

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 Metropolitan Borough Council ("the Council")

1. **THIS NOTICE** 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. The Annex at the end of the notice and the enclosures to which it refers contain important additional information.

2. **THE LAND TO WHICH THE NOTICE RELATES**

Land at Rough Hey Farm, Ripponden Road, Denshaw, Oldham OL3 5UN as shown edged red on the accompanying plan ("the land")

3. **THE MATTERS WHICH APPEAR TO CONSTITUTE THE BREACH OF PLANNING CONTROL**

Without planning permission, ~~the construction of a hardstanding and the commercial storage of caravans on the land to the rear of the building as shown edged green on the attached plan.~~ the making of a material change of use of land from a mixed use for agriculture and residential uses to a mixed use for agriculture and residential uses and the commercial storage of caravans.

4. **REASONS FOR ISSUING THIS NOTICE**

It appears to the Council that the above breach of planning control has occurred within the last ten years. The Council accepts that the hardstanding was constructed over four years ago and as operational development it would normally be immune from enforcement action under section 171B(1) of the Town and Country Planning Act. However it is the Council's belief that the construction of the hardstanding is an integral part of the breach of planning control change represented by the commercial storage of caravans on the land (which has occurred within the last ten years) and as such it is not immune from enforcement action.

The Council also accepts that for a number of years there have been a small number of caravans stored on the land at the front of the site shown edged blue on the plan. However it is the Council's view that this storage was de minimis and that the commencement of storage of a larger number of caravans on the land to the rear of the building represents a change of use of the land through intensification and as such it represents a breach of planning control as no planning permission has been granted for the change of use.

The land is located within an area of open countryside designated as Green Belt in the adopted Unitary Development Plan and the proposal does not fall within any of the prescribed categories of development permitted therein by Policy OE1 and Policy OE1.1 of the adopted Unitary Development Plan and Planning Policy Guidance Note

(PPG) 2 Green Belt. No special circumstances have been put forward to justify the proposal as an exception to Green Belt policy and it therefore represents inappropriate development.

The proposal represents development within the Green Belt which encroaches on open countryside, prejudicing its openness and harming visual amenity and it is therefore in conflict with the purposes of the designation of the land. As such the development is inappropriate and clearly contrary to the provisions of PPG2 Green Belt and policies of the adopted Unitary Development Plan.

5. WHAT YOU ARE REQUIRED TO DO

- (i) Cease the use of the land ~~to the rear of the buildings as shown edged green on the attached plan~~ for the storage of caravans and remove all caravans currently stored on the land ~~save for no more than 4 caravans which may be stored on the land shown edged blue on the attached plan.~~
- (ii) Remove the hardstanding created for that purpose as shown edged green on the attached plan and allow the land to revert to grassed land
- ~~(iii) Limit the number of caravans stored to the frontage of the building, as shown edged blue on the attached plan to no more than 4 caravans.~~

6. TIME FOR COMPLIANCE

The actions specified in 5 above must be carried out within three months after this notice takes effect.

7. WHEN THIS NOTICE TAKES EFFECT

The Notice takes effect on 10th September 2010, unless an appeal is made against it beforehand.

Dated: 6th August 2010

Signed: 

**For Paul Entwistle
Borough Solicitor
Council's authorised Officer**

On behalf of: Oldham Metropolitan Borough Council
Civic Centre
West Street
Oldham
OL1 1UL

NOTE: The corrections were made to the enforcement notice following an inquiry held on 27 April 2011. The decision date was 16 June 2011

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 date specified in paragraph 7 of the notice.

