

Colin Haigh
Head of Planning

Owner/Occupier
6B Hill Rise,
Cuffley,
Potters Bar
EN6 4EE

Reply To: address as below
Direct Tel: 01707357000
Email: enforcement@welhat.gov.uk

25 October 2019

IMPORTANT: THIS COMMUNICATION AFFECTS YOUR PROPERTY

Dear Sir/Madam.

**SECTION 172 of TOWN AND COUNTRY PLANNING ACT 1990
– ENFORCEMENT NOTICE –
Land at 6B Hill Rise Cuffley Potters Bar EN6 4EE**

1. The Council has issued a Planning Enforcement Notice relating to the above land/premises because it appears to the Council that there has been a breach of planning control and I now serve on you copies of the Notice in view of your interest in the land/premises (copies of the Notice are also being served on others who, it is understood, have interests in the land).
2. Unless an appeal is made to the Secretary of State, as described below, the Notice will take effect on the 25th November 2019 and you must then ensure that the required steps for which you may be held responsible are taken within the period specified in the Notice. Failure to comply with the Enforcement Notice can result in prosecution.
3. If you wish to appeal against the Notice, you should first read carefully the letter enclosed from the Planning Inspectorate and follow the advice given.

IMPORTANT

Any appeal made must be received by the Secretary of State **before** the date on which the Enforcement Notice takes effect, i.e. the Secretary of State has no discretion to vary this absolute time limit for making a valid appeal. A list of those served with the Notice is enclosed.

Yours sincerely,

Mr Chris Perry
Senior Planning Enforcement Officer

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 6B Hill Rise Cuffley Potters Bar EN6 4EE 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 construction of a detached garage.

4. REASONS FOR ISSUING THIS NOTICE

1. The unauthorised development, by virtue of its siting, height, design and bulk, causes loss of light and is unduly dominant from the rear windows and rear gardens of No. 7 Orchard Close and No. 8 Orchard Close and is detrimental to the living conditions enjoyed by the occupiers of these neighbouring properties. There are no material considerations which would outweigh the harm resultant from the failure to accord with development plan. Accordingly the development is contrary to Policy D1 of The Welwyn Hatfield District Plan 2005, Supplementary Design Guidance of the Welwyn Hatfield District Plan 2005 and Section 12: Achieving well-designed places of the National Planning Policy Framework 2019.
2. The development is not permitted development under Schedule 2, Part 1, Class E. of The Town and Country Planning (General Permitted Development) England Order 2015 as the garage is within two metres of a boundary of the curtilage of the dwelling and is over 2.5 metres in height.

5. WHAT YOU ARE REQUIRED TO DO

Either

A) Completely demolish the unauthorised garage (shown hatched blue on the attached plan) and remove any resultant materials as a result of the demolition of the garage from the land.

or

B) Modify the garage (shown hatched blue on the attached plan) to comply with the terms of the planning permission reference: 6/2019/0866/HOUSE dated 19 June 2019 and the plans attached to that planning permission.

6. TIME FOR COMPLIANCE

Six (6) months from the date when the notice takes effect

7. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on the 25th November 2019, unless an appeal is made against it beforehand.

Dated: 25th October 2019

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: ENF/2015/0169



 <p>WELWYN HATFIELD</p> <p>Council Offices, The Campus Welwyn Garden City, Herts, AL8 6AE</p>	Title: Land at 6B Hill Rise, Cuffley, Potters Bar EN6 4EE		Scale: 1:1250	
			Date: 10-10-2019	
	Project: Enforcement Notice Plan	Drawing Number: CP/1	Drawn: CP	
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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 **£412** 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.

WHO 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/Occupier
6B Hill Rise,
Cuffley,
Potters Bar
EN6 4EE

Mr Vasos Vasiliou
6B Hill Rise,
Cuffley,
Potters Bar
EN6 4EE

Mrs Gisella Judy Mandy Vasiliou
6B Hill Rise,
Cuffley,
Potters Bar
EN6 4EE

The Company Secretary
Barclays Bank UK PLC (Co. Regn. No. 9740322),
Care of Barclays Mortgages,
P.O. Box HK444,
Leeds
LS11 8DD

The Company Secretary
Nucleus Property Finance Limited,
(Co. Regn. No. 0974738),
2 Gees Court,
London
W1U 1JA



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.