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

31 Welbeck Avenue, Chadderton, OL9 9PD as shown edged red on the accompanying plan (“the Land”).

1. **THE MATTERS WHICH APPEAR TO CONSTITUTE THE BREACH OF PLANNING CONTROL**
2. The construction without planning permission of a two storey extension on the Land which is not within the size permitted pursuant to the Town and Country Planning (General Permitted Development) (England) Order 2015.
3. The construction without planning permission of an outbuilding on the Land which is not permitted pursuant to the Town and Country Planning (General Permitted Development) (England) Order 2015 as it lies outside the curtilage of the dwelling house on the Land.
4. The erection without planning permission of a rear dormer which exceeds the height of the highest part of the existing roof of the dwelling house on the Land.
5. The change of use of part of the Land, edged in blue, from unoccupied land to your garden curtilage.
6. **REASONS FOR ISSUING THIS NOTICE**

The development, by reason of its presence, adversely effects the residential and visual amenity of the surrounding area. The two storey extension, outbuilding and rear dormer are all contrary to Policy 9 (Local Environment) and Policy 20 (Design) 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 for the two storey extension, rear dormer and outbuilding and within the last ten years for the change of use of the Land.

1. **WHAT YOU ARE REQUIRED TO DO**
2. Remove the first and second floor extensions from the dwelling house on the Land and make good the walls of the dwelling house to match existing materials.
3. Permanently remove the outbuilding from the Land.
4. Reduce the height of the roof of the rear dormer to below the height of the highest part of the existing roof of the dwelling house so it complies with the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015.
5. Reinstate the rear fence line to its original position on the Land edged in red so as to remove the land that has been added to the garden curtilage without planning permission.
6. **TIME FOR COMPLIANCE**

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

1. **WHEN THIS NOTICE TAKES EFFECT**

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

Dated: August 2021

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 £… 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: -

**MARLON SAN-JOSE ESPIRITU** of 31 Welbeck Avenue, Chadderton, Oldham, OL9 9PD

**MR NOMAN NASSERI** & **MR ZAHIR SHAH AHMADZAI** of 31 Welbeck Avenue, Chadderton, Oldham, OL9 9PD