



**BOROUGH OF
BROXBOURNE**
www.broxbourne.gov.uk

IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

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

ENFORCEMENT NOTICE
OPERATIONAL DEVELOPMENT and MATERIAL CHANGE OF USE

Issued by: Broxbourne Borough Council ("the Council")

1. **THIS IS A FORMAL NOTICE** which is issued by the Council because it appears to it that there has been a breach of planning control, under Section 171A(1)(a) of the above Act, at the land described below. It 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 THIS NOTICE RELATES**

Lea House Hotel, 1 Rye Road, Hoddesdon, Hertfordshire, EN11 0JB shown edged red on the attached plan.

3. **THE MATTERS WHICH APPEAR TO CONSTITUTE THE BREACH OF PLANNING CONTROL**

Without planning permission the material change of use of the premises from hotel (bed and breakfast) to mixed use as hotel (bed and breakfast) and restaurant with take-away element, including erection of rear and side extraction flues.

4. REASONS FOR ISSUING THIS NOTICE

- 4.1 It appears to the Council that the above breach of planning control has occurred in the 10 years regarding material change of use with operational development being part and parcel of that change.
- 4.2 The unauthorised use has a material adverse effect on general amenity resulting from release of noise which is evidently emanating from the premises from the flues and extraction system that have been installed as part of this change. Having regard to the lack of a noise impact study this noise generating business within noise sensitive development (residential area) does not comply with Policies SUS5, SUS7 and SUS9 of the Borough of Broxbourne Local Plan Second Review 2001-2011 (December 2005) and Policy EQ4 of the emerging draft Local Plan 2018-2033, and the Council's Supplementary Planning Guidance (August 2004, updated 2013), and Policies contained in the National Planning Policy Framework.
- 4.3 Furthermore, the flues and extraction system emit smoke and cooking smells which are having adverse impact on the amenity of the occupiers of neighbouring residential dwellings. The Council's Environmental Health Department has received numerous complaints regarding smoke and cooking smells that emit from the premises due to inappropriate fuels type. The unauthorised use is therefore contrary to Policy SUS6 of the Borough of Broxbourne Local Plan Second Review 2001-2011 (December 2005) and Policy EQ1 and EQ2 of the emerging draft Local Plan 2018-2033, and the Council's Supplementary Planning Guidance (August 2004, updated 2013)), and Policies contained in the National Planning Policy Framework.
- 4.4 It is considered that the unauthorised change of use resulted in a significant increase in disturbance to the surrounding area, in terms of numbers of customers, noise, smell and traffic generation. In addition the takeaway element has attracted increased vehicular traffic that causes a hazard to other road users and nuisance to residents. Having regard to the material adverse effects upon the amenity of residential and other occupiers by reason of noise, smells, traffic movement and general disturbance generated the unauthorised use is contrary to Policy RM7 of the Borough of Broxbourne Local Plan Second Review 2001-2011 (December 2005) and Policy RTC 3 and RTC4 of the emerging draft Local Plan 2018-2033, and the Council's Supplementary Planning Guidance (August 2004, updated 2013)), and Policies contained in the National Planning Policy Framework.
- 4.5 The lack of provision of parking for such a mixed use of the premises has severe adverse effect on the surrounding environment and local residents in addition to road congestion and movement which is affecting the highway safety. Therefore the use is contrary to Policies T3 and T11 of the Borough of Broxbourne Local Plan Second Review 2001-2011 (December 2005) and TM2 and TM5 of the emerging draft Local Plan 2018-2033, and the Council's Supplementary Planning Guidance (August 2004, updated 2013)), and Policies contained in the National Planning Policy Framework.

5. WHAT YOU ARE REQUIRED TO DO

- (i) Cease the use of the premises as hotel (bed and breakfast) and restaurant with take away element; and
- (ii) Revert the use of the premises to its lawful use as a hotel (bed and breakfast); and
- (iii) Remove the extraction flues located on the side and rear elevations of the building; and
- (iv) Permanently remove from the land all rubble, rubbish or debris arising from compliance with the above.

6. TIME FOR COMPLIANCE

1 months after this notice takes effect.

7. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on **15th October 2018** unless an appeal is made against it beforehand.

