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WELWYN HATFIELD DISTRICT COUNCIL
TOWN AND COUNTRY PLANNING ACT 1971.

Enforcement Notice

*(Change of use without permission)

To: (b) Mr. S.A. Salter
of Wells Farm, Northaw Road East
Cuffley, Herts.

1. WHEREAS:

(i) You are the [owner [and] [occupier] of] ~~[person having an interest in]~~ the land situate at and known as (c) Wells Farm, Northaw Road East, Cuffley, Herts.

which is more particularly delineated on the attached plan and thereon ~~shown~~ edged red (hereinafter called "the said land").

(ii) The (a) Welwyn Hatfield District Council (hereinafter called "the Council") are the Local Planning Authority (*inter alia*) for the purposes of the provisions of section 87 of the Town and Country Planning Act 1971 (hereinafter called "the Act of 1971").

(iii) It appears to the Council that after the 31st day of December 1963 there has been a breach of planning control in that the said land has been developed by the making of a material change in the use, ~~thereof for the buildings situate thereon~~ to a use for the purpose of the storage of motor vehicle components of the . . . land and the buildings situate thereon

without the grant of permission required in that behalf under Part III of the Town and Country Planning Act 1962 or Part III of the Act of 1971.

(iv) The Council consider it expedient having regard to the provisions of the development plan and to all other material considerations to serve this notice.

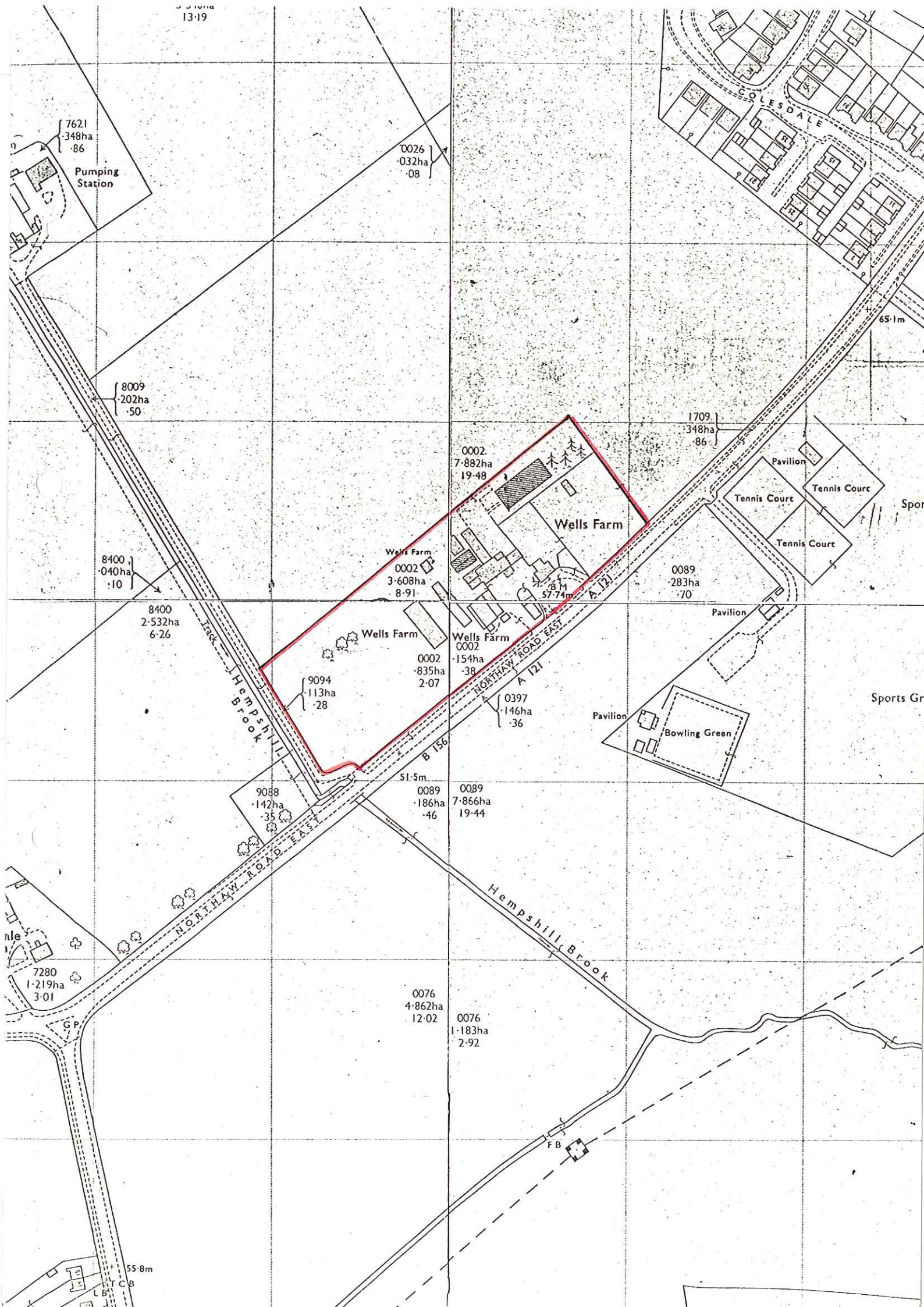
[CONTINUED OVERLEAF

(a) Insert the name of the council serving the notice.

