

DEVELOPMENT AND ENTERPRISE

To: Land Charges Supervisor

MEMORANDUM

Enforcement Ref: 08/00363/OPER

Date: 22.1.2009;

**From: Vivienne Fox
Enforcement Team**

SUBJECT: Enforcement Notice

**Without Planning Permission the installation
of a replacement flue are rear of hot food
take-away.**

**Star Takeaway
4 Ravensworth Road
Birtley
Co Durham
DH3 1EJ, 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

Star Takeaway 4 Ravensworth Road, Birtley, Co Durham DH3 1EJ (“the Property”) shown edged red on the attached plan.

3. THE BREACH OF PLANNING CONTROL

The installation of a replacement flue at the rear of the property without the benefit of planning permission.

4. REASONS FOR THIS NOTICE

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

Retrospective planning permission was refused on 20th August 2008 for the installation of replacement flue at the rear of the property.

No appeal has been submitted.

The flue has not been removed. The flue by virtue of its scale and massing is incongruous and is a visually obtrusive development in the locality and is detrimental to the established streetscene.

The development is not compliant with Gateshead Council Unitary Development Plan policies DC2 and ENV3

5. WHAT YOU ARE REQUIRED TO DO

- (i) Remove the installed flue and supporting brackets from the rear of the Property.
- (ii) Remove from the land the materials arising as a result of compliance with (i) above.

6. TIME FOR COMPLIANCE

- (i) 60 days after this notice takes effect

7. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on 26th February 2009, unless an appeal is made against it beforehand.

Dated: 22nd January 2009



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 £340.00, 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 K Ghambari
9 Coupland Grove
Jarrow
Tyne & Wear
NE32 5YQ

Mr K Ghambari
358 Stanhope Road
South Shields
Tyne & Wear
NE33 4RB

Not Set



GIS by ESRI (UK)



Scale : 1:1250

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Department	Not Set
Comments	Not Set
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