

**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**

To: The Owner/ Occupier  
26 Seaview Street, Cleethorpes, North East Lincolnshire, DN35 8EZ.

**ISSUED BY:** **NORTH EAST LINCOLNSHIRE COUNCIL (“the Council”)**

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

26 Seaview Street, Cleethorpes, North East Lincolnshire, DN35 8EZ,  
shown edged in red on the attached plan. (“the land”)

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

Without planning permission, the erection of an external first floor roof garden/ smoking and seating area with associated wooden frame walls and polycarbonate roof on the land.

4. **REASONS FOR ISSUING THIS NOTICE**

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

The unauthorised erection of the external first floor roof garden/ smoking and seating area with associated wooden frame walls and polycarbonate roof lighting is contrary to policies 5 and 23 of the North East Lincolnshire Local Plan and the provisions of the National Planning Policy Framework 2021. This is because its elevated position and design in close proximity to residential properties is such that it has introduced unacceptable noise nuisance and disturbance to neighbours sufficient to have a serious adverse impact on the residential amenity that these properties should be able to enjoy.

The Council does not consider that planning permission should be given as planning conditions, screening or any other measures could not overcome these objections. Application DM/0583/21/FUL for the retention of the external first floor roof garden/ smoking and seating area with associated wooden frame walls and polycarbonate roof lighting was refused by the Local Planning Authority on 19<sup>th</sup> October 2021.

5. WHAT YOU ARE REQUIRED TO DO

1. Remove the wooden frame walls and polycarbonate roof lighting from the external first floor roof garden/ smoking and seating area.

2. Remove the door and frame inserted in the first floor of the southern wall of the main building. Where the door and frame has been removed, reinstate the brickwork in materials of similar appearance to those originally used in order access from the landing to the external first floor roof garden/ smoking and seating area is no longer provided.

6. TIME FOR COMPLIANCE

3 months after this notice takes effect.

7. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on 7<sup>th</sup> February 2023 unless an appeal is made against it beforehand.

Dated: 22<sup>nd</sup> December 2022

Signed:



On behalf of North East Lincolnshire Council

**Mark Nearney**  
Assistant Director of Housing, Highways and Planning  
North East Lincolnshire Borough Council  
Municipal Offices  
Town Hall Square  
Grimsby  
North East Lincolnshire  
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 Planning Inspectorate information sheet, which is included with this Notice, will give you the information needed to submit your Appeal. Please read it carefully.

**Please note, you MUST make sure that the Planning Inspectorate receives your appeal before the effective date on the Enforcement Notice.**

### 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.



## 26 Sea View Street, Cleethorpes


 N Scale: 1:1250



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