

DEVELOPMENT AND ENTERPRISE

To: Land Charges Supervisor

MEMORANDUM
Enforcement Ref: 04/00295/COU
Date: 23rd April 2008;

From: Marc Morley
Enforcement Team

SUBJECT: Enforcement Notices

Without planning permission the use of land for residential purposes.

Land at Quarry Park Livery Stables, Wardley, Gateshead shown edged red on the attached plan.

Without planning permission the construction of a building consisting of two caravans, decking and a lean to structure.

Land at Quarry Park Livery Stables, Wardley, Gateshead shown edged red on the attached plan.

I attach for your records a copy of the above 2 notices, which are 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 Quarry Park Livery Stables, Wardley, Gateshead, shown edged red on the attached plan.

3. THE BREACH OF PLANNING CONTROL

Without planning permission the erection of a structure consisting of two caravans, decking and lean to.

4. REASONS FOR THIS NOTICE

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

Planning applications have been submitted and have been refused on this site for residential development going back to 1989.

The erection of the structure consisting of two caravans, decking and lean to is considered unacceptable in this location given its design and appearance and is contrary to National Planning policies PPS1, PPG2, PPS3 and PPS7.

It is also considered that the erection of a structure of this design and appearance in this location within the green belt is contrary to policies DC1, DC2, ENV2, ENV3, ENV34, ENV37, ENV39, ENV45 and CRF25 of the adopted Unitary Development Plan for Gateshead.

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 from the land the structure, for the avoidance of doubt this includes the decking area, lean to and both caravans.
- (ii) Remove from the land all waste materials arising from compliance with (i) above.

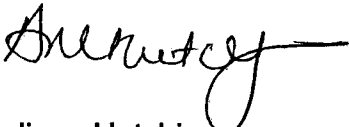
6. TIME FOR COMPLIANCE

Six calendar months after this notice takes effect for (i) and (ii).

7. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on 28th May 2008, unless an appeal is made against it beforehand.

Dated: 23rd 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 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 £670.00, 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.

