

DD number: 01242 264118
Our ref: 18/00310/DCUALB
Ask for: Daniel Lewis
e-mail: daniel.lewis@cheltenham.gov.uk

Date: 21 February 2020

IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY

Dear

Re: Unauthorised development at 65 Bath Road Cheltenham Gloucestershire GL53 7LH

Enclosed is a Listed Building Enforcement Notice issued by Cheltenham Borough Council (the Local Planning Authority) on you 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 24 March 2020 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 section 5 of the Notice are taken within the 5 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(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

Daniel Lewis
Senior Enforcement and Compliance Officer

IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY
PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990
Section 38

LISTED BUILDING ENFORCEMENT NOTICE

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

To:

1. THIS NOTICE is issued by the LPA for the purposes of the Planning (Listed Buildings and Conservation Areas) Act 1990 ("the Act") in relation to the building described below which is included within a list approved or compiled under section 1 of the Act.

2. THE LAND TO WHICH THE NOTICE RELATES:

Land at 65 Bath Road, Cheltenham, Gloucestershire, GL53 7LH
(As show edged red on the attached plan for identification purposes)

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

- Without prior listed building consent the enlargement of a chimney breast located within the front room at basement level of the property and the reshaping of the opening of the chimney breast within rear room at basement level of the property.

4. REASONS FOR ISSUING THE NOTICE:

- The LPA considers that the works specified in section 3 of this Notice have been executed to the building and are such as to constitute a contravention of Section 9 (1) or 9 (2) of the Act.
- The LPA considers it expedient to issue this Notice having regard to the effect of the works on the character of the building as one of special architectural and historic interest.
- The works would lead to less than substantial harm to the significance of the listed building through their ingongrus design. This harm is not outweighed by any substantiated public benefit. The works are therefore contrary to Section 16 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the National Planning Policy Framework (2019) and Policy SD8 (Historic Environment) of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (adopted December 2017).

5. WHAT YOU ARE REQUIRED TO DO

- Remove the enlarged elements of the chimney breast within the front room at basement level, restore to its former size, infill the opening and restore the former plastered appearance prior to any works being undertaken, make good any damage caused in doing so and remove all resulting waste from the land; and
- Remove the curved opening to the chimney breast within the rear room at basement level and infill the opening with a plastered appearance to match the appearance prior to the works to install the curve were undertaken, make good any damage caused in doing so and remove all resulting waste from the land.

6. TIME FOR COMPLIANCE

- 5 months from the date of the Notice.

7. WHEN THIS NOTICE TAKES EFFECT

- This Notice takes effect on 24 March 2020 unless an appeal is made against it beforehand

Signed:

Date: 21 February 2020

Mr Mike Redman
Director - Environment

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

ANNEX



The Planning Inspectorate

Customer Support Team
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

Direct Line 0303-444 5000
Email enquiries@pins.gsi.gov.uk

THIS IS IMPORTANT

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

- on-line at the Appeals Casework Portal (<https://acp.planninginspectorate.gov.uk/>); or
- sending us Listed Building enforcement appeal forms which can be obtained by contacting us on the details above.

You MUST make sure that we RECEIVE your appeal BEFORE the effective date on the Listed Building enforcement notice.

Please read the appeal guidance documents at <https://www.gov.uk/government/publications/listed-building-enforcement-notice-appeals-how-to-complete-your-appeal-form>

In exceptional circumstances you may give written notice of appeal by letter or email. You should include the name and contact details of the appellant(s) and either attach a copy of the Enforcement notice that you wish to appeal or state the following:

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

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