

IMPORTANT: THIS COMMUNICATION AFFECTS YOUR PROPERTY

**TOWN AND COUNTRY PLANNING ACT 1990
(as amended by the Planning and Compensation Act 1991)**

BREACH OF CONDITION NOTICE

SERVED BY: Oldham Metropolitan Borough Council ("the Council")

1. **THIS NOTICE** is served by the Council, under section 187A of the above Act, because they consider that a condition imposed on a grant of planning permission, relating to the land described in paragraph 2 below, has not been complied with. The Council consider that you should be required to comply with the condition specified in this notice. The Annex at the end of this notice contains important additional information.

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

35 Brookside Avenue, Grotton, Oldham OL4 4LH as shown edged in red on the accompanying plan ("the Land").

3. **THE RELEVANT PLANNING PERMISSION**

The relevant planning permission to which this Notice relates is the permission granted by the Council on 13th March 2014 for a single storey rear extension and rear balcony Ref HH/334961/14.

4. **THE BREACH OF CONDITION**

The following condition has not been complied with:

Condition 4

The extent of the flat roof which does not form part of the balcony shown on the approved plans shall be retained as such at all times thereafter unless otherwise agreed and approved in writing beforehand by the Local Planning Authority.

Reason - To protect the amenities of the occupiers of the adjoining dwellings.

5. **WHAT YOU ARE REQUIRED TO DO**

As the person responsible for the breach of condition specified in paragraph 4 of this notice, you are required to comply with the stated condition by taking the following steps:

1. Remove the guard rail to the extended balcony of the flat roof
2. Guard rail to be located as approved in application HH/334961/14;

and cease the following activities:

3. Cease use of the flat roof for ancillary residential purposes.

Period for compliance: **28 days** beginning with the day on which this notice is served on you

Dated: 25 April 2019

Signed: ..*Alan Evans*.....

**For Paul Entwistle
Director of Legal Services
Council's authorised Officer**

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

ANNEX

WARNING

THIS NOTICE TAKES EFFECT IMMEDIATELY IT IS SERVED ON YOU IN PERSON OR ON THE DAY YOU RECEIVED IT BY POST.

THERE IS NO RIGHT OF APPEAL TO THE SECRETARY OF STATE FOR COMMUNITIES AND LOCAL GOVERNMENT AGAINST THIS NOTICE.

It is an offence to contravene the requirements in paragraph 5 of this notice after the end of the compliance period. You will then be at risk of immediate prosecution in the Magistrates' Court, for which the maximum penalty is £2,500 for a first offence and for any subsequent offence.

If you are in any doubt about what this notice requires you to do, you should get in touch immediately with Rachael Dodson – Greaves, Oldham Council, Civic Centre, West Street, Oldham OL1 1QN Telephone number 0161 770 3279.

If you do need independent advice about this notice, you are advised to contact urgently a lawyer, planning consultant or other professional adviser specialising in planning matters. If you wish to contest the validity of the notice, you may only do so by an application to the High Court for judicial review.

H.M. LAND REGISTRY		TITLE NUMBER		
		GM 393324		
ORDNANCE SURVEY PLAN REFERENCE	COUNTY	SHEET	NATIONAL GRID	SECTION
	GREATER MANCHESTER		SD 9604	E
Scale: 1/1250	OLDHAM DISTRICT		© Crown copyright 1973	



PLAN REFERRED TO IN
BREACH OF CONDITION NOTICE
RELATING TO 35 BROOKLANDS
AVENUE OLDHAM DATED
25TH APRIL 2019
Alan Evans

