

IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

TOWN AND COUNTRY PLANNING ACT 1990

(as amended by the Planning and Compensation Act 1991)

ENFORCEMENT NOTICE

To: Mr Alan Hurst, 9 Whitewell Lane, Ryton, Tyne & Wear

ISSUED BY: THE BOROUGH COUNCIL OF GATESHEAD

Civic Centre Regent Street Gateshead Tyne and Wear

NE8 1HH

1. THIS IS A FORMAL NOTICE which is issued by the Council because it appears to them that there has been a breach of planning control, under Section 171A(1)(a) of the above Act, at the land described below. They consider that it is expedient to issue this notice having regard to the provisions of the development plan and to other material planning considerations.

2. THE LAND AFFECTED

The land at Peth Lane, Ryton in the County of Tyne and Wear, shown edged red on the attached plan.

3. THE BREACH OF PLANNING CONTROL ALLEGED

Without planning permission, the erection of two timber buildings shown as green crosses on the attached plan.

4. REASONS FOR ISSUING THIS NOTICE

It appears to the Council that the above breach of planning control has occurred within the last ten years. The unauthorised development is not suitable within the Green Belt and the Council does not consider that planning permission should be given as this would be contrary to the policies contained within the adopted Unitary Development Plan for Gateshead. The Council considers it expedient to take enforcement action for the following reasons: -

- a. One of the purposes of the Green Belt is to assist in safeguarding the countryside from encroachment. The size and location of the two buildings is visually intrusive within the Green Belt and will result in unrestricted sprawl which is contrary to policy E28 of the adopted Unitary Development Plan for Gateshead which states:-

A Green Belt is required to:

Check unrestricted sprawl around Felling, Gateshead, Whickham and Blaydon/Winlaton.

Prevent the merging of Gateshead and Felling with Hebburn, Washington, Birtley, Kibblesworth or Whickham; Whickham with Sunnyside; Ryton with Crawcrook; High Spen with Rowlands Gill; and Chopwell with Blackhall Mill;

Assist in safeguarding the countryside from encroachment around Ryton, Crawcrook, Stella, Greenside, Chopwell, Blackhall Mill, High Spen, Rowlands Gill, Sunnyside and Kibblesworth; and

Assist in urban regeneration by encouraging the recycling of derelict and other urban land.

- b. **The wooden structures are considered inappropriate within the Green Belt as the policy clearly states there is a general presumption against inappropriate development. Any new development within the Green Belt will only be allowed if certain criteria can be met. The two timber buildings do not come within the criteria and therefore are contrary to policy E29 of the adopted Unitary Development Plan for Gateshead which states:-**

Within the Green Belt as defined on the Proposals Map there is a general presumption against inappropriate development:

The construction of new or replacement buildings will be inappropriate unless it is for one of the following purposes;

- a) **agriculture and forestry; or**
- b) **essential small-scale facilities for outdoor sport and outdoor recreation, for cemeteries, and for other uses of land which preserve the openness of the Green Belt and which do not conflict with the purposes of Policy E28; or**
- c) **the replacement of existing dwellings with new dwellings which would not be materially larger than the dwellings replaced;**

The extension or alteration of existing buildings will be inappropriate unless limited in extent and not resulting in disproportionate additions over and above the size of the original building; and

Engineering and other operations and the making of any material change in the use will be inappropriate unless they maintain the openness of the Green Belt and do not conflict with the purposes of Policy E28.

- c. The land is of high landscape quality and the protection of these areas is a major objective when considering proposals for development. The size of the buildings makes them prominent on the landscape and this is contrary to policy E32 of the adopted Unitary Development Plan for Gateshead which states:-

Within areas of highest landscape quality, permission will not be granted, except in very special circumstances, for development which would have an adverse impact on the landscape. Within areas of high landscape quality, development which would have an adverse impact may be acceptable where that impact would be of a short-term nature and would result in the landscape quality either being restored or, where appropriate, enhanced in a way which would have a significant effect in the short term and would be sustainable. The impact of development on the setting of an area or areas of highest and high landscape quality will be a material consideration.

- d. The loss of allotments by uses other than passive recreation or built development is contrary to policy C43 of the adopted Unitary Development Plan for Gateshead which states;-

The loss of allotments either by unauthorised encroachment by uses other than cultivation, stock-keeping and passive recreation, or by built development, will be unacceptable unless an appropriate advance replacement site is made available, or there is a surplus of provision at a particular location. In the case of surplus provision the site (either in whole or in part) will be safeguarded against built development if its conversion to recreational open space would contribute to remedying deficiencies in the provision specified by Policies C30, C33 and C35.

5. WHAT YOU ARE REQUIRED TO DO

Remove the two timber buildings from the allotment land.

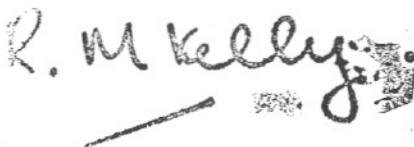
Time for Compliance: 3 months after this notice takes effect.

6. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on 7 January 2002 unless an appeal is made against it beforehand.

Dated:

Signed...



R M Kelly

Strategic Director Legal and Corporate Services

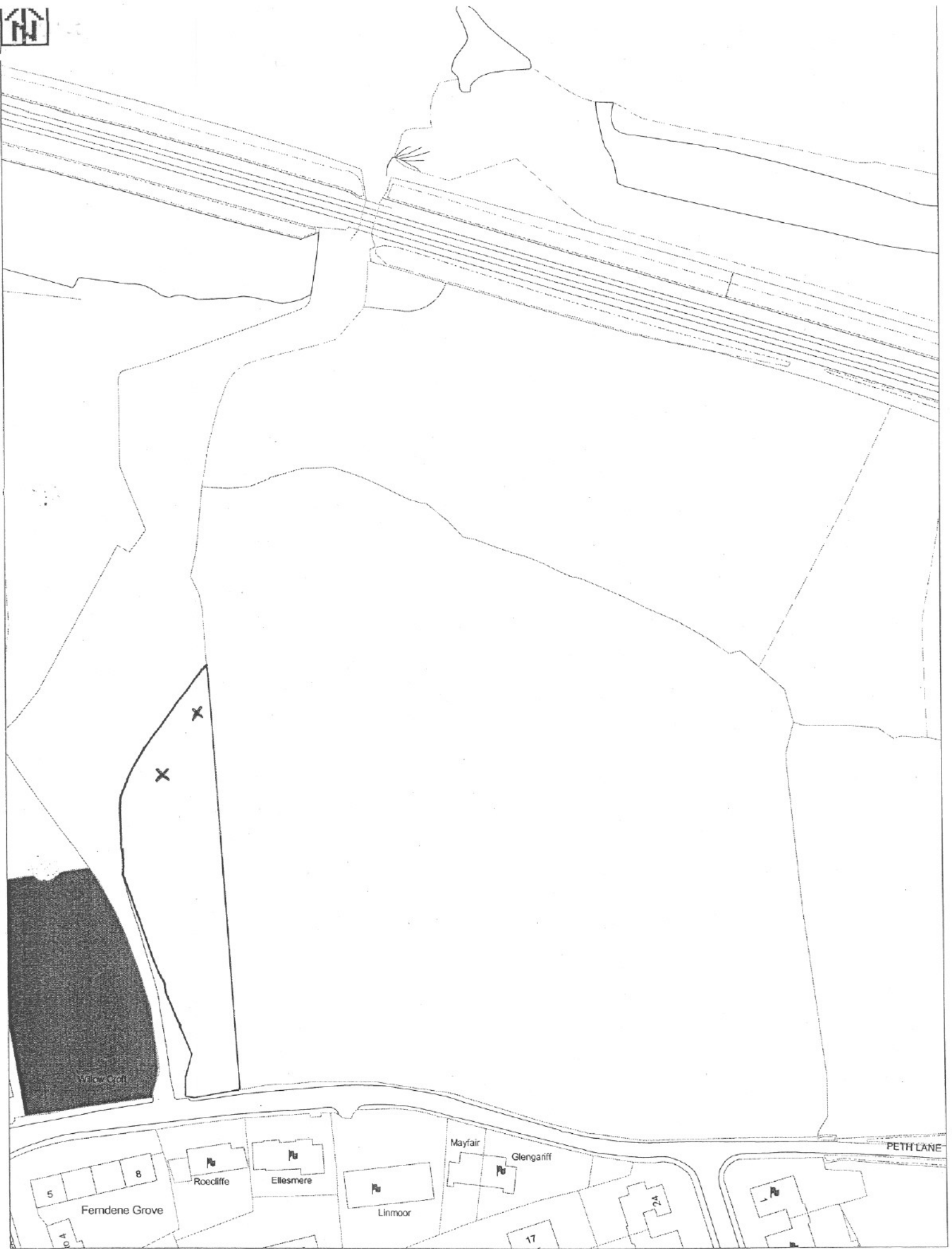
On behalf of: The Borough Council of Gateshead, Civic Centre, Gateshead, Tyne and Wear, NE8 1HH

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 7 January 2002. The enclosed booklet "Enforcement appeals - A Guide to Procedure" sets out your rights. 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. The other is for you to keep as a duplicate for your own records. You should also send the Secretary of State the spare copy of this enforcement notice, which is enclosed.

WHAT HAPPENS IF YOU DO NOT APPEAL

If you do not appeal against this enforcement notice, it will take effect on 7 January 2002 and you must then ensure that the required steps for complying with it, for which you may be held responsible, are taken within the period[s] specified in this notice. Failure to comply with an enforcement notice, which has taken effect, can result in prosecution and/or remedial action by the Council.



This copy has been produced specifically for map return scheme purposes only. No further copies may be made. Reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the controller of HMSO (c) Crown copyright. Unauthorised reproduction infringes Crown copyright & may lead to prosecution or civil proceedings. GMBC LA07618X 1999 © Crown Copyright; Scale 1:1250