

DEVELOPMENT AND ENTERPRISE

To: Land Charges Supervisor

MEMORANDUM
Enforcement Ref: 07/00297/OPER
Date: 4.4.08;

From: Vivienne Fox
Enforcement Team

SUBJECT: Enforcement Notice

Without Planning Permission the unauthorised installation of PVC shop front and roller shutter doors on south side of retail unit.

**Central Carpet & décor,
5-7 Lowreys Lane, Low
Fell, Gateshead, Tyne &
Wear NE9 5JB, shown
edged red on the
attached plan.**

I attach for your records a copy of the above notice, which is registerable as a charge on the land.

If you require any further information, please contact the officer named at the bottom of this page.

IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY

TOWN AND COUNTRY PLANNING ACT 1990 (as amended by the Planning & Compensation Act 1991)

ENFORCEMENT NOTICE

ISSUED BY: The Borough Council of Gateshead

1. THIS NOTICE is issued by the Council because it appears to them that there has been a breach of planning control, within paragraph (a) of Section 171A(1) of the above Act, at the land described below. They consider it 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 TO WHICH THE NOTICE RELATES

Central Carpet & décor, 5-7 Lowreys Lane, Low Fell, Gateshead, Tyne And Wear, NE9 5JB, shown edged red on the attached plan.

3. THE BREACH OF PLANNING CONTROL

Without planning permission the unauthorised installation of PVC shop front and roller shutter doors on south side of retail unit.

4. REASONS FOR THIS NOTICE

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

Planning application reference DC/07/00647/FUL was submitted and subsequently refused on 30th August 2007.

The reasons for refusal were that by virtue of the design and materials of the PVC shop front and the unattractive external housing box and relatively solid roller shutter doors the design would be detrimental to the visual appearance of the street scene. This is in contrary to the aims and objectives of PPS1 and to policy ENV3 of the Gateshead Unitary Development Plan 2007 and the Council's Design Guidance on Shop Fronts.

Also the PVC shop front and roller shutter doors, by reason of its non-traditional and unattractive appearance does not preserve or enhance the Low Fell Conservation Area's character or appearance and are therefore contrary

to the aims and objectives of PPG15 and to policy ENV7 of the Gateshead Unitary Development Plan 2007.

The Council does not consider that planning permission should be given, because planning conditions could not overcome these objections to the development.

5. WHAT YOU ARE REQUIRED TO DO

- (i) Remove the roller shutter door and the external housing box.
- (ii) Remove the PVC doors and windows.
- (iii) Reinstate vertical timber batten, side hung painted doors painted green.

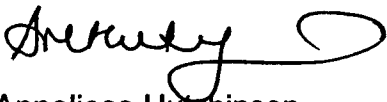
6. TIME FOR COMPLIANCE

- (i) Two calendar months after this notice takes effect

7. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on 8th May 2008, unless an appeal is made against it beforehand.

Dated: 4th April 2008



Signed: Anneliese Hutchinson
Head of Regulatory Services

For and on behalf of the Borough Council of Gateshead.

EXPLANATORY NOTE

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 the notice. Please note that a separate appeal form must be completed for each individual person or organisation. The enclosed booklet "Making your enforcement appeal" sets out your rights. Please read it carefully. You may use the enclosed appeal forms.

- One is for you to send to the Secretary of State if you decide to appeal, together with a copy of this enforcement notice.
- The second copy of the appeal form and notice should be sent to the Council.
- The third copy is for your own records.

You can submit an appeal online at www.planningportal.gov.uk/pcs, via the Planning Inspectorate's Planning Casework Service, which is designed to help speed up the way in which you view, track and comment on appeals.

FEES

Upon lodging an appeal there is deemed to be an application for planning permission, whether or not reliance is placed upon the ground set out under Section 174(2)(a) of the 1990 Act. A fee, equal to twice that which would have been payable if a planning application were made for the development specified in the enforcement notice, is payable to have this ground considered.

No fee is a payable if;

- you have already made an application for planning permission, accompanied by the appropriate fee, for the development specified in the enforcement notice, that was undetermined at the time the notice was served, or,
- you have already lodged an appeal with the Secretary of State against the Council's refusal to grant planning permission for the development specified in the enforcement notice that was undetermined at the time the notice was served.

The fee in this case would be £270.00, half of which should be paid to the Planning Inspectorate (made payable to the Planning Inspectorate) and the other half to the Council (made payable to Gateshead Metropolitan Borough Council).

If a fee is due, and you do not pay it within the period specified by the Secretary of State, the deemed application will not be considered by the Planning Inspector.

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 the notice and you must 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.

