



**WELWYN  
HATFIELD  
COUNCIL**

**IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY**

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

**ENFORCEMENT NOTICE  
(Operational Development)**

**ISSUED BY: Welwyn Hatfield Borough Council ("the Council")**

**1. THIS IS A FORMAL NOTICE** which is issued by the Council being the local planning authority for the purposes of Section 172 of the above Act, because it appears to them that there has been a breach of planning control, under section 171A(1)(a) of the above Act, at the land described below. They consider 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 at the end of the notice and the enclosures to which it refers contain important additional information.

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

Land at and known as Park Farm, Northaw Road West, Northaw, Hertfordshire, EN6 4NT, shown edged red on the attached plan (hereinafter called "the Land").

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

Without planning permission, the building of walls in excess of one metre high adjacent to the highway together with the hard surfacing of the highway verge.

**4. REASONS WHY THE LOCAL PLANNING AUTHORITY CONSIDER IT EXPEDIENT TO ISSUE THIS NOTICE**

It appears to the Council that the above breach of planning control has occurred within the last 4 years.

The land is within the Green Belt as designated by the Hertfordshire County Structure Plan 1991-2011 and the Welwyn Hatfield Local Plan 2005. The policies contained within those plans seek to protect the openness, character and appearance of the area. Policy RA1 of the Local Plan restricts development in the Green Belt to that

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which is essential for agriculture, outdoor leisure or the re-use of buildings, or is in accordance with other specific policies in the plan unless there are very special circumstances.

Policy RA2 restricts development in Northaw to that which accommodates the specific needs of the surrounding rural area. Policy RA3 allows development if it does not have an adverse visual impact (in terms of its prominence, size bulk and design) on the character, appearance and pattern of the surrounding countryside.

Park Farm is designated an area of archaeological significance with the potential for medieval or post medieval archaeological remains and is prominent in the landscape because the land falls away on three sides. It is on a busy classified road, and the development is an incongruous urban feature in this rural location, which has a visually intrusive impact on the openness, character and appearance of the Green Belt. The development does not address any settlement needs and does not conform to Policies RA1, RA2 or RA3 of the Local Plan, and for these reasons it is unacceptable. The Council do not consider that planning permission should be given because planning conditions could not overcome these objections to the unauthorised development.

The purpose of this notice is for remedying a breach of planning control.

#### **4A. HUMAN RIGHTS ACT 1998**

The Local Planning Authority has considered the implications of the Human Rights Act 1988 ("the Act") regarding the unauthorised development. The following have been considered as relevant under the Act: -

Schedule 1 Part 1 Article 8 – the right to respect for private and family life, home and personal correspondence

Schedule 1 Part 2 The First Protocol Article 1 – the right to protection of property, including peaceful enjoyment of possessions

The Local Planning Authority considers both Article 8 of the Convention and Article 1 of the First Protocol can be interfered with where there is a need to consider the general interest and the rights and freedoms of others. In planning terms, where development infringes the rights and freedoms of others then the Local Planning Authority needs to consider if the needs of the community are greater than the needs of the individual in question.

In this case it is considered that the unauthorised development has a detrimental impact on the openness, character and appearance of the Green Belt, and on the amenity of the area. It is considered that the rights of the community in this situation are infringed and enforcement action is warranted to remove the unacceptable development in the general interest.

**5. WHAT YOU ARE REQUIRED TO DO TO REMEDY THE BREACH.**

- (i) Demolish the walls and dig up the foundations along the front boundaries of the land and around the entrances from Northaw Road West.
- (ii) Remove from the land all materials resulting from the demolition specified in (i) above
- (iii) Plant a replacement hedge along the highway boundary of the land in the first planting season following the required demolition in accordance with a scheme of landscaping to be agreed in writing by the Local Planning Authority.
- (iv) Remove the hard-surfacing and base layers of materials from the highway verge and reinstate the verge by seeding with grass in the first seeding season following the required demolition.

**6. TIME FOR COMPLIANCE**

- (i) One month after this notice takes effect.
- (ii) One month after this notice takes effect.
- (iii) Landscaping scheme to be submitted one month after this notice takes effect. With the planting as agreed to take place in the first planting season following the required demolition.
- (iv) The seeding shall take place in the first seeding season following the required demolition

**7. WHEN THIS NOTICE TAKES EFFECT**

This notice takes effect on the 8<sup>th</sup> day of January 2007 unless an appeal is made against it beforehand.

ISSUED this 7<sup>th</sup> day of December 2006

WELWYN HATFIELD BOROUGH COUNCIL  
COUNCIL OFFICES  
THE CAMPUS  
WELWYN GARDEN CITY  
HERTFORDSHIRE  
AL8 6AE

Signed:   
ROBERT BALDOCK  
CHIEF LEGAL SERVICES OFFICER

## ANNEX

### YOUR RIGHT OF APPEAL

You can appeal against this notice, provided the appeal is received or posted in time to be received by the Secretary of State **before** the effective date given in paragraph 6 above.

The enclosed booklet "Making your enforcement appeal" sets out your rights. Read it carefully.

You may want to use the appeal forms enclosed. Three copies have been provided for you to send to:

- The Secretary of State (including the spare copy of the enforcement notice).
- The Planning Department, Welwyn Hatfield Council.
- And one copy for your own records.

### IF YOU APPEAL

If you lodge an appeal then you must submit to the Secretary of State a statement in writing specifying the grounds on which you are appealing against the enforcement notice. You must also state briefly the facts that you propose to rely on in support of each of these grounds. You must submit this statement either;

- When giving notice of appeal; OR
- Within 14 days from the date that the Secretary of State sends you a notice that requires you to send a statement.

If you wish to have your appeal considered as a deemed application for Planning Permission or you intend to make an appeal under Ground (A) you may be required to pay a fee.

The fee payable under Regulation 10 of the Town and Country Planning (Fees for Applications and Deemed Applications) Regulations 1989 for the deemed application for planning permission for the development alleged to be in breach of planning control in the enforcement notice is **£135**.

This amount is payable both to the Council and the Secretary of State.

### WHAT HAPPENS IF YOU DO NOT APPEAL

If you do not appeal against this enforcement notice, it will take effect on the effective date specified in paragraph 6 of the notice, and you must then ensure that the required steps for complying with it, for which you may be held responsible, are taken within the periods(s) specified in paragraph 5 of the notice. **Failure to comply with an enforcement notice which has taken effect can result in prosecution and/or remedial action by the Council.**

**WHO THIS ENFORCEMENT NOTICE HAS BEEN SERVED ON**

The names and addresses of the persons on whom a copy of this enforcement notice has been served by Local Planning Authority is as follows: -

<u>Name</u>	<u>Address</u>
Mr Albert Best	Park Farm Northaw Road West Northaw Hertfordshire EN6 4NT

**SPECIFY THE NAMES OF ALL THE PEOPLE SERVED WITH A COPY OF THE ENFORCEMENT NOTICE**



Council Offices, The Campus,  
Welwyn Garden City, Herts. AL3 6AE

Title:		Scale:
Project:		Date: 30th November 2006
Drawing Number:		Drawn: