

IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

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

**ENFORCEMENT NOTICE
(Change of Use)**

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 17 Daisy Drive, Hatfield, Hertfordshire, AL10 9FR, shown edged red on the attached site plan marked "A" (hereinafter called "the Land").

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

Without planning permission, the change of use of land from open amenity land to private garden and the enclosing of that land by the erection of a close boarded fence.

4. REASONS WHY THE LOCAL PLANNING AUTHORITY CONSIDER IT EXPEDIENT TO ISSUE THIS NOTICE & ALL POLICIES & PROPOSALS IN LOCAL PLANNING AUTHORITY'S DEVELOPMENT PLAN WHICH ARE RELEVANT TO THE DECISION TO ISSUE THIS NOTICE

It appears to the Council that the above breach of planning control has occurred within the last 10 years.

The relocation of the fence results in the loss of a feature of the original Hatfield Aerodrome site development, namely a landscape strip, which is an important feature in enhancing and maintaining the visual amenity and creation of space within the development. This is contrary to Policies D2 and D3 of the Welwyn Hatfield District Plan 2005 and Hatfield Aerodrome Supplementary Design Guidance 1999.

The Council does not consider that planning permission should be given as planning conditions could not overcome the reasons for the development being unacceptable.

The purpose of this notice is to remedy 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, Article 1 of the First Protocol – 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 breach of planning control through the relocation of the fence has had a significant harmful impact on the character and appearance of the area. It is considered that the rights of the community in this situation are infringed and enforcement action is warranted to control the use of property in accordance with the general interest.

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

1. Remove the close boarded fence shown marked with a blue line on the plan attached marked "B"
2. Relocate the close boarded fence only along the line marked in red on the attached plan marked "C" to the boundary of the residential curtilage,
3. Cease using the land as private garden AND
4. Reinstate the approved landscaping into the strip alongside the residential curtilage.

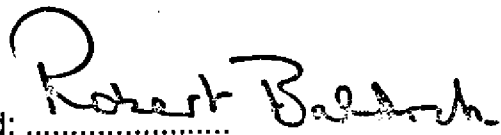
Time for compliance: 6 month(s) after this notice takes effect

6. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on the **15th** day of **OCTOBER** 2007 ("the effective date") unless an appeal is made against it beforehand.

ISSUED this 10th day of September 2007

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

Signed: 
ROBERT BALDOCK
CHIEF LEGAL SERVICES
OFFICER

Ref: DRS/DEV2/14/349

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 application 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 **£265**.

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>
Mark Francis MacNaughton	17 Daisy Drive, Hatfield, AL10 9FR
Jurgita MacNaughton	17 Daisy Drive, Hatfield, AL10 9FR
Skipton Building Society	The Bailey, Skipton, North Yorkshire, BD23 1DN