

IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY
 TOWN AND COUNTRY PLANNING ACT 1990
 (as amended by the Planning and Compensation Act 1991)

STOP NOTICE

ISSUED BY: OLDHAM BOROUGH COUNCIL (“the Council”)

To: Mr. Rajah Miah 128 Rochdale Road, Royton, Oldham OL2 6QF

1. On 29th July 2005 the Council issued an enforcement notice (a copy of which is attached to this notice) alleging that there has been a breach of planning control on 128 Rochdale Road Royton Oldham

2. **This Notice** is issued by the Council, in exercise of their power in Section 183 of the 1990 Act, because they consider it expedient that the activity specified in this notice should cease before the expiry of the period allowed for compliance with the requirements of the enforcement notice on the land described in paragraph 3 below. The Council now prohibit the carrying out of the activity specified in this notice. **Important additional information is given in the annex to this notice.**

3. **The Land To Which This Notice Relates**

Land at 128 Rochdale Road Royton Oldham, shown edged red on the attached plan.

4. **Activity To Which This Notice Relates**

Use of 128 Rochdale Road, Royton, Oldham as a café/Restaurant and Hot Food Takeaway without planning permission.

5. **What You Are Required To Do**


Cease all the activity specified in this notice.

6. **When This Notice Takes Effect**

This notice takes effect on 1st August 2005 when all the activity specified in this notice shall cease.

