

IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY

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

STOP NOTICE

Served By: THE BOROUGH COUNCIL OF GATESHEAD
Civic Centre
Regent Street
Gateshead
Tyne and Wear
NE8 1HH

To: Mr George Robert Tindall and Mrs Dorothy Tindall of 9 Burnwood Close Chopwell
Gateshead

1. On 16th January 2004, the Borough Council of Gateshead (“The Council”) issued an enforcement notice (of which a copy is attached to this notice) alleging that there has been a breach of planning control on land at 9 Burnwood Close Chopwell Gateshead.
2. **THIS IS A FORMAL NOTICE** issued by the Council, in exercise of their power in section 183 of the Town and Country Planning Act 1990 (“The Act”), because they consider that it is expedient that the activity specified in this notice should cease before the expiry of the period allowed for compliance with the requirements of the enforcement notice on the land described in paragraph 3 below. The Council now prohibits the carrying out of the activity specified in this notice. Important additional information is given in the Annex to this notice.
3. **The Land To Which This Notice Relates**
Land at 9 Burnwood Close Chopwell Gateshead as shown edged red on the attached plan.
4. **Activity To Which This Notice Relates**
Without planning permission the unauthorised increase in the height of the boundary wall as shown coloured blue on the attached plan by the laying of additional layers of bricks.
5. **What Your Are Require To Do**
Cease all the activity specified in this notice.
6. **When This Notice Takes Effect**
This notice takes effect on 19th January 2004 when all the activity specified in this notice shall cease.

Dated: 16th January 2004

Signed:



On behalf of: The Borough Council of Gateshead
Civic Centre
Regent Street
Gateshead
Tyne and Wear
NE8 1HH

ANNEX

Warning

This Notice Takes Effect On The Date Specified In Paragraph 6.

There Is No Right Of Appeal To The Secretary Of State For The Environment Against This Notice.

It is an offence to contravene a stop notice after a site notice has been displayed or the stop notice has been served on you. (Section 187(1) of the 1990 Act). If you then fail to comply with the stop notice you will be at risk of immediate prosecution in the Magistrates' Court, for which the maximum penalty is £20,000 on summary conviction for a first offence and for any subsequent offence. The fine on conviction on indictment is unlimited. If you are in any doubt about what this notice requires you to do, you should get in touch immediately with Anneliese Hutchinson on telephone number 0191 433 3471. If you need independent advice about this notice, you are advised to contact urgently a lawyer, planning consultant or other professional adviser specialising in planning matters. If you wish to contest the validity of the notice, you may only do so by an application to the High Court for judicial review.

IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY

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

ENFORCEMENT NOTICE

To: Mr George Robert Tindall and Dorothy Tindall both of 9 Burnwood Close Chopwell Gateshead.

Issued By: **THE BOROUGH COUNCIL OF GATESHEAD**
Civic Centre
Regent Street
Gateshead
Tyne and Wear
NE8 1HH

- 1. THIS IS A FORMAL NOTICE** which is issued by The Borough Council of Gateshead (“The Council”) because it appears to them there has been a breach of planning control, within paragraph (a) of section 171A(1) of the Town and Country Planning Act 1990 (“The 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. 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**
Land at 9 Burnwood Close Chopwell Gateshead as shown edged red on the attached plan.
- 3. The Matters Which Appear To Constitute The Breach of Planning Control**
Without planning permission the unauthorised increase in the height of the boundary wall as shown coloured blue on the attached plan, by the laying of additional layers of bricks.
- 4. Reasons For Issuing This Notice**
It appears to the Council that the above breach of planning control has occurred within the last four years. The wall is considered to be visually intrusive and has an adverse impact on the visual amenity of the area. Also the scale of the development is not compatible with the established character of the area and is contrary to policy E3 of the Unitary Development Plan for Gateshead which states:-

The design, density and scale of a new development should be compatible with the established character and identity of its proposed locality. All development will be expected to recognise established design principles with regard to such factors as scale, bulk, height, density, views and vistas. The relationship between buildings and the spaces around and between them must be handled in a sensitive manner.

Having regard to the nature of the site and its relationship to residential properties it is considered that the development is detrimental to the residential amenities of adjacent residents. It is therefore contrary to policy H2 of the Adopted Unitary Development Plan for Gateshead which states:-

The residential amenity of existing housing areas will be protected. Proposals which may affect existing housing areas should not result in:

- a) adverse impact on visual amenity or character;
- b) overlooking or loss of light affecting the residential amenity of neighbouring properties;
- c) loss of trees or urban green space;
- d) disturbance through commercial intrusion, artificial lighting, noise, vibration, smell, fumes, smoke, ash, dust or grit; or
- e) unacceptable parking or traffic generation.

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

Reinstate the height of the wall to the level of 147.100 AOD as shown on the plan approved by the Council under planning permission 1080/02.

6. Time for Compliance

6 weeks from the date this notice takes effect.

7. When This Notice Takes Effect

This notice takes effect on 14th February 2004 unless an appeal is made against it beforehand.

Dated: 16th January 2004

Signed: 

on behalf of : The Borough Council of Gateshead
Civic Centre
Regent Street
Gateshead
Tyne and Wear
NE8 1HH

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 the notice. The enclosed booklet "Enforcement Notice Appeals – A Guide to Procedure" sets out your rights. You may use the enclosed appeal forms.

- (a) One is for you to send to The Planning Inspectorate if you decide to appeal, together
- (b) with a copy of this enforcement notice.
- (c) The second copy of the appeal form and the notice should be sent to the Council.
- (d) 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 the notice and you must then ensure that the required steps for complying with it, which you may be held responsible, are taken within the period 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