



CHEL TENHAM

BOROUGH COUNCIL

Mirosław Teodor Michalecki
156 Hesters Way Road
Cheltenham
Gloucestershire
GL51 0RY

DD number: 01242 264205
Our ref: 20/00216/DCALLB
Ask for: Sara Cleevely
E-mail: sara.cleevely@cheltenham.gov.uk
Date: 9 September 2021

IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY

Dear Mirosław Teodor Michalecki,

**Re: Unauthorised development at 156 Hesters Way Road Cheltenham Gloucestershire
GL51 0RY**

Enclosed is an 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 11th October 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

Sara Cleevely
Enforcement and Compliance Officer

5. WHAT YOU ARE REQUIRED TO DO

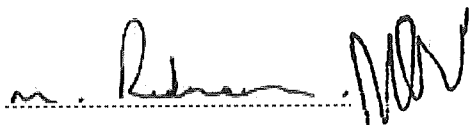
- To cease trading of the hot food takeaway business and remove the trailer from which the business is operating from at land known as 156 Hesters Way Road, Cheltenham, GL51 0RY.

6. TIME FOR COMPLIANCE

- 6 calendar weeks from the date of the Notice.

7. WHEN THIS NOTICE TAKES EFFECT

- This Notice takes effect on 11th October 2021

Signed:  Date: 9th September 2021

**Mr Mike Redman
Director – Environment**

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

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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: Miroslaw Teodor Michalecki of 156 Hesters Way Road, Cheltenham, Gloucestershire, GL51 0RY.

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 156 Hesters Way Road Cheltenham Gloucestershire GL51 0RY
(As shown 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 change of use of the land to the front of 156 Hesters Way Road, Cheltenham, GL51 0RY for the operation of a hot food takeaway business from a catering trailer.

4. REASONS FOR ISSUING THIS NOTICE

- It appears to the Local Planning Authority (LPA), that no planning consent has been granted for the change of use of the land, which commenced less than 10 years ago.
- The LPA considers that the use of the land as a hot food takeaway is inappropriate and impacts negatively on the neighbouring residential amenity in the form of odour and noise and is therefore considered contrary to JCS policy SD14 and Cheltenham Plan policy SL1.
- The LPA considers there is an unacceptable impact on highway safety, due to the residential setting and is therefore considered contrary to JCS policy INF1.
- The LPA considers the poor design of the catering trailer that is located on land to the front of 156 Hesters Way Road, Cheltenham, GL51 0RY and therefore considered to be contrary to JCS policy SD4 and Cheltenham Plan policy D1.

ANNEX



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.

