

IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

**Town and Country Planning Act 1990
(as amended by the Planning and Compulsory Compensation Act 1991)**

ENFORCEMENT NOTICE

ISSUED BY: Welwyn Hatfield Borough 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, within paragraph (a) of section 171A(1) 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

Land situated at and known as Land opposite and north of Park Farm, Northaw Road West, Northaw, Potters Bar EN6 4NT as outlined in red on the attached plan (hereinafter called "the Land")

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

Without planning permission, the material change of use of the Land to a motorcycle circuit/track and the formation of circuit/track with associated ramps/jumps to facilitate that change of use.

4. REASONS FOR ISSUING THIS NOTICE

1. By virtue of its scale and appearance the development spreads built form into what was previously undeveloped land and, as such, fails to assist in safeguarding the countryside from encroachment, contrary to paragraph 134 of the National Planning Policy Framework 2019. The use of this land as a motorcycle circuit/track is also inappropriate in the Green Belt and the visual impact of the track significantly harms the openness and rural appearance of the Green Belt in this location. There are no very special circumstances to outweigh the harm to the Green Belt. The development is, therefore, contrary to Policies GBSP1 and GBSP2 of the Welwyn Hatfield District Plan 2005; Policies SP3 and SADM34 of the Emerging Local Plan 2016; and the National Planning Policy Framework (February 2019).
2. The motorcycle circuit/track, by virtue of its appearance and visual impact is considered to be out of keeping with the site and its setting and fails to relate to the character of the surroundings. In addition, it is out of keeping with the agricultural and natural surroundings of the Potters Bar Parkland Landscape Character Area. Accordingly, the development is contrary to Policies D1, D2 and RA10 of the Welwyn Hatfield District Plan 2005; Supplementary Design Guidance 2005; Policy SADM16 of the Emerging Local Plan 2016; and the National Planning Policy Framework (February 2019).
3. The unauthorised use has failed to demonstrate that unacceptable levels of noise and disturbance to surrounding residential occupiers would not occur. In the absence of any noise surveys or noise mitigation measures, the unauthorised use is considered to result in

noise and disturbance to the detriment of the amenity of adjoining residential occupiers contrary to Policy R19 of the Welwyn Hatfield District Plan 2005, Policy SADM18 of the Emerging Local Plan 2016 and the National Planning Policy Framework (February 2019).

4. The unauthorised material change of use of the land for use as a motorcycle circuit/track has been shown not to be permitted development as defined within Schedule 2, Part 4, Class B (temporary use of land) of The Town and Country Planning (General Permitted Development) (England) Order 2015 because the use has occurred for more than 14 days in the current calendar year.
5. Policies D1 and D2 of the Welwyn Hatfield District Plan 2005 respectively require high quality design in all new development and for proposals to respect and relate to the character and context of their location, maintaining and where possible enhancing the character of the existing area. These policies are expanded upon in the Council's Supplementary Design Guidance character. The NPPF advocates high quality design and that permission should be refused for development of poor design which fails to take the opportunities available for improving the character and quality of an area the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Accordingly, the unauthorised use is contrary to Policies D1 and D2 of the Welwyn Hatfield District Plan 2005; Supplementary Design Guidance 2005; Policy SADM16 of the Emerging Local Plan 2016; and Chapter 12 of the National Planning Policy Framework (February 2019).
6. It appears to the Council that the above breach of planning control has occurred within the last 10 years.

5. WHAT YOU ARE REQUIRED TO DO

- (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.

6. TIME FOR COMPLIANCE

One (1) calendar month after this Notice takes effect

7. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on 18 July 2020 unless an appeal is made against it beforehand.

