

DEVELOPMENT AND ENTERPRISE

To: Land Charges Supervisor

MEMORANDUM
Enforcement Ref: 08/00010/OPER
Date: 5.3.2008;

From: Vivienne Fox
Enforcement Team

SUBJECT: Enforcement Notice

**Bucksnook, Coalburns, Greenside, Ryton,
Tyne And Wear, NE40 4JN**

**Bucksnook, Coalburns,
Greenside, Ryton, Tyne
And Wear, NE40 4JN
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.

**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

Land at Bucksnook, Coalburns, Ryton, Tyne & Wear NE40 4JN shown edged red on the attached plan.

3. THE BREACH OF PLANNING CONTROL

Unauthorised siting of a freight container against the northern boundary, location of which is indicated in blue.

4. REASONS FOR THIS NOTICE

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

Planning application reference DC/06/01526/FUL was submitted and subsequently refused on 23rd March 2007.

The reasons for refusal were that the container by virtue of its scale, appearance and location the container is visually obtrusive from the public domain and appears incongruous within the surrounding rural area. Therefore the container is harmful to the visual amenity of the surrounding area, which is contrary policy ENV3 of the Replacement Unitary Development Plan.

Also due to the scale, appearance and location of the container is considered to be an inappropriate development that harms the openness and character of the green belt. Therefore it is considered that the container is contrary to policy ENV37 of the Replacement

Unitary Development Plan regarding appropriate development within the green belt.

An appeal was submitted to the Planning Inspectorate in September 2007 and was subsequently dismissed on 11th January 2008.

Letters have been sent asking the owner to remove the container, these requests have not been complied with and the container remains in situ.

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 by suitable means the, container from the land at Bucksnook
- (ii) Reinststate the land back to the condition it was prior to the siting of the container by grass seeding the land.

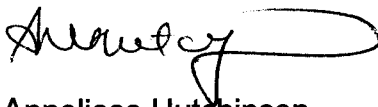
6. TIME FOR COMPLIANCE

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

7. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on 9th April 2008, unless an appeal is made against it beforehand.

Dated: 5th March 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/pes, 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 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).

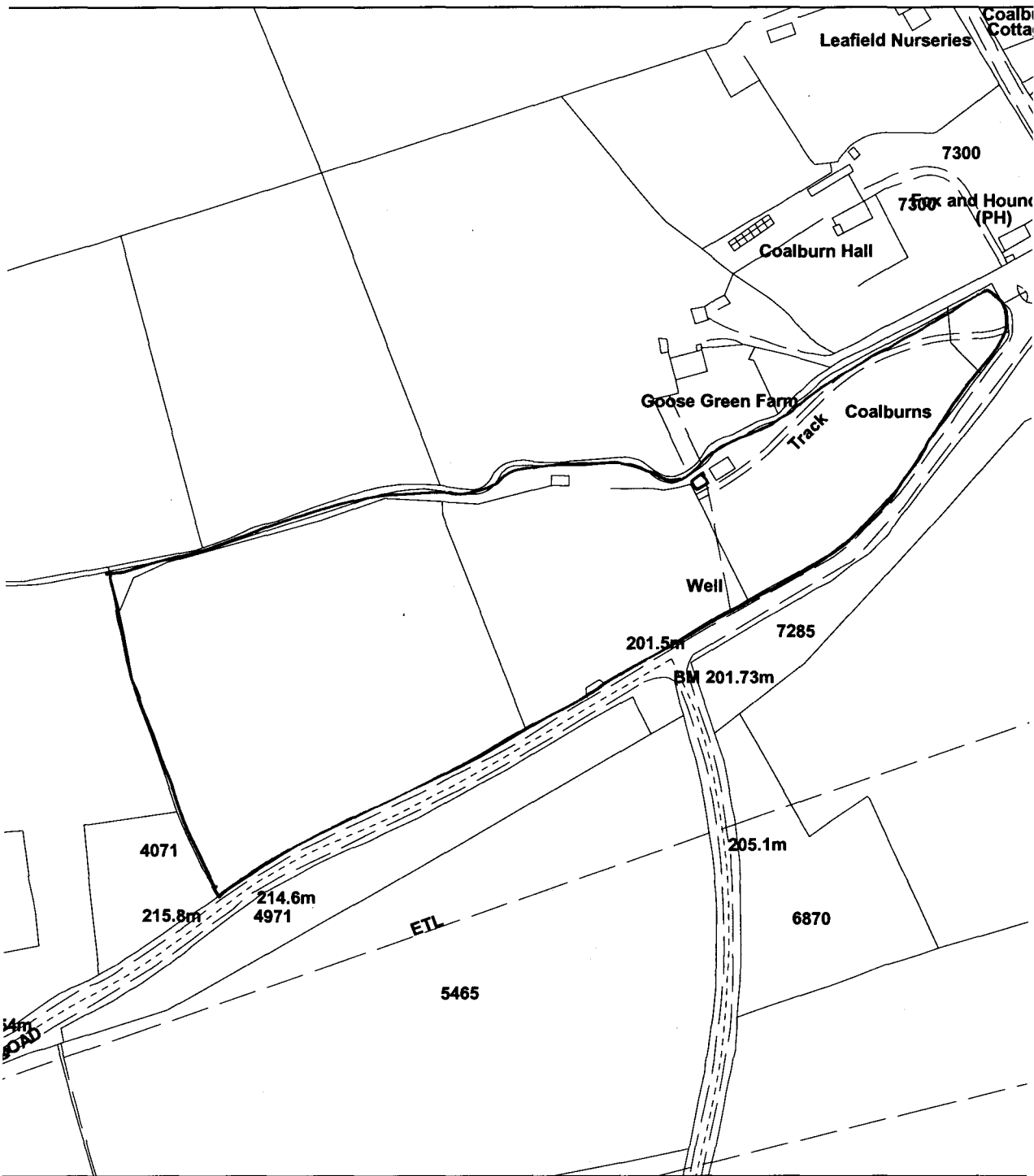
If a fee is due, and you do not pay it within the period specified by the Secretary of State, the deemed application will not be considered by the Planning Inspector.

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

Miss C Herrick
Bucksnook
Coalburns
Greenside
Ryton
Tyne & Wear
NE40 4JN



Scale : 1:250

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Organisation	Not Set
Department	Not Set
Comments	Not Set
Date	05 March 2008
SLA Number	Not Set