



Reply To: address as below  
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Ms Karen Crowder-James  
Contour Planning Services  
Weltech Centre  
Welwyn Garden City  
Herts AL7 2AA

15 May 2014.

Dear Ms Karen Crowder-James

**NOTICE UNDER SECTION 70C OF TOWN AND COUNTRY PLANNING ACT 1990  
(inserted by Section 123 of the Localism Act 2011)**

(Power of Local Planning Authority to decline to determine applications)

for proposed development at

2 De Havilland Close, Hatfield, Hertfordshire, AL10 0DR

A full planning application relating to the above site was received by the Council on 27 January 2014 and a fee of £1155 was subsequently received on 29 January 2014 for the:

*'Material Change of use of part of ground floor from HMO (Use Class C4) to three self contained units (Use Class C3)'*

This application site is subject to a planning enforcement notice, issued on 20 December 2012, which required the cessation of the use of the property for the provision of self contained units. An appeal against that notice was subsequently dismissed by the Planning Inspectorate on 20<sup>th</sup> August 2013 (Appeal Reference APP/C1950/C/13/2191693).

Section 70C of the Town and Country Planning Act 1990 states:-

- (1) *"A local planning authority in England may decline to determine an application for planning permission for the development of any land if granting planning permission for the development would involve granting, whether in relation to the whole or any part of the land to which a pre-existing enforcement notice relates, planning permission in respect of the whole or any part of the matters specified in the enforcement notice as constituting a breach of planning control.*
- (2) *For the purposes of the operation of this section in relation to any particular application for planning permission, a "pre-existing enforcement notice" is an enforcement notice issued before the application was received by the local planning authority."*

The Council consider that this application would relate to the whole of the land to which the pre-existing enforcement notice relates and specifies part of the matters detailed in the notice as constituting a breach of planning control. Accordingly the Council hereby decline to determine the above described planning application under the powers conferred by Section 70C of the Town and Country Planning Act 1990 (as amended).

(2)

I should point out that according to the provisions of Section 78(2)(aa) of the Town and Country Planning Act 1990 (as amended by section 123(3) of the Localism Act 2011) there is no right of appeal against this decision.

Yours sincerely

A handwritten signature in black ink, appearing to be 'TH' followed by a long horizontal stroke.

Tracy Harvey

Head of Planning