Dated: 18 June 2020

On behalf of: Welwyn Hatfield Borough Council

Nominated Officer: Mr Chris Perry

Telephone Number: 01707 357215

Welwyn Hatfield Borough Council

Council Offices

The Campus

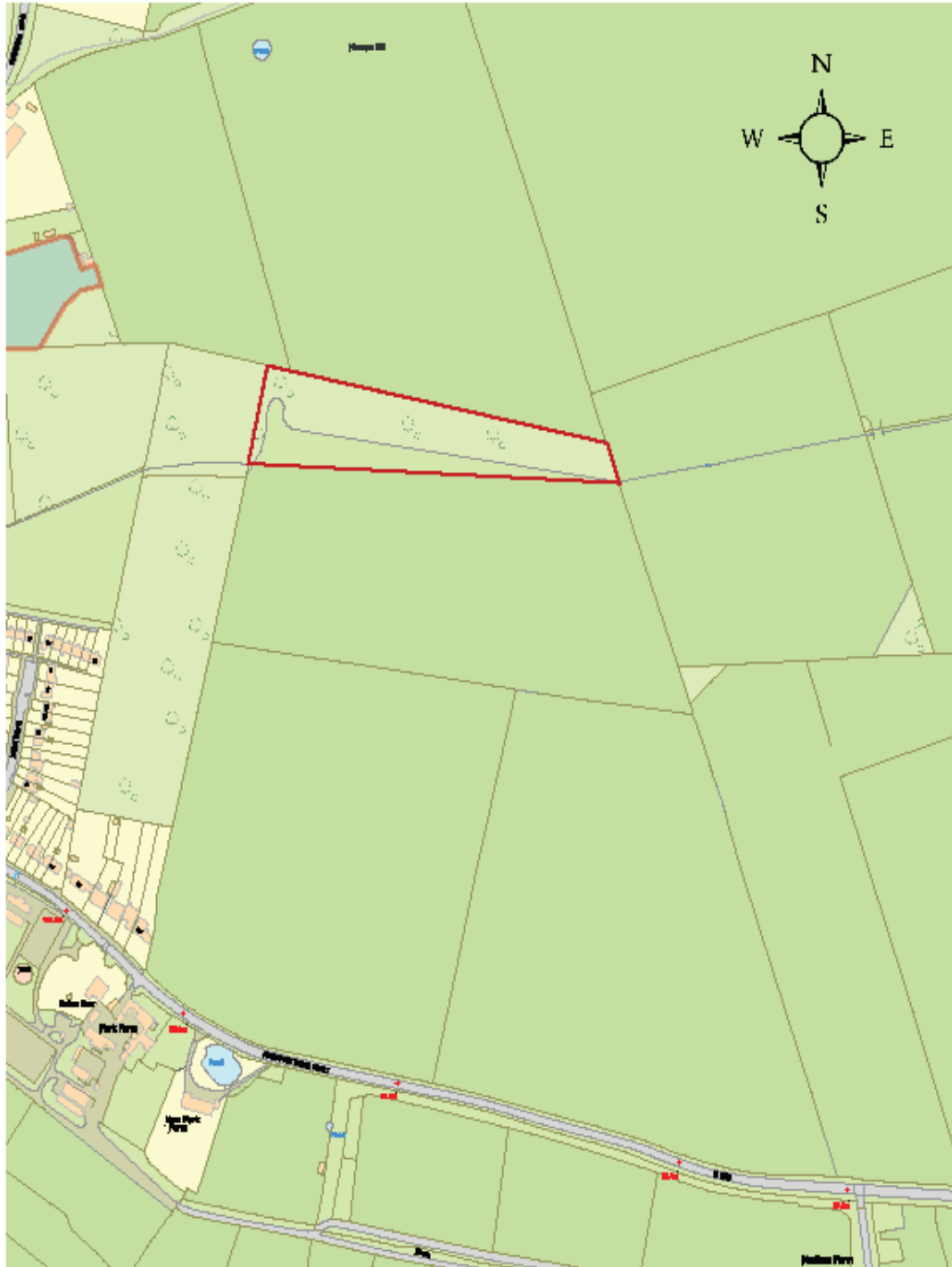
Herts AL8 6AE


Signed:



Colin Haigh, **Head of Planning**

Ref: 2014/0110



 <p>WELWYN HATFIELD</p> <p>Council Offices, The Campus Welwyn Garden City, Herts, AL9 6AE</p>	Title: Land opposite and North of Park Farm, Northaw Road West, Northaw, Potters Bar EN6 4NT		Scale: 1:2500
			Date: 16-06-2020
	Project: Planning Enforcement Notice Plan	Drawing Number: 2014/0110	Drawn: Chris Perry
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29. 5. 2020 8:40



29. 5. 2020 8:40



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 Planning Inspectorate acting on behalf of the Secretary of State **before** the date specified in paragraph 7 of the notice.

The enclosed information sheet, on the last page of this notice, published by the Planning Inspectorate gives details of how to make an appeal. If you decide to appeal, you should state in writing the ground(s) on which you are appealing and the facts upon which support those grounds.

GROUND OF APPEAL The grounds of appeal are set out in Section 174 of the Town and Country Planning Act 1990 (as amended) you may appeal on one or more of the following grounds:-

- (a) that, in respect of any breach of planning control which may be constituted by the matters stated in the Notice, planning permission ought to be granted, as the case may be, the condition or limitation concerned ought to be discharged;
- (b) that those matters have not occurred;
- (c) that those matters (if they occurred) do not constitute a breach of planning control;
- (d) that, at the date when the notice was issued, no enforcement action could be taken in respect of any breach of planning control which may be constituted by those matters;
- (e) that copies of the Enforcement Notice were not served as required by section 172;
- (f) that steps required by the notice to be taken, or the activities required by the notice to cease, exceed what is necessary to remedy any breach of planning control which may be constituted by those matters or, as the case may be, to remedy any injury to amenity which has been caused by any such breach;
- (g) that any period specified in the notice in accordance with section 173(9) falls short of what should reasonably be allowed.

Not all these grounds may be relevant to you.

PLANNING APPLICATION FEE

If you appeal against an enforcement notice under ground (a) – namely that planning permission ought to be granted – then a fee of £924.00 is payable to the Council.

WHAT HAPPENS IF YOU DO NOT APPEAL

If you do not appeal against this enforcement notice, it will take effect on the date specified in paragraph 7 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 period[s] specified in paragraph 6 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.**

THIS 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: -

Owner

Land opposite and North of Park Farm,
Northaw Road West,
Northaw,
Potters Bar
EN6 4NT

Occupier

Land opposite and North of Park Farm,
Northaw Road West,
Northaw,
Potters Bar
EN6 4NT

Mr Alfred William Best

Northaw Manor,
Northaw Road West,
Northaw,
Potters Bar
EN6 4NT

Mr Alfred William Best

Mile House,
Westwood Road,
Windlesham,
Surrey
GU20 6LX

Mr Alfred William Best

c/o Wyldecrest Properties Ltd
35 New Road
Rainham
Essex
RM13 8DR

Mr Alfred William Best

c/o Wyldecrest Parks Management Limited,
Wyldecrest House,
857 London Road,
West Thurrock,
Essex
RM20 3AT

Mr Alfred William Best

c/o Best Commercial,
857 London Road,
Grays
RM20 3AT

The Company Secretary
HSBC Bank PLC,
(Co. Regn. No. 9928412),
Securities Processing Centre,
P.O. Box 6304,
Coventry
CV3 9JY



The Planning Inspectorate

CST Room 3/13
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

Direct Line 0303-444 5000

Fax No 0117-372 8782

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 0303 444 5000 or by emailing us at 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.