



NEWARK & SHERWOOD *DISTRICT COUNCIL*

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: Newark and Sherwood District Council (the Council)

Address of Occupier/ Owner

Ms L A Bower
5 Castle View
Tolney Lane
Newark

Ms N E Calladine
The Ark Bungalow
Tolney Lane
Newark

Mr T P Dolan
40 Trinity Road
Newark
Notts

Mr G H Smith
The Caravan
Railway Cottage
Swineshead Bridge
Boston

Ms C A Smith
15 Masefield Crescent
Balderton
Newark

Address of other

Any other owner/ occupier

Ms L M England
7 Cavendish Avenue
Newark
Notts

Mr J Lamb
Admirals Yard
Rotherside Road
Eckington
Sheffield
S21 4HL

1. **THIS NOTICE** is issued by the Council because it appears to them that there has been a breach of planning control, within paragraph (a) of section 171A(1) 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 to the north west side of Winthorpe Road, Newark, Nottinghamshire shown ("the Land")." shown hatched on the attached Plan.

3. **THE MATTERS WHICH APPEAR TO CONSTITUTE THE BREACH OF PLANNING CONTROL**
Without planning permission, the material change of use of land to residential occupation including the stationing of caravans and the erection of a structure.

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 development represents a highly vulnerable development that would be located within Flood Zone 2 (medium probability of flooding) and therefore should not be permitted in accordance with the National Planning Policy Framework and the PPG. There has been no Sequential and Exception Tests in this case.

 - There has therefore been no assessment as to whether there are any reasonably available alternative sites for this use at lesser risk of flooding or whether flood risk could be acceptably mitigated against eg. Flood evacuation.

 - In the opinion of the Local Planning Authority, the development would therefore place both the occupants of the site and the wider area at risk from flooding and be contrary to the National Planning Policy Framework and the Planning Practice Guidance, Core Policies

5 and 10 of the Newark and Sherwood Core Strategy and Policy DM5 of the Allocations and Development Management DPD. There are no other planning reasons (including the excepted lack of availability of allocated gypsy & traveller sites) that would justify in planning terms highly vulnerable uses in an area at risk of flooding.

5. WHAT YOU ARE REQUIRED TO DO

- A. Cease the use of the 'land' for residential occupation.
- B. Remove from the land all caravans and residential 'paraphernalia' including all structures and any planting that has been undertaken on the land.
- C. Remove from the land, the structure marked 'X' on the attached plan.

6. TIME FOR COMPLIANCE

- A. 56 day after this notice takes effect.
- B. 58 days after this notice takes effect.
- C. 63 days after this notice takes effect.

7. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on 16th March 2018, unless an appeal is made against it beforehand.

Dated: 15th February 2018

Signed: 

On behalf of:
Newark and Sherwood District Council

Castle House

Great Northern Road

Newark

Nottinghamshire

NG24 1BY

Annex

Your Right Of Appeal

You can appeal against this enforcement notice, but any appeal must be received by the Planning Inspectorate (or be posted or electronically communicated at such time that, in the ordinary course of post or transmission, it would be delivered to the planning inspectorate) before the date specified within paragraph 7 of the notice.

If you want to appeal against this enforcement notice you can do it;

- Online at the Planning Casework Service Area of the Planning Portal (www.planningportal.gov.uk/pcs).
- By getting enforcement appeal forms from the Planning Inspectorate on 0117 372 6372 or by Emailing the Planning Inspectorate at enquiries@pins.gsi.gov.uk.

In exceptional circumstances you may give notice of appeal by fax or letter. You should include;

- The name of the planning authority.
- The Site address.
- Your address.
- The effective date of the enforcement notice.

This should immediately be followed by your completed appeal forms.

The Planning Inspectorate's address and contact details are as follows;

The Planning Inspectorate

CST Room 3/05

Temple Quay House

2 The Square

Bristol

BS1 6PN

Please Note: Under Section 174 of the TCPA 1990 you may appeal on one or more of the following grounds 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.

- Those matters have not occurred.
- Those matters (if they have occurred) do not constitute a breach of planning control.
- At the date that 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.
- Copies of the enforcement notice were not served as required by section 172 of the TCPA 1990.
- The steps required by the notice to be taken, or the activities required by the notice to cease, exceed what is necessary to remedy the 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 such breach.
- Any period specified in the notice in accordance with section 173(9) of the TCPA 1990 falls short of what should be reasonably allowed.

Not all of these grounds may be relevant to you.

If you appeal under ground (a) of section 174(2) of the TCPA 1990 this is the equivalent of applying for planning permission for the development alleged in the notice and you will have to pay a fee. You should pay the fee to Newark and Sherwood District Council.

If you decide to appeal, you should state in writing the ground(s) on which you are appealing against the enforcement notice and you should state briefly the facts on which you intend to rely in support of each of those grounds. If you do not do this when you make your appeal the Secretary of State will send you a notice requiring you to do so within 14 days.

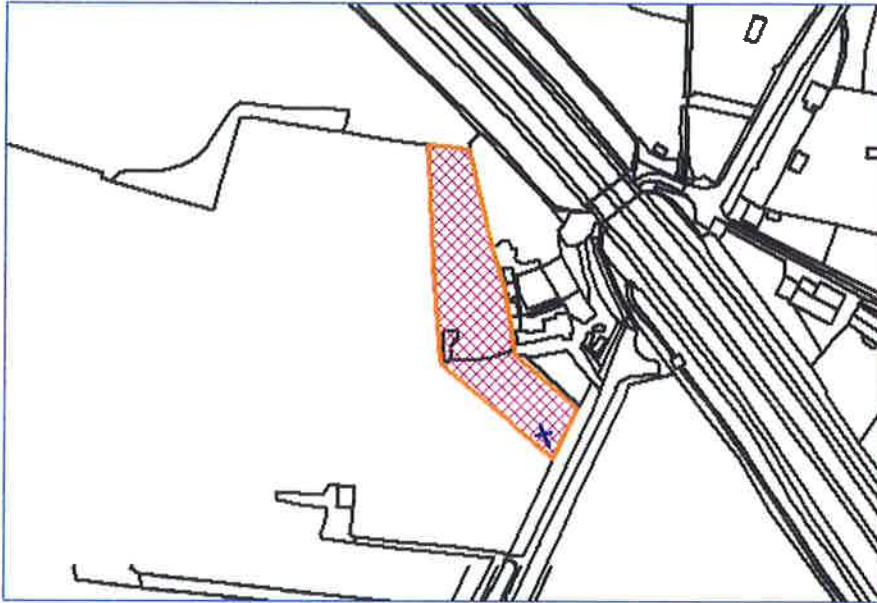
WHAT HAPPENS IF YOU DO NOT APPEAL

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 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.

Planning Enforcement Notice

Plan relating to Land at "Land on the north west side of Winthorpe Road, Newark, Nottinghamshire shown ("the Land").



Please note that this plan and the outline of your Land hatched shows the general position, not the exact line of the boundaries. It may be subject to distortions in scale.

