

07/219

**Internal
Memorandum**

Your reference: 07/219/500
Our reference: LJM/AE/PE482
Ask for: Linda Mills
Extension No: 4836
Date: 9th May 2007

FROM: CHIEF EXECUTIVE'S DIRECTORATE – LEGAL AND DEMOCRATIC
SERVICES DIVISION – ENVIRONMENT GROUP

TO: LAND CHARGES
F.A.O WENDY LONSDALE

PLANNING
F.A.O BARBARA HODGSON

PLANNING ENFORCEMENT
F.A.O DAVID MCARTNEY

RE: PLANNING ENFORCEMENT NOTICE AT DEAN HEAD, DIGGLE, OLDHAM

I enclose a copy of the Planning Enforcement Notice served on the 9th May 2007. Please ensure that this Enforcement Notice is entered in the register and remains on the register indefinitely.

You will note that a Planning Enforcement Notice was served on the 8th March 2007 in respect of the same area of land. It is the case that the Planning Enforcement Notice dated the 8th March 2007 has been withdrawn. However, it is appropriate for both notices to remain on the register indefinitely and you should also make a note as to the withdrawal of the notice dated the 8th March 2007.

Enc

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 a 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

Land at Dean Head, Diggle, 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 to use for the taking off, landing and stationing of helicopters.

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 use is seriously detrimental to the amenities of the occupants of nearby residents' properties by virtue of noise and disturbance. In addition, the use of the land for the taking off, landing and stationing of helicopters is harmful to the character and appearance of the surrounding area, which is designated as Green Belt. The said use constitutes inappropriate development in the Green Belt and is contrary to Policy OE1 and OE1.1 of the Council's Unitary Development Plan 2006.

The Council does not consider that planning permission should be given, because planning conditions could not overcome the inappropriateness of the development or the harm caused to amenity and the character and appearance of the surrounding area.

5. WHAT YOU ARE REQUIRED TO DO

Permanently cease the use of the land for the taking off, landing and stationing of helicopters

Time for Compliance: 6 months after this notice takes effect.

6. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on 13th June 2007 unless an appeal is made against it beforehand.

Dated: 9th May 2007

Signed



For 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 13th June 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 13th June 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 £265 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.

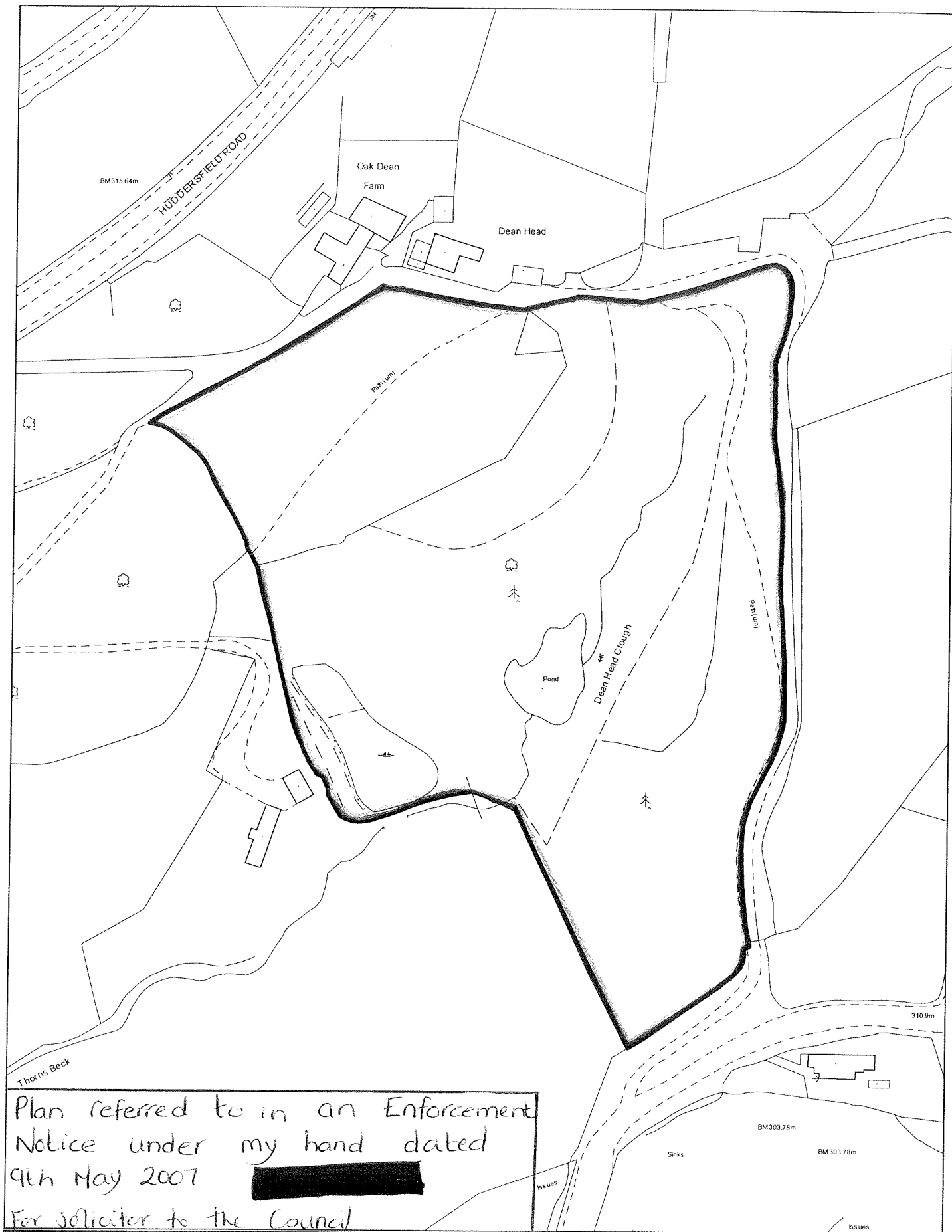
A copy of this Enforcement Notice has been served on the following persons:-

Peter Milner of 195 Park Lane, Poynton, Cheshire, SK12 1RH

Joan Noonan of Peart Hall, Church Road, Spaxton, Bridgewater, Somerset. TA5 1DA

Christopher John Ruddy of Oakdene Farm, Deanhead, Diggle, Oldham

Pennine Helicopters Limited, Oakdene Farm, Stanedge, Saddleworth OL3 5LU



PLANNING ENFORCEMENT NOTICE

**UNAUTHORISED USE OF LAND FOR STATIONING/ TAKING OFF/
LANDING OF HELICOPTER**

LAND AT DEAN HEAD, DIGGLE



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07/03/2007

OLDHAM 
Metropolitan Borough

Environmental Services

Acting Executive Director: John Hurst MCIEH

Civic Centre PO Box 30 West Street Oldham OL1 1UQ