

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 Northumberland National Park Authority

1. THIS NOTICE is issued by the Northumberland National Park Authority because it appears to them that there has been a breach of planning control, within paragraph (a) of section 171A (1) of the Act above, 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 letter that accompanies the notice and the enclosures to which it refers contain important additional information.
2. THE LAND TO WHICH THIS NOTICE RELATES
Land at The Badger, Swindon, Sharperton, Morpeth, Northumberland, NE65 7AP, shown edged red on the attached plan.
3. THE MATTERS WHICH APPEAR TO CONSTITUTE THE BREACH OF PLANNING CONTROL
Without planning permission, the change of use from agricultural land (shown edged in red on the attached plan) to residential garden.
4. REASONS FOR ISSUING THIS NOTICE
It appears to the Authority that the above breach of planning control has occurred within the last ten years.

The use of the land as private garden is visually intrusive and detrimental to the outstanding natural beauty of this part of the Northumberland National Park contrary to: (1) Policies 3 and 20 of the Local Development Framework Core Strategy and Development Policies. (2) Paragraphs 15 and 21 of Planning Policy Statement 7: Sustainable Development in Rural Areas. (3) Policies 2(g), 8(b), (c), (d) and 31(a), (b) of the North East of England Regional Spatial Strategy to 2021.

A retrospective planning application to retain the use of the land was refused on 18 June 2008. An appeal was submitted to the Planning Inspectorate against that decision (Appeal Ref. APP/T9501/A/08/2084466). That appeal was dismissed on 24 February 2009.

5. WHAT ARE YOU REQUIRED TO DO

Cease the use of the land edged red on the attached plan as residential garden, remove the timber fence between points 'x' and 'y' on the attached plan, and return the land to its former condition as pasture.

6. TIME FOR COMPLIANCE

12 weeks after this notice takes effect.

7. WHEN THIS TAKES EFFECT

This notice takes effect on 22 February 2010 , unless an appeal is made against it beforehand.

Dated: 22 January 2010

Signed:



