



CHEL TENHAM
BOROUGH COUNCIL

Mr. Jeremy Hughes Williams
Company Secretary
Pegasuslife Development Limited
Unit 3 Church Green Close
Kings Worthy
Winchester
SO23 7TW

DD number: 01242 264118
Our ref: 21/00005/DCBPC
Ask for: Daniel Lewis
E-mail: daniel.lewis@cheltenham.gov.uk
Date: 1 September 2021

IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY

Dear Mr Williams,

Re: One Bayshill Road, Cheltenham - 15/00786/FUL and 18/01496/CONDIT

Cheltenham Borough Council is of the belief that a breach of planning control may have taken place at the address given. In order to enable the Council to further consider the existence or otherwise of the alleged breach and assess whether formal enforcement action is likely to be required, I enclose by way of service a Planning Contravention Notice.

This Notice is being served on you as the owner / occupier or a person either using or having an interest in the land referred to above. Under the Town and Country Planning Act 1990 (as amended) you are required, so far as you are able, to provide me with the information requested in the notice in writing within twenty one days (21) from the day on which it is served on you.

The notice will take effect on 2 September 2021. 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 provide the information requested within the stipulated timeframe without reasonable excuse is an offence subject to a maximum penalty upon conviction of £1,000. It is also an offence to knowingly or recklessly give information in response to this notice which is false or misleading, subject to a maximum penalty upon conviction of £5,000.

Should you wish to discuss the matter further, please do not hesitate to contact me via the details above.

Yours sincerely

D. Lewis

Daniel Lewis
Senior Enforcement and Compliance Officer

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 10 September 2021 at 13:00 in the Council Offices, where you will be able to make any such offer or representations in person at that time and place. Please notify the officer whether you / a representative will be attending this appointment, as the Council Offices are currently closed and special arrangement will need to be made.

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 (level 3 on the standard scale). 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 in any way. 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 for loss or damage attributable to that notice, no such 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: 1 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)**

PLANNING CONTRAVENTION NOTICE

**ISSUED BY: Cheltenham Borough Council ('the Council'), Municipal Offices,
Promenade, Cheltenham, GL50 9SA**

**To: Mr. Jeremy Hughes Williams, Company Secretary, Pegasuslife Development
Limited, Unit 3 Church Green Close, Kings Worthy, Winchester, SO23 7TW**

1. **THIS NOTICE** is served by the Council because it appears to it that there may have been a breach of planning control, within section 171A(1) of the 1990 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) of the 1990 Act, 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**

The land at One Bayshill Road, 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**

- Permitting the occupation of the extra care units by persons who are not considered to be in need of care, as defined within Class C2 of the Town and Country Planning (Use Classes) Order 1987 (or any order revoking and/or re-enacting that order with or without modification).
- Permitting the occupation of the extra care units by persons (other than any surviving spouse, civil partner or cohabitating partner) who are not in need of personal care by reason of old age, infirmity or disability.
- Permitting the occupation of the extra care apartments by persons who are not contracted into a care package, incorporating a minimum of 1.5 hours of support, at all times during their occupation.

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

Provide in writing, the following information:-

1. 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;
2. State the name, age and address of each occupier of each extra care unit, including the date each occupier took up residency;
3. State the need of care for each occupier of each extra care unit, unless they are a surviving spouse, civil partner or cohabitating partner where this should be expressly stated. In which case, the deceased spouse, civil partner or cohabitating persons need should be stated;
4. State the type of care provided to each resident, the name of the service provider and the date this care commenced.