

IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY

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

ENFORCEMENT NOTICE – MATERIAL CHANGE OF USE

To: Andrew McNulty, The Stables, Ashby Hill, Ashby cum Fenby, Nr Grimsby,
N E Lincolnshire. DN37 0QF

ISSUED BY: **NORTH EAST LINCOLNSHIRE 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**

Land lying to the south of Ashby Hill, 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 change of use of part of the property from land associated with the keeping of horses to a use of land for the siting of a static caravan for the purposes of residential use.

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 include a residential caravan 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 use of the land for residential purposes sits outside the development boundary for the village of Ashby cum Fenby. This is an unsustainable form of development and a visual intrusion in the open countryside. No sufficient special reason has been given to justify the siting of this residential development in this location in order to meet the tests set out in Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

4.3 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

- (i) Cease the use of the land for residential purposes.
- (ii) Remove from the land the static caravan.
- (iii) Remove from the land all domestic paraphernalia and services used in association with the unauthorised residential use.

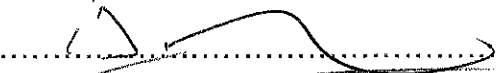
6. TIME FOR COMPLIANCE

3 months after this notice takes effect.

7. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on ... 21/1/19 unless an appeal is made against it beforehand.

Dated: ... 21/11/2018

Signed: 

Damien Jaines-White
Head of Strategy and Programme Development
North East Lincolnshire Borough Council
Municipal Offices
Town Hall Square
Grimsby
North East Lincolnshire
DN31 1HU

(North East Lincolnshire Council has issued an enforcement notice relating to land at Land lying to the south of Ashby Hill, Ashby-cum-Fenby, North East Lincolnshire and you are served with a copy of that notice as you have an interest in the Land. Copies of the notice have also been served on the parties listed at the end of this Annex.)

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).
- 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.

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 £924.00. 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.

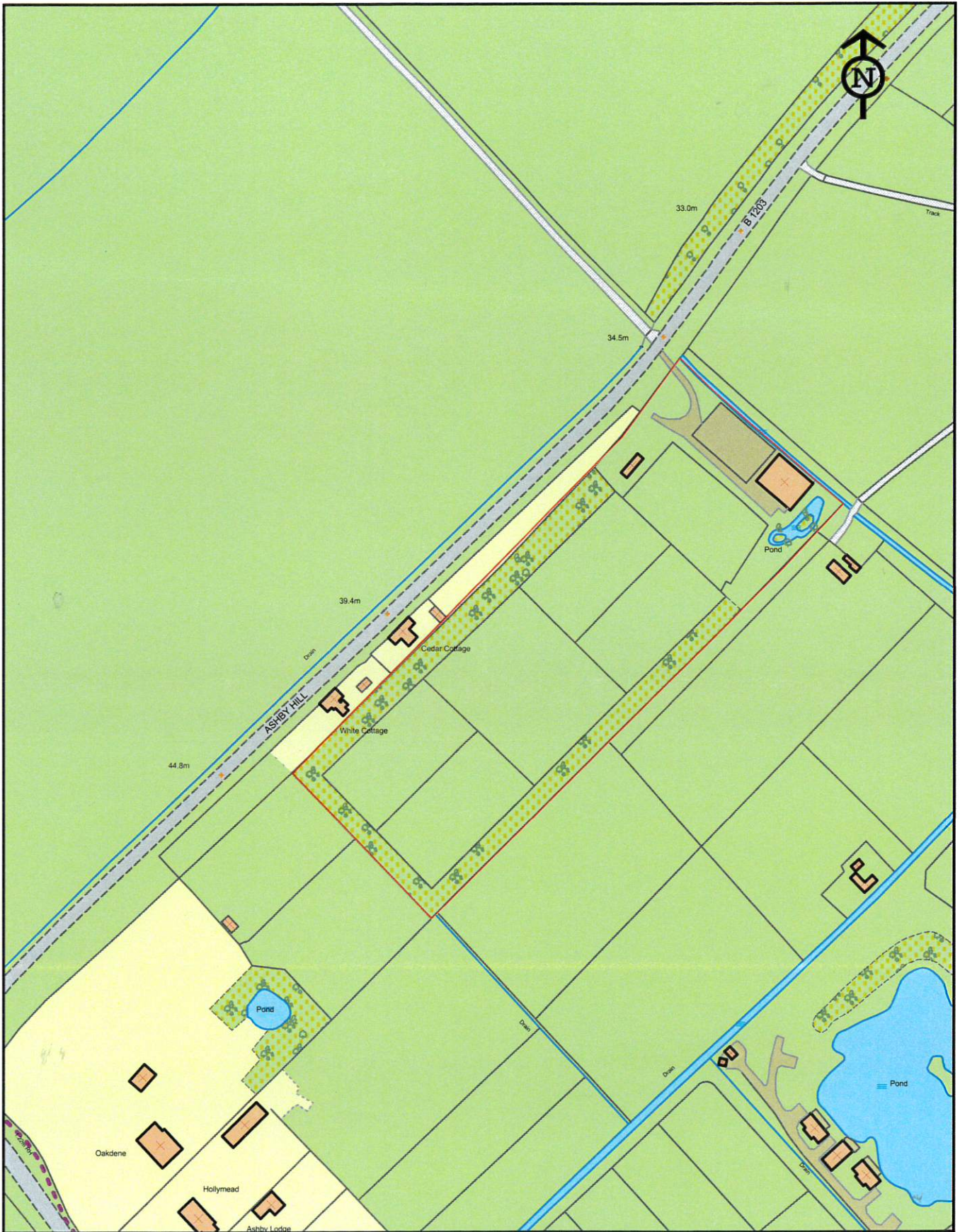
PERSONS SERVED WITH A COPY OF THIS ENFORCEMENT NOTICE ARE AS FOLLOWS:


Melanie Stewart, The Stables, Ashby Hill, Ashby cum Fenby, Nr Grimsby, N E Lincolnshire. DN37 0QF

Andrew McNulty, The Stables, Ashby Hill, Ashby cum Fenby, Nr Grimsby, N E Lincolnshire. DN37 0QF

Denis Jebb, c/o Ranby Cottage, Ranby Hill, Lincoln, LN8 5LN

Land lying south of Ashby Hill



 Working in Partnership	Details Plotting in MapInfo made easier		Rev No. 	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
	Drawn by amblem	Scale 1:2500		
	File Pathname / Project / Drawing No.			North East Lincolnshire Council Civic Offices Knoll Street Cleethorpes, DN35 8LN