

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

Higher Fullwood Farm, Shaw, 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 agricultural building shown hatched red on the attached plan to a dwelling house.

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 Land is located within an area of open countryside designated as Green Belt in the Adopted Unitary Development Plan for Oldham. The change of use of the building has included the making of substantial alterations to its external appearance for it to be suitable for residential conversion. Such alterations have detracted from the agricultural character and appearance of the building and the area within which it lies. The change of use therefore represents inappropriate development in the Green Belt contrary to Policy LR2.5 (i) (ii) of the Oldham Unitary Development Plan 1996 as superseded by Policy OE1.7 (b) (c) of the Oldham Metropolitan Borough Unitary Development Plan adopted on the 14th July 2006 and Government guidance contained within Planning Policy Guidance Note Number 2 (Green Belts).

The change of use is considered to be incompatible with the use of the adjoining agricultural building which is likely to generate noise, odours and general disturbance resulting in a loss of residential amenity for occupiers of the property. The change of use is therefore contrary to Policy LR2.5 (vi) of the Oldham Unitary Development Plan 1996 as superseded by Policy OE1.7 (g) of the Oldham Metropolitan Borough Unitary Development Plan adopted on the 14th July 2006.

The creation of a domestic curtilage and the activities and paraphernalia associated with the use of the building as a dwelling would detract from the visual amenities and openness of the Green Belt and result in encroachment into the countryside thereby conflicting with one of the purposes of including land in the Green Belt. The change of use therefore represents an inappropriate form of development and is contrary to Policies LR2.1 and LR2.5 (v) of the Oldham Unitary Development Plan 1996 as superseded by Policy OE1.1 and OE1.7 (f) of the Oldham Metropolitan Borough Unitary Development Plan adopted in July 2006 and guidance contained in Planning Policy Guidance Note Number 2 (Green Belts).

5. WHAT YOU ARE REQUIRED TO DO

Permanently cease the residential use of the agricultural building. The building must be returned to its original condition. This will include:-

- a. The removal of the eight external windows and two doors installed for the residential occupation of the building, which has significantly altered the external appearance of the building.
- b. The reinstatement of the single barn door in the south elevation, the hayloft door in the east elevation and the translucent sheeting in the north, south east elevations and roof of the barn.
- c. External paraphernalia including a television aerial with satellite dish relating to the residential occupation of the farm building should also be permanently removed.


Time for Compliance: Within 15 months after this notice takes effect.

6. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on 5th September 2007 unless an appeal is made against it beforehand.

Dated: 18th July 2007

Signed


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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 5th September 2007. 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 5th September 2007 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 £530 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:-

Nicola Jayne Duffy of Higher Fullwood Farm, Shaw, Oldham, OL2 8QH