(b) Insert the name of the person, company or other body on whom the notice is being served. In the case of a company, service should be on the company, not on individual directors or officers. In the case of a partnership, service should be on each of the partners by name. Service on (i) an occupier or (ii) a person having an interest in the land whose name cannot be ascertained after reasonable inquiry can be made in the manner provided by sub-section (2) of section 283 of the Town and Country Planning Act 1971. There is also provision in sub-section (3) of that section for service of notices in respect of occupied land.

(c) Insert a full description of the land to which the notice relates, sufficient to enable its location and extent to be readily understood. Where there is a postal address for the land, this should be included. The land should also be shown on a plan attached to the notice, where possible. In drafting an enforcement notice regard should be had to the whole of the planning unit in respect of which it is alleged there has been a breach of planning control, not merely to that part of the land which is directly affected by the activities, or failure, constituting the alleged breach.

YOUR ATTENTION IS DIRECTED TO THE ATTACHED NOTES WHICH EXPLAIN YOUR RIGHT OF APPEAL AGAINST THIS NOTICE. YOU SHOULD READ THEM CAREFULLY.



2. NOW THEREFORE TAKE NOTICE that in exercise of the powers contained in the said section 87 of the Act of 1971 the Council HEREBY REQUIRE YOU within the period of two calendar months beginning with the date on which this notice takes effect to discontinue the use [of the said land] ~~[of the buildings situated thereon]~~ for the purpose of the storage of motor vehicle components and the buildings situate thereon and the buildings situated thereon their and to restore the said land ~~[and the buildings situated thereon]~~ to ~~its~~ their condition before the said development took place.

3. THIS NOTICE SHALL TAKE EFFECT, subject to the provisions of section 88(3) of the Town and Country Planning Act 1971, ~~at the expiration of a period of (d) 31 days after the service thereof upon you.~~ at the expiration of a period of (d) 31 days after the service thereof upon you.

DATED this Seven day of August, 1980 .

Signed J. Prescott (e)
Secretary to Welwyn Hatfield District Council
(The officer appointed for this purpose)

Welwyn Hatfield District Council
Council Offices
The Campus
Welwyn Garden City
Herts

Address to which all communications should be sent.)

(d) The period specified must be such that not less than 28 clear days elapse between the date of the service of the notice and the effective date (a longer period may be specified). Where several persons are served, ensure that the effective date is not less than 28 clear days after the latest date of service. (The period of 28 clear days cannot begin to run until the day following the day when service of the notice on all those persons entitled to be served has been completed.)

(e) Insert title of proper officer.

NOTES FOR PERSONS SERVED WITH AN ENFORCEMENT NOTICE

(These notes do not form any part of the enforcement notice)

PENALTIES FOR NON-COMPLIANCE

1. You have been served with an enforcement notice which will come into effect at the expiry of the period stated in paragraph 3 of the notice. You then have the further period set out in paragraph 2 of the notice in which to comply with the requirements set out. If you fail to comply within that time you will be liable to prosecution and, on conviction, to a fine. The continuing contravention after conviction can lead to a further fine for each day the offence continues.

RIGHT OF APPEAL

2. You have a right of appeal against the notice to [the Secretary of State for the Environment] [the Secretary of State for Wales]. If you do appeal, the notice will not come into effect until the appeal is finally determined.

WHEN TO APPEAL

3. An appeal *must* be made within the period at the end of which the notice is stated to take effect. This is the period set out in paragraph 3 of the notice. *The Secretary of State has no power to extend this period nor to accept an appeal made out of time.*

HOW TO APPEAL

4. There are no special forms on which to make an appeal, but it should be made in writing and addressed to [the Secretary of State, Department of the Environment, Becket House, 1 Lambeth Palace Road, London, SE1 7ER] [the Secretary of State, Welsh Office, Summit House, Windsor Place, Cardiff CF1 3BX] and the envelope marked "Enforcement Appeal". You should state (a) the grounds on which the appeal is made, and (b) the facts on which those grounds are based. (It will help the Secretary of State in dealing with the preliminary stages of the appeal (see paragraph 7 below) if you enclose a copy of the enforcement notice or, failing that, state the name of the Council serving the notice, and the address of the property or location of the land enforced against. If you have also made, or are making, an appeal against a refusal of planning permission in respect of the same land, you should mention this.)