WHAT HAPPENS IF YOU DO NOT APPEAL

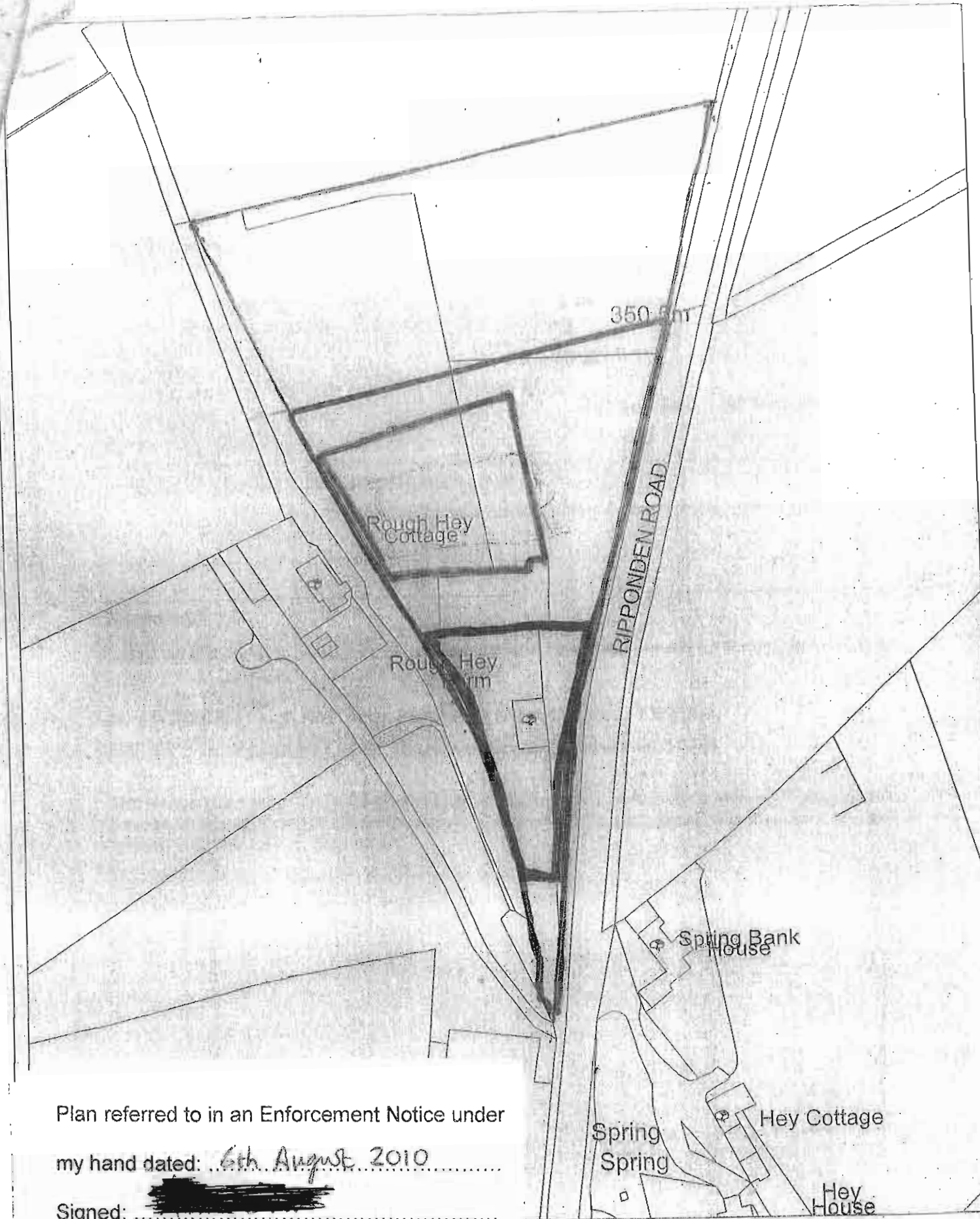
If you do not appeal against this Enforcement Notice, it will take effect on the date specified in paragraph 7 of the notice and you must then ensure that the required steps for complying with it, for which you may be held responsible, are taken within the period specified in paragraph 6 of this notice. 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 permission application is £335, half of which is payable to the Council and half to the Department for 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: -

James Henry Corbitt of Rough Hey Farm, Ripponden Road, Denshaw, Oldham OL3 5 UN
Gillian Corbitt of Rough Hey Farm, Ripponden Road, Denshaw, Oldham OL3 5UN



Plan referred to in an Enforcement Notice under
 my hand dated: 6th August 2010

Signed: 