

**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: Owner/ Occupier

**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 43 Chichester Road, Cleethorpes, DN35 0HY 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 the unauthorised change of use to a mixed residential and Garden Services / Landscaping Business.
  
4. **REASONS FOR ISSUING THIS NOTICE**
  - 4.1 It appears that the breach of the above planning control has occurred within the last ten years.
  
  - 4.2 The unauthorised change of use to a mixed residential and Garden Services / Landscaping Business use is contrary to advice in the National Planning Policy Framework and Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018) in that the location of the premises in a well-established residential area results in an unacceptable loss in the amenity that nearby residential properties should reasonably be expected to enjoy by virtue noise and disturbance. The use also causes a visual intrusion which is detrimental to the visual amenity of the area.

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 IN ORDER TO RESTORE THE LAND TO ITS FORMER STATE

You must:

- 5.1 Cease all operational business use at 43 Chichester Road, Cleethorpes
- 5.2 Cease all operational work at the property, including disposal of cuttings
- 5.3 Remove all materials and machinery, including but not limited to, vans, trailers, chippers, mowers and other tools which are used predominantly for business purposes.
- 5.4 Not have any employees collecting or disposing of their work materials and tools including any vans from the property.
- 5.5 Not dispose of any business waste through the 43 Chichester Road with all works pertaining to the business being completed on client's site/property.

6. TIME FOR COMPLIANCE

1 month after this notice takes effect.

7. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on 10/01/20 unless an appeal is made against it beforehand.

Dated: 10/12/19

Signed: Cait

Clive Tritton  
Interim Director for Economy & Growth  
North East Lincolnshire Borough Council  
Municipal Offices  
Town Hall Square  
Grimsby  
DN31 1HU

## **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](http://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](mailto: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 £462. 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.

# 43 Chichester Road



<p>www.nelincs.gov.uk Civic Offices Knoll Street Cleethorpes, DN35 8LN</p> 	<p>This product includes mapping data licensed from Ordnance Survey with the permission of the Controller of HMSO. © Crown copyright 2015. All rights reserved. Licence number 100020759</p>		<p>Details Plotting in Mapinfo made easier</p>		<p>Rev No.</p>
	<p>Drawn By True</p>	<p>Scale 1:1250</p>	<p>Date 10/12/2019</p>	<p>File / Pathname / Project / Drawing No.</p>	
<p>www.nelincs.gov.uk www.nelincs.gov.uk</p>					

