**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 regards to the provisions of the Development Plan and to other material planning considerations. The Annex at the end of the Notice contains additional information.
2. **THE LAND TO WHICH THE NOTICE RELATES**

10 Moreton Street, Chadderton, Oldham OL9 0LP as shown edged red on the accompanying plan (“the Land”).

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

The change of use of the Land from:

1. industrial processes which are not detrimental to the amenity of the surrounding residential area, being a use falling within Class E(g)(iii) of the Town and Country Planning Use Classes Order 1987 (as amended); to
2. industrial processes, namely car dent repair which does not fall within Class E(g)(iii) of the Town and Country Planning Use Classes Order 1987 (as amended), as the industrial processes are detrimental to the amenity of the surrounding residential area. Planning permission for a change of use was refused by the Council on 8 January 2021 (PA/345512/20) by virtue of the development being detrimental to the amenity of the surrounding residential area.

1. **REASONS FOR ISSUING THIS NOTICE**

The Use Class E(g) of the Town and Country Planning Use Classes Order 1987 (as amended) is for uses which can be carried out in a residential area without detriment to its amenity, following the change in law from 1st September 2020.

The change of use of the Land for car dent repair workshop does not fall within Use Class E(g)(iii)) due to noise and issues of off-road parking, which are considered to adversely affect the amenity of the surrounding residential area. Therefore the change of use of the Land requires planning consent. The commercial operation is contrary to 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 breach of planning control has occurred within the last ten years.

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

Permanently cease the use of the Land for a car dent repair or any other industrial use which cannot be carried out without detriment to the amenity of the surrounding residential area.

1. **TIME FOR COMPLIANCE**

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

1. **WHEN THIS NOTICE TAKES EFFECT**

The Notice takes effect on 10 August 2021, unless an appeal is made against it beforehand.

Dated: 8 July 2021

Signed: ……………

 **For Paul Entwistle**

 **Director of Legal Services**

 **Council’s Authorised Officer**

On behalf of: Oldham Metropolitan Borough Council

 Civic Centre

 Wet 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**

A copy of this enforcement notice has been served on the following persons: -

**James Harris and Barbara Dorothy Harris** of 3 Glasson Walk, Chadderton, Oldham, OL9 9DR