Dated: 12th September 2018

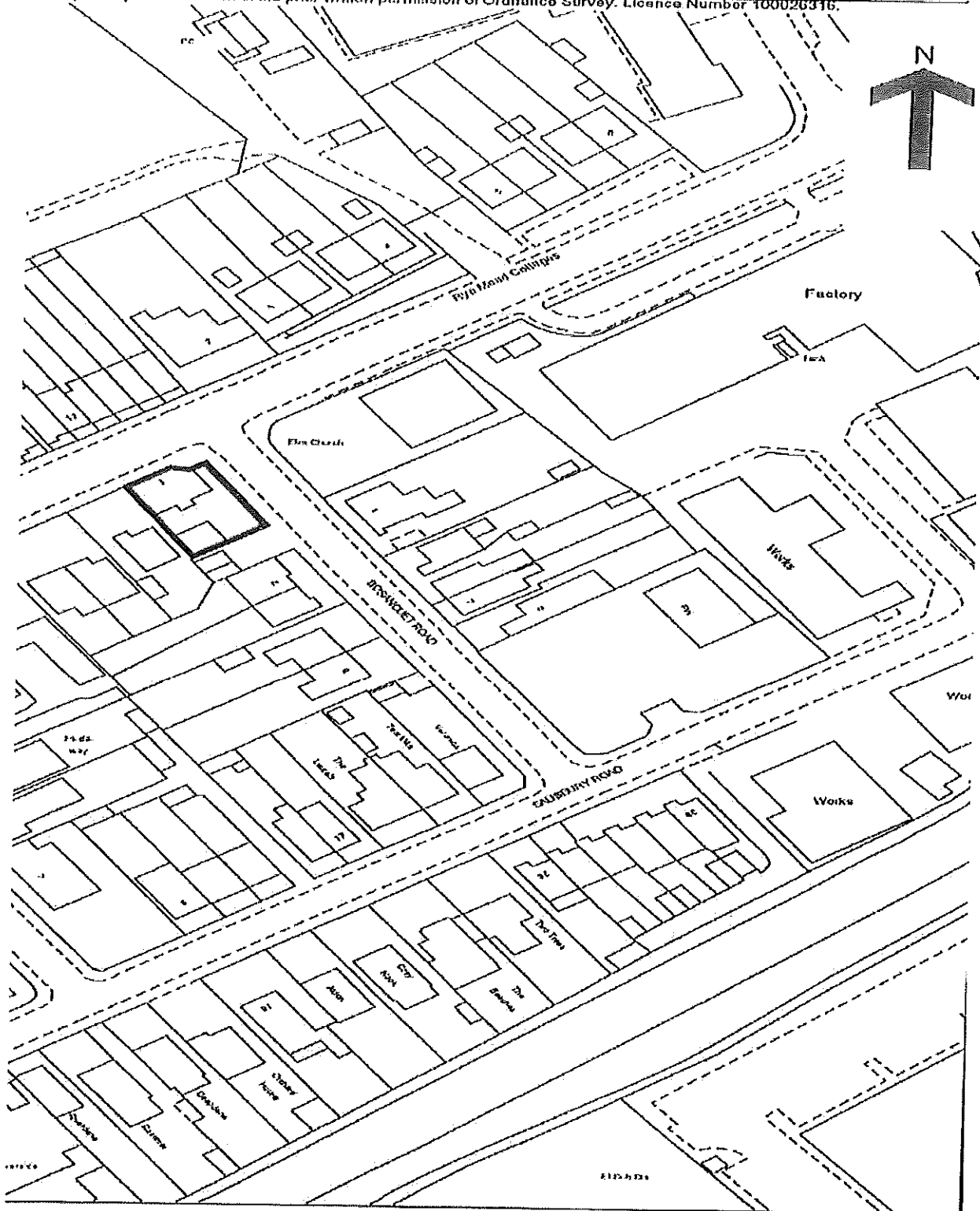
Signed:.....

