

IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

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

**ENFORCEMENT NOTICE
(Material 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**

Park Farm, Northaw Road West, Northaw, EN6 4NT shown edged red on the attached plan A (hereinafter called "the Land").

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

Without planning permission the use of the land for vehicles sales

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**

Overall it is considered that the unauthorised use of vehicle sales fails to uphold the principles of the National Planning Policy Framework in relation to sustainable development, good design, protecting the Green Belt and conserving and enhancing the historic environment. It is also contrary to policies D2 (Character and Context), RA16 (Rural Employment and Diversification), EMP8 (Employment Sites Outside of Employment Areas) and R29 (Archaeology) of the Welwyn Hatfield District Plan 2005 (policies saved beyond 2008).

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: -

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

Article 1 of the First Protocol to the Convention – 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 pressing need to consider the general interest and the rights and freedoms of others and it is proportionate to do so. 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 this use results in unacceptable harm to the Green Belt. In these circumstances the need to remove the unacceptable use in the interests of the community are greater than the needs of the individual.

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

- (a) Cease the use of the land as outlined in red on 'Plan A' for vehicle sales
- (b) Remove all motor vehicles associated with the sales activity from the land

Time for compliance: Three (3) months after this notice takes effect

6. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on the 21 day of February 2013 ("the effective date") unless an appeal is made against it beforehand.

ISSUED this 17 day of January 2013

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



Signed:
ROBERT BALDOCK
DIRECTOR (GOVERNANCE)

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 booklet entitled "Making your enforcement appeal" which sets out your rights has now been superseded. You may however find very helpful information on how to appeal on the enclosed guidance sheet entitled "The Planning Inspectorate" and or by visiting this link below this line:

http://www.planningportal.gov.uk/uploads/pins/enforcement_making_your_appeal

Information on where and how to obtain and complete an appeal form can also be found from the link mentioned above

