

**IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY**

**TOWN AND COUNTRY PLANNING ACT 1990  
(as amended by the Planning and Compensation Act 1991)**

**ENFORCEMENT NOTICE**

**ISSUED BY: The Council of the City of Newcastle upon Tyne ("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 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. 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**

41 Eskdale Terrace, Newcastle upon Tyne, NE2 4DN shown edged with a red line on attached plan ("the Property")

3. **THE MATTERS WHICH APPEAR TO CONSTITUTE THE BREACH OF PLANNING CONTROL**

Without planning permission, the material change of use of the Property from use as a dwelling house by a single person or by people regarded as forming a single household (Use Class C3) to a house in multiple occupation for not more than 6 residents (Use Class C4)

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 Council has a Town and Country Planning (General Permitted Development) Order 1995 Article 4 Direction which prohibits a change of use from Class C3 to Class C4 without planning permission. This Development does not have planning permission.

The material change of use of the Property to a house in multiple occupation would result in the loss of a good quality, spacious and convenient dwelling suitable for occupation by a family (Class C3) by reason of its location and level of amenity, prejudicing the objective of providing attractive, sustainable and balanced communities. The intensification of use of the property is also considered to have an adverse impact on residential amenity, through increased noise and activity.

The proposal would therefore not be in accordance with advice contained with the National Planning Policy Framework, Policies CS9 and CS11 of the Core strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne,

saved Policy H2 of the Unitary Development Plan and the Maintaining Sustainable Communities Supplementary Planning Document Policy SC1.

The Council does not consider that planning permission should be granted as planning conditions could not overcome these objections to the Development.

The Council consider it expedient to enforce because of the reasons set out above.

**5. WHAT YOU ARE REQUIRED TO DO**

- (i) Cease the use of the Property as a dwelling house in multiple occupation (Class C4)

**6. TIME FOR COMPLIANCE**

By 16 July 2017

**7. WHEN THIS NOTICE TAKES EFFECT**

This Notice takes effect on 30 May 2017 unless an appeal is made against it beforehand.

Dated 25 April 2017 [Date of issue]

Signed:  [Council's authorised officer]

J R Softly  
Assistant Director, Legal Services

On behalf of: The Council of the City of Newcastle upon Tyne

## ANNEX

### 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 (at the Planning Inspectorate) **before** the date specified in paragraph 7 of the Notice. An information sheet from the Planning Inspectorate is enclosed which also contains important information about appealing against this Enforcement Notice and how appeal forms can be obtained and submitted.

Under section 174 of the Town and Country Planning Act 1990 (as amended) you may appeal on one or more of the following grounds:-

- (a) that, in respect of any breach of planning control which may be constituted by the matters stated in the notice, planning permission ought to be granted or, as the case may be, the condition or limitation concerned ought to be discharged;
- (b) that those matters have not occurred;
- (c) that those matters (if they occurred) do not constitute a breach of planning control;
- (d) that, at the date when the notice was issued, no enforcement action could be taken in respect of any breach of planning control which may be constituted by those matters;
- (e) that copies of the enforcement notice were not served as required by section 172;
- (f) that the steps required by the notice to be taken, or the activities required by the notice to cease, exceed what is necessary to remedy any breach of planning control which may be constituted by those matters or, as the case may be, to remedy any injury to amenity which has been caused by any such breach;
- (g) that any period specified in the notice in accordance with section 173(9) falls short of what should reasonably be allowed.

If you do wish to appeal then you must submit to the Secretary of State, either when giving notice of appeal or within 14 days from the date on which the Secretary of State sends you a notice requesting you to do so, a statement in writing specifying the grounds on which you are appealing against the Enforcement Notice and stating briefly the facts on which you propose to rely in support of each of those grounds.

If you appeal the Enforcement Notice and wish a deemed planning application also to be considered there will be a fee of £0 payable to the City of Newcastle upon Tyne. The fee payable is double the amount payable for a normal planning application. This is the case where you intend to appeal under section 174(2)(a) of the Town and Country Planning Act 1990.

Full copies of sections 171A, 171B and 172 – 177 of the Town and Country Planning Act 1990 (as amended) are also enclosed for your information.

## **PARTIES SERVED WITH THE ENFORCEMENT NOTICE**

The parties served with a copy of the enforcement notice are as follows:

Harbron Properties Limited 32 Valley Drive, Low Fell, NE9 5DH

Emily Wynn, 41 Eskdale Terrace, Newcastle upon Tyne, NE2 4DN

Edward Folland, 41 Eskdale Terrace, Newcastle upon Tyne, NE2 4DN

Fiona Richardson, 41 Eskdale Terrace, Newcastle upon Tyne, NE2 4DN

Jessica Selwood, 41 Eskdale Terrace, Newcastle upon Tyne, NE2 4DN

Michael Kitchen, 41 Eskdale Terrace, Newcastle upon Tyne, NE2 4DN

## **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 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 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.

# 41 Eskdale Terrace

2016/0237/MATCOU



Scale : 1:1774

Reproduced from the Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright 2012.

Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

<b>Organisation</b>	Newcastle City Council
<b>Department</b>	Development Management
<b>Comments</b>	
<b>Date</b>	01 August 2016
<b>SLA Number</b>	SLA

