



CHELTENHAM

BOROUGH COUNCIL

DD number: 01242 264118
Our ref: 17/00144/DCUA
Ask for: Daniel Lewis
E-mail: daniel.lewis@cheltenham.gov.uk

Date: 4 May 2021

IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY

Dear Sir / Madam

Re: Unauthorised development at 15 Deep Street Prestbury Cheltenham Gloucestershire

Enclosed is an enforcement notice issued by Cheltenham Borough Council (the Local Planning Authority) in connection with the above. I now serve on you a copy of that Notice in view of your interest in the land. Copies of the Notice are also being served on others understood to have an interest in the land.

The Notice will take effect on 3 June 2021, 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 timeframe given 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 guidance pages 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 via the details contained with the annex at the end of this notice.

Should you submit an appeal, a copy of the appeal documentation should be sent to the council. 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

D. Lewis

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)**

ENFORCEMENT NOTICE – OPERATIONAL DEVELOPMENT

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 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 15 Deep Street Prestbury Cheltenham Gloucestershire
(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 erection of a single storey extension to the rear of the main building known as 15 Deep Street, Prestbury, Cheltenham, GL52 3AW.

4. REASONS FOR ISSUING THE NOTICE:

- It appears to the LPA that the above breach of planning control has occurred within the last 4 years. The extension in question was substantially completed less than 4 years ago.
- It appears to the LPA that no planning consent has been granted for the retention of the extension as built in that the retrospective planning application submitted on 12th June 2017 under local planning authority ref 17/01137/FUL was withdrawn at the applicants request prior to a decision being made by the Council's Planning Committee.
- The rear extension, by reason of its design, scale and materials is harmful to the appearance of the original dwelling which is an undesignated heritage asset and neither preserves or enhances the conservation area. Accordingly, the extension is contrary to policies D1 and HE1 of the Cheltenham Plan (adopted 2020), policies SD4 & SD8 of the adopted Joint Core Strategy, advice contained within the Council's adopted SPD 'Residential Alterations and Extensions' and guidance set out within the NPPF.
- The LPA does not consider that planning permission should be given because planning conditions could not overcome these objections to the development.

5. WHAT YOU ARE REQUIRED TO DO

- Dismantle and remove the unauthorised extension in its entirety together with all resulting material from the land; and
- Restore the ground level to previous levels using appropriate material.

6. TIME FOR COMPLIANCE

- 6 months from the date of the Notice.

7. WHEN THIS NOTICE TAKES EFFECT

- This Notice takes effect on 3 June 2021

Signed:

Date: 4 May 2021

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 enforcement notice you can do it:-

- on-line at the Appeals Casework Portal (<https://acp.planninginspectorate.gov.uk/>); or
- sending us 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 enforcement notice.

Please read the appeal guidance documents at <https://www.gov.uk/appeal-enforcement-notice/how-to-appeal>

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; 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.