

Ddi number: 01242 774986
Our ref: 16/00205/DCUCOU
Ask for: Mr Martin Levick
e-mail: martin.levick@cheltenham.gov.uk

Date: 10th June 2016

IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY

Dear Sir/Madam

**Re: Unauthorised development at 12 Brizen Lane Cheltenham Gloucestershire GL53
ONG**

Enclosed is an Enforcement Notice issued by Cheltenham Borough Council (the Local Planning Authority) on 10th June 2016 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 11th July 2016 , unless an appeal is made against it 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 30 days 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(s), you are advised to visit the Planning Inspectorates guidance at <https://www.gov.uk/government/publications/enforcement-appeals-procedural-guide>. If you have any queries or questions, you can contact the Customer Service Team on 0303 444 5000 or by emailing them at enquiries@pins.gsi.gov.uk. See attached annex.

You can submit your enforcement appeal on-line through the Planning Portal web pages and by using the Planning Casework service provided by the Planning Inspectorate. 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. 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 Notice 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 & Compliance

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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: 12 Brizen Lane Cheltenham Gloucestershire GL53 0NG

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 Local Planning Authority 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 THE NOTICE RELATES:**

Land at 12 Brizen Lane Cheltenham Gloucestershire GL53 0NG
(As show edged red on the attached plan for identification purposes)

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

- Without planning permission the unauthorised change of use of the land from use as a residence to a mixed use for residential and business purposes including the storage of equipment and materials used in connection with a building contractors business.

4. **REASONS FOR ISSUING THIS NOTICE**

- It appears to the Local Planning Authority that the above breach of planning control has occurred within the last ten years.

The unauthorised use is not an appropriate use of the land in the restricted residential cul-de-sac with adjacent residential properties in close proximity. It is considered that the unauthorised use is detrimental to the residential amenities of the local area and is contrary to national and local planning policies. In particular, Policy CP4 of the Local Plan which seeks to ensure development will not cause unacceptable harm to the amenity of adjoining land users including noise and disturbance.

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**

- Stop using any part of the residential property and any part of the land for the storage of equipment and materials in connection with a building contractors business and permanently remove all equipment and materials from the land and property.

6. TIME FOR COMPLIANCE

- 30 days after this Notice takes effect.

7. WHEN THIS NOTICE TAKES EFFECT

- This Notice takes effect on 11th July 2016.

Signed: 

Date: 10th June 2016

Mr Mike Redman
Director – Environmental and Regulatory Services

*on behalf of: Cheltenham Borough Council, Built Environment Enforcement, Municipal Offices,
Promenade, Cheltenham, Gloucestershire GL50 9SA*

ANNEX



The Planning Inspectorate

CST Room 3/13
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

Direct Line 0303-444 5000

Fax No 0117-372 8782

THIS IS IMPORTANT

If you want to appeal against this enforcement notice you can do it:-

- on-line at the Appeals Casework Portal (<https://acp.planningportal.gov.uk/>); or
- by getting enforcement appeal forms by phoning us on 0303 444 5000 or by emailing us at enquiries@pins.gsi.gov.uk

You MUST make sure that we receive your appeal before the effective date on the enforcement notice.

In exceptional circumstances you may give notice of appeal by fax or letter. You should include:-

- the name of the local planning authority;
- the site address;
- your address; and
- the effective date of the enforcement notice.

We MUST receive this before the effective date on the enforcement notice. This should **immediately** be followed by your completed appeal forms.