

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 DISTRICT COUNCIL OF FOLKESTONE & HYTHE

- 1. THIS IS A FORMAL NOTICE** issued by The District Council of Folkestone & Hythe ("the Council") because it appears to the Council, being the local planning authority for the purposes of section 172 of the Town and County Planning Act 1990 ("the Act"), that there has been a breach of planning control, within paragraph (a) of section 171A (1) of the Act in respect of the Land described below.

The Council considers 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. LAND TO WHICH THIS NOTICE RELATES**

Flat C 6 Earls Avenue Folkestone Kent CT20 2HW

- 3. THE MATTER(S) WHICH APPEAR TO CONSTITUTE THE BREACH OF PLANNING CONTROL**

Without planning permission the removal of original timber windows and installation of replacement Upvc windows to the front, side and rear elevations.

- 4. REASONS FOR ISSUING THIS NOTICE**

The reason(s) the Council considers it expedient to issue this Notice are:-

The replacement windows, by virtue of their design, materials, profile and appearance are unsympathetic and harmful to the character and appearance of the host building and the conservation area and fail to preserve or enhance the character and appearance of the streetscene. As such the proposal is contrary to Policies HB1, HB2 and HB8 Places and Policies Local Plan Submission Draft, Saved Policies SD1, BE1, BE4 and BE8 of the Shepway District Local Plan Review and policy DSD of the Shepway Core Strategy Local Plan and the PPG and National Planning Policy Framework 2018, which seek to ensure a high standard of design and materials that respect the character of Conservation Areas.

It appears to the Council that the above breach of planning control has occurred within the last four (4) years.

5. WHAT YOU ARE REQUIRED TO DO

In order to comply with this Notice you are required to:

- 1 Remove the uPVC windows at the second floor to the front, side and rear elevations.
- 2 Install replacement timber windows to match the previous windows that were removed without planning permission.
- 3 Remove all waste materials resultant from the works from the land

6. TIME FOR COMPLIANCE

The period for compliance with the steps set out in paragraph 5 is;

6 month after this notice takes effect.

7. WHEN THIS NOTICE TAKES EFFECTIVE

This Notice takes effect on **26th June 2019** unless an appeal is made against it beforehand.

Dated: 14.05.2019

Signed:



Lisette Patching
Development Management Manager

on behalf of

The District Council of Folkestone & Hythe
Civic Centre
Castle Hill Avenue
Folkestone
Kent CT20 2QY

ANNEX

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 26th June 2019.

Appeal forms can be obtained from the Planning Inspectorate Customer Service Team on 0117 372 6372, E-Mail enquiries@pins.gsi.gov.uk

Information and guidance regarding how to submit an appeal is also available on The Planning Inspectorate website, which can be accessed by using the link :- www.planning-inspectorate.gov.uk

You can submit your appeal online using the Planning Portal website at www.planningportal.gov.uk/pcs.

Please note that a separate appeal form must be completed for each Individual person or organisation on whom this Notice is served.

WHAT HAPPENS IF YOU DO NOT APPEAL

If you do not appeal against this enforcement Notice, it will take effect on **26th June 2019** 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 the Notice.

Failure to comply with an enforcement Notice which has taken effect can result in prosecution and/or remedial action by the Council.

FURTHER EXPLANTORY NOTE

You should read these notes carefully before submitting an appeal.

Town and Country Planning Act, 1990 – Enforcement Notices

- (1) The following provisions of the Town and Country Planning Act, 1990 relate to the Enforcement Notice accompanying this note.

Section 171A – Defines what constitutes a breach of planning control and what action can be taken to deal with a breach of planning control.

Section 171B – Defines the time limits relating to a breach of planning control, i.e. 4 years for a breach consisting of the carrying out of building or engineering operations on land and for use of any building as a single dwellinghouse and 10 years for any other breach including an unauthorised use of land and breach of a condition attached to a planning consent.

Section 172 – Provides the powers to a local planning authority to issue an Enforcement Notice.

Section 173 – Sets out what information an Enforcement Notice must contain including the steps which the authority requires to be taken or the activities which the authority requires to cease, in order to deal with the breach. Also, the Notice should include the date on which the Notice takes effect and the period in which the breach must be dealt with.

Section 174 – Sets out the rights of appeal and the grounds on which an appeal can be submitted.

The grounds of appeal are:-

- (a) that planning permission should be granted for the breach of planning control set out in the Notice;
- (b) that the breach has not occurred;
- (c) that the matters set out in the Notice do not constitute a breach;
- (d) that the breach is immune from enforcement action as it has occurred outside the time limits in Section 171B (above) and is therefore 'lawful';
- (e) that service of the Notices did not comply with the rules laid down i.e. it was not served on all owners and occupiers of the land and all persons having an interest in the land
- (f) that the steps required by the Notice are excessive
- (g) that the period for compliance is unreasonably short

NB: Not all of these grounds may be relevant to you.

Section 175 – Gives the Secretary of State power to make regulations on the procedure for the submission of appeals. Also provides that if an appeal is submitted the Notice will have no effect until the appeal is determined or withdrawn.

Section 176 – Sets out the powers of the Secretary of State to determine appeals including the power to vary Notices and to overlook procedural defects in the service of the Notice in cases where no one has been prejudiced.