GROUND ON WHICH AN APPEAL CAN BE MADE

5. An appeal can be made on one or more of the grounds set out in Section 88(1) of the Town and Country Planning Act 1971—reproduced with other relevant sections of the Act below/overleaf. In general, grounds (c) and (d) are mutually exclusive. Ground (c) can be pleaded only where the enforcement notice alleges one of the following types of breach:—

- a. the carrying out of building or other operations without planning permission; or
- b. failure to comply with a condition requiring the carrying out of building or other operations; or
- c. change of use of any building to use as a single dwellinghouse without planning permission.

STATING THE FACTS

6. The statement of facts in support of the appeal must be more than just a reiteration of the grounds set out in section 88(1) of the Act and must at least give the basic facts on which you rely in pleading those grounds. For example, where ground (c) or (d) is pleaded, you should give, as far as you are able, the actual date when the building or other operations took place, when the use commenced, or when the failure to comply with the condition occurred, as the case may be.

SUBSEQUENT ACTION

7. The Secretary of State will acknowledge receipt of your appeal and contact the Council who served the notice. Unless the Secretary of State considers that an inquiry is essential, an opportunity will be given to both you, as appellant, and the Council to say whether you wish to appear before an Inspector at a local inquiry or are prepared to have the matter dealt with by way of written statements. This latter procedure may be more suitable where there is no dispute as to the facts of the case.

PROFESSIONAL ADVICE

8. If the issues are simple, you may decide to deal with the appeal yourself or with the help of someone not professionally qualified. Where legal or other complex issues are likely to be involved, it may be better to seek professional advice at an early date. Whoever the spokesman is, all representations will be carefully considered. If there is an inquiry, the Inspector will ensure that everybody gets a fair hearing whether professionally represented or not.

NOTE

These notes are supplied for guidance only. Although they seek to draw your attention to the more important provisions of the legislation concerning enforcement of planning control, they do not purport to be a complete statement of the law. Further reference should be made to the Town and Country Planning Act, 1971 and associated Orders.

EXTRACTS from the TOWN AND COUNTRY PLANNING ACT 1971

Power to serve enforcement notice

87.—(1) Where it appears to the local planning authority that there has been a breach of planning control after the end of 1963, then, subject to any directions given by the Secretary of State and to the following provisions of this section, the authority, if they consider it expedient to do so having regard to the provisions of the development plan and to any other material considerations, may serve a notice under this section (in this Act referred to as an "enforcement notice") requiring the breach to be remedied.

(2) There is a breach of planning control if development has been carried out, whether before or after the commencement of this Act, without the grant of planning permission required in that behalf in accordance with Part III of the Act of 1962 or Part III of this Act, or if any conditions or limitations subject to which planning permission was granted have not been complied with.

(3) Where an enforcement notice relates to a breach of planning control consisting in—

- (a) the carrying out without planning permission of building, engineering, mining or other operations in, on, over or under land; or
- (b) the failure to comply with any condition or limitation which relates to the carrying out of such operations and subject to which planning permission was granted for the development of that land; or
- (c) the making without planning permission of a change of use of any building to use as a single dwelling-house,

it may be served only within the period of four years from the date of the breach.

(4) An enforcement notice shall be served on the owner and on the occupier of the land to which it relates and on any other person having an interest in that land, being an interest which in the opinion of the authority is materially affected by the notice.

(5) Where planning permission has effect subject to a condition to which section 82 of this Act applies, and by reason of anything done in a particular part of a building that condition is contravened, any enforcement notice relating to the contravention shall be taken to be served on the owner and on the occupier of the land to which it relates if it is served on the owner and on the occupier of that part of the building, whether it is also served on any other person or not.

(6) An enforcement notice shall specify—

- (a) the matters alleged to constitute a breach of planning control;
- (b) the steps required by the authority to be taken in order to remedy the breach, that is to say steps for the purpose of restoring the land to its condition before the development took place or (according to the particular circumstances of the breach) of securing compliance with the conditions or limitations subject to which planning permission was granted; and
- (c) the period for compliance with the notice, that is to say the period (beginning with the date when the notice takes effect) within which those steps are required to be taken.

(7) The steps which may be required by an enforcement notice to be taken include the demolition or alteration of any buildings or works, the discontinuance of any use of land, or the carrying out on land of any building or other operations.

(8) Subject to section 88 of this Act, an enforcement notice shall take effect at the end of such period, not being less than twenty-eight days after the service of the notice, as may be specified in the notice.

(9) The local planning authority may withdraw an enforcement notice (without prejudice to their power to serve another) at any time before it takes effect; and, if they do so, they shall forthwith give notice of the withdrawal to every person who was served with the notice.