

From: Niamh Bonner
Sent: 07 September 2018 14:54
To: '
Subject: Land at Leas Farm Pickering

Dear Mr Robson

I write in relation to the above referenced site. I am aware that the building works have significantly commenced despite the precommencement conditions not having being discharged. I have been advised by the Officer validating this application that they had made contact with you initially to advise you that you had not applied to discharge all the necessary precommencement conditions, but only some. They are I believe awaiting a response in this matter.

I have undertaken an enforcement visit at this site, as we have received a complaint and it appears that the building has not been erected in the correct location. Both the plans for the Outline and Reserved Matters application (excerpts below) indicated that the dwelling would be situated within a specific red line area. This red lined area would be positioned at c13.97m inset from the southern boundary of the land in your client's ownership. The proposed site plan (Drawing no. 11141-02) illustrates that the dwelling would also be inset a minimum of c2.6m from the southern boundary of the red lined area at the south western corner of the building.

On site, I measured this and the dwelling is positioned c5.6/5.7-6.0m from this shared boundary at various points, rather than the c16.6m minimum indicated on the plans. I could not confirm this from other points of reference to the north, but this is clear when measuring from the southern boundary of the site.

I do believe that the development cannot be considered lawful and therefore any work is being carried at your own risk. In this instance, I cannot recommend you submit an application under Section 73A of the Town and Country Planning Act to vary the approved plans under the previous application in relation to the siting of the building as this building would not fall within the same red line. I would therefore recommend you apply for a full new planning application, which will be considered retrospectively, subject to neighbour consultation and full advertising. Any revised proposal will be considered in light of local and national planning policy. The determination of this application will not be influenced by the works having commenced. I would suggest that in the determination period of this application, you submit the information requested for the discharge of conditions application, as we will not be able to attach standard precommencement conditions. Please confirm whether you intend to submit this application as recommended within 7 days of the receipt of this email.

You are put on notice that if you fail to respond to this letter and continue the suspected breach of planning control the local planning authority may issue an enforcement notice under section 172 of the Town and Country Planning Act 1990 as amended requiring the breach or any injury to amenity to be remedied. It is an offence not to comply with an enforcement notice, once the period for compliance has elapsed, and there is no outstanding appeal. A person guilty of an offence of not complying with an enforcement notice is liable on conviction to an unlimited fine. In determining the amount of any fine, the Court is to have regard to any financial benefit which has been accrued or appears likely to accrue in consequence of the offence ([section 179 of the Town and Country Planning Act 1990](#)).

Please do get in contact if you require any clarification on this matter.

Regards

Niamh Bonner | Specialist: Place