

35 Netherwood Gardens  
Cheltenham  
Gloucestershire  
GL51 8LQ

Ddi number: 01242 774987  
Our ref: 12/00160/DCALLB  
Ask for: Chloe Smart  
e-mail: chloe.smart@cheltenham.gov.uk  
Date: 21st August 2012

**Important – this communication affects your property**

Dear Mr Petri

**Unauthorised development at 35 Netherwood Gardens Cheltenham Gloucestershire GL51 8LQ**

Enclosed by way of service to you is a copy of an Enforcement Notice issued by Cheltenham Borough Council on 21<sup>st</sup> August 2012 concerning the unauthorised use of part of the domestic garage for the preparation of food in connection with 'Marilyn's Sandwiches and Snacks'. Copies of the notice are also being served on others understood to have an interest in the property.

The notice will take effect on 19<sup>th</sup> September 2012, unless an appeal is made against it is made to the planning inspectorate before that date. Once the notice has taken effect, you must ensure that the steps required for compliance, specified in paragraph 5 of the notice are taken within the six calendar months allowed for compliance. Failure to comply with the requirements of an Enforcement Notice, once it has taken effect, can result in prosecution and/or remedial action being taken by the Council.

If you wish to appeal against the notice, you are advised to first read carefully the booklet "Enforcement Notice Appeal – A Guide to procedure", which is available on the Planning Portal website <http://www.planningportal.gov.uk/planning/appeals/enforcementappeals>.

Any appeal must be sent, preferably on the appeal form provided, with a spare copy of the Enforcement Notice, to the address shown on the appeal form. A copy of the appeal should be sent to the Council and the third form is for you to keep a copy for your records. Alternatively The Planning Inspectorate has introduced an online appeals service which you can use to make your appeal online. You can find this service through the appeals area of the Planning Portal – see [www.planningportal.gov.uk/pes](http://www.planningportal.gov.uk/pes). The Inspectorate will publish details of your appeal on the internet.

Any appeal against the Notice must be received or posted in time to be received, at the Planning Inspectorate at the address shown on the appeal form, before the date on which the notice takes effect.

Yours Sincerely

**Martin Levick**  
**Senior Planner Enforcement**

---

ENFORCEMENT • BUILT ENVIRONMENT  
CHELTENHAM BOROUGH COUNCIL • MUNICIPAL OFFICES • PROMENADE • CHELTENHAM • GLOS • GL50 9SA  
TELEPHONE 01242 262626 • FACSIMILE 01242 264210 • [www.cheltenham.gov.uk](http://www.cheltenham.gov.uk)



---

**ENFORCEMENT • BUILT ENVIRONMENT**

CHELTENHAM BOROUGH COUNCIL • MUNICIPAL OFFICES • PROMENADE • CHELTENHAM • GLOS • GL50 9SA  
TELEPHONE 01242 262626 • FACSIMILE 01242 264210 • [www.cheltenham.gov.uk](http://www.cheltenham.gov.uk)



**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: Cheltenham 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, within paragraph (a) of section 171A(1) 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 and the enclosures to which it refers contain important additional information.

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

Land at 35 Netherwood Gardens Cheltenham Gloucestershire GL51 8LQ shown edged red on the attached plan.

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

Without planning permission, change of use of the part of the detached domestic garage for the preparation of sandwiches and snacks, in connection with a food delivery business.

**4. REASONS FOR ISSUING THIS NOTICE**

It appears to the Council that the above breach of planning control has occurred within the last ten years.

The continued use of the property for the running of a food preparation business is contrary to policy CP4 Safe and Sustainable Living, of the adopted Cheltenham Borough Council Local Plan, by reason of a disturbance created to the amenity of the adjoining neighbours, principally on account of the disturbance from noise, smells and additional vehicle movements to and from the property disassociated from its residential use.

The Council do not consider that planning permission should be given, because planning conditions could not overcome these objections.

