

OLDHAM BOROUGH COUNCIL
TOWN AND COUNTRY PLANNING ACT 1990

NOTICE UNDER SECTION 215 AS TO LAND ADVERSELY
AFFECTING THE AMENITY OF THE AREA

IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY

TO: Martin Buckley and Margaret Mary Buckley of 1 Lydgate Fold, Lydgate, Oldham OL4 4JL

1. THE NOTICE

This notice is served by Oldham Borough Council (“the Council”) under section 215 of the Town and Country Planning Act 1990 because it appears to the Council that the amenity of a part of its area is adversely affected by the condition of the land and dwelling described below, as the condition of the front and rear gardens to the dwelling is unsightly and overgrown and parts of the wooden exterior of the dwelling, specifically the broken rear guttering and side window lintel, are a security and rot risk, to the detriment of the visual amenities of nearby residential occupiers and that of the surrounding area.

2. THE LAND TO WHICH THE NOTICE RELATES

9 Manor Road, Oldham OL4 1RQ as shown edged red on the attached plan (“the Land”).

3. WHAT YOU ARE REQUIRED TO DO

The Council requires the following steps to be taken for remedying the condition of the Land:

Front elevation of 9 Manor Road

1. Lower the height of the large hedge so that it is below the height of the first floor windows of the dwelling
2. Trim back the boundary hedge so that it does not cross the boundary of the Land and protrude onto the public highway
3. Trim back the overgrown shrubbery and weeds in the main flowerbed adjacent to the steps leading to the front door of the dwelling
4. Remove all other weeds and shrubbery from the driveway of the dwelling

Side elevation of 9 Manor Road

5. Repair or replace the wooden lintels in the first floor window of the dwelling to enable the window to be fully closed

Rear elevation of 9 Manor Road

6. Trim down the height of plants and shrubbery so they are not visible above the top of the boundary fence
7. Cut back the bushes and shrubbery along the boundary with 11 Manor Road so that they are no longer pushing against the boundary fence and they are not visible above the top of the boundary fence.
8. Replace/repair the gutter on the dwelling

4. TIME FOR COMPLIANCE

The steps specified in paragraph 3 above must be carried out within two weeks of this Notice taking effect.

5. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on 4th October 2019

Date: 2nd September 2019

Signed



**For Paul Entwistle
Director of Legal Services
Oldham Council
Civic Centre
West Street
Oldham
OL1 1UL**

**RIGHT OF APPEAL AGAINST S215 NOTICE
SECTIONS 217 – 218 TOWN AND COUNTRY PLANNING ACT 1990**

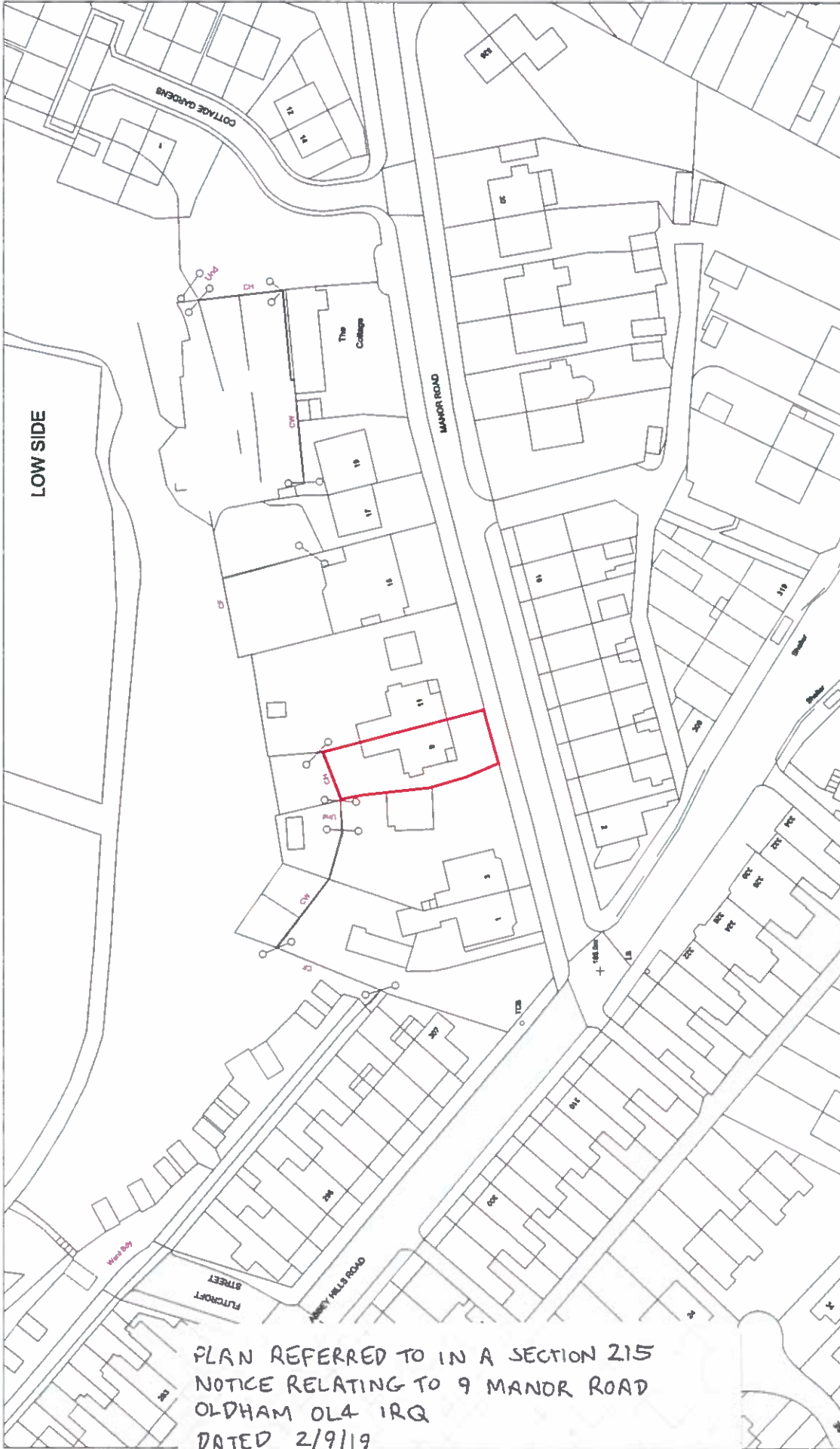
S.217.

- (1) A person on whom a notice under Section 215 is served, or any other person having an interest in the land to which the notice relates, may, at any time within the period specified in the notice as the period at the end of which it is to take effect, appeal against the notice on any of the following grounds:-
 - a) That the condition of the land to which the notice relates does not adversely affect the amenity of any part of the area of the local planning authority who served the notice, or of any adjoining area;
 - b) That the condition of the land to which the notice relates is attributed to, and such as results in the ordinary course of events from the carrying on of operations or a use of land which is not in contravention of Part III;
 - c) That the requirements of the notice exceed what is necessary for preventing the condition of the land from adversely affecting the amenity of any part of the area of the local planning authority, who served the notice, or of any adjoining area;
 - d) That the period specified in the notice as the period within any steps required by the notice are to be taken falls short of what should reasonably be allowed.
- (2) Any appeal under this section shall be made to the Magistrates' Court acting for the petty sessions in which the land in question is situated.
- (3) Where such an appeal is brought, the notice to which it relates shall be of no effect pending the final determination or withdrawal of the appeal.
- (4) On such an appeal the Magistrates' Court may correct any informality, defect or error in the notice if satisfied that the informally, defect or error is not material.
- (5) On the determination of such an appeal the Magistrates' Court shall give directions for giving effect to their determination, including, where appropriate, directions for quashing the notice or for varying the terms of the notice in favour of the appellant.
- (6) Where any person has appealed to a Magistrates' Court under this section against a notice, neither that person nor any other shall be entitled, in any other proceedings instituted after the making of the appeal, to claim that the notice was not duly served on the person who appealed.

S.218.

Where an appeal has been brought under section 217, an appeal against the decision of the Magistrates' Court on that appeal may be brought to the Crown Court by the appellant or by the local planning authority who served the notice in question under section 215.

9 Manor Road, OL4 1RQ



PLAN REFERRED TO IN A SECTION 215
 NOTICE RELATING TO 9 MANOR ROAD
 OLDHAM OL4 1RQ
 DATED 2/9/19

Alan Evans

Drawn by:		Scale: 1:1000
Division:		
Drawing no:		
Date: 23:08:19		

Oldham Council
 Civic Centre
 West Street
 Oldham
 OL1 1UT



