**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**

Land to rear of Besom Hill End Farm, 817 Ripponden Road, Oldham, OL4 2LA as shown edged red on the accompanying plan (“the Land”).

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

The unauthorised erection on the Land of a gate, mesh fence and timber fence, the height of both of which fences exceed 1 metre above ground level and which are both adjacent to a highway used by vehicular traffic, namely Ripponden Road (A672), construction of a new access road on the Land to the rear of the existing dwelling, and substantial engineering works on the Land to extend the existing rear parking area, tarmacking over land within the Green Belt.

1. **REASONS FOR ISSUING THIS NOTICE**

The development adversely affects the character and appearance of the surrounding area and the Green Belt. The erection of the gate and fences and engineering works on the Green Belt is contrary to Policy 9 (Local Environment), Policy 20 (Design) and Policy 22 (Protecting Open land) of the Council’s Development Plan Document – Joint Core Strategy and Development Management Policies.

The engineering operation to create a new access road onto the Land from Ripponden Road and to tarmac over land within the Green Belt harms the openness of the Green Belt in this area. The access road joins the adopted highway across a kerbed footway rather than via a vehicle crossing approved by the highway authority. The boundary of the Green Belt has not been maintained and has been moved as the existing car parking area has expanded into the Green Belt itself. Whilst the development is close to existing buildings, the operations have been carried out without planning consent and their effect on openness and visual impact has not been considered.

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

1. **WHAT YOU ARE REQUIRED TO DO**
2. Permanently reduce the height of the timber fence on the Land so that it does not exceed 1 metre in height above ground level
3. Permanently remove from the Land the mesh fence and gate as these are in a location where access to the adopted highway is over a raised kerb
4. Permanently remove the new access road and tarmacked parking area shown edged in blue from the Land and reinstate and re-seed the land shown edged in blue to its previous condition.
5. **TIME FOR COMPLIANCE**

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

1. **WHEN THIS NOTICE TAKES EFFECT**

The Notice takes effect on xxxxxx 2022, unless an appeal is made against it beforehand.

Dated: July 2022

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**

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

**Lord Demolition Services Limited** of Besom Hill End farm, 817 Ripponden Road, Oldham, OL4 2LA and Hollinwood Business Centre, Albert Street, Oldham OL8 3QL