**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**

**Issued by:** OLDHAM BOROUGH COUNCIL ("The Council")

To: James & Karen McLaughlin**,** Carr Farm, Carr Lane, Diggle, Oldham, OL3 5ND

1. **This is a formal notice** which is issued by the Council, under Section 187A of the above Act, because they consider that conditions 2 and 6 imposed on a grant of planning permission, relating to the land described below, has not been complied with. They consider that you should be required to comply with the condition specified in this notice.

2. **The land affected by the notice**

The land at Carr Farm, Carr Lane, Diggle, Oldham, OL3 5ND. Shown edged in red on the attached plan.

3. **The relevant planning permission**

The relevant planning permission to which this notice relates is the permission granted by the Council on 17th January 2021 for the application relating to FUL/345572/20 for demolition of timber stable and the erection of a replacement timber stable (for private domestic use only), tack and muck midden.

4. **The breach of condition**

The following conditions have not been complied with –

Condition 2:

*The development hereby approved shall be fully implemented in accordance with the Approved Details Schedule list on this decision notice.*

*REASON - For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and specifications.*

Condition 6:

*The development hereby approved shall be undertaken in accordance with the tree protection measures set out within the Method Statement (Report No. LTM 0162.MS.01) and Arboricultural Impact Assessment (Report No. LTM0162.AIA.01) both dated 29/12/2020 and prepared by Lally Tree Management*

*REASON - In order to ensure that the development does not lead to significant adverse impacts on existing trees in accordance with relevant provisions of Saved Policy D1.5 of the Oldham Unitary Development Plan.*

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 secure compliance with the stated condition by taking the following steps:-

1. Protective fencing erected around the Ash Tree TPO/634/20 compliant with BS 5837:2012
2. Submit a new Arboricultural Impact Assessment and Arboricultral Method Statement to BS5837:2012 detailing precisely the steps to be taken to remove the unauthorised development by hand and under Arboricultural supervision, inspect and assess for the unauthorised damage and disturbance which has been inflicted on the roots and rooting environment of the TPO tree. The results of which should be given to the Council for assessment.

Time for compliance: - 30 days beginning with the day on which this notice is served on you.

6. **When this notice takes effect**

This notice takes effect ***immediately*** it is served on you or you receive it by postal delivery.

Dated:

Signed:

On behalf of: OLDHAM BOROUGH COUNCIL

***WARNING***

**There is no right of appeal against this notice.**

It is an offence to contravene the requirements stated 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 £1,000 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 Andrew Jones at Oldham Council Telephone 0161 770 4131.

If you need independent advice about this notice, you are advised to urgently contact 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. A lawyer will advise you on what this procedure involves.

**Do not leave your response to the last minute.**