



**ENFORCEMENT NOTICE**

**Operational development**

**IMPORTANT-THIS COMMUNICATION AFFECTS YOUR PROPERTY**

**TOWN AND COUNTRY PLANNING ACT 1990  
as amended by  
THE PLANNING AND COMPENSATION ACT 1991**

**Issued by:** Hertfordshire County Council ("the Council")

1. **THIS IS A FORMAL NOTICE** which is issued by the Council 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 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 AFFECTED** by this notice is land at Park Farm, Northaw Road West, Northaw, Herts, ("the Land") as shown edged red on the attached plan, reference PF1.
3. **THE BREACH OF PLANNING CONTROL ALLEGED** is without planning permission the raising of the level of the land through the deposit of waste materials to form a raised hardstanding.

For the purposes of this notice, the term 'waste materials' refers to waste materials including, but not exclusively limited to, construction waste, soils, bricks, rubble and hardcore.

4. **REASONS FOR ISSUING THIS NOTICE**

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

The development amounts to inappropriate development in the Green Belt and the Council does not consider that planning permission should



be granted, because planning conditions could not overcome these objections to the development.

- (i) **The development is contrary to Policy 4 of the Hertfordshire Waste Core Strategy & Development Management Policies Development Plan Document 2011-2026 (the Waste Core Strategy) which states, inter alia, that:**

"Proposals (for landraise) shall demonstrate the visual impact of the proposed development and its impact on the character of the landscape and any mitigation. If necessary, additional landscaping, planting and screening should be proposed.

Disposal of waste and restoration with inert material by raising the level of land will only be granted permission where:

- i) it would assist the preparation of land for other approved development proposals;
- ii) the land is derelict or degraded;
- iii) it would result in significant other environmental benefit;
- iv) it can be demonstrated where applicable, that it is necessary to achieve restoration for mineral voids; and
- v) it can be demonstrated that it will not give rise to unacceptable implications to human health, amenity, landscape and the environment."

The development is incongruous in this rural landscape setting, being visually intrusive and having an adverse impact on the character of the rural landscape. Additional landscaping, planting or screening would not overcome this harm.

The development does not assist the preparation of the land for other approved development proposals. There is no evidence that the land was derelict or degraded and the raising of the level of the land has not resulted in any environmental benefit. Furthermore, the development has unacceptable implications on the landscape character of the area.

The development is therefore contrary to the criteria contained within Policy 4 of the Waste Core Strategy.

- (ii) **The development is contrary to Policy RA10 of the Welwyn Hatfield Local Plan 2005 which states:**

"Proposals for development in the rural areas will be expected to contribute, as appropriate, to the conservation, maintenance and enhancement of the local landscape character of the area in which they are located, as defined in the Welwyn Hatfield Landscape Character Assessment."

The development is located within the Northaw Common Parkland Landscape Character Area as defined in the Welwyn Hatfield



Landscape Character Assessment, with the stated strategy and guidelines for managing change in this area focussing on the need to conserve and strengthen the landscape character.

The development is an alien feature within the wider landscape, being of a size and scale that is visually prominent when viewed from the valley to the south. Consequently, it neither maintains nor enhances the local landscape character, nor does it conserve or strengthen the wider landscape character area. The development is therefore contrary to the aims of Policy RA10 of the Local Plan.

**(iii) The development is contrary to Green Belt policy contained within the National Planning Policy Framework (NPPF).**

Paragraph 90 of the NPPF states, inter alia, that certain forms of development – including engineering operations – are not inappropriate in the Green Belt so long as they preserve openness and do not conflict with the purposes of including land in the Green Belt. One of the purposes of including land in the Green Belt, as set out in paragraph 80 of the NPPF, is "to assist in safeguarding the countryside from encroachment."

The development in question consists of a substantial and significant engineering operation that, due to its size and scale, has a considerable detrimental impact on the openness of the Green Belt. In addition, the development results in a significant encroachment into the countryside, contrary to one of the fundamental purposes of including land in the Green Belt and contrary to the aims of the NPPF.

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

- (i) Remove the raised hardstanding and all materials used in its construction from the hatched area of the land as shown on the attached plan reference PF1.

*The time period for compliance with this step is 3 months after the date this notice takes effect.*

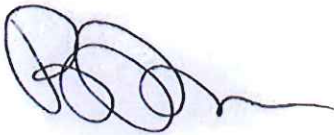
- (ii) Restore the hatched area of the land as shown on the attached plan reference PF1 to its condition prior to the breach of planning control taking place.

*The time period for compliance with this step is 4 months after the date this notice takes effect.*

**6. WHEN THIS NOTICE TAKES EFFECT**

This notice takes effect on 14 June 2013 unless an appeal is made against it beforehand.

Dated: 2<sup>nd</sup> May 2013

Signed: 

on behalf of:

Hertfordshire County Council,  
Spatial and Land Use Planning,  
CHN216, County Hall, Pegs Lane,  
Hertford SG13 8DN



## **ANNEX**

### **YOUR RIGHT OF APPEAL**

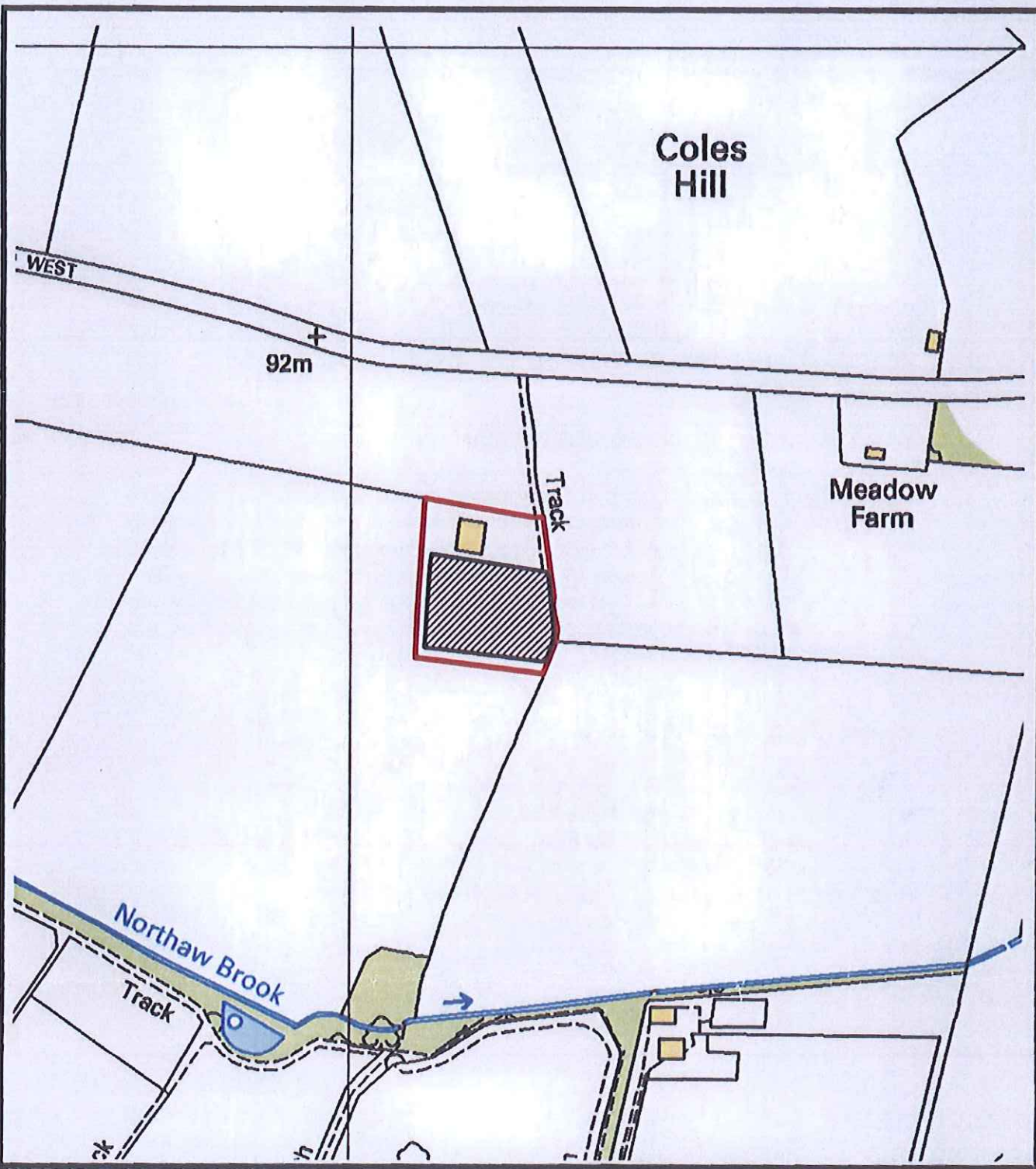
You can appeal against this notice, but any appeal must be received or posted in time to be received, by the Secretary of State before **14 June 2013** (the date specified in paragraph 6 of the notice). Please see the enclosed information sheet from the Planning Inspectorate, which tells you how to make an appeal.

### **WHAT HAPPENS IF YOU DO NOT APPEAL**

If you do not appeal against this enforcement notice, it will take effect on **14 June 2013** and you must then ensure that the required steps for complying with it, for which you may be held responsible, are taken within the period specified in the notice. Failure to comply with an enforcement notice which has taken effect can result in prosecution and/or remedial action by the Council. On conviction, a fine of up to £20,000 may be imposed by the Magistrates' Court or an unlimited fine by the Crown Court.

### **Copies of this notice served on:**

1. **Mr Alfie Best, c/o Wyldecrest Parks Ltd, 35-39 New Road, Rainham, Essex, RM13 8DR**
2. **Mr Stuart Mann, Park Farm, Northaw Road East, Northaw, Herts, EN6 4NT**
3. **The Company Secretary, HSBC, 8 Canada Square, Canary Wharf, London, E14 5HQ**



Plan PF1  
Land at Park Farm,  
Northaw Road West,  
Northaw, Herts

