

DEVELOPMENT AND ENTERPRISE

To: Land Charges Supervisor

MEMORANDUM
Enforcement Ref:10/00173/oper
Date:17.2.11

From:
Enforcement Team

SUBJECT: Enforcement Notice

**Without Planning Permission the
unauthorized development consisting of the
siting of a storage container at Land
Situated to the east of 33 and 34 Pennyfine
Road, Sunnside**

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.

The enforcement officer for this investigation is Vivienne Fox 4333480
Gateshead Council, Civic Centre, Regent Street, Gateshead NE8 1HH
DX 60308 GATESHEAD 1



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**

Land to the east of 33 and 35 Pennyfine Road, Sunnyside,Whickham, NE16 5EP shown edged red on the attached plan.

3. **THE BREACH OF PLANNING CONTROL**

Without planning permission the unauthorised development consisting of the siting of a storage container.

4. **REASONS FOR THIS NOTICE**

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

The site lies within the green belt . Policy ENV3 of the Unitary Development Plan (UDP) states that “the design, density and scale of the new development should make a positive contribution to the established character and identity of its locality...The relationship between buildings and the spaces around and between them must be handled in a sensitive manner”, Policy ENV36 deals with the Green Belt and states “a green belt is required to ...assist in safeguarding the countryside from encroachment around Ryton, Crawcrook, Stella, Greenside, Chopwell, Blackhall Mill, High Spenn, Rowlands Gill, Sunnyside and Kibblesworth”.

The unauthorised development consisting of the siting of the storage container is considered contrary to policies ENV3 and ENV36 of the Unitary Development Plan (UDP) and national planning policy PPG2. Planning Policy Guidance 2 (PPG2) outlines the history and extent of Green Belts and explains their purposes. It describes how Green Belts are



designated and their land safeguarded. Green Belt land-use objectives are outlined and the presumption against inappropriate development is set out.

In light of the above the Council do 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 from the land the storage container
- (ii) Remove from the land any debris resulting from compliance with (i).

6. TIME FOR COMPLIANCE

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

7. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on 23rd March 2011, unless an appeal is made against it beforehand.

Dated: 16th February 2011



Signed: Anneleise Hutchinson
Head of Development and Public Protection Service

For and on behalf of the Borough Council of Gateshead.



EXPLANATORY NOTE

The local planning authority has issued the attached enforcement notice relating to the land described in paragraph 2 of the notice. A copy has been served on you as you are understood to have an interest in the land. Where other parties are understood to have an interest in the land, these are listed at the end of this explanatory note and copies of the notice are also being served upon them.

YOUR RIGHT OF APPEAL

There is a right of appeal to the Secretary of State (at The Planning Inspectorate) against the notice.

An information sheet from The Planning Inspectorate is enclosed, which tells you how to make an appeal.

If you decide that you want to appeal against the notice you must ensure that you send your appeal soon enough so that normally it will be delivered by post / electronic transmission to the Secretary of State (at The Planning Inspectorate) before the date of effect specified in paragraph 7 of the notice.

Under section 174 of the Town and Country Planning Act 1990 (as amended) you may appeal on one or more of the following grounds:-

- (a) 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;
- (b) that those matters have not occurred;
- (c) that those matters (if they occurred) do not constitute a breach of planning control;
- (d) that, 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;
- (e) that copies of the enforcement notice were not served as required by section 172;
- (f) that 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 any such breach;
- (g) that any period specified in the notice in accordance with section 173(9) falls short of what should reasonably be allowed.

Not all of these grounds may be relevant to you.



FEES

If you appeal under ground (a) of Section 174(2) of the Town and Country Planning Act 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 £170. You should pay half of the fee (£85) to the council (made payable to Gateshead Council) and the other half of the fee to The Planning Inspectorate (made payable to the Department for Communities and Local Government). Joint appellants need only pay one set of fees.

If you decide to appeal, when you submit it, you should state in writing the ground(s) on which you are appealing against the 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 will send you a notice requiring you to do so within 14 days.

WHAT HAPPENS IF YOU DO NOT APPEAL

Unless an appeal is made, as described above, the notice will take effect on the date specified in paragraph 7 of the notice and you must then ensure that the required steps, 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

The Company Secretary
Strathmore Holdings Limited
East Farm
Medomsley
Durham
County Durham
DH8 6TU

James Alexander Johnston
East Farm
Medomsley
Durham
County Durham
DH8 6TU

Alistdair Barclay Brown
East Farm
Medomsley
Durham
County Durham
DH8 6TU

Stuart Robertson Brown
East Farm
Medomsley
Durham
County Durham
DH8 6TU

