**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 at 119 Chadderton Hall Road, Oldham, OL9 0QP as shown edged red on the accompanying plan (“the Land”).

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

The erection of a porch on the frontage of the dwelling on the Land. The porch was refused planning permission by the Council (HOU/350740/23).

1. **REASONS FOR ISSUING THIS NOTICE**

The single storey front porch extension, by virtue of its size, scale, massing, design, materials and siting, would be considered an overly dominant and incongruous addition to the existing property and would have a detrimental impact upon the character and appearance of the street scene, largely owing to its prominence and unduly conspicuous appearance. As such, the single storey front porch extension fails to accord with the provisions of Policy 9 (Local Environment) and superseded Policy 20 (Design) of the Council’s Development Plan Document – Joint Core Strategy and Development Management Policies.

The planning application referred to above (HOU/350740/23) was refused due to the single storey front porch extension, by virtue of its size, scale, massing, design, materials and siting, being an overly dominant and incongruous addition to the existing property and has a detrimental impact upon the character and appearance of the street scene, largely owing to its prominence and unduly conspicuous appearance. The application was refused since it conflicted with the requirements of Local Plan Policy 9 (Local Environment) and Policy 20 (Design).

The adopted Development Plan for the Borough encompasses several documents, but principally the saved policies of the Joint Core Strategy and Development Management Policies Development Plan Document (Local Plan) and the Places for Everyone Joint Plan (PfE) which was adopted on 21 March 2024.  Following the adoption of Places for Everyone (PfE), Local Plan Policy 20 has been superseded by PfE Policy JP-P1 (Sustainable Places).  The porch also fails to comply with the requirements of this newly adopted Policy because it fails to conserve and enhance the local history and culture of the area and conflicts with the character and identity of the locality due to the design, size and scale of the development.

It also appears to the Council that the breach of planning control stated at paragraph 3 above has occurred within the last four years, so is not immune from planning enforcement action.

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

Permanently remove the entirety of the porch structure from the Land or reduce its size so that it constitutes permitted development pursuant to the provisions of Class D (Porches) of Part 1 (Development within the curtilage of a dwellinghouse) of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

1. **TIME FOR COMPLIANCE**

The action 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 14 June 2024, unless an appeal is made against it beforehand.

Dated: 9 May 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 £258.

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

**Mrs Aysha Khanom,** 119 Chadderton Hall Road, Chadderton, Oldham, OL9 0QP and 6 Tilbury Street, Oldham, OL1 2HJ



**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 £258 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.