

**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 822 Shields Road, Newcastle upon Tyne, NE6 4QN shown edged with a red line on attached plan ("Property")

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

Without planning permission: -

- i. The increase in height of the Eastern and Western Boundary walls to the rear yard by the erection of timber fencing on top of the walls.
- ii. The covering of the rear yard using plastic sheeting attached to a timber framed structure.
- iii. The enclosure of the external rear staircase using plastic sheeting attached to a timber framed structure.
- iv. The use of the existing single storey extension roof as outdoor amenity space.

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 works carried out, by virtue of their scale and design, introduce visually prominent features that are deemed harmful to the amenity of the locality. As such, the developments fail to accord with the National Planning Policy Framework, Policies DM20 and DM23 of the Development and Allocations Plan 2015-2030, and Policies CS14 and CS15 of Planning for the Future. Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne 2010-2030.

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

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

- (i) Remove all fencing, (including posts, fixtures and fittings) from the Eastern and Western boundaries of the rear yard.
- (ii) Remove the entire structure covering in the rear yard including all panels and the timber frame (including all fixtures and fittings.)
- (iii) Remove the entire structure enclosing the rear staircase including all panels, lighting and timber framework (including all fixtures and fittings.)
- (iv) Cease using the roof of the existing single storey extension as amenity space and additional storage. The small fence to the Southern end of the existing single storey extension roof should remain in place for safety reasons, with access to the roof only to be provided for maintenance purposes.
- (v) Remove from the land all materials, rubble or machinery used in connection with or resulting from compliance with steps (i) – (iv) above.

**6. TIME FOR COMPLIANCE**

Six MONTHS after this Notice takes effect

**7. WHEN THIS NOTICE TAKES EFFECT**

This Notice takes effect on 29 October 2021 unless an appeal is made against it beforehand.

Dated: 24 September 2021

[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 £412 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.

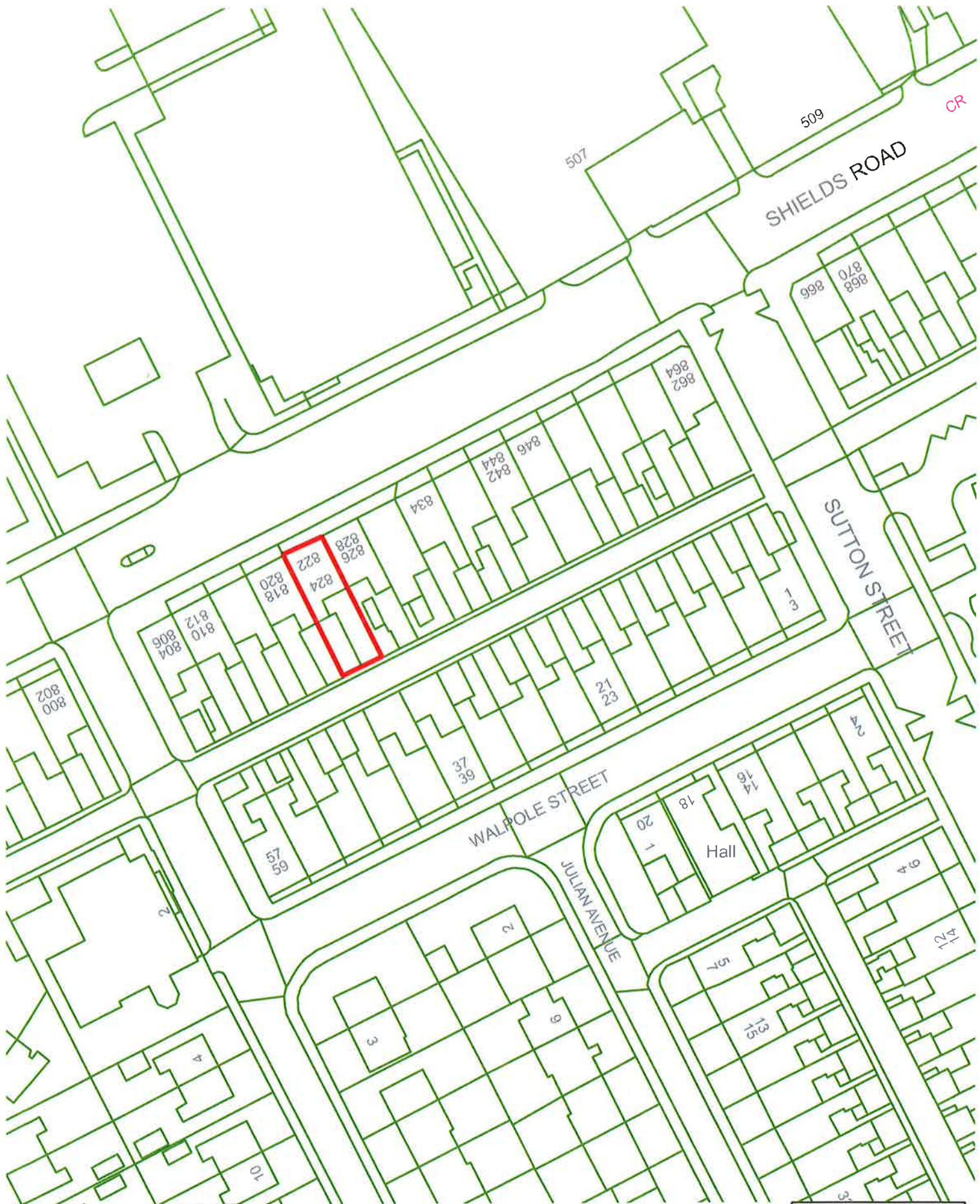
## **PARTIES SERVED WITH THE ENFORCEMENT NOTICE**

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

The Occupier, 822 Shields Road, Newcastle upon Tyne NE6 4QN  
Ilhan Ozcan, 116 Tennyson Court, Gateshead Tyne and Wear NE8 3NN  
Ufuk Domez, 252 Simonside Terrace, Newcastle upon Tyne NE6 5DR  
James Mei Fat Man, 822/824 Shields Road, Newcastle upon Tyne NE6 4QN  
Lloyds Bank plc, Pendeford Securities Centre, Pendeford Business Park, Wobaston Road,  
Wolverhampton WV9 5HZ

## **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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822 Shields Road  
Newcastle upon Tyne  
NE6 4QN

Newcastle  
City Council 

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