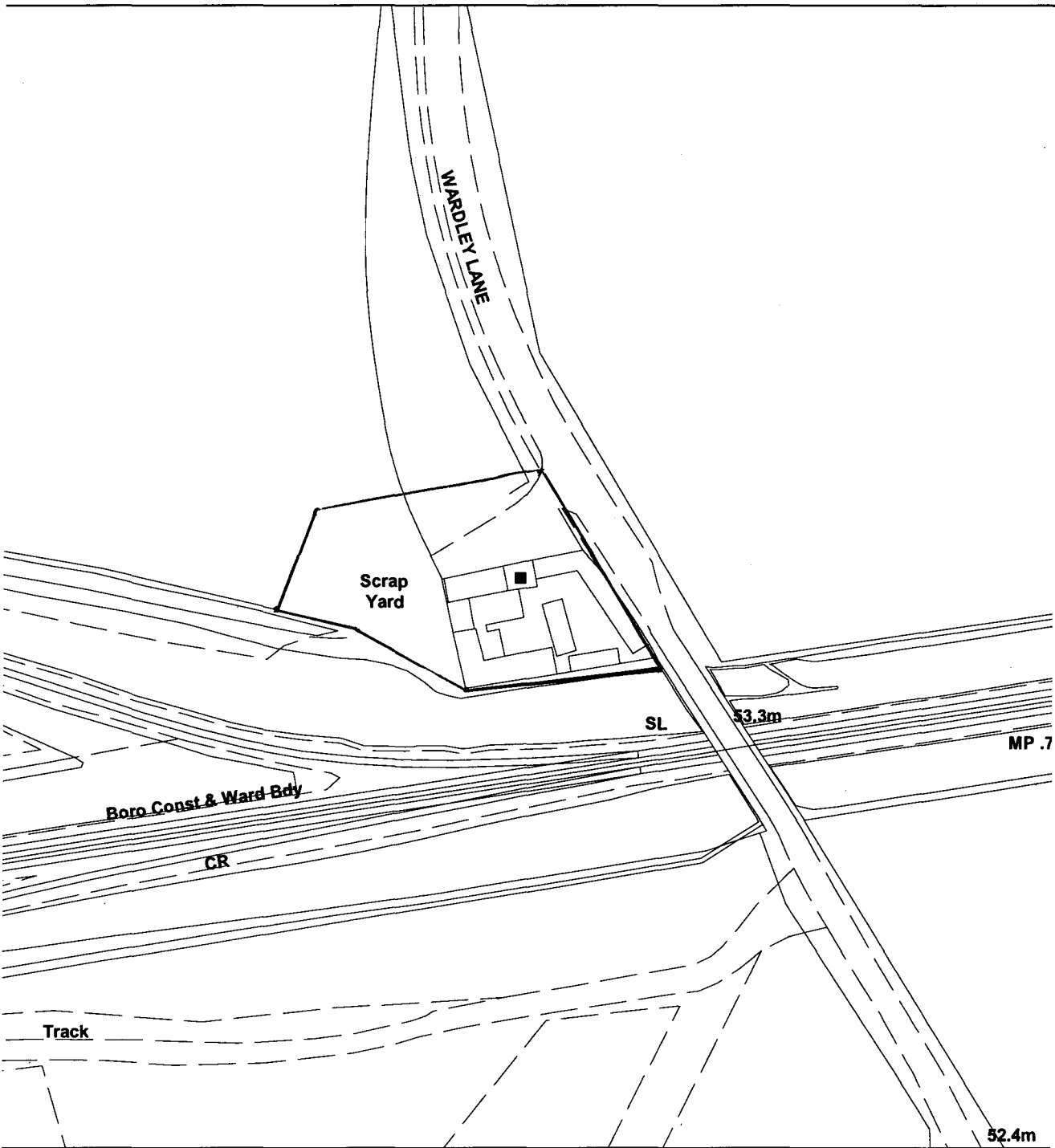
WHAT HAPPENS IF YOU DO NOT APPEAL

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 Graeme Lamb
Quarry Park Stables
Wardley Lane
Bill Quay
Gateshead
Tyne & Wear
NE10 8AA

Church Commissioners
C/o Smiths Gore
26, Coniscliffe Road,
Darlington,
County Durham,
DL3 7JX



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Organisation	Gateshead Council
Department	Enforcement
Comments	Not Set
Date	08 April 2008
SLA Number	GC 100019132 2007

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2. THE LAND TO WHICH THE NOTICE RELATES

Land at Quarry Park Livery Stables, Wardley, Gateshead, shown edged red on the attached plan.

3. THE BREACH OF PLANNING CONTROL

Without planning permission the use of the land for residential purposes.

4. REASONS FOR THIS NOTICE

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

Planning applications have been submitted and have been refused on this site for residential development going back to 1989.

The use of the land for residential purposes is considered wholly inappropriate in this location within the green belt and is deemed to be contrary to National Planning policies PPS1, PPG2, PPS3 and PPS7.

It is also considered that the use of this site within the green belt for residential purposes is contrary to policies DC1, DC2, DC4, H4, ENV34, ENV37, ENV45, ENV59 and CRF25 of the adopted Unitary Development Plan for Gateshead.

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

5. WHAT YOU ARE REQUIRED TO DO

- (i) Cease the use of the land for residential purposes

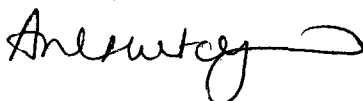
6. TIME FOR COMPLIANCE

Six calendar months after this notice takes effect.

7. WHEN THIS NOTICE TAKES EFFECT

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Dated: 23rd April 2008



Signed: Anneliese Hutchinson
Head of Regulatory Services

For and on behalf of the Borough Council of Gateshead.

