - (ii) Hot Food Trailer (front garden)
  - (iii) Commercial freezer unit (rear garden)
  - (iv) Two part completed trailers (rear garden)
  - (v) Small flat back van (front garden)

6. TIME FOR COMPLIANCE

21 days after this notice takes effect.

7. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on the 11<sup>th</sup> February 2002 unless an appeal is made against it beforehand.

Dated: 9<sup>th</sup> January 2002

Signed: .....

M. J. Walters  
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.

- (a) One is for you to send to the Secretary of State if you decide to appeal, together with a copy of the enforcement notice.
- (b) The second copy of the appeal form and the notice should be sent to the Council
- (c) The third copy is 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 paragraph 6 of 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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