Section 177 – Sets out the powers of the Secretary of State to grant planning permission on enforcement appeals for the matters on which the Notice is based or to discharge the condition(s) which are the subject of the appeal.

- (2) Any appeal submitted must be made in writing and must specify the grounds on which it is brought (as set out in Section 174). Any appeal must be made before the date in the Notice on which it comes into effect. If it is made by post it must be in a properly addressed in a pre-paid letter posted in time for it to be delivered before the date on which the Notice comes into effect. Appeals can also be made on-line through the Planning Portal using the Planning Casework Service at www.planningportal.gov.uk/pcs.
- (3) Appeal forms can be obtained from the Planning Inspectorate through the Customer Service Team on 0117 372 6372, e-mail enquiries@pins.gsi.gov.uk.
- (4) The fee for submitting an appeal against the Notice can be confirmed by the Planning Inspectorate.
- (5) When submitting the appeal you should specify the grounds and state briefly the facts on which you are relying on to support each of the grounds stated. If you do not supply sufficient information you will be notified by the Secretary of State and given 14 days to supply further information.
- (6) The Notice has been served on the following persons:-

Gillian Mary Curtis

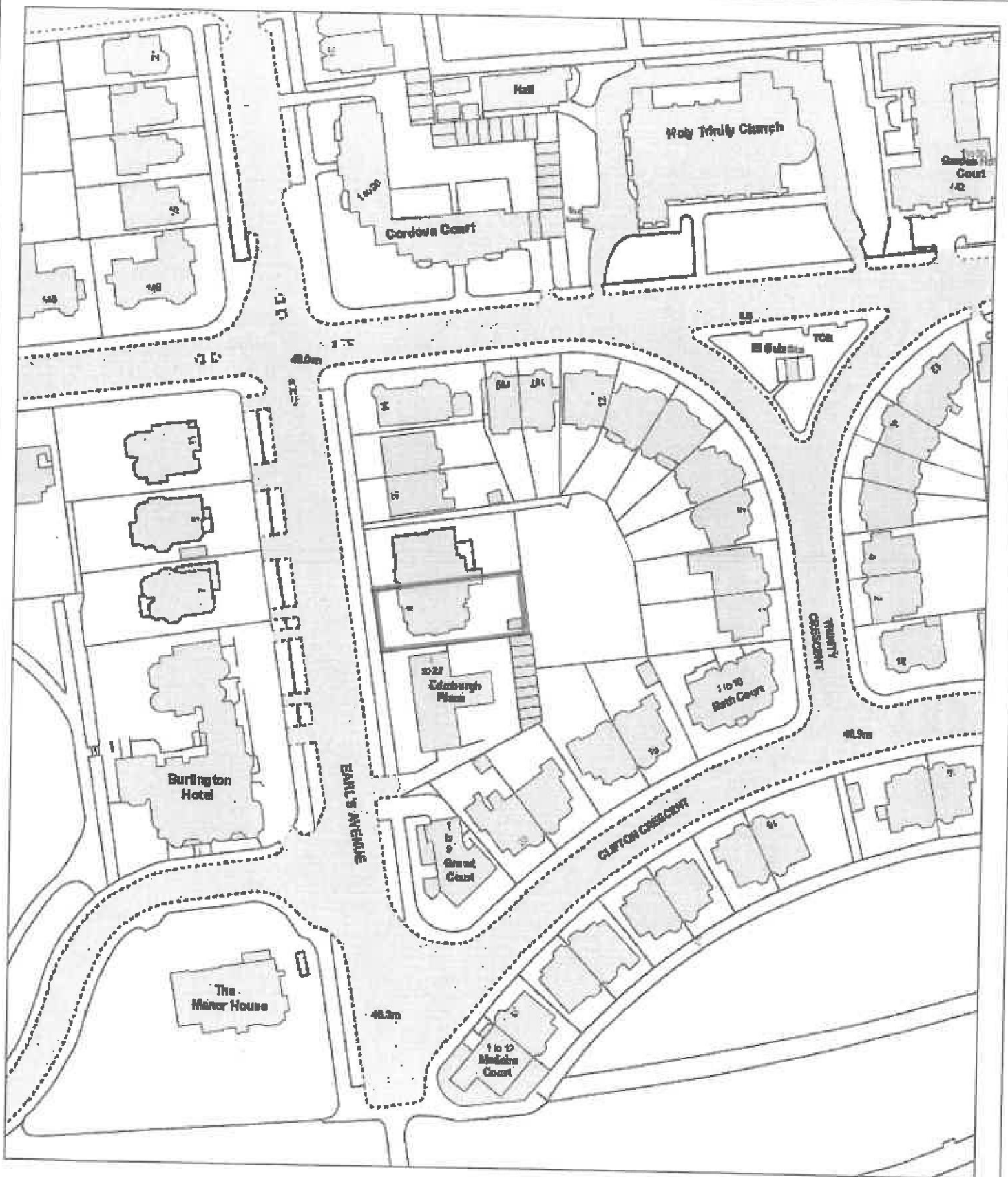
Russell Thomas Lee

Mrs Melita Denise Godden

5JH

^ST.DIPLINK;

Shepway Web Map



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Drawn at
1: 1,250 on A4

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Folkestone & Hythe District Council 100019677 - 2019

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