

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 lying to the North West of The Cottage, Banesley Lane, Old Ravensworth, Lamesley, Gateshead, Tyne and Wear NE11 shown edged red on the attached plan.

3. **THE BREACH OF PLANNING CONTROL**

Without planning permission the construction of a timber animal shelter amounting to operational development.

4. **REASONS FOR THIS NOTICE**

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

The construction of the timber animal shelter, not designed for the purpose of agriculture and with no functional need demonstrated, is considered to be inappropriate development and both individually and cumulatively, in context with other sub-division of plots and associated development, detrimental impact to the openness of the Green belt. Therefore without any very special circumstances the animal structure is therefore considered contrary to policy ENV37 of the Unitary Development Plan (UDP). Policy 9 of the Regional Spatial Strategy (RSS) and national Planning Policy Guidance Note 2 (PPG2) and Planning Policy Statement 7 (PPS7).

Through the introduction of the development on a segregated plot the timber animal shelter is considered damaging to the current open post-enclosure landscape, characterised by much larger field sizes, old hedgerows, hedgerow trees and open pasture land, highly visible from the wider area. The proposal

is considered to have a detrimental impact on the visual amenities of this area of Highest Landscape Quality, which when considered individually and cumulatively with the sub-division of the field into smaller plots and the associated development is contrary to policy ENV39 of the UDP.

The animal shelter by virtue of its inappropriate and prominent siting is considered both individually and cumulatively, in the context of the other subdivided plots and associated development, to have an adverse impact on the open character of the area and is therefore considered contrary to policy ENV43 of the UDP.

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 timber animal shelter
- (ii) Remove from the land any debris resulting from compliance with (i).

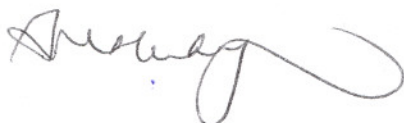
6. TIME FOR COMPLIANCE

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

7. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on 3rd April 2009, unless an appeal is made against it beforehand.

Dated: 3rd March 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. Please see the enclosed notification from the Planning Inspectorate advising how to submit your appeal.

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

Ms Shirley Ridley
47 Smithburn Road
Felling
Gateshead
Tyne and Wear
NE10 9DT



GIS by ESRI (UK)



Scale : 1:1250

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Organisation	Gateshead Council
Department	Regulatory Services
Comments	
Date	02 March 2009
SLA Number	Not Set