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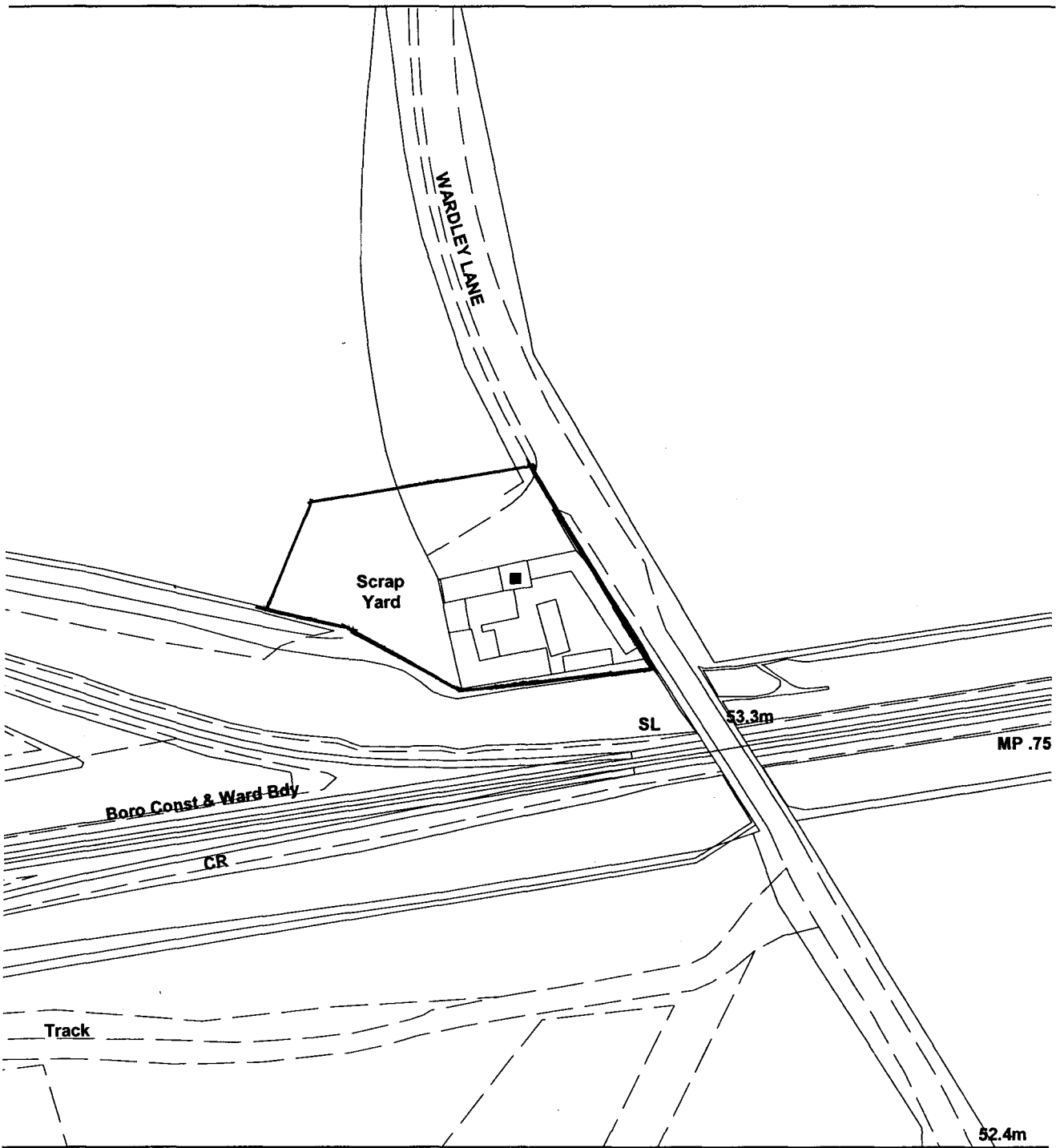
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Department	Enforcement
Comments	Not Set
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