On behalf of: The Northumberland National Park Authority

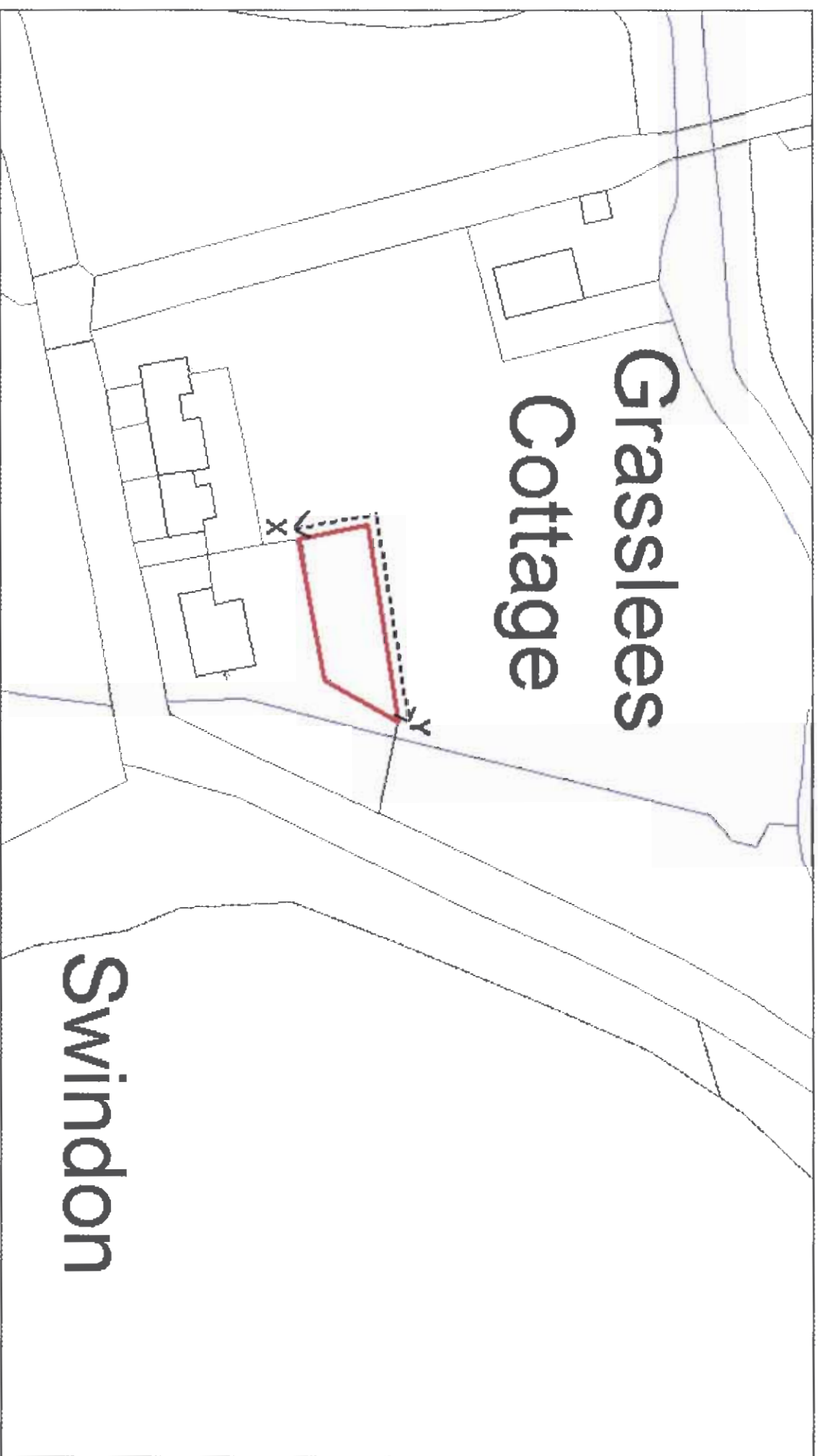
The Badger, Swindon

Compiled by Northumberland National Park Authority on 21 January 2010

Scale 1:1 000



Northumberland National Park Authority



IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY

Town and Country Planning Act 1990 as amended.

Enforcement Notice relating to land at The Badger, Swindon, Sharperton, Morpeth, Northumberland, NE65 7AP

This local planning authority, the Northumberland National Park Authority, has issued an enforcement notice relating to the above land and I now serve you a copy of that notice as you have an interest in the land.

There is a right of appeal to the Secretary of State (at the Planning Inspectorate) against the notice. Unless an appeal is made, as described below, the notice will take effect on **22 February 2010** and you must then ensure that the required steps, for which you may be held responsible, are taken within the period specified and in the notice.

Please see the enclosed information sheet from the Planning Inspectorate which tells you how to make an appeal.

If you decide that you want to appeal against the enforcement notice you must ensure that you send your appeal soon enough that normally it will be delivered by post/electronic transmission to the Secretary of State (at the Planning Inspectorate) **before** 22 February 2010.

Under section 174 of the Town and Country Planning Act of 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 as 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.

Not all of these grounds may be relevant to you.

If you appeal under Ground (a) of section 174(2) of the Town and Country Planning Act of 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 of £770.00. You should pay half of the fee (£335.00) to the Northumberland National Park Authority (made payable to the Northumberland National Park Authority) and the other half of the fee to the Planning Inspectorate (made payable to the Department for Communities and Local Government). Joint appellants need only pay one set of fees.

If you decide to appeal, when you submit it, 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. But 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 fourteen days.

Parties on whom the enforcement notice has been served:

William G. Pickering, 7 Moor Place, Gosforth



The Planning Inspectorate

CST Room 3/05
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

Direct Line 0117-372 6372

Switchboard 0117-372 8000

Fax No 0117-372 8782

www.planning-inspectorate.gov.uk

THIS IS IMPORTANT

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

- on-line at the Planning Casework Service area of the Planning Portal (www.planningportal.gov.uk/pcs); or
- by getting enforcement appeal forms by phoning us on 0117 372 6372 or by emailing us enquiries@pins.gsi.gov.uk

You MUST make sure that we receive your appeal before the effective date on the enforcement notice.

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

- the name of the local planning authority;
- the site address;
- your address; and
- the effective date of the enforcement notice.

We MUST receive this before the effective date on the enforcement notice. This should **immediately** be followed by your completed appeal forms.