

**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**

Land at 107 Regent Farm Road, Gosforth, Newcastle upon Tyne, NE3 3HD shown edged with a red line on attached plan ("the Land")

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

Without planning permission, the material change of use of the land from privately owned open space to private garden, the installation of a hardstanding and the erection of a fence ("the Development")

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 consider that the change of use of this land as a result of its partial enclosure has resulted in the loss of open space to the detriment of visual amenity and the character and appearance of the wider area. As such the Development is contrary to the National Planning Policy Framework, Policy CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne 2010-30 and saved Unitary Development Policies EN1.1 and H2

The Council consider that the installation of a hardstanding and the erection of a fence has resulted in an uncharacteristic addition which is out of place within this part of the street scene which features a long strip of privately owned open space. As such the Development is contrary to the National Planning Policy Framework, Policy CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne 2010-30 and saved Unitary Development Policies EN1.1 and H2

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 Land as a private garden
- ii. Remove timber fence at the location shown marked by the red line on Plan 2
- iii. Remove hardstanding surface at the location shown shaded blue on Plan 2
- iv. Reinststate boundary wall in materials to match the existing premises at a height no greater than 1 metre in height at the location shown by the yellow line shown on Plan 2
- v. Following compliance with requirements (iii) and (iv) relay topsoil to a depth of not less than 100mm onto the area shown shaded blue on Plan 2
- vi. Following compliance with (v) above, make good the former grassed area with turf, adjusting levels to ensure that it is laid level with the surface of the surrounding land

**6. TIME FOR COMPLIANCE**

4 MONTHS after this Notice takes effect

**7. WHEN THIS NOTICE TAKES EFFECT**

This Notice takes effect on 19 November 2018 unless an appeal is made against it beforehand.

Dated 15 October 2018

[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 £924 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:

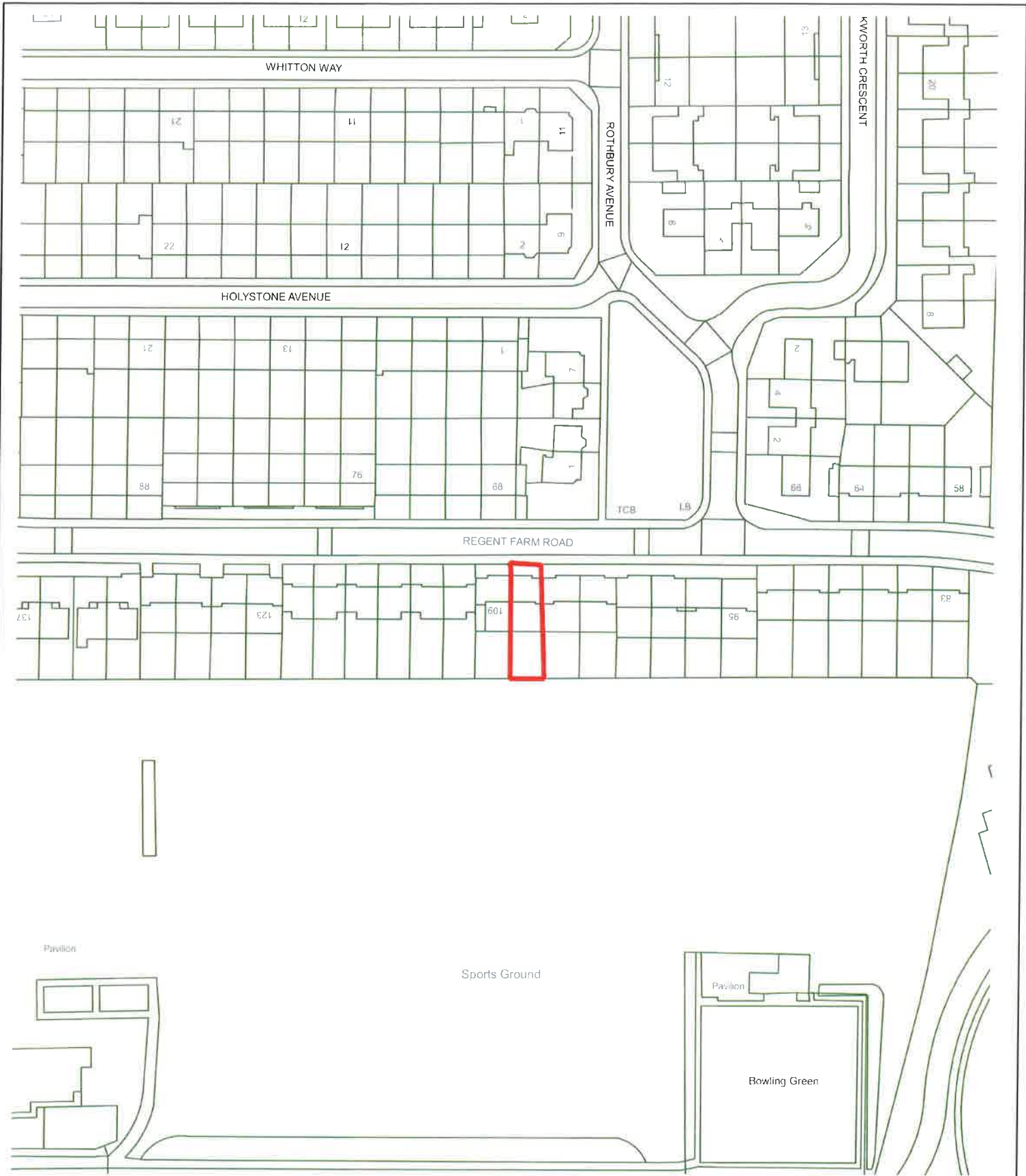
Mr Paul Ford, 107 Regent Farm Road, Gosforth, Newcastle upon Tyne, NE3 3HD

