

06/017  
COPY

**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**

466 Oldham Road, Failsworth, Manchester, known as Prima Pizza shown edged red on the attached plan ("the building").

3. **THE BREACH OF PLANNING CONTROL ALLEGED**

Without planning permission, the shop front of 466 Oldham Road has been tiled in coffee and cream tiles, with a feature tile band running the full length of the building and tiling extended upwards to finish just above the sills of the first floor windows.

4. **REASONS FOR ISSUING THIS NOTICE**

It appears to the Council that the above breach of planning control has occurred within the last four years. The new tiled shop front by reason of its height, appearance, design, materials and colour is out of character with and detrimental to the character and appearance of the building which is located within the Failsworth Pole Conservation Area. A retrospective planning application (PA/045060/03) for a new shop front consisting of new tiles was refused on 31st July 2003. The proposal was and is contrary to Policy BE2 of the adopted Unitary Development Plan.

5. **WHAT YOU ARE REQUIRED TO DO**

Remove all tiles from the front of the building and make good the brickwork, pointing, cills and lintels. In the event of irreversible damage to the brickwork, pointing, cills or lintels resulting from the removal of tiling from the front surface of the building, the exposed brickwork and pointing should be made good in white coloured render and all cills and lintels should be made good in natural stone.


Time for Compliance: 3 months after this notice takes effect.

6. **WHEN THIS NOTICE TAKES EFFECT**

This notice takes effect on 19<sup>th</sup> September 2006 unless an appeal is made against it beforehand.

Dated: 8<sup>th</sup> August 2006

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 19<sup>th</sup> September 2006. 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

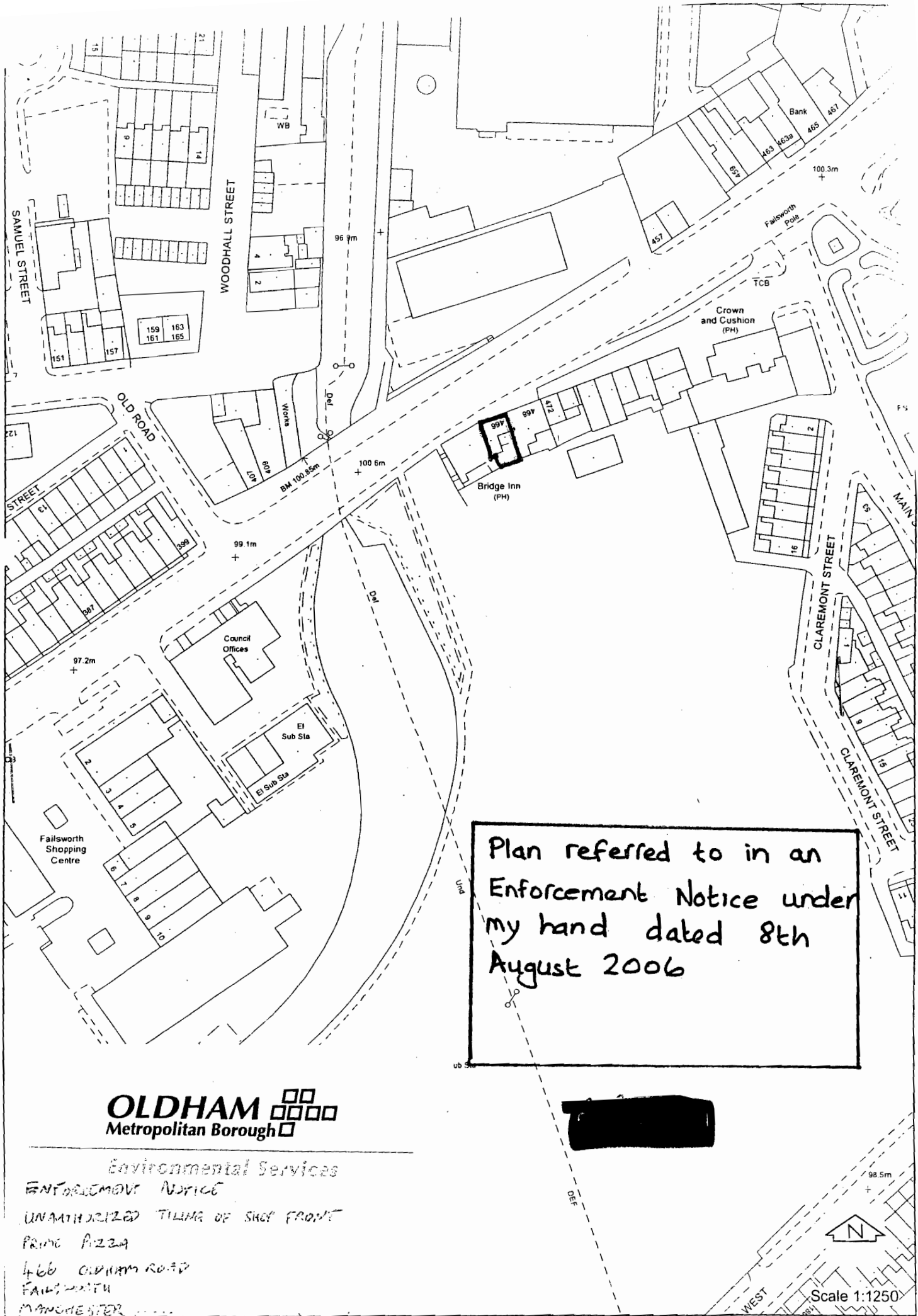
If you do not appeal against this enforcement notice, it will take effect on the 19<sup>th</sup> September 2006 and you must then ensure that the required steps for complying with it, for which you may be held responsible, are taken within the period(s) specified in the notice. Failure to comply with an enforcement notice, which has taken effect, can result in prosecution and/or remedial action by the Council.

### IMPORTANT ADDITIONAL INFORMATION

The fee for the deemed planning application is £270 half of which is payable to the Council and half to the Office of the Deputy Prime Minister. There is no fee for the appeal itself.

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

The Occupier of 466 Oldham Road Failsworth M35 OFH  
Mrs Dulcie of 466 Oldham Road Failsworth M35 OFH  
Riad Bashir Sadek Hassin of 466 Oldham Road Failsworth M35 OFH as freeholder



Plan referred to in an  
 Enforcement Notice under  
 my hand dated 8th  
 August 2006

**OLDHAM**   
 Metropolitan Borough 

Environmental Services  
 ENFORCEMENT NOTICE  
 UNAUTHORIZED TILTING OF SHOP FRONT  
 PRIMO PIZZA  
 466 OLDHAM ROAD  
 FAILSWORTH  
 MANCHESTER



Scale 1:1250