

**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

The Vamasaki Restaurant at Grains Bar, Oldham shown edged red on the attached plan ("the Land").

3. THE BREACH OF PLANNING CONTROL ALLEGED

Without planning permission, the formation of an additional car parking area in the Green Belt and  
Without planning permission, the erection of a fume extraction system on the building situated on the Land.

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.

In respect of the additional car park a retrospective planning application reference PA/053953/07 was refused permission on the 14<sup>th</sup> November 2007. The reasons for refusal are:-

The car park by reason of its siting, levels and usage, particularly late in the evening, would result in noise and disturbance to the occupiers of nearby residential properties. The proposal is therefore contrary to the provisions of Policy NR1.1 of the Oldham Metropolitan Borough Unitary Development Plan (July 2006).

The car park by reason of its siting and design would be detrimental to the visual amenities and openness of the Green Belt and would result in encroachment into the open countryside. The proposal represents inappropriate development in the Green Belt and is contrary to the provisions of Policy OE1.1 of the Oldham Metropolitan Borough Unitary Development Plan (July 2006) and to advice in the Planning Policy Guidance Note 2 (Green Belt).

In respect of the fume extraction system erected on the building on the Land it is obtrusive in mass, scale and design and forms an obtrusive and incongruous feature in relation to the building on which it is sited and the local street scene. It is therefore contrary to the Policy D1.1 of the Oldham Metropolitan Borough Unitary Development Plan (July 2006)

5. WHAT YOU ARE REQUIRED TO DO

In respect of the additional car park permanently cease the use of the additional car parking area and remove the gravel surface to allow for self-seeding thereby enabling the land to return to its natural vegetation and condition.

Time for Compliance: Four weeks after this notice takes effect.

In respect of the fume extraction system remove the fume extraction system from the building on the Land.

Time for Compliance: Four weeks after this notice takes effect.

6. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on 28th February 2008 unless an appeal is made against it beforehand.

Dated: 17<sup>th</sup> January 2008

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 28th February 2008. 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

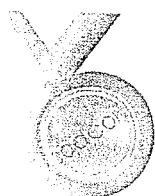
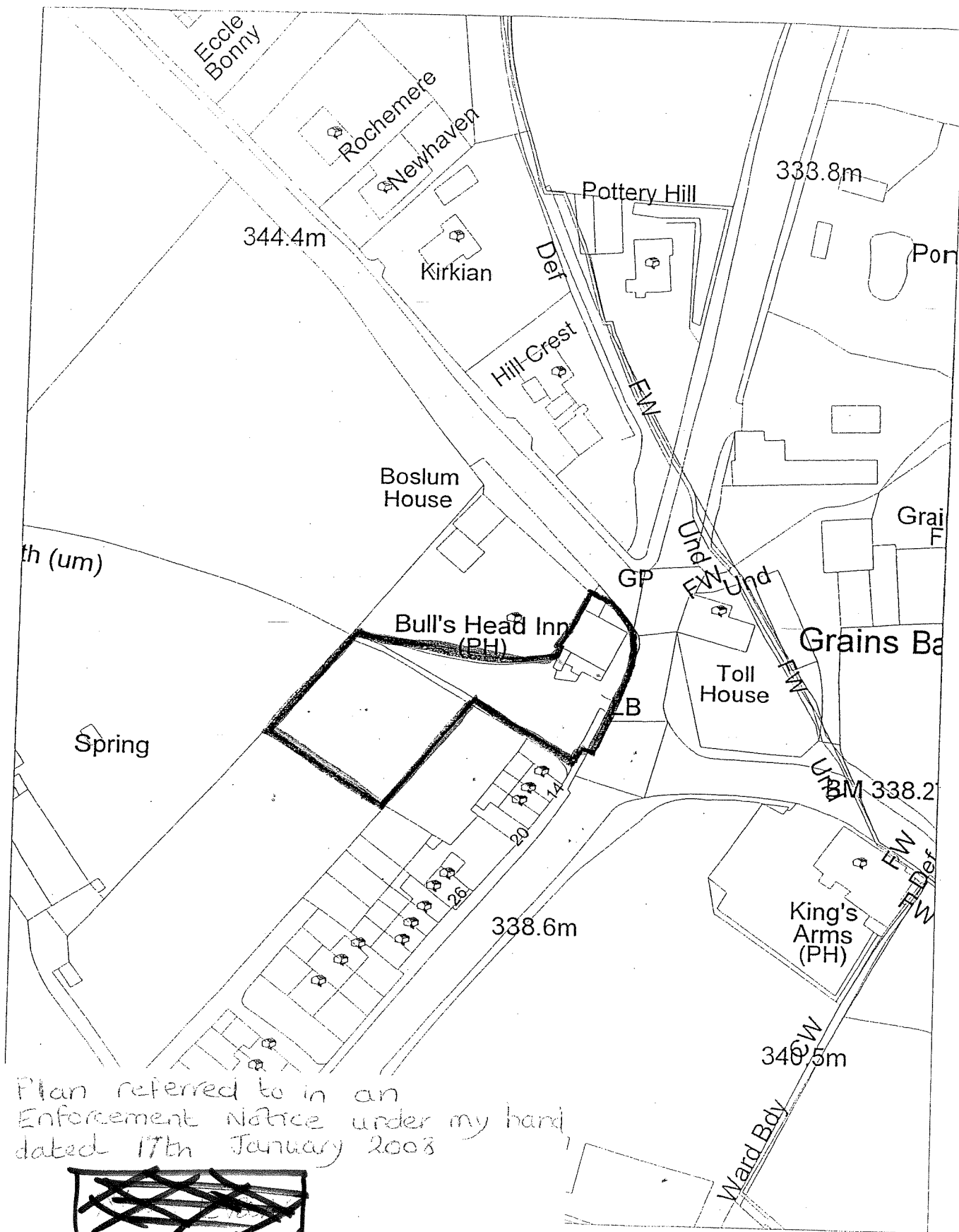
If you do not appeal against this enforcement notice, it will take effect on the 28th February 2008 and you must then ensure that the required steps for complying with it, for which you may be held responsible, are taken within the periods specified in the notice. Failure to comply with an enforcement 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 £270.00 half of which is payable to the Council and half to the Department of Communities and Local Government. There is no fee for the appeal itself.

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

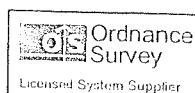
The Company Secretary, Eltonwell Property Limited, 171 Grange Avenue, Oldham OL8 4EF  
Mr Jewl Miah, 5 Shipley Close Oldham OL9 6DS



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