

Colin Haigh
Head of Planning

Owner/Occupier
30 Astwick Avenue,
Hatfield,
AL10 9LA

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

06 March 2019

IMPORTANT: THIS COMMUNICATION AFFECTS YOUR PROPERTY

Dear Sir/Madam.

**SECTION 172 of TOWN AND COUNTRY PLANNING ACT 1990
– ENFORCEMENT NOTICE –
Land at 30 Astwick Avenue Hatfield AL10 9LA**

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 6th April 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 30 Astwick Avenue Hatfield AL10 9LA as outlined in red on the attached plan (hereinafter called "the Land")

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

Without planning permission, the material change of use of a summerhouse to a self-contained unit for residential occupation.

3. REASONS FOR ISSUING THIS NOTICE

1. It appears to the Council that the above breach of planning control has occurred within the last four (4) years. The Council does not consider that a change of use should be granted, because planning conditions could not overcome these objections to the development.
2. The development fails to provide adequate living conditions for the occupants and future occupants of the dwelling in terms of internal space standards. The development thereby, constitutes poor quality design contrary to the Policy D1 of the Welwyn Hatfield District Plan 2005; the Supplementary Design Guidance 2005; Policy SP1, SADM1, SP9 and SADM11 of the Emerging Draft Local Plan 2016 and the National Planning Policy Framework 2018.
3. The development results in a cramped and uncharacteristic intrusion into the garden area of No.30 Astwick Avenue which is markedly different from surrounding dwellings in terms of size, architectural style and materials. A dwelling in this location would be harmful to the character and appearance of the area and would not be environmentally sustainable. The development is therefore contrary to Policies H2, D1 and D2 of the Welwyn Hatfield District Plan 2005; the Council's Supplementary Design Guidance; Policy SADM1, SP9 and SADM11 of the Emerging Draft Local Plan and Section 12 (Achieving well-designed places) of the National Planning Policy Framework 2018.
4. By reason of overlooking and the physical constraints of the site, the dwelling fails to provide a functional and suitable private outdoor amenity space for the occupants and future occupants of the proposed dwelling. In addition, the development fails to protect the residential amenity and living conditions of neighbouring occupiers by reason of

overlooking, noise disturbance. The development is therefore contrary Policies H2, D1 and D2 of the Council's Local Plan; Policy SP1, SADM1, SP9 and SADM11 of the Council's emerging Local Plan and the National Planning Policy Framework 2018.

5. Insufficient information has been submitted to assess whether adequate car parking, cycle storage, bin storage and amenity for future occupants and neighbours would be provided for the site. As such, the development fails to comply with Policies D1, D2 and M14 of Welwyn Hatfield District Plan 2005; Supplementary Design Guidance 2005; Supplementary Planning Guidance 2004; Interim Policy on Car Parking and Garage Sizes 2014; Policies SP1, SP4, SP9, SADM1, SADM2, SADM11 and SADM12 of the Emerging Draft Local Plan 2016 and the National Planning Policy Framework 2018

4. WHAT YOU ARE REQUIRED TO DO

- (a) Permanently cease the residential use of the summerhouse outlined and shaded blue on the attached plan.
- (b) Permanently remove the kitchen to include oven, hob, extractor unit, sink, worksurfaces, kitchen style cupboards and all residential paraphernalia from the Land.
- (c) Remove from the Land all materials, debris, plant and equipment associated with requirements (a) and (b).

5. TIME FOR COMPLIANCE

Two (2) months from the date when the notice takes effect.

6. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on the 6th April 2019 unless an appeal is made against it beforehand.

Dated: 6th March 2019

On behalf of: Welwyn Hatfield Borough Council
Nominated Officer: Mr Chris Perry
Telephone Number: 01707 357215

