

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 Holiday Inn, Jesmond Road, Newcastle upon Tyne NE2 1PR shown edged with a red line on the attached plan ("the Land")
3. **THE MATTERS WHICH APPEAR TO CONSTITUTE THE BREACH OF PLANNING CONTROL**

Without planning permission the erection of a 1.9m high fence, on top of an existing wall measuring 0.20 m in height (2.1m total height) covered with artificial grass exceeding 1 metre in height adjacent to highway at the location shown in red on the Plan ("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 four years.

The Council consider it expedient to enforce because of the reasons set out below:

The Development is considered detrimental to the visual amenity of the South Jesmond Conservation Area and is contrary to Core Strategy and Urban Core Plan Policy CS15, Newcastle upon Tyne Development and Allocations Plan 2015-2030 Policies DM15 and DM20 and the South Jesmond Conservation Area Character Statement

The fence, by virtue of its appearance, scale and siting, fails to protect or enhance the character and quality of the area and is visually unattractive. Furthermore, the fence does not integrate into its setting nor does it respond positively to local distinctiveness and character, which leads to degradation of the street scene and therefore causes harm to the character and appearance of the South Jesmond Conservation Area, without mitigating

public benefits. The fence is therefore contrary to paragraphs 127, 130 and 196 of the National Planning Policy Framework, Policy CS15 of the Core Strategy and Urban Core Plan, Policies DM15 and DM20 of the Newcastle upon Tyne Development and Allocations Plan (DAP) 2015-2030 and the South Jesmond Conservation Area Character Statement

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

The fence does not benefit from permitted development rights under Schedule 2, Part 2, Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015.

Despite reasonable timescales having been given by the Council work has not been carried out to date to remedy the breach

5. WHAT YOU ARE REQUIRED TO DO

- (i) Remove the fence and artificial grass and all fixtures and fittings in their entirety, the location of which is marked in blue on the attached Plan

Remove all waste/litter/materials/equipment and debris arising from compliance with paragraph 5 (i) to a reputable waste disposal site.

6. TIME FOR COMPLIANCE

TWO MONTHS after this Notice takes effect

7. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on 12 March 2021 unless an appeal is made against it beforehand.

Dated: 29 JANUARY 2021 [Date of issue]

Signed: J R Softly [Council's authorised officer]

J R Softly
Chief Legal Officer

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 £468 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:

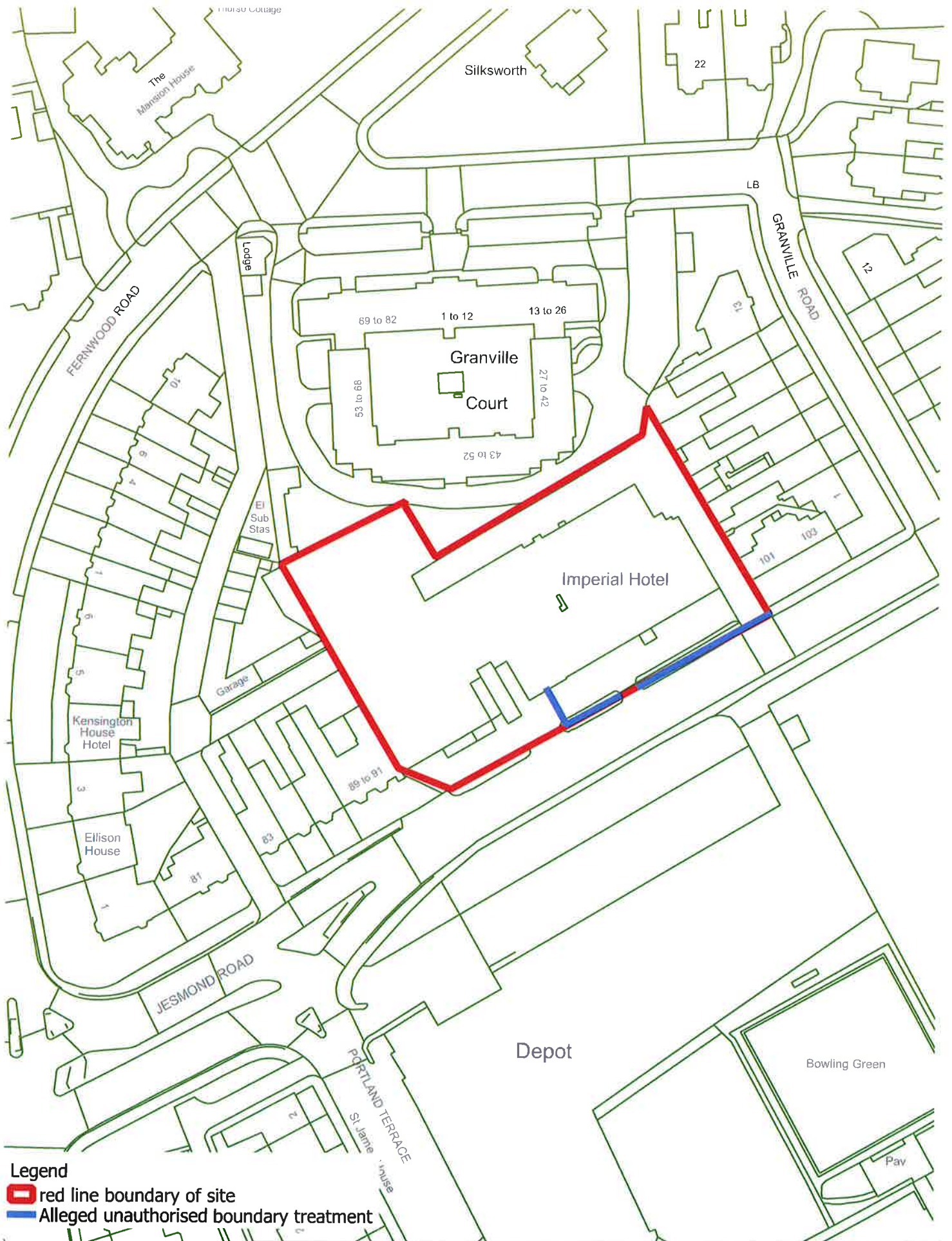
The Occupier

CHG (Newcastle) Limited – CHG House, 31-32 West Parade, Newcastle upon Tyne, NE4 7LB

Handelsbanken plc – 3 Thomas More Square, London, E1W 1WY **AND** 101 Barbirolli Square, Manchester, M2 3BG

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.



Legend

- ▭ red line boundary of site
- ▭ Alleged unauthorised boundary treatment

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 right [2020]. Ordnance Survey
 [100019569].

**Holiday Inn - Jesmond Road,
 Newcastle Upon Tyne, NE2 1PR**

2020/0199/OPDEV

Newcastle
 City Council 



CERTIFICATE OF SERVICE

SECTION 329 OF THE TOWN AND COUNTRY PLANNING ACT 1990

I, _____ of Civic Centre, Barras Bridge, Newcastle upon Tyne, NE99 2BN, hereby certify that I served The Occupier with a letter dated 29 January 2021, 3 copies of an enforcement notice of which this is a true copy, an information sheet from the Planning Inspectorate and a copy of section 171A to 177 Town and Country Planning Act 1990 by delivering it at _____ a.m./p.m. on the day of2021 to the address of:

Holiday Inn, Jesmond Road, Newcastle Upon Tyne, NE2 1PR

Dated the _____ day of _____ 2021

Signed:.....