

IMPORTANT: THIS COMMUNICATION AFFECTS YOUR PROPERTY

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

ENFORCEMENT NOTICE

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

- 1. THIS NOTICE** is issued by the Council because it appears 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. The Council considers 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 THE NOTICE RELATES**
Plot 17, Harlow Business Park, Roydon Road, Harlow, Essex, CM19 5DT, shown edged in red on the attached plan.
- 3. THE MATTERS WHICH APPEAR TO CONSTITUTE THE BREACH OF PLANNING CONTROL**
Without planning permission, (1) the construction of a reinforced concrete surface and a tank with a concrete retaining wall on and under the Land (2) the erection of a portakabin and a breeze-block hut on the Land in the approximate position and extent as shown on the attached plan.
- 4. REASONS FOR ISSUING THE NOTICE**
 - I. It appears to the Council that the above breach of planning control has occurred within the last four years.
 - II. It is expedient to issue this notice because the Council considers the installation of the concrete hard surface, the tank and the concrete retaining wall around the tank on and under the Land are unauthorised operational developments and engineering works which would preclude or prevent the implementation of the approved drainage scheme for the said Land submitted under application reference HW/PL/14/00053 and set out on Drawing No. NWA-13-013-3 Rev D 'Proposed General Site Layout' by New World Architectural (Undated). This unauthorised development is likely to exacerbate contaminated surface water run-off from the site to the detriment of the local environment, the amenities of the occupiers of the adjacent residential properties and the well-being of the badgers living in close proximity to the said Land.
 - III. It is expedient to issue the notice because the Council considers the unsightly appearance and condition of the portakabin building and of the unfinished breeze-block hut which are in a prominent position close to the entrance to the site and clearly visible from the cul-de-sac road within the Business Park are contributing to the untidy and dilapidated appearance of the site which in turn is having a detrimental impact on the character and appearance of the area, contrary to the provisions of Adopted Replacement Local Plan (2006) policy BE1 and the provisions of the National Planning Policy Framework (2012).

5. WHAT YOU ARE REQUIRED TO DO

- I. Remove the concrete hard surface, tank and concrete retaining wall around the tank from the said Land (Step I.)
- II. Remove from the Land the portakabin building and breeze block hut (Step II.)
- III. Remove from the Land all building materials, rubble and debris arising from compliance with Step I. and Step II. above, and restore the Land to its condition before the breach took place.

6. TIME FOR COMPLIANCE

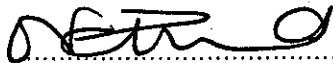
The periods for compliance with the steps set out in paragraph 5 are:

8 weeks after this notice takes effect.

7. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on 8 September 2014 unless an appeal is made against it beforehand.

Signed:



Elizabeth Fitzgerald (Development Manager)

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

Dated: 8 August 2014

ANNEX

Harlow District Council has issued an enforcement notice relating to land at Plot 17, Harlow Business Park, Roydon Road, Harlow, Essex, CM19 5DT 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.gsi.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 £395.00. 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:

XPL Limited
Unit 8
Burnt Mill Industrial Estate
Elizabeth Way
Harlow
Essex
CM20 2HT

XPL Limited
Number 1 Cottage
Game Farm & Nursery
Old House Lane
Roydon
Essex
CM19 5DJ

HSBC Bank Plc
Securities Processing Centre
P.O. Box 6304
Coventry
CV3 9JY