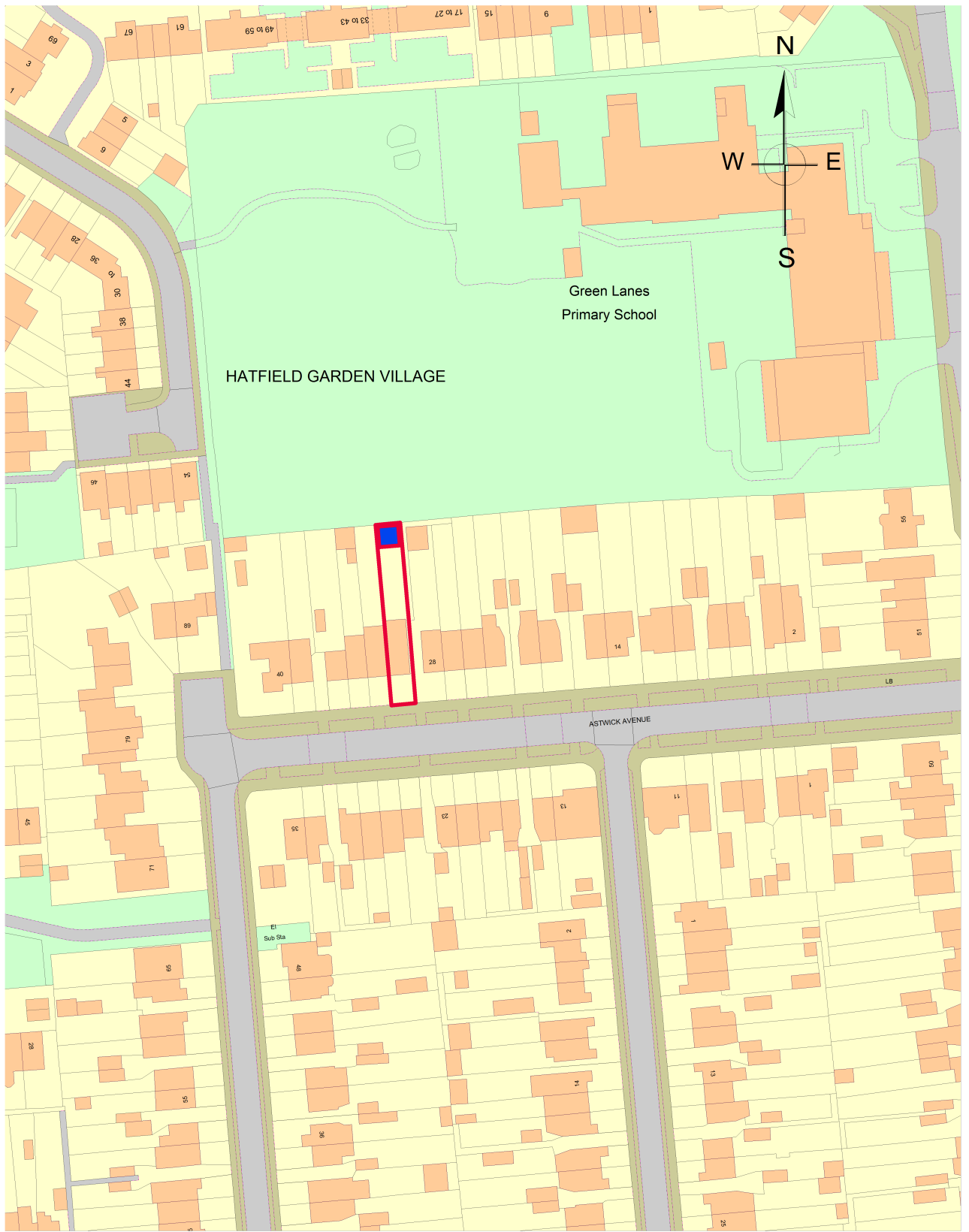
Welwyn Hatfield Borough Council
Council Offices
The Campus
Herts AL8 6AE

Signed



Colin Haigh, **Head of Planning**

Ref: ENF/2017/0161



Council Offices, The Campus,
Welwyn Garden City, Herts. AL8 6AE

Title: Land at 30 Astwick Avenue
Hatfield AL10 9LA

Project: Enforcement Notice

Drawing Number:
CP/01

Scale: 1:1250

Date: 15th February 2019

Drawn: CP

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ANNEX

YOUR RIGHT OF APPEAL

You can appeal against this notice, provided the appeal is received or posted in time to be received by the Secretary of State **before** the effective date given in paragraph 6 above.

The booklet entitled "Making your enforcement appeal" which sets out your rights has now been superseded. You may however find very helpful information on how to appeal on the enclosed guidance sheet entitled "The Planning Inspectorate" and or by visiting this link below this line:

http://www.planningportal.gov.uk/uploads/pins/enforcement_making_your_appeal

Information on where and how to obtain and complete an appeal form can also be found from the link mentioned above

IF YOU APPEAL

If you lodge an appeal then you must submit to the Secretary of State a statement in writing specifying the grounds on which you are appealing against the enforcement notice. You must also state briefly the facts that you propose to rely on in support of each of these grounds. You must submit this statement either;

- When giving notice of appeal; OR
- Within 14 days from the date that the Secretary of State sends you a notice that requires you to send a statement.

If you wish to have your application considered as a deemed application for Planning Permission or you intend to make an appeal under Ground (A) you may be required to pay a fee.

The fee payable under Regulation 10 of the Town and Country Planning (Fees for Applications and Deemed Applications) Regulations 1989 for the deemed application for planning permission for the development alleged to be in breach of planning control in the enforcement notice is **£924**

This amount 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 effective date specified in paragraph 6 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 periods(s) specified in paragraph 5 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
30 Astwick Avenue,
Hatfield AL10 9LA

Ms Amanda Paris,
30 Astwick Avenue,
Hatfield AL10 9LA

Miss Magda Cetora
30 Astwick Avenue,
Hatfield AL10 9LA

Mr Cesar Atesoaie
30 Astwick Avenue,
Hatfield AL10 9LA



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.