PERSONS ON WHOM THIS NOTICE HAS BEEN SERVED

Mr M Price
17 Kepple Street
Dunston
Gateshead
Tyne & Wear
NE11 9AR

Mr M Price
Central Carpet & Decor
5-7 Lowreys Lane
Low Fell
Gateshead
Tyne And Wear
NE9 5JB

Mr J Price
17 Kepple Street
Dunston
Gateshead
NE11 9AR

My Ref. VF/AMT/07/00297/
OPER

Your Ref:

Date: 04 April 2008

Dear Mr Price

IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

ENFORCEMENT NOTICE

INSTALLATION OF PVC SHOPFRONT AND ROLLER SHUTTER DOORS ON SOUTH
SIDE OF RETAIL UNIT

CENTRAL CARPET & DÉCOR, 5-7 LOWREYS LANE, LOW FELL, GATESHEAD, TYNE
AND WEAR, NE9 5JB

The Council has issued an enforcement notice relating to the above land and premises
and I now serve upon you a copy of that notice in view of your interest in the land.

Unless an appeal is made to the Secretary of State, as described below, the notice will
take effect on 8th May 2008 and you must then ensure that the required steps for which
you may be held responsible are taken within the period specified in the notice.

The following explanatory note is intended to assist you: -

A copy of Sections 171A to 177 of the Town and Country Planning Act 1990, as amended
by the Planning and Compensation Act 1991 are contained in the enclosed booklet
“Making your Enforcement Appeal” prepared by the Department of the Environment,
Transport and the Regions from which you will note: -

- (i) that there is a right of appeal to the Secretary of State against the enforcement
notice;
- (ii) that an appeal must be made giving written notice of the appeal to the Secretary of
State before the date specified in the enforcement notice as the date on which it is
to take effect (date) or by sending such notice to him in a properly addressed, pre-
paid letter posted to him at such a time that, in the ordinary course of post, it would
be delivered to him before that date;



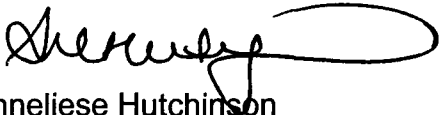
and County Planning List 1999 are also set out in the booklet.

An appellant must submit to the Secretary of State, either when giving notice of appeal or within 14 days from the date on which the Secretary of State sends him a notice so requiring him, a statement in writing specifying the grounds on which he/she is appealing against the enforcement notice and stating briefly the facts on which he/she proposed to rely in support of each of those grounds.

I have enclosed three copies of the official appeal form and the enforcement notice as well as the explanatory booklet with this letter.

Should you wish to discuss any of the above please contact, Vivienne Fox, Enforcement Officer on 0191 4333480.

