

IMPORTANT: THIS COMMUNICATION AFFECTS YOUR PROPERTY

TOWN AND COUNTRY PLANNING ACT 1990 ("TCPA 1990")

ENFORCEMENT NOTICE

Issued by: HARLOW DISTRICT COUNCIL ("the Council") of Civic Centre, The Water Gardens, Harlow, Essex, CM20 1WG

1. ENFORCEMENT NOTICE

This is a formal notice 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 TCPA 1990, at the Land (as defined herein). It is considered expedient to issue this notice, having regard to the provisions of the development plan and to all 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 THE NOTICE RELATES

Land at 16 St Johns Avenue, Harlow, Essex, CM17 0BB, shown edged red on the attached plan ("the Land")

3. THE ALLEGED BREACH OF PLANNING CONTROL

Without planning permission the erection of a brick built and rendered single storey building ("the building") and associated decking in the approximate position shown cross-hatched on the attached plan

4. REASONS FOR ISSUING THIS NOTICE

- (i) It appears to the Council that the above breach of planning control has occurred within the last four years, as the building was substantially completed less than four years ago
- (ii) The building looks like and appears to have been designed as a separate dwellinghouse with no connection to the main established dwelling known as 16 St Johns Avenue
- (iii) The building has been fitted out with the principle facilities expected of a separate residential dwelling (such as a kitchen and bathroom, for example) and any occupier does not have to rely on using any facility provided in the main established dwelling
- (iv) The building was not built for a purpose incidental to the enjoyment of the main established dwelling and as such it does not benefit from being development permitted by Class E of the Town and Country Planning (General Permitted Development) Order 1995, as amended

- (v) The building and associated decking exceeds more than 50% of the total area of the curtilage of the main established dwelling (excluding the ground area of the main established dwelling) and as such it does not benefit from being development permitted by Class E of the Town and Country Planning (General Permitted Development) Order 1995, as amended
- (vi) The development (i.e. the building and associated decking) detracts from the open aspect of the rear garden amenity spaces in the immediate area and is contrary to development plan policy BE1 of the Council's Adopted Replacement Harlow Local Plan, July 2006
- (vii) The development is a disproportionately large and visually dominating structure in the context of the immediate area. The bulky design is incompatible with the established character and appearance of the immediate area and is contrary to development plan policy BE10 of the Council's Adopted Replacement Harlow Local Plan, July 2006
- (viii) The Council consider that planning permission should not be given, because planning conditions could not overcome these objections to the development

5. **WHAT YOU ARE REQUIRED TO DO**

You must:

- (i) Remove the building and decking from the Land ("Step 1")
- (ii) Remove from the Land all building materials and rubble arising from compliance with requirement (i) above, and restore the land to its condition before the breach took place ("step 2")

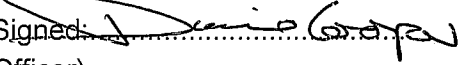
6. **TIME FOR COMPLIANCE**

The periods for compliance with the steps set out in paragraph 5 are:

- (i) Step 1 - 12 weeks from the date this notice takes effect
- (ii) Step 2 - 18 weeks from the date this notice takes effect

7. **WHEN THIS NOTICE TAKES EFFECT**

This notice takes effect on 30th June 2014, unless an appeal is made against it beforehand.

Signed:  : Dated: 29th May 2014 (Council's Authorised Officer)

On behalf of Harlow District Council of Civic Centre, The Water Gardens, Harlow, Essex, CM20 1WG

ANNEX

Harlow District Council has issued an enforcement notice relating to land at 16 St Johns Avenue, Harlow, Essex, CM17 0BB and you are served with a copy of that notice as you have an interest in the Land. Copies of the notice have also been served on the parties listed at the end of this Annex.

YOUR RIGHT OF APPEAL

You can appeal against this enforcement notice, but any appeal must be **received** by the Planning Inspectorate (or be posted or electronically communicated at such time that, in the ordinary course of post or transmission, it would be delivered to the Planning Inspectorate) **before** the date specified in paragraph 7 of the notice.

If you want to appeal against this enforcement notice you can do it:

- Online at the Planning Casework Service area of the Planning Portal (www.planningportal.gov.uk/pcs).
- By getting enforcement appeal forms from the Planning Inspectorate on 0117 372 6372 or by e-mailing the Planning Inspectorate at enquiries@pins.gov.uk.

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.
- The effective date of the enforcement notice.

This should **immediately** be followed by your completed appeal forms.

The Planning Inspectorate's address and contact details are as follows:

The Planning Inspectorate

CST Room 3/05

Temple Quay House

2 The Square

BRISTOL BS1 6PN

Direct line: 0117 372 6372

Fax number: 0117 372 8782

Under section 174 of the TCPA 1990 you may appeal on one or more of the following grounds 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 or, as the case may be, the condition or limitation concerned ought to be discharged.
- Those matters have not occurred.
- Those matters (if they have occurred) do not constitute a breach of planning control.
- 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.
- Copies of the enforcement notice were not served as required by section 172 of the TCPA 1990.
- The 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 such breach.
- Any period specified in the notice in accordance with section 173(9) of the TCPA 1990 falls short of what should reasonably be allowed.

Not all of these grounds may be relevant to you.

If you appeal under ground (a) of section 174(2) of the TCPA 1990 this is the equivalent of applying for planning permission for the development alleged in the notice and you will have to pay a fee of £385.00. You should pay the fee to Harlow District Council.

If you decide to appeal, you should state in writing the ground(s) on which you are appealing against the enforcement notice and you should state briefly the facts on which you intend to rely in support of each of those grounds. If you do not do this when you make your appeal the Secretary of State will send you a notice requiring you to do so within 14 days.

A copy of sections 171A, 171B and 172 to 177 of the TCPA 1990 are attached for your information.

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.

Persons served with a copy of this enforcement notice are as follows:

Mr Troy Bricknell
46 Little Pynchons
Harlow
Essex
CM18 7DD

Mr Troy Bricknell
16 St Johns Avenue
Harlow
Essex
CM17 0BB

Mortgage Express
PO Box 88
Croft Road
Crossflatts
Bingley
West Yorks
BD16 2LW



Harlow
Council

Working together for Harlow

Planning and Building Control

Civic Centre
The Water Gardens

Harlow
Essex CM20 1WG

Tel. 01279 446856Fax.

16 St. Johns Avenue
Harlow
CM17 0BB

SCALE:
1:1250

DATE:
28th May 2014

DRAWN BY:
Planning Services

Drawing No.
Harlow



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