



**WELWYN
HATFIELD**

IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

**TOWN AND COUNTRY PLANNING ACT 1990
(as amended by the Planning and Compensation Act 1991)**

**ENFORCEMENT NOTICE
(Material Change of Use)**

ISSUED BY: Welwyn Hatfield Borough Council ("the Council")

1. **THIS IS A FORMAL NOTICE** which is issued by the Council being the Local Planning Authority for the purposes of Section 172 of the above Act, because it appears to them that there has been a breach of planning control, under section 171A(1)(a) 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 Park Farm, Northaw Road West, Northaw, Hertfordshire, 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 unauthorised material change of use from an agricultural and equine use into a residential use of the land and the residential use of the wooden clad building and the extension of this building within the area outlined in blue.

4. **REASONS WHY THE LOCAL PLANNING AUTHORITY CONSIDER IT EXPEDIENT TO ISSUE THIS NOTICE & ALL POLICIES & PROPOSALS IN LOCAL PLANNING AUTHORITY'S DEVELOPMENT PLAN WHICH ARE RELEVANT TO THE DECISION TO ISSUE THIS NOTICE**

1. It appears to the Council that the above breach of planning control relating to the change of use of the land has occurred within the last ten (10) years.
2. It appears to the Council that the above breach of planning control relating to the change of use of the building has occurred within the last four (4) years.
3. It appears to the Council that, in any event, the above breaches of planning control do not benefit from the time limits contained within section 171B of the Town and Country Planning Act 1990 (as amended) given the false statements made to the Council.
4. The Council does not consider that planning permission should be given, because planning conditions could not overcome these objections to the development.

Overall it is considered that the unauthorised development is contrary to the provisions of the development plan as detailed below:-

1. The site lies within the Green Belt as defined in the Welwyn Hatfield District Plan 2005 wherein there is a presumption against inappropriate development. Accordingly the development is unsustainable and contrary to the National Planning Policy Framework, policies GBSP2, D1, D2, SD1 of the adopted Welwyn Hatfield District Plan 2005 and Welwyn Hatfield District Plan Supplementary Design Guidance 2005 (Statement of Council Policy).
2. The design of the building as a dwellinghouse fails to meet high quality design standards or to respect the character and context of the area wherein it lies. Accordingly the development is contrary to policies D1 and D2 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework, Section 7.
3. The development harms the visual amenity of the area and fails to conserve, maintain or enhance the local landscape character of the area contrary to policies RA10 of the Welwyn Hatfield District Plan 2005. Moreover, the re-use of this rural building in these circumstances, is not compliant with the requirements of policy RA17.

4A. HUMAN RIGHTS ACT 1998

The Local Planning Authority has considered the implications of the Human Rights Act 1998 ("the Act") regarding the unauthorised development. The following have been considered as relevant under the Act: -

Article 8 ECHR - the right to respect for private and family life, home and personal correspondence.

Article 1 of the First Protocol to the Convention – the right to protection of property, including peaceful enjoyment of possessions

The Local Planning Authority considers both Article 8 of the Convention and Article 1 of the First Protocol can be interfered with where there is a pressing need to consider the general interest and the rights and freedoms of others and it is proportionate to do so. In planning terms, where development infringes the rights and freedoms of others then the Local Planning Authority needs to consider if the needs of the community are greater than the needs of the individual in question.

In this case it is considered that this development results in unacceptable harm to the character of the surrounding area and context of the Green Belt and local landscape area. In these circumstances the need to remove the unacceptable development in the interests of the community are greater than the needs of the individual.

4B EQUALITY ACT 2010

The Equality Act 2010, which came into effect on 1st October 2010, includes a new public sector Equality Duty, replacing the separate public sector equality duties relating to race, disability and sex, and also covering age, sexual orientation, religion or belief, pregnancy and maternity, and gender reassignment. Part 11, Section 149 provides the following 'Public sector equality duty' on authorities:

"(1) – A public authority must, in the exercise of its functions, have due regard to the need to:

(a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;

(b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;

(c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it."

It is therefore necessary for the Local Planning Authority, in consideration of this notice, as with consideration of any other proposal, to ensure that the above requirements have been met. There are no equality issues arising from the issue of this notice.

5. WHAT YOU ARE REQUIRED TO DO TO REMEDY THE BREACH.

- (a) Cease the unauthorised residential use of the land outlined in red on the attached plan;
- (b) Cease the residential use of the wooden clad building lying within the area outlined in blue on the attached plan;
- (c) Demolish and remove the unauthorised extension to the wooden clad building lying within the area outlined in blue on the attached plan from the land and building;
- (d) Demolish the hardstandings, paving, the covered structure to house a vehicle and all residential paraphernalia from the land outlined in blue on the attached plan;
- (e) Completely and permanently remove all resultant materials arising from compliance with steps (c) and (d) together with all residential paraphernalia from the land as outlined in red on the attached plan.

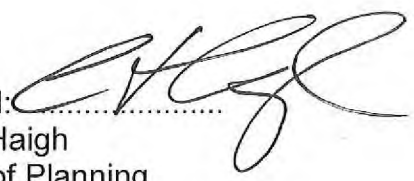
TIME FOR COMPLIANCE: Twenty Two (22) Months from the date when the notice takes effect.

6. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on the 25th December 2015 ("the effective date") unless an appeal is made against it beforehand.

ISSUED this 25th November 2015

WELWYN HATFIELD BOROUGH COUNCIL
COUNCIL OFFICES
THE CAMPUS
WELWYN GARDEN CITY
HERTFORDSHIRE
AL8 6AE

Signed: 
Colin Haigh
Head of Planning
Ref: 2013/0213



Northaw

Park Farm

New Park Farm

Pond

Title: Land at Park Farm, Northaw Road West,
Northaw, EN6 4NT

Scale: 1:1250 @ A4

Date: 16th March 2015

Project:

Drawing Number:
CA/1

Drawn: Charles Allingham



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

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 but 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 The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012 for the deemed application for planning permission for the development alleged to be in breach of planning control in the enforcement notice is **£770**

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 ENFORCEMENT 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: -

<u>Name</u>	<u>Address</u>
The Owner/Occupier	Park Farm Northaw Road West Northaw Hertfordshire EN6 4NT
Mr Russell Crew-Gee	Park Farm Equestrian Centre Northaw Road West Northaw Hertfordshire EN6 4NT
Mrs Beata Crew-Gee	Park Farm Equestrian Centre Northaw Road West Northaw Hertfordshire EN6 4NT
Mr Alfred William Best	Northaw Manor Northaw Road West Northaw Hertfordshire EN6 4NT
Mr Alfred William Best	c/o Wyldecrest Properties Ltd 35 New Road Rainham Essex RM13 8DR
Ms Chet Kin Landy Wong	17 Bunning Way London N7 9UN
The Company Secretary HSBC Bank PLC – 40-54-47	Securities Processing Centre PO Box 6304 Coventry CV3 9JY
The Company Secretary Heronslea (Options) Limited	Heronslea House High Street Bushey Hertfordshire WD23 3HH

The Company Secretary
Heronslea (Options) Limited

care of Ingram Winter Green
Bedford House
21a John Street
London
WC1N 2BF



The Planning Inspectorate

CST Room 3/05
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

Direct Line 0117-372 6372
Switchboard 0117-372 8000
Fax No 0117-372 8782

www.planning-inspectorate.gov.uk

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 0117 372 6372 or by emailing us: 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.