

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 (“the Council”)

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 10 Greenacre Park Low Fell Gateshead Tyne and Wear NE9 6HF99(the property) as shown edged red on the attached plan A.

3. **THE BREACH OF PLANNING CONTROL**

Without planning permission the construction of an unauthorised access way to the property by the unauthorised demolition of the boundary wall shown red on the attached plan B.

The unauthorised excavation of top-soils and sub-soils shown hatched green on the attached plan B.

The erection of a fence as shown in blue on the attached plan B.

4. **REASONS FOR THIS NOTICE**

It appears to the Council that the above breaches of planning control have occurred within the last four years. The Council has removed the permitted development rights of the property. The access way 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 property 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

- Reinststate the length of boundary wall shown in red on plan B to its original height with materials to match the existing boundary wall.
- Reinststate the soils in the areas shown hatched green on plan B to their original levels and re-grass the garden area.
- Remove in its entirety the unauthorised fence shown in blue on plan B.

6. TIME FOR COMPLIANCE

- i. 6 weeks from the date this notice takes effect.

7. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on 18th January 2005, unless an appeal is made against it beforehand.

Dated: 14th December 2004



Signed: Maureen Kesteven
Solicitor to the Council
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. The enclosed booklet "Enforcement Notice Appeals – A Guide to Procedure" 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.

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 £220.00, half of which should be paid to the Planning Inspectorate (made payable to the Office of the Deputy Prime Minister) and the other half to the Council (made payable to Gateshead 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

Susan Baardman
Chowdene House
Chowdene Bank
Low Fell
Gateshead
NE9 6JE

Gary Baardman
Chowdene House
Chowdene Bank
Low Fell
Gateshead
NE9 6JE

10 Greenacre Park
Chowdene
Low Fell
Gateshead
NE9 6HF

The Company Secretary
Bristol and West Plc
1 Temple Quay
Bristol
BS99 7AX



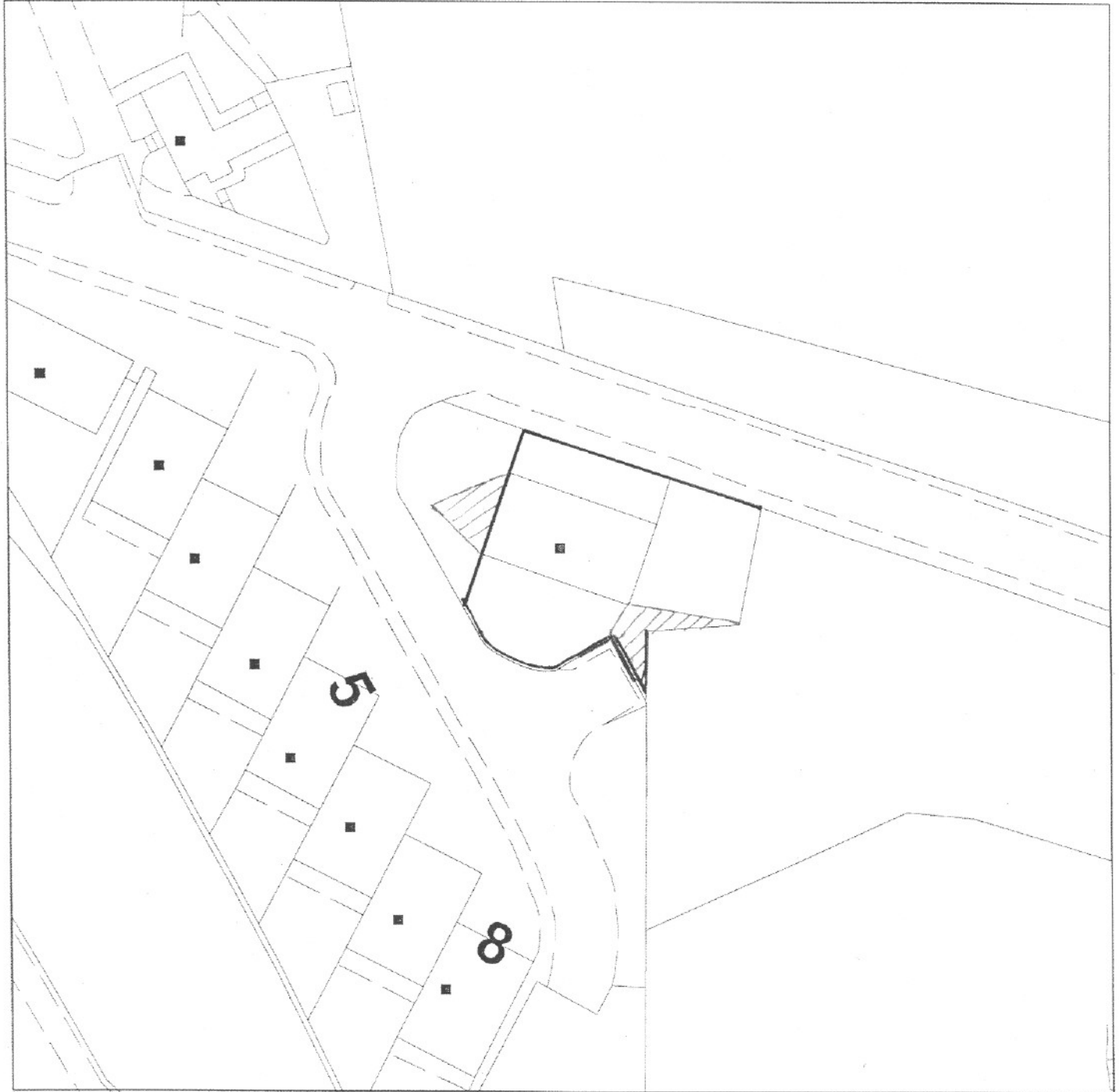
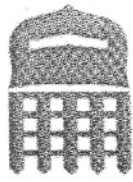
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Organisation	Gateshead Council
Department	Development Control
Comments	10 Greenacre Park Plan A
Date	13 December 2004
SLA Number	GC 100019132 2004



Scale : 1:500

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Organisation	Gateshead Council
Department	Development Control
Comments	10 Greenacre Park Plan B
Date	13 December 2004
SLA Number	GC 100019132 2004