

DDnumber: 01242 264118
Our ref: 19/00213/DCBPC
Ask for: Daniel Lewis
e-mail daniel.lewis@cheltenham.gov.uk

Date:

IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY

Dear

Re: 14 Windermere Road, Hatherley, Cheltenham, Gloucestershire, GL51 3PX.

Enclosed by way of service on you is a copy of a Planning Contravention Notice issued by Cheltenham Borough Council on 8 January 2020 concerning the use of the ancillary building built under planning permission 14/01119/FUL at the above address.

The Notice will take effect on 8 January 2020. Once the notice has taken effect, you must ensure that the steps required for compliance, specified in part 4 of the notice, are taken within the time 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.

Yours sincerely

Daniel Lewis
Senior Enforcement and Compliance Officer

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

PLANNING CONTRAVENTION NOTICE

ISSUED BY: Cheltenham Borough Council ('the Council')

To:

1. **THIS NOTICE** is served by the Council because it appears to them that there may have been a breach of planning control, within section 171A(1) of the above Act, at the land described below. It is served on you as a person who appears to be the owner or occupier of the land or has another interest in it, or who is carrying out operations in, on, over or under the land or is using it for any purpose. The Council require you, in exercise of their powers under section 171C(2) and (3), so far as you are able, to provide certain information about interest in, and activities on, the land.

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

Land at 14 Windermere Road, Hatherley, Cheltenham, Gloucestershire, GL51 3PX.
(As show edged red on the attached plan for identification purposes)

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

The building permitted under planning permission 14/01119/FUL being used for living / sleeping accommodation.

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

Provide in writing, the following information:-

- State your interest (if any) in the land and the name and address of any other person known to you to have an interest in the land, including tenants;
- State the type of tenancy the occupant(s) sleeping in the building have;
- State the type of tenancy the occupants of the main property have;
- State who has a key to the building;
- State what facilities are provided within the building and who has use / access to these; and
- State how long the current occupants(s) have been sleeping in the building.

Time within which the information must be provided: 21 days beginning with the day on which this notice is served on you:

5. OPPORTUNITY TO MAKE REPRESENTATIONS IN RESPONSE TO NOTICE

If you wish to make an offer to apply for planning permission, or to refrain from carrying out any operations or activities, or to undertake remedial works; or to make any representations about this notice, the council, or representatives of the council, will consider them on 13 January 2020 at 14:00 in the Council Offices where you will be able to make any such offer or representations in person at that time and place.

6. WARNING

It is an offence to fail, without reasonable excuse, to comply with any requirements of this notice within twenty-one days beginning with the day on which it was served on you. The maximum penalty on conviction of this offence is a fine of £1,000. Continuing failure to comply following a conviction will constitute a further offence. It is also an offence knowingly or recklessly to give information, in response to this notice, which is false or misleading in a material particular. The maximum penalty on conviction of this offence is a fine of £5,000.

7. ADDITIONAL INFORMATION

If you fail to respond to this notice, the council may take further action in respect of the suspected breach of planning control. In particular, they may issue an enforcement notice, under section 172 of the 1990 Act, requiring the breach, or any injury to amenity caused by it, to be remedied.

If the council serve a stop notice, under section 183 of the 1990 Act, section 186(5)(b) of the 1990 Act provides that should you otherwise become entitled (under section 186) to compensation will be payable in respect of any loss or damage which could have been avoided had you given the council the information required by this notice, or had you otherwise co-operated with the council when responding to it.

Signed:

Date: 8 January 2020

Mr Mike Redman
Director – Environment

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