Dated: 29th July 2005

Signed

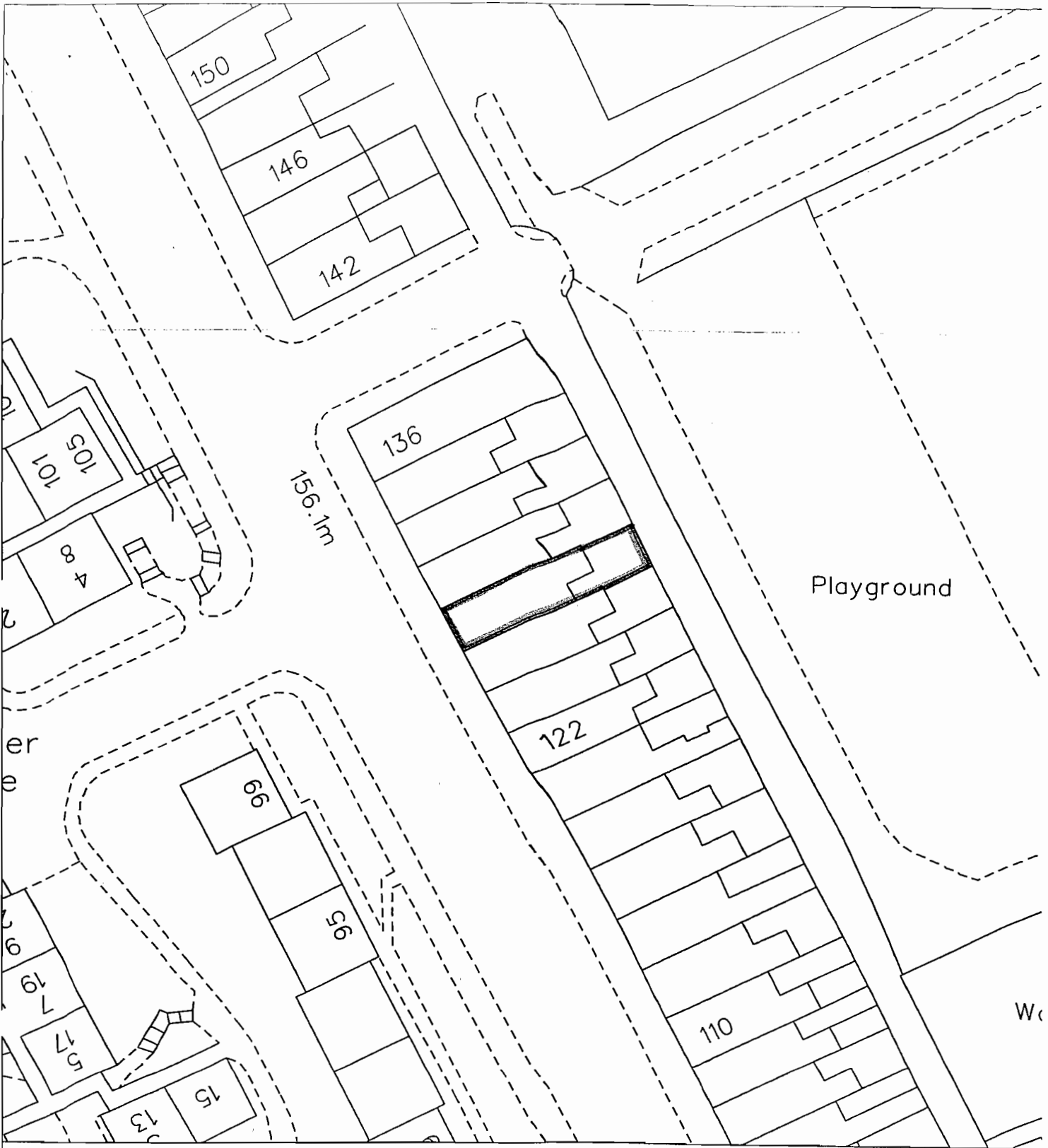

 Aileen M Johnson
 Solicitor to the Council
 Council's Authorised Officer

On behalf of Oldham Borough Council
 Civic Centre
 West Street, Oldham

ANNEX

Warning this notice takes effect of the date specified in Paragraph 6. There is no right of appeal to the Secretary of State for The Environment against this notice.

It is an offence to contravene a stop notice after a site notice has been displayed or the stop notice has been served on you. (Section 187(1) of the 1990 Act). If you fail to comply with the stop notice you will be at risk of immediate prosecution in the Magistrates Court for which the maximum penalty £20,000 on summary conviction is for a first offence and for any subsequent offence. The fine on conviction on indictment is unlimited. If you are in any doubt about what this notice requires you to do, you should get in touch **immediately** with Elizabeth Frier on 0161 911-4837. If you need independent advice about this notice you are advised to contact urgently 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.



ENFORCEMENT AND STOP NOTICES

Unauthorised Change of Use to Cafe / Restaurant and Hot Food Takeaway
 128 Rochdale Road, Royton

Plan referred to in an ^{2 stop} Enforcement Notice under
 my hand dated: ... 29/07/05 ...

Signed: ... [Redacted Signature] ...

OLDHAM 
 Metropolitan Borough

Environmental Service
 Executive Director: Tom Flanagan Phd B.Eng (Hons) C.Eng MICE M
 Civic Centre PO Box 30 West Street Oldham OL1 1

Prepared by: Support Services - ICT Te:

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: OLDHAM BOROUGH COUNCIL ("the Council")

1. THIS IS A FORMAL NOTICE which is issued by the Council because it appears to them that there has been breach of planning control, under section 171A(1)(a) 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.

2. THE LAND AFFECTED

128 Rochdale Road, Royton, Oldham shown edged red on the attached plan ("the land").

3. THE BREACH OF PLANNING CONTROL ALLEGED

Without planning permission, change of use, of the land from dwellings to café/restaurant and hot food takeaway.

4. REASONS FOR ISSUING THIS NOTICE

It appears to the Council that the above breach of planning control has occurred within the last 10 years. The proposed change of use to a café/restaurant and hot food takeaway at ground floor would, by reason of the level of activity likely to be generated by the use especially during the evenings, create significant levels of noise and disturbance, cooking odours and litter which would adversely affect the amenities of the occupiers of nearby residential properties. The proposal would therefore be contrary to Policy S1.6 of the Adopted Unitary Development Plan.

The additional on-street parking and manoeuvring of vehicles generated by this development within the Rochdale Road highway and other nearby highways will be detrimental to the safety of other highway users. The proposal would therefore be contrary to Policy S1.6 of the Adopted Unitary Development Plan.

5. WHAT YOU ARE REQUIRED TO DO

Permanently cease the unauthorised use of 128 Rochdale Road, Royton, Oldham as a café/restaurant (Class A3) Use Classes Order 2005 and a hot food takeaway (Class A5) Use Classes Order 2005.


Time for Compliance: Takes place on the day this notice takes effect.

6. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on 26th August 2005 unless an appeal is made against it beforehand.

Dated: 29th July 2005

Signed

... 
AILEEN M JOHNSON
SOLICITOR TO THE COUNCIL
Council's authorised Officer

On behalf of OLDHAM BOROUGH COUNCIL
CIVIC CENTRE
WEST STREET
OLDHAM OL1 1UL

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 before the 26th August 2005. The enclosed booklet "Making your enforcement appeal" sets out your rights, the grounds of appeal and the procedure to be followed. Read it carefully. You may use the enclosed appeal forms. One is for you to send to the Secretary of State if you decide to appeal, one is for you to keep as a duplicate for your own records, and one is to be forwarded to the Local Authority. You should also send the Secretary of State the spare copy of this enforcement notice which is enclosed.