Yours sincerely



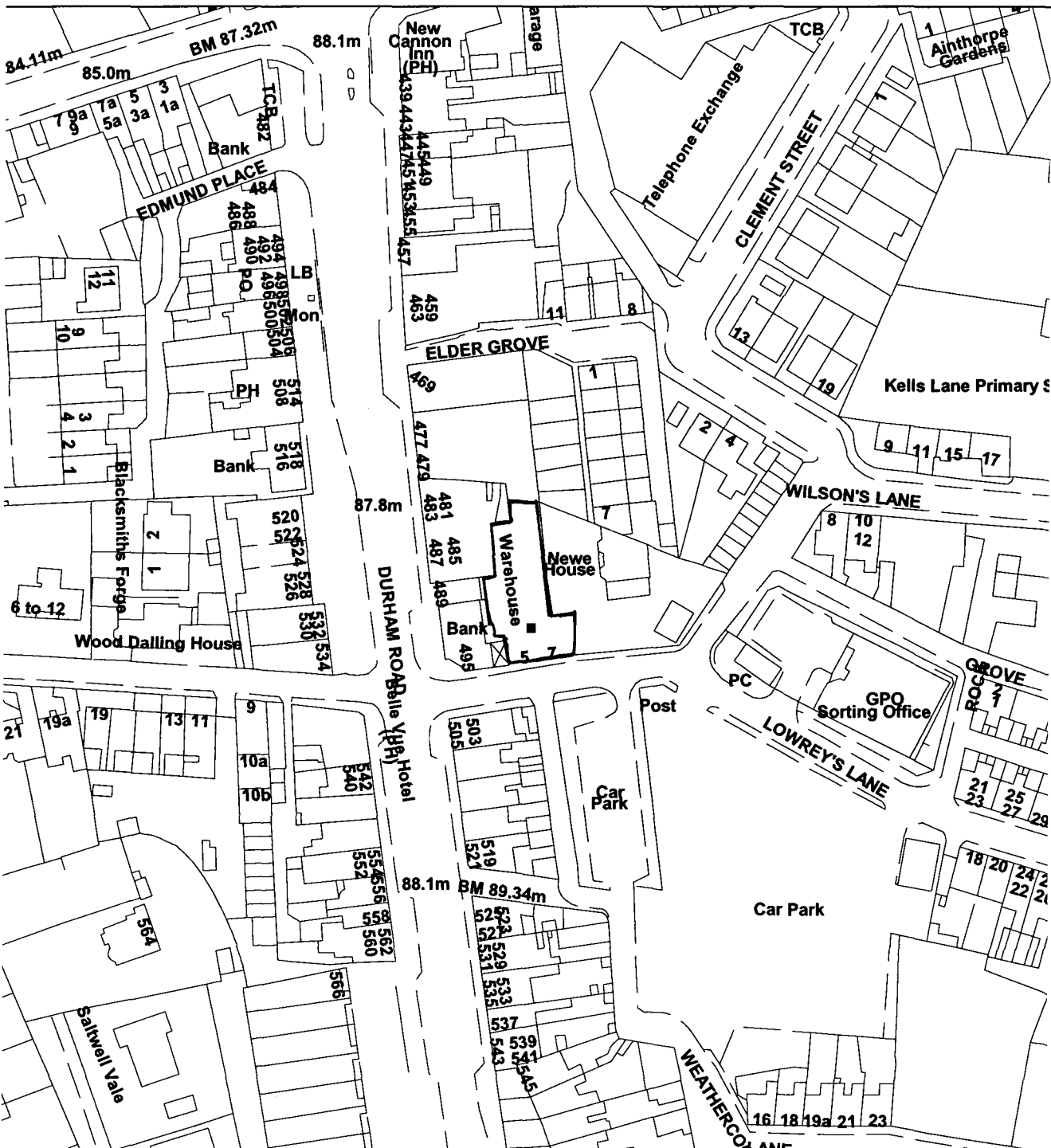
Anneliese Hutchinson
Head of Regulatory Services
For and on behalf of the Borough Council of Gateshead.

Development and Enterprise Regulatory Services

RECORD OF DECISION MADE UNDER DELEGATED POWERS GRANTED BY THE COUNCIL TO THE HEAD OF REGULATORY SERVICES

Breach:	Without planning permission the unauthorised installation of PVC shop front and roller shutter doors on south side of retail unit.
Location:	Central Carpet & décor, 5-7 Lowreys Lane, Low Fell, Gateshead, Tyne And Wear, NE9 5JB, shown edged red on the attached plan.
Nature of Decision Made:	Head of Regulatory Services to issue an Enforcement Notice and the taking of all subsequent action necessary to secure compliance therewith.
File/background papers used:	DC/07/00647/FUL; ENF 07/00128/OPER; ENF 07/00297/OPER
Policies:	ENV3 and ENV7 of the Gateshead Unitary Development Plan 2007, PPG15 and PPS1
Consultees:	DC
Reason for decision	<p>A retrospective planning application (DC/07/00647/FUL) to retain the development was refused 30th August 2007.</p> <p>The reasons for refusal were that by virtue of the design and materials of the PVC shop front and the unattractive external housing box and relatively solid roller shutter doors the design would be detrimental to the visual appearance of the street scene. This is contrary to the aims and objectives of PPS1 and to policy ENV3 of the Gateshead Unitary Development Plan 2007 and the Council's Design Guidance on Shop Fronts.</p> <p>Also the PVC shop front and roller shutter doors, by reason of its non-traditional and unattractive appearance does not preserve or enhance the Low Fell Conservation Area's character or appearance and are therefore contrary to the aims and objectives of PPG15 and to policy ENV7 of the Gateshead Unitary Development Plan 2007.</p> <p>Letters have been sent to the owner asking him to replace the roller shutter door with a replica of the wooden one that had been removed; this request has not been complied with.</p> <p>The Council does not consider that planning permission should be given, because planning conditions could not overcome these objections to the development.</p> <p>Authorisation is sought to issue an Enforcement Notice requiring the development to be removed and any subsequent action necessary to secure compliance with the notice</p>

Section of Constitution relied upon:	para. (9) of Part 1, Schedule 2 to Annex 1A of Part 3
Enforcement Officer:..... <i>[Signature]</i>	Date: 4/04 ^F /08
DC Manager/ Senior Enforcement Officer:..... <i>[Signature]</i>	Date: 04/04/08
I consider this action to be reasonable, proportionate and in the public interest	
	Head of Regulatory Services:..... <i>[Signature]</i>



Scale : 1:1250

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Organisation	Not Set
Department	Not Set
Comments	Not Set
Date	03 April 2008
SLA Number	Not Set