**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) of the above Act, at the land described below. They consider that it is expedient to issue this Notice, having regards to the provisions of the Development Plan and to other material planning considerations. The Annex at the end of the Notice and the enclosures to which it refers contain additional information.
2. **THE LAND TO WHICH THE NOTICE RELATES**

Land to the rear of Sumner Street, Shaw, Oldham OL2 8RY as shown edged red on the accompanying plan (“the Land”).

1. **THE MATTERS WHICH APPEAR TO CONSTITUTE THE BREACH OF PLANNING CONTROL**
2. The siting on the Land of a converted container with attached wooden structure for use as an office and 4 x blue containers, 1 x small red steel container and 1 x red and white steel container for storing materials
3. The use of the Land as a builder’s yard/scrap yard.
4. **REASONS FOR ISSUING THIS NOTICE**

The siting of the containers and the change of use of the Land is considered to have a harmful impact as it results in the creation of a commercial character at odds with the surrounding area, which is mainly residential. The containers and the use of the Land as a builder’s yard/scrap yard has an adverse impact upon the visual amenity of the area and is 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 breaches of planning control stated at paragraph 3 have occurred within the last four years.

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

1. Permanently remove the converted container and attached wooden structure from the Land.
2. Permanently remove the 2 x blue steel containers, 1 x small red steel container and 1 x red and white steel container from the Land.
3. Permanently remove all wooden pallets, tyres, corrugated metal, oil drums, car engines and scrap metal from the Land.
4. Permanently remove the scrap vehicles from the Land including the grey Volkswagen Golf GTI Registration W8 RGH and the red Volkswagen Registration W992 CWX.
5. Permanently remove all corrugated metal structures from the Land.
6. Permanently cease the use of the Landsite as a builder’s yard and scrap yard.
7. **TIME FOR COMPLIANCE**

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

1. **WHEN THIS NOTICE TAKES EFFECT**

The Notice takes effect on 8 March 2024, unless an appeal is made against it beforehand.

Dated: 31 January 2024

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 Planning Inspectorate acting on behalf of 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. The fee for any planning application submitted would be £462.

**IMPORTANT ADDITIONAL INFORMATION**

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

**Mr Gary Curley,** 56 Sumner Street, Shaw, OL2 8RY

**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.