

**IMPORTANT: THIS COMMUNICATION AFFECTS YOUR PROPERTY**

**TOWN AND COUNTRY PLANNING ACT 1990  
(as amended by the Planning and Compensation Act 1991)**

**BREACH OF CONDITION NOTICE**

**Issued by:** OLDHAM BOROUGH COUNCIL ("The Council")

**To:** Mr Abdul Ali of 275 Featherstall Road North, Oldham, OL1 2NJ

1. **This is a formal notice** which is issued by the Council, under Section 187A of the above Act, because they consider that a condition imposed on a grant of planning permission, relating to the land described below, has not been complied with. They consider that you should be required to secure compliance with the condition specified in this notice.

2. **The land affected by the notice**

The property at 275 Featherstall Road North, Oldham, OL1 2NJ, shown edged in red on the attached plan.

3. **The relevant planning permission**

The relevant planning permission to which this notice relates is the permission granted by the Council on 8<sup>th</sup> July 2003 for the change of use of ground floor residential dwelling to mixed retail/sale and preparation of sweet products subject to the following conditions: -

.....

3. The premises shall be used to manufacture and retail sale of sweet products only and no other purpose (including any other purpose in class A3 of the Schedule to the Town and County Planning (Use Classes Order 1987) or in any provision equivalent to the class in any statutory instrument amending or replacing that order. (Planning Ref. PA/044648/03).

.....

4. **The breach of condition**

The following condition has not been complied with -

The premises shall be used to manufacture and retail sale of sweet products only and no other purpose (including any other purpose in class A3 of the Schedule to the Town and County Planning (Use Classes Order 1987) or in any provision equivalent to the class in any statutory instrument amending or replacing that order. (Planning Ref. PA/044648/03). It has been breached as the premises have been used as a hot food takeaway (class A5) to customers.

5. **What you are required to do**

As the person responsible for the breach of condition specified in paragraph 4 of this notice, you are required to secure compliance with the stated condition by taking the following steps:-

Cease the use of the premises as a hot food takeaway (class A5) by customers, in compliance with condition 3 of planning permission PA/044640/03 referred to in paragraph 3 above.

Time for compliance: - 30 days beginning with the day on which this notice is served on you.

6. **When this notice takes effect**

This notice takes effect *immediately* it is served on you or you receive it by postal delivery.

Dated: 20/3/09

Signed: *Alan Evans*  
[Council's authorised officer)

On behalf of: OLDHAM BOROUGH COUNCIL

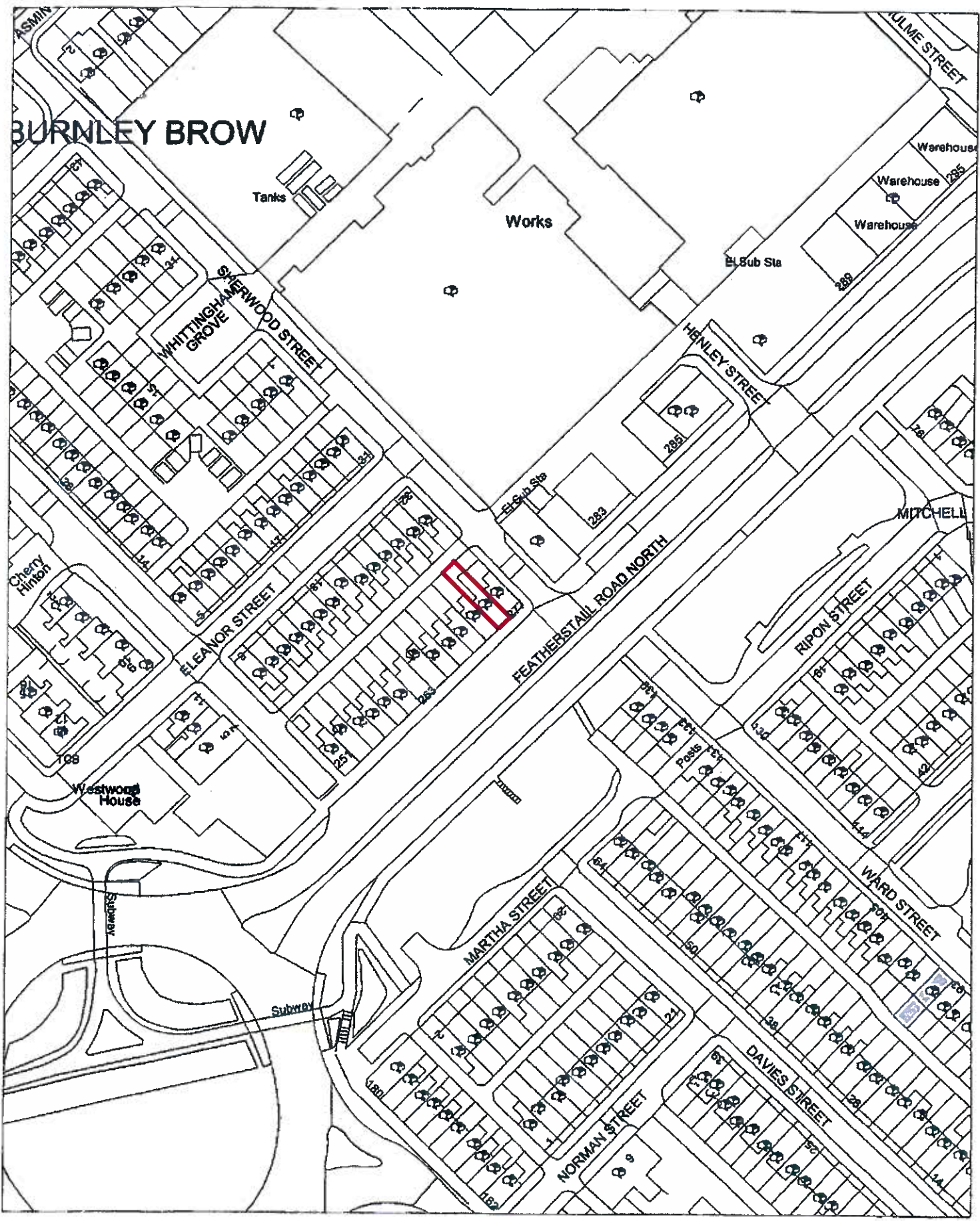
**WARNING**

**There is no right of appeal against this notice.**

It is an offence to contravene the requirements stated in paragraph 5 of this notice after the end of the compliance period. You will then be at risk of **immediate prosecution** in the Magistrates' Court, for which the maximum penalty is £1,000 for a first offence and for any subsequent offence. If you are in any doubt about what this notice requires you to do, you should get in touch *immediately* with S Hussain at Oldham MBC Civic Centre, West Street, Oldham, OL1 1UL Telephone 0161 770 1350.

If you need independent advice about this notice, you are advised to urgently contact a lawyer, planning consultant or other professional adviser specialising in planning matters. If you wish to contest the validity of the notice, you may only do so by an application to the High Court for judicial review. A lawyer will advise you on what this procedure involves.

**Do not leave your response to the last minute.**



TOWN AND COUNTRY PLANNING ACT 1990  
BREACH OF CONDITION NOTICE

Planning Application Reference: PA/055968/08

Location: 275 FEATHERSTALL ROAD, OLDHAM

*Alan Evans* 20/3/09



1:1250

**OLDHAM**   
Metropolitan Borough

**Environmental Services**

Acting Executive Director John Hurst MBEH  
Civic Centre PO Box 30 West Street Oldham OL1 1UG

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