**OLDHAM BOROUGH COUNCIL**

**TOWN AND COUNTRY PLANNING ACT 1990**

**NOTICE UNDER SECTION 215 AS TO LAND ADVERSELY**

**AFFECTING THE AMENITY OF THE AREA**

**IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY**

**TO:** Knarr Mill Holdings Limited of Knarr Mill, Oldham Road, Delph, OL3 5RQ and

Park House, 200 Drake Street, Rochdale, OL16 0UP

**1. THE NOTICE**

 This notice is served by Oldham Borough Council (“the Council”) under section 215 of the Town and Country Planning Act 1990 because it appears to the Council that the amenity of a part of its area is adversely affected by the condition of the land described below by the operation of tipping and storing waste materials on the land, at great detriment to the natural environment and green belt land.

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

Land to the south-east side of Knarr Mill, Oldham Road, Delph, OL3 5RQ shown edged in blue on the attached plan (“the Land”).

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

The Council requires the following steps to be taken for remedying the condition of the Land:

The permanent removal of all hardcore, building materials and mounds of top-soil from the Land.

**4. TIME FOR COMPLIANCE**

The steps specified in paragraph 3 above must be carried out within 2 months of this Notice taking effect.

**5. WHEN THIS NOTICE TAKES EFFECT**

 This Notice takes effect on … March 2023.

**Date:**  February 2023

**Signed**

 **For Paul Entwistle**

 **Director of Legal Services**

 **Oldham Council**

 **Civic Centre**

 **West Street**

 **Oldham**

 **OL1 1UL**

**RIGHT OF APPEAL AGAINST S215 NOTICE**

**SECTIONS 217 – 218 TOWN AND COUNTRY PLANNING ACT 1990**

S.217.

(1) A person on whom a notice under Section 215 is served, or any other person having an interest in the land to which the notice relates, may, at any time within the period specified in the notice as the period at the end of which it is to take effect, appeal against the notice on any of the following grounds:-

1. That the condition of the land to which the notice relates does not adversely affect the amenity of any part of the area of the local planning authority who served the notice, or of any adjoining area;
2. That the condition of the land to which the notice relates is attributed to, and such as results in the ordinary course of events from the carrying on of operations or a use of land which is not in contravention of Part III;
3. That the requirements of the notice exceed what is necessary for preventing the condition of the land from adversely affecting the amenity of any part of the area of the local planning authority, who served the notice, or of any adjoining area;
4. That the period specified in the notice as the period within any steps required by the notice are to be taken falls short of what should reasonably be allowed.
	1. Any appeal under this section shall be made to the Magistrates’ Court acting for the petty sessions in which the land in question is situated.
	2. Where such an appeal is brought, the notice to which it relates shall be of no effect pending the final determination or withdrawal of the appeal.

(4) On such an appeal the Magistrates’ Court may correct any informality, defect or error in the notice if satisfied that the informally, defect or error is not material.

(5) On the determination of such an appeal the Magistrates’ Court shall give directions for giving effect to their determination, including, where appropriate, directions for quashing the notice or for varying the terms of the notice in favour of the appellant.

(6) Where any person has appealed to a Magistrates’ Court under this section against a notice, neither that person nor any other shall be entitled, in any other proceedings instituted after the making of the appeal, to claim that the notice was not duly served on the person who appealed.

S.218.

Where an appeal has been brought under section 217, an appeal against the decision of the Magistrates’ Court on that appeal may be brought to the Crown Court by the appellant or by the local planning authority who served the notice in question under section 215.

The Magistrates’ Court for any appeal against this Notice is:

Tameside Magistrates’ Court

Henry Square

Ashton-under-Lyne

OL6 7TP

Telephone: (0161) 330 2023