

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 pursuant to **Section 171A(1)(a) of the Town and Country Planning Act 1990**, 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**

86 Kells Lane, Low Fell, Gateshead shown edged red on the attached plan.

3. **THE BREACH OF PLANNING CONTROL**

Without planning permission the installation of a new shop front on the front elevation of the property.

4. **REASONS FOR THIS NOTICE**

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

The installation of the new shop front does not preserve or enhance the character of the Low Fell Conservation Area. The materials form and design of the shop front are wholly inappropriate and contrary to policies E3 and E5(a) of the Adopted Unitary Development Plan for Gateshead as follows:

Policy E3

The design, density, and scale of 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, materials, density, views and vistas. The relationship between buildings and the spaces around and between them must be handled in a sensitive manner.

Policy E5

Development in a Conservation Area must preserve or enhance the area's character or appearance by:

- a) *respecting its historical context, particularly in relation to mass, height, silhouette, grain, proportion, rhythm, street alignment, plot layout, materials, design and associated landscaping.*

Previous Application and Appeal

A retrospective planning application, reference No. 1479/02 to retain the development was refused on 29th January 2003 on the above policy grounds. A subsequent appeal was dismissed on 9 July 2003. The Council does not consider that planning permission should be given, because planning conditions could not overcome the objections of the Council to the development on the above stated policy grounds.

5. WHAT YOU ARE REQUIRED TO DO

- (i) Submit a design proposal (including materials to be used) for an acceptable replacement shop front to the Council for its approval.
- (ii) Remove the unauthorised shop front and replace it with the shop front approved in writing by the Council in accordance with 5(i) above.


6. TIME FOR COMPLIANCE

- (i) Submit a design in accordance with paragraph 5(i) above to the Council for their written approval within one calendar month of this notice taking effect as set out at paragraph 7 below.
- (ii) Carry out and complete the work to replace the current shop front with a shop front approved by the Council within two calendar months from the date shown on the written approval from the Council in accordance with paragraph 5(i) above.

7. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on **14 May 2004**, unless an appeal is made against it beforehand.

Dated: 15th April 2004

Signed: 

Maureen Kesteven
Solicitor to the Council

For and on behalf of the Borough Council of Gateshead

Legal and Corporate Services
Civic Centre
Gateshead
NE8 1HH

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.

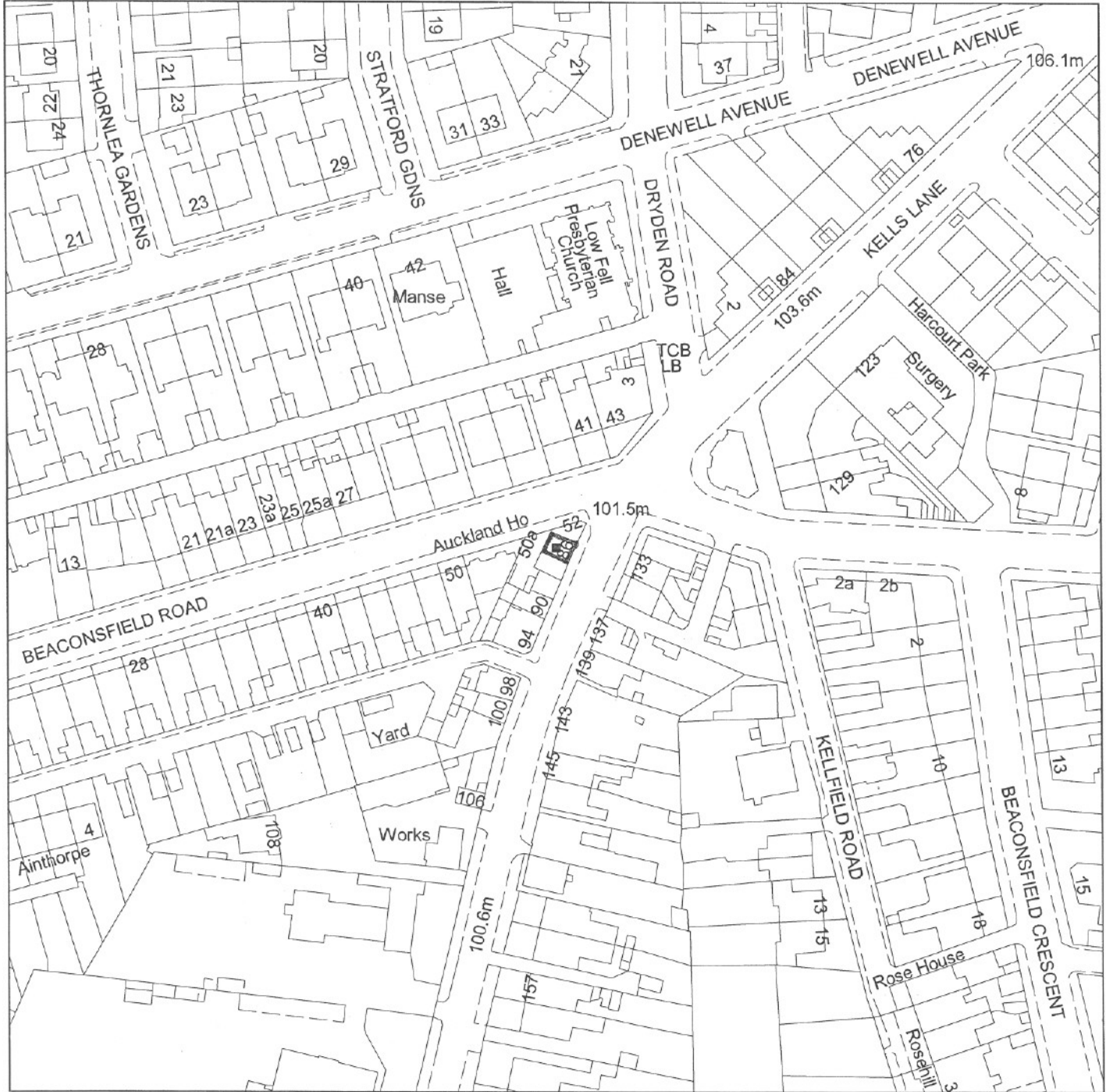
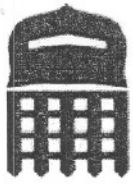
WHAT HAPPENS IF YOU DO NOT APPEAL

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

Ian Muir Adam Cairns
113 Kells Lane
Low Fell
Gateshead

Sharon Cairns
113 Kells Lane
Low Fell
Gateshead



Scale : 1:1250

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Organisation	Gateshead Council
Department	Development Control
Comments	86 Kells Lane, Roots Hair Studio
Date	15 April 2004
SLA Number	GC 100019132 2004