WHAT HAPPENS IF YOU DO NOT APPEAL

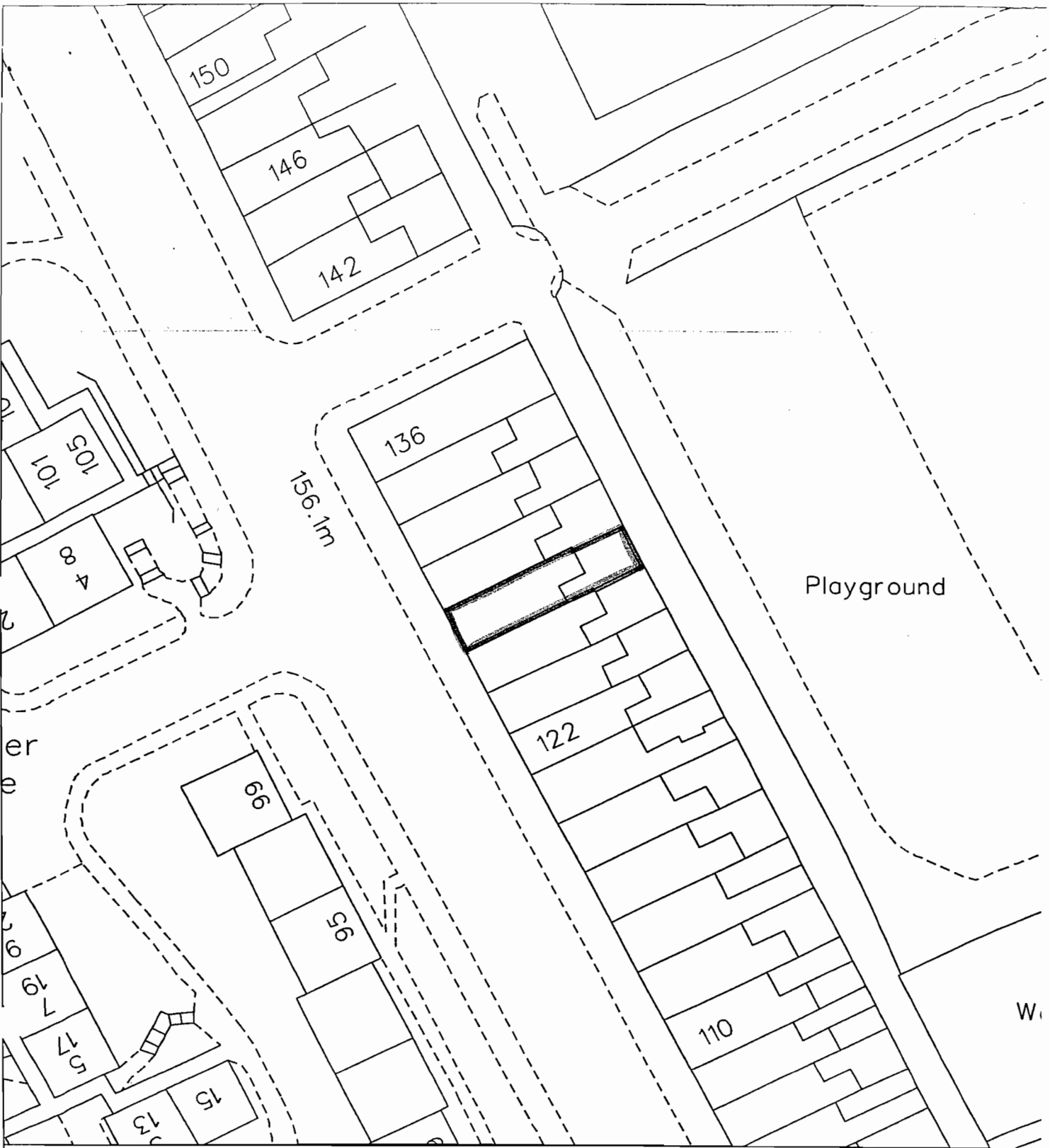
If you do not appeal against this enforcement notice, it will take effect on the 26th August 2005 and you must then ensure that the required steps for complying with it, for which you may be held responsible, are taken within the period(s) specified in the notice. Failure to comply with an enforcement notice which has taken effect can result in prosecution and/or remedial action by the Council.

IMPORTANT ADDITIONAL INFORMATION

The deemed fee, should an appeal be made under ground "A", would be £470.00.

A copy of this Enforcement Notice has been served on the following persons:-

Mr Rajah Miah, 128 Rochdale Road, Royton, Oldham OL2 6QS
Mr Imran Mears, 128 Rochdale Road, Royton, Oldham OL2 6QS
Kensington Mortgage Company Limited, Providence Place, Skipton, North Yorkshire BD23 2HL



ENFORCEMENT AND STOP NOTICES

Unauthorised Change of Use to Cafe / Restaurant and Hot Food Takeaway
128 Rochdale Road, Royton

OLDHAM 
Metropolitan Borough

Environmental Service

Executive Director: Tom Flanagan Phd B.Eng (Hons) C.Eng MICE MI
Civic Centre PO Box 30 West Street Oldham OL1 1L

Prepared by: Support Services - ICT Tea

Plan referred to in an Enforcement Notice under

my hand dated: 29/07/25

Signed: 