**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 at Higher Counthill Farm, Turf Pit Lane, Oldham OL4 2PZ as shown edged red on the plan attached to this Notice (“the Land”).

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

The erection and use of floodlights around 2 no. ménages (marked A and B and shown edged in blue on the plan attached to this Notice) on the Land, despite the refusal of planning consent for the ménage marked as A on the plan attached to this Notice under PA/343385/19. The planning application also contained an additional plan for a menage at the location marked as B on the plan attached to this Notice.

1. **REASONS FOR ISSUING THIS NOTICE**

The breaches of planning control as specified in paragraph 3 above are developments that affect the character and appearance of the surrounding area. The height and design of the lighting surrounding the ménages are contrary to Policy 9 (Local Environment), Policy 20 (Design) of the Council’s Development Plan Document – Joint Core Strategy and Development Management Policies.

The above breaches represent a significant visual intrusion on the rural area, particularly exacerbated by the Land’s location, being exposed to the Strinesdale valley below.

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**

1. Permanently remove the perimeter floodlights around ménage A located to the south of the stable building on the Land, as shown edged in blue on the attached plan.

2. Permanently remove the perimeter floodlights around ménage B on the Land, as shown edged in blue on the attached plan.

1. **TIME FOR COMPLIANCE**

The actions specified in paragraph 5 above must be carried out within 3 months from the date on which the Notice comes into effect.

1. **WHEN THIS NOTICE TAKES EFFECT**

The Notice takes effect on 24 May 2023, unless an appeal is made against it beforehand.

Dated: 20 April 2023

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**

Under section 174 of the Town and Country Planning Act 1990 (as amended) you may appeal on one or more of the following grounds:-

1. That, in respect of any breach of planning control which may be constituted by the matters stated in the notice, planning permission ought to be granted or, as the case may be, the condition or limitation concerned ought to be discharged;
2. That those matters have not occurred;
3. That those matters (if they occurred) do not constitute a breach of planning control;
4. That, at the date when the notice was issued, no enforcement action could be taken in respect of any breach of planning control which may be constituted by those matters;
5. That copies of the enforcement notice were not served as required by section 172;
6. That the steps required by the notice to be taken, or the activities required by the notice to cease, exceed what is necessary to remedy any breach of planning control which may be constituted by those matters or, as the case may be, to remedy any injury to amenity which has been caused by any such breach;
7. That any period specified in the notice in accordance with section 173(9) falls short of what should be reasonably be allowed.

Not all of these grounds may be relevant to you.

If you decide to appeal under Ground (a) of Section 174(2) of the Town and Country Planning Act 1990 this is the equivalent of applying for planning permission for the development alleged in the Notice and you will have to pay a fee of £234 which is payable to the Council. There is no fee for the appeal itself.

If you decide to appeal, when you submit it, you should state in writing the ground(s) on which you are appealing against the enforcement notice and you should state briefly the facts on which you intend to rely in support of each of those grounds. If you do not do this when you make your appeal the Secretary of State will send you a notice requiring, you to do so within 14 days.

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

**Nadeen Dean** – Higher Counthill Farm, Higher Counthill, Oldham OL4 2PZ

**Azra Dean** – 536 Kings Road, Stretford, Manchester M32 8JT