

DD number: 01242 775179
Our ref: 10/00409/DCUCOU
Ask for: Adam Gatier
E-mail: adam.gatier@cheltenham.gov.uk
Date: 13 May 2011

Important – this communication affects your property

Dear

RE: Change of use of land for car sales at land adjacent to 259 Gloucester Road, Cheltenham, GL51 8NW

Enclosed is an Enforcement Notice issued by Cheltenham Borough Council (the Local Planning Authority) on 13 May 2011 in connection with the above. Copies of the Notice are also being served on others understood to have an interest in the land.

The Notice will take effect on 10 June 2011, unless an appeal is made against them to the Planning Inspectorate before that date. Once the Notices have taken effect, you must ensure that the steps required for compliance, specified in paragraph 5 of the Notices are taken within the 2 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 Notices, you are advised to visit the Planning Inspectorate website at www.planning-inspectorate.gov.uk/pins/appeals/enforcement_appeals. All the information relating to the enforcement appeal process and procedures can be found here, as well as the required appeal forms. If you have any queries or questions, you can contact the Customer Service Team on 0117 372 6372 or by emailing them at enquiries@pins.gsi.gov.uk.

You can submit your enforcement appeal on-line through the Planning Portal and by using the Planning Casework Service. This is an on-line service that gives you wider and easier access to the planning system and it allows you to track the progress of your case. You can find this service through the appeals area of the Planning Portal at www.planningportal.gov.uk/pcs. The Planning Inspectorate will publish details of your appeal on the internet. A copy of the appeal should be sent to the Council and you are advised to keep a further copy for your own records.

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

Yours sincerely

Martin Levick
Senior Planner Enforcement

IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

**TOWN AND COUNTRY PLANNING ACT 1990
(as amended by the Planning and Compensation Act 1991)**

ENFORCEMENT NOTICE – CHANGE OF USE

ISSUED BY: Cheltenham Borough Council (the Local Planning Authority)

TO:

- 1. This Notice** is issued by the Local Planning Authority (LPA) because it appears 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. The LPA considers 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 to this Notice and the enclosures to which it refers contain important additional information.

- 2. THE LAND TO WHICH THIS NOTICE RELATES:**
 - Land adjacent to 259 Gloucester Road, Cheltenham
(Edged red on the attached plan)

- 3. THE MATTERS WHICH APPEAR TO CONSTITUTE THE BREACH OF PLANNING CONTROL:**
 - The unauthorised change of use of the land for car sales (sui generis) and car storage.

- 4. REASONS FOR ISSUING THIS NOTICE:**
 - It would appear to the LPA that a breach of planning control on the site has occurred within the last 10 years.
 - The existing access serving the unauthorised use is restricted in width and is located at a point on Roman Road where visibility is severely restricted and in the opinion of the LPA, the intensification of the access at this location to serve the use creates additional highway dangers and hazards, contrary to the interests of highway safety and Local Plan policy TP1.
 - There has been no provision made for on-site customer parking in connection with the unauthorised use and in the opinion of the LPA, this leads to on street parking along the adjoining highways, contrary to Local Plan policies TP1 and TP6.
 - The LPA considers the location of the unauthorised use to negatively impact upon the adjoining residential properties by way of amenity, noise and traffic generation and is therefore contrary to Local Plan policy CP4.

- 5. WHAT YOU ARE REQUIRED TO DO:**
 - Cease the use of the land for cars sales and car storage.
 - Remove from the land all vehicles in connection with G M Cars.
 - Remove from the land the mobile sales office.

6. TIME FOR COMPLIANCE:

- 2 months from the date the Notice takes effect.

7. WHEN THIS NOTICE TAKES EFFECT:

This Notice takes effect on 10 June 2011 unless an appeal is made against it beforehand.

Signed:

Date: 13 May 2011

Mr. Mike Redman
Director – Built Environment

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.

If you wish to appeal against the Notice, you are advised to visit the Planning Inspectorate website at www.planning-inspectorate.gov.uk/pins/appeals/enforcement_appeals. All the information relating to the enforcement appeal process and procedures can be found here, as well as the required appeal forms. If you have any queries or questions, you can contact the Customer Service Team on 0117 372 6372 or by emailing them at enquiries@pins.gsi.gov.uk.

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.