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 £

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

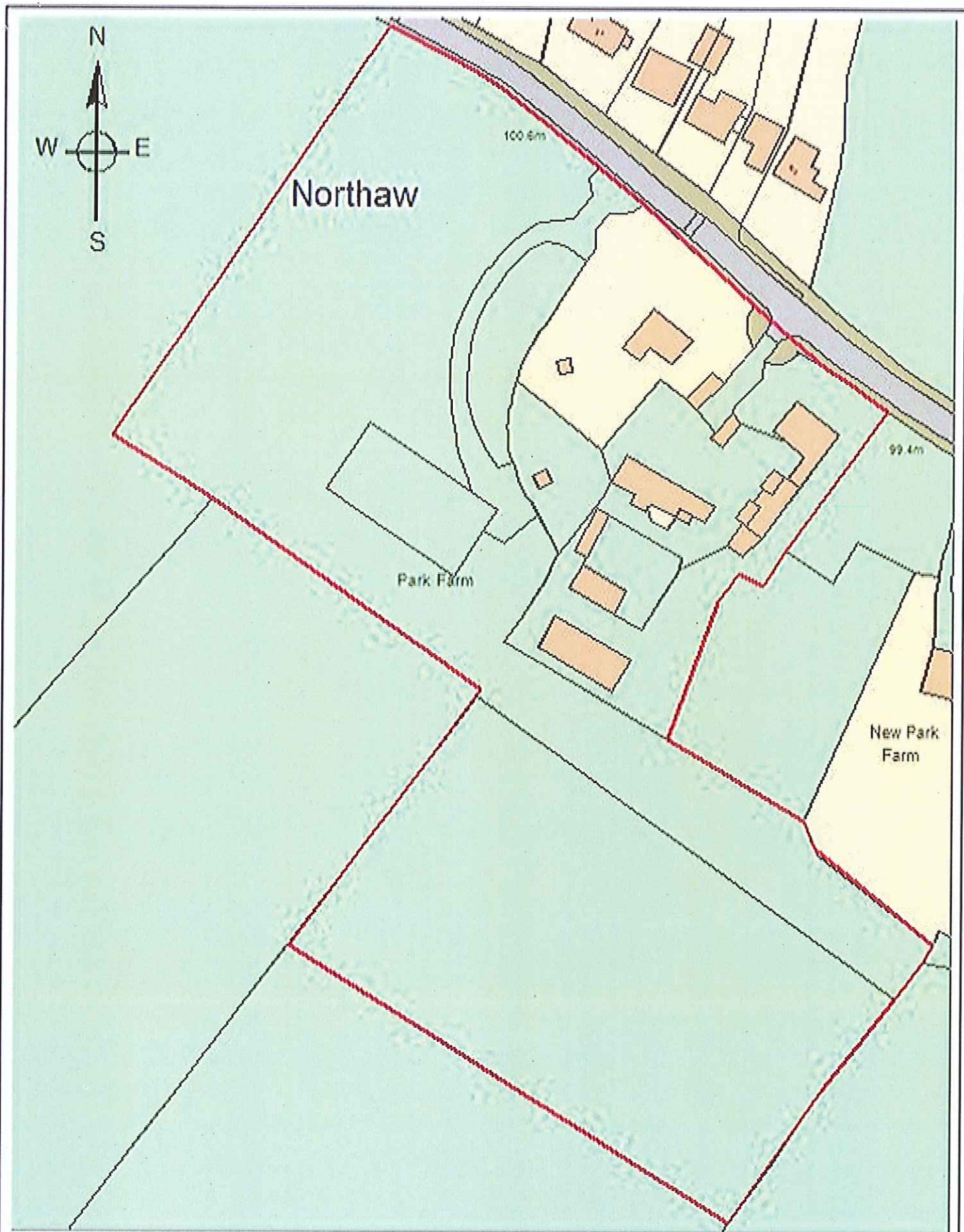
WHAT HAPPENS IF YOU DO NOT APPEAL


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>
Owner/Occupier	Park Farm Northaw Road West Northaw Potters Bar Hertfordshire EN6 4NT
Alfred William Best	Northaw Manor Northaw Road West Northaw Potters Bar Hertfordshire EN6 4NT
Alfred William Best	35 New Road Rainham Essex RM13 8DR
Alfred William Best	C/O Wyldcrest Properties Limited 35 New Road Rainham Essex RN13 8DR
Stuart Mann	Northaw Manor Park Farm Northaw Road West Northaw Potters Bar Hertfordshire EN6 4NT
Company Secretary HSBC Bank Plc	Sheffield Securities Processing Centre P.O. Box 3924 Sheffield S1 9BD
Company Secretary HSBC Bank Plc	Registered Office 8 Canada Square London E14 5HQ



 <p>WELWYN HATFIELD BOROUGH COUNCIL</p> <p>Council Offices: The Campus, Welwyn Garden City, Herts. AL8 6AE</p>	<p>Title</p> <p>Park Farm, Northhaw Road West, EN6 4NT</p>	<p>Scale</p> <p>1:1250</p>
	<p>Project</p> <p>Pish A</p>	<p>Date</p> <p>17th January 2013</p>
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The Planning Inspectorate

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Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

Direct Line 0117-372 6372

Switchboard 0117-372 8000

Fax No 0117-372 8782

www.planning-inspectorate.gov.uk

THIS IS IMPORTANT

If you want to appeal against this enforcement notice you can do it:-

- on-line at the Planning Casework Service area of the Planning Portal (www.planningportal.gov.uk/pcs); or
- by getting enforcement appeal forms by phoning us on 0117 372 6372 or by emailing us: enquiries@pins.gsi.gov.uk

You MUST make sure that we receive your appeal before the effective date on the enforcement notice.

In exceptional circumstances you may give notice of appeal by fax or letter. You should include:-

- The name of the local planning authority;
- The site address;
- Your 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.