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

Cease the use of the garage for the preparation of food and snacks, remove all equipment associated with the business, including the removal of the air conditioning unit and making good of the roof of the garage.

**6. TIME FOR COMPLIANCE**

Within Three months of the date of this notice taking effect.

**7. WHEN THIS NOTICE TAKES EFFECT**

This notice takes effect on 19<sup>th</sup> September 2012, unless an appeal is made against it beforehand.

Dated: 21<sup>st</sup> August 2012

Signed: (council's authorised officer)

Senior Planner – Enforcement

---

**ENFORCEMENT • BUILT ENVIRONMENT**

CHELTENHAM BOROUGH COUNCIL • MUNICIPAL OFFICES • PROMENADE • CHELTENHAM • GLOS • GL50 9SA  
TELEPHONE 01242 262626 • FACSIMILE 01242 264210 • www.cheltenham.gov.uk



on behalf of:  
Cheltenham Borough Council, Built Environment, PO Box 12, Municipal Offices, Promenade, Cheltenham,  
Glos. GL50 1PP.

---

**ENFORCEMENT • BUILT ENVIRONMENT**

CHELTENHAM BOROUGH COUNCIL • MUNICIPAL OFFICES • PROMENADE • CHELTENHAM • GLOS • GL50 9SA  
TELEPHONE 01242 262626 • FACSIMILE 01242 264210 • [www.cheltenham.gov.uk](http://www.cheltenham.gov.uk)



## 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. The enclosed booklet 'Enforcement Notice Appeals - A Guide to Procedure' sets out your rights. You may use the enclosed appeal forms.

- (a) One is for you to send to the Secretary of State if you decide to appeal, together with a copy of this enforcement notice.
- (b) The second copy of the appeal form and the notice should be sent to the council.
- (c) The third copy is for your own records.

### 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(s) specified in paragraph 6 of the notice. Failure to comply with an enforcement notice which has taken effect can result in prosecution and/or remedial action by the council.

---

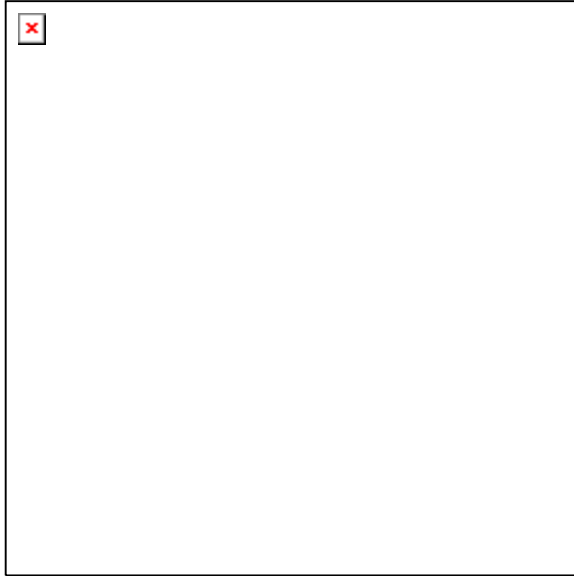
#### ENFORCEMENT • BUILT ENVIRONMENT

CHELTENHAM BOROUGH COUNCIL • MUNICIPAL OFFICES • PROMENADE • CHELTENHAM • GLOS • GL50 9SA  
TELEPHONE 01242 262626 • FACSIMILE 01242 264210 • [www.cheltenham.gov.uk](http://www.cheltenham.gov.uk)



# Property Plan

Scale 1:1250



---

## ENFORCEMENT • BUILT ENVIRONMENT

CHELTENHAM BOROUGH COUNCIL • MUNICIPAL OFFICES • PROMENADE • CHELTENHAM • GLOS • GL50 9SA  
TELEPHONE 01242 262626 • FACSIMILE 01242 264210 • [www.cheltenham.gov.uk](http://www.cheltenham.gov.uk)