

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 404 Chillingham Road, Newcastle upon Tyne, NE6 5QX shown edged with a red line on attached plan ("the Premises")

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

Without planning permission, the erection of a timber extension to front

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 timber extension as a result of its scale, form, materials used and proximity to the boundary results in a visually obtrusive and incongruous feature in the street scene which is out of keeping with the character and appearance of the area contrary to DM20 of the Newcastle upon Tyne Development and Allocations Plan 2015-2030 and CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne 2010-30.

The addition of the timber extension does not protect the character of the existing building and surrounding area with regards to design, scale and materials used and furthermore creates an additional area within the premises for the provision of food and drink which will result in an unacceptable impact on residential amenity for the adjacent property contrary to DM23 of the Newcastle upon Tyne Development and Allocations Plan 2015-2030 and CS14 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne 2010-30.

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

5. WHAT YOU ARE REQUIRED TO DO

- (i) Remove the front timber extension in its entirety including all fixtures and fittings

6. TIME FOR COMPLIANCE

2 (TWO) MONTHS after this Notice takes effect

7. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on 5 April 2022 unless an appeal is made against it beforehand.

Dated: 28 February 2022 [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 £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, 404 Chillingham Road, Newcastle upon Tyne NE6 5QZ

The Company Secretary, Ballentine Properties Ltd, 117 Cedar Road, Fenham, NE4 9PE

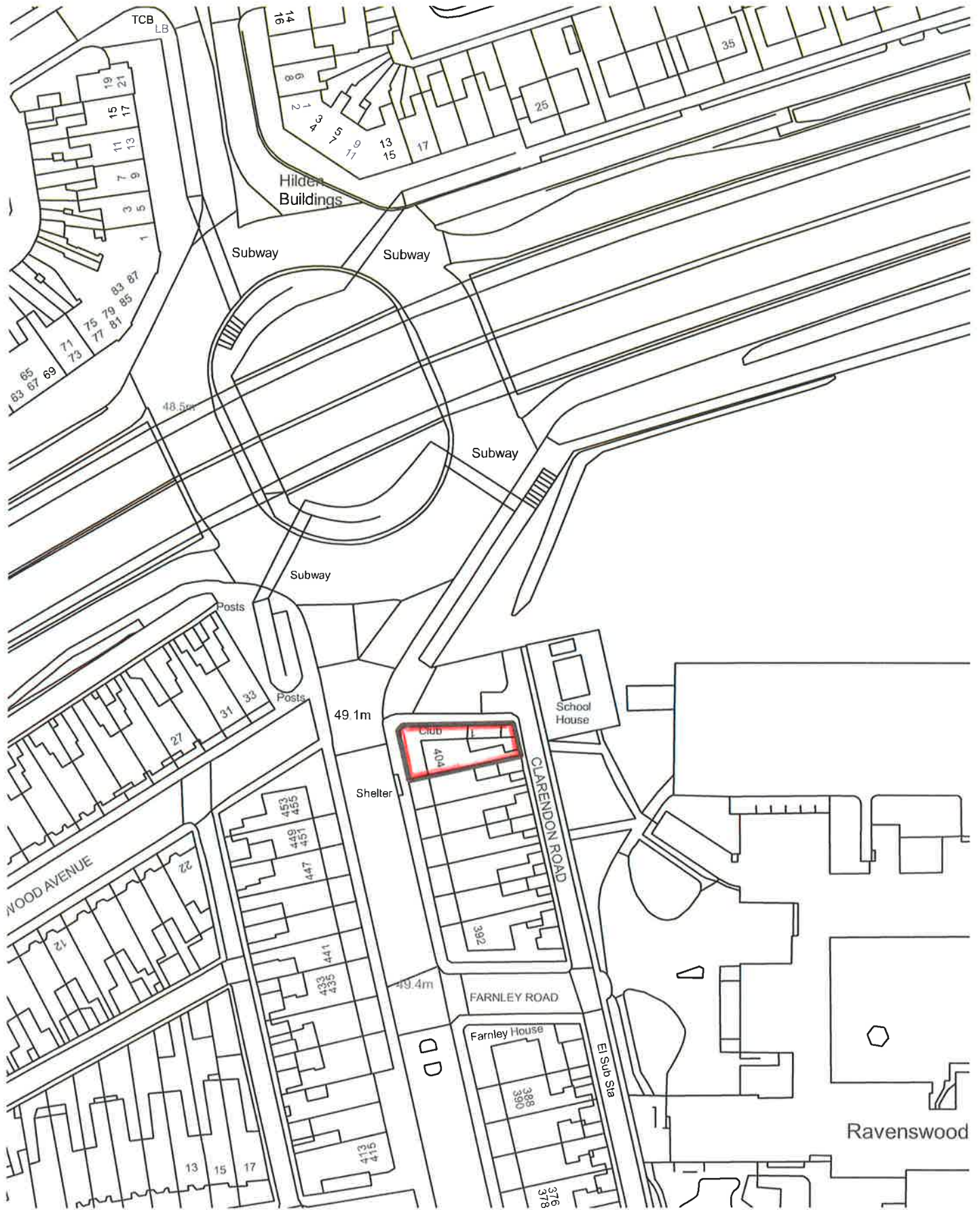
Shaban Suleman, Ballentine Properties, 77 Francis Road, Edgbaston, Birmingham, B16 8SP

Khashayar Shabani Samghabadi, Azzurri NE Ltd, 404 Chillingham Road, Newcastle upon Tyne, NE6 5QZ

Unity Trust Bank Plc, 4 Brindley Place, Birmingham, B1 2JB

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.



Published By Planning
 Date: 20/12/2021
 Scale @A4 : 1:2000
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 [100019569].

2021/0327/OPDEV
 404 Chillingham Road, Newcastle upon Tyne, NE5 5QX

Newcastle
 City Council