Mrs Louise Ford, 107 Regent Farm Road, Gosforth, Newcastle upon Tyne, NE3 3HD

Santander UK PLC, Deeds Services, 101 Midsummer Boulevard, Milton Keynes, MK9 1AA

## **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.



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**107 Regent Farm Road, Gosforth,  
 Newcastle upon Tyne, NE3 3HD**

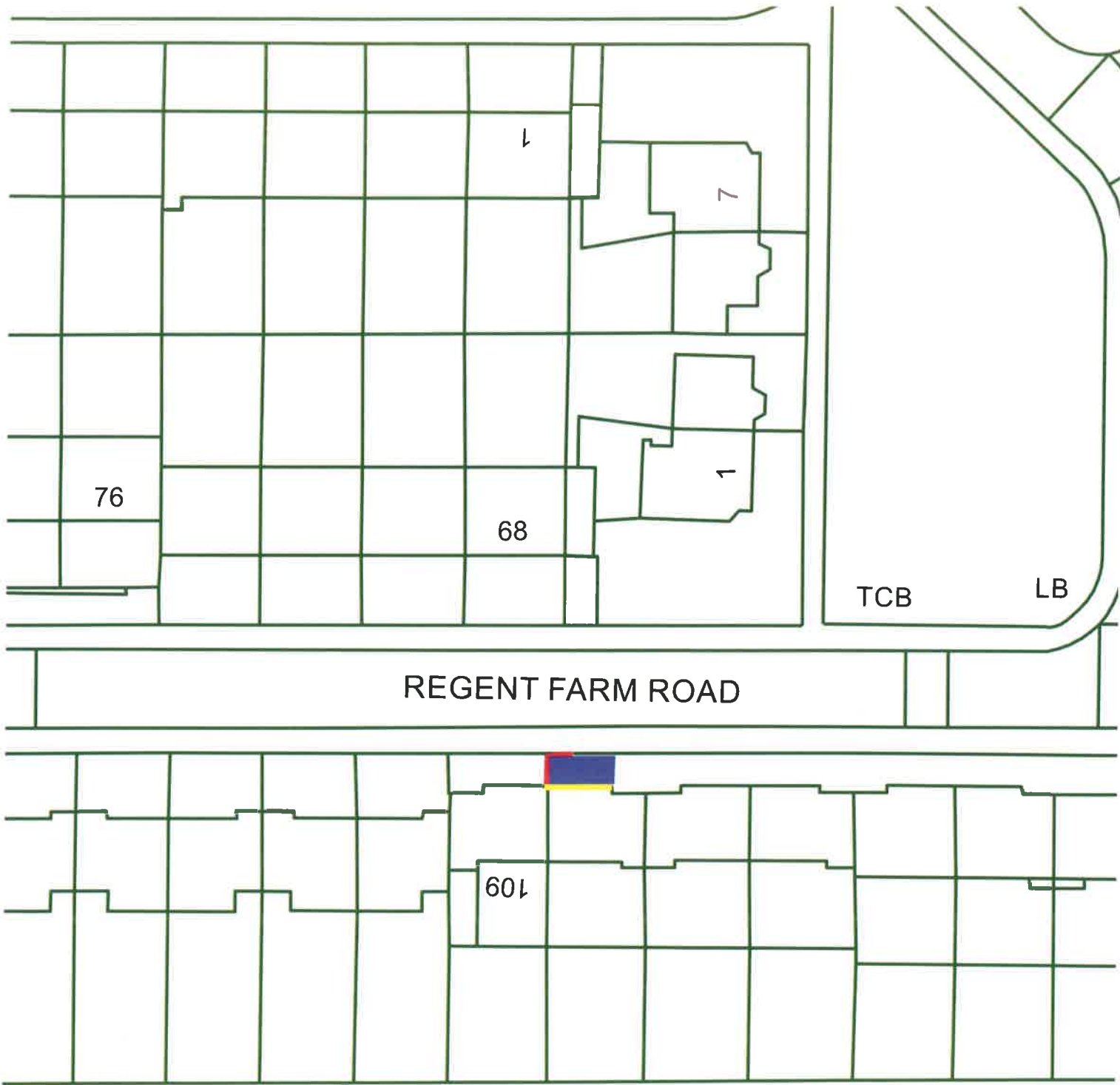
Newcastle  
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**PLAN 2**  
**107 Regent Farm Road, Newcastle upon Tyne,**  
**NE3 3HD**  
**2017/0109/MATCOU**

Newcastle  
 City Council



