

Land at Park Farm, Northaw

Planning Enforcement Notice

General Grounds of Appeal

Land at Park Farm, Northaw
GENERAL GROUNDS OF APPEAL

1. This document is provided to set out the grounds of appeal against an Enforcement Notice issued by Welwyn Hatfield Council in its capacity as local planning authority (“LPA”) in respect of land at Park Farm, Northaw.
2. The site has also been subject to an application for a Certificate of Lawful Use (Existing) for the uses to which the notice relates. This application has been refused and will be the subject of a second appeal.

Ground A : *That planning permission should be granted for what is alleged in the notice.*

3. This ground will require a number of submissions to be made and will accordingly be followed by a supporting statement to demonstrate that the use is appropriate for the area, with some limitation. The supporting statement will outline the relevant sections of policy that are applicable and seek to demonstrate that planning permission should be granted. In addition, a number of reports will need to be provided and these are currently being prepared.

Ground D : *That, at the time the enforcement notice was issued, it was too late to take enforcement action against the matters stated in the notice.*

4. The activities that have been taking place on the site have occurred over a period of more than 4 years on more than 14 occasions per annum and were the subject to an application for a Certificate of Lawful Use (Existing). The substance of this ground will be fully dealt with in the separate appeal that is being lodged for refusal of this application. It is anticipated that the CLU(E) appeal will be joined with this appeal and all materials lodged with that appeal should be regarded as being lodged with this appeal under Ground D as well.
5. The Ground D appeal will be supported by Statutory Declarations, photographs and other relevant evidence. Some information held by the LPA that is pertinent to the Ground D appeal is awaited and a Freedom of Information request has been submitted. The Council has indicated that it may be several weeks before this can be supplied.

Ground F : *The steps required to comply with the requirements of the notice are excessive, and lesser steps would overcome the objections.*

6. The notice requires those served to ;

(I) Cease the use of the Land for the riding of motorcycles or motorsport activities (including but not limited to racing, riding round the circuit/track and time trials).

(II) Permanently remove from the Land the ramps/jumps created to form the circuit/track as shown by the attached photographs marked A.

(III) Restore the land to the condition it was in prior to the commencement of the unauthorised use, including the ground levels.

(IV) Remove from the Land all materials, debris, plant and equipment associated with requirements (I) to (III) above.

7. In respect of these, (I) seeks the cessation of all use of motorcycles on the land, irrespective of their use or frequency. As such, the provisions of Class B Part 4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 are ignored. Prohibiting the land for use more than 14 times per annum would fall to be in accord with the Order, should any restriction be required.

8. The ability of the landowner to use vehicles other than motorcycles on the land is not affected by the notice provisions and the prohibition of the use of motorcycles to transit the land at all goes further than is required. The notice is wide-ranging in making the reference 'not limited to' and this in itself makes the notice excessive.

9. The notice itself is imprecise in what it requires and the justification for service does not appear to have been made out. A Freedom of Information request has been made to the Council in order to ascertain what considerations, assessment and analysis has been carried out prior to the service. This ground is likely to be amplified upon its receipt.

10. It is not clear what the specific 'ramps'/jumps' on the land are, as there are a number of undulations that have been used as part of the route of the track around which motorcycles have been driven. Where there is something that could be described as having been used for a jump, this are relatively small in nature and could be left to grow over. The resulting appearance would not prove harmful to the greenbelt and would be *de minimis* in nature, given the character of the site and the land surrounding it.

11. As to the previous condition of the land, this could be achieved in the main by leaving the land to lie fallow for a period. There is nothing that has been done to the land that would prevent a relatively quick growth of vegetation over it and with this growth having occurred, any undulations in the land would quickly disappear.
12. The notice requires the materials that form the 'ramps/jumps' to be removed from the site. This is both unreasonable and unnecessary as well as excessive, as the material was originally sourced from the site. It would be entirely suitable and appropriate to level any areas that have been raised by redistributing the material over the site, if this should be required.

Ground G : *The time given to comply with the notice is too short.*

13. The notice requires compliance within the relatively short period of one month. No enquiries appear to have been made by the LPA in determining the period that would be required from compliance but in view of the coronavirus restrictions and requirements that are in place, it is likely to require an extended period if the remedial work were required.
14. Estimates from potential contractors will be provided to give an indication of the timescale that would be likely to be required to achieve compliance with the requirements of the notice.
15. If the land were to return to its natural state by no artificial intervention, then it would be expected that the vegetation would grow back within a period of approximately one year, at least to the extent where the track was no longer visible. The effect of weather over this period may also have the effect of eroding some parts of the elevated land where earth has been exposed. Natural growth would be required in order to comply with the requirements of the notice, not least because of the period of time that plant life will take to achieve the condition that existed prior to the commencement of the use that is the subject of the notice.