

## **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 contains important additional information.

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

Land at and adjacent to 77 Belmont Street, Oldham as shown edged in red on the accompanying plan ("the Land").

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

Without planning permission:

1. the change of use of part of the Land shown hatched in blue on the accompanying plan from vacant land at the side of the dwelling at 77 Belmont Street, Oldham to land forming part of the garden curtilage of the dwelling at 77 Belmont Street; and
2. the erection of a boundary fence over one metre in height around the Land which is adjacent to a highway used by vehicular traffic.

#### **4. REASONS FOR ISSUING THIS NOTICE**

The change of use of the Land to the side of the dwelling at 77 Belmont Street, Oldham and the associated screen boundary fence is detrimental to the character and appearance of the residential area, whilst the height of the fence results in obstruction to the visibility of vehicles travelling along Ramsden Crescent, to the detriment of highway safety. The development is therefore contrary to Policy 5 (Promoting Accessibility and Sustainable Transport Choices) and Policy 9 (Local Environment) of the Council's Development Plan Document – Joint Core Strategy and Development Management Policies.

It appears to the Council that the above breaches of planning control have occurred within the last four years.

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

1. Permanently remove from the Land the boundary fence and fencing materials located at the position as shown by the letters B-C-D-E on the plan accompanying this Notice.
2. Permanently cease the use of that part of the Land shown hatched in blue on the plan accompanying this Notice as a garden extension.
3. Permanently reduce to a height of one metre the fence around the Land located at the position as shown by the letters A-B-E on the plan accompanying this Notice.

**6. TIME FOR COMPLIANCE**

The actions specified in paragraph 5 above must be carried out within two months of this Notice taking effect.

**7. WHEN THIS NOTICE TAKES EFFECT**

The Notice takes effect on 26 October 2020, unless an appeal is made against it beforehand.

Dated: 23 September 2020

Signed: 

**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**

### **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 £924 which is payable to the Council. There is no fee for the appeal itself.

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

**Marzia Begum** of 77 Belmont Street, Oldham OL1 2AP

77 Belmont Street



Plan referred to in an Enforcement Notice  
RELATING TO LAND AT AND ADJACENT TO  
77 BELMONT STREET OLDHAM OL1 2AP

Dated: 23/9/20

Signed: Alan Evans

Drawn by:	
Division:	
Drawing no:	
Date: 31:07:20	Scale: 1:520

Oldham Council  
Civic Centre  
West Street  
Oldham  
OL1 1UT