Douglas C Cooper
Head of Planning Department
Borough of Broxbourne
Bishops College, Churchgate
Cheshunt, EN8 9XE

WHO THIS ENFORCEMENT NOTICE IS SERVED ON:

- 39 Norris Rise, Hoddesdon,
Hertfordshire, EN11 8RG
- The Owner/Occupier, 1 Rye Road, Hoddesdon, Hertfordshire, EN11 0JB
- HSBC Bank Plc (Co. Regn. No. 14259) 40-54-47 of Securities Processing Centre, P.O. Box 6304, Coventry, EV3 9JY

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YOUR RIGHT OF APPEAL

You can appeal against this notice, provided the appeal is received or posted in time to be received by The Planning Inspectorate before the effective date.

The enclosed information explains how you may request the necessary forms to enable you to appeal:

- The Planning Inspectorate;
Wherever possible you should make your appeal(s) on-line through the Planning Portal: <http://www.planningportal.gov.uk/planning/appeals/online/makeanappeal>

Or by post to: Customer Support Team, Room 3/13, Temple Quay House, 2 The Square, Bristol, BS1 6PN

Or by email to: enquiries@planning-inspectorate.gsi.gov.uk
Contact telephone: 0303 444 5000

- Development Management, Broxbourne Borough Council
Bishops' College | Churchgate | Cheshunt | EN8 9XQ - Contact telephone: 01992 785555 – Email - planning@broxbourne.gov.uk

The Planning Inspectorate has introduced an online appeals service which you can use to make your appeal online. You can find the service through the Appeals area of the Planning Portal at www.planningportal.gov.uk/pes. The Inspectorate will publish details of your appeal on the Internet (on the Appeals area of the Planning Portal). This may include a copy of the original planning application form and relevant supporting documents supplied to the local authority by you or your agent, together with the completed appeal form and information you submit to the Planning Inspectorate. Please ensure that you only provide information, including personal information belonging to you that you are happy will be made available to others in this way. If you supply personal information belonging to a third party please ensure you have their permission to do so. More detailed information about data protection and privacy matters is available on the Planning Portal.

Please note that a separate appeal form must be completed for each individual person or individual organisation. Each appeal may attract a fee as set out below.

IF YOU APPEAL

If you lodge an appeal then you must submit to The Planning Inspectorate a statement in writing specifying the grounds on which you are appealing against the enforcement notice, and stating briefly the facts that you propose to rely on, in support of each of these grounds, either

- When giving notice of appeal OR
- Within 14 days from the date that The Planning Inspectorate sends you a notice that requires you to send a statement

If you wish to have your appeal also considered as an express application for planning permission, or you intend to make an appeal under Ground (a), you may be required to pay a fee.

A fee may be payable for the express application for planning permission for the development alleged to be in breach of planning control in the enforcement notice. This is pursuant to regulation 10 of the Town and Country Planning (Fees for Applications and Deemed Applications) Regulations 1989 (7).

The fee for this case is **£924.00**. This amount is payable to the Council.

- Once your appeal has been submitted to the Planning Inspectorate, payment can be made by phone with the Planning Technical Support Team on 01992 785555 or planning@broxbourne.gov.uk. Please quote the Enforcement Case Reference Number (see the top of this Notice) and the Appeal Reference Number (see the top of your electronically completed appeal form).
- The Development Management Service no longer take payment by cheque. Payment may be made by Credit Card or by BACS.

WHAT HAPPENS IF YOU DO NOT APPEAL

If you do not appeal against this enforcement notice before the effective date you may be held responsible. Therefore you must ensure that the required steps detailed under the heading "What you are required to do", of Schedule 4 of this notice are complied with, within the period specified in the notice.

Failure to comply with an enforcement notice, that has taken effect, can result in prosecution and/or direct action by the Council.



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 in writing:-

- 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.

A copy of the booklet 'Guide to taking part in enforcement appeals' is available free of charge from the Planning Portal website. The booklet provides information on the various grounds of appeal.

Guide to taking part in enforcement appeals proceeding by written representations
http://www.planningportal.gov.uk/uploads/pins/taking-part_enforcement-written.pdf

Guide to taking part in enforcement appeals proceeding by a hearing
http://www.planningportal.gov.uk/uploads/pins/taking-part_enforcement-hearing.pdf

Guide to taking part in enforcement appeals proceeding by an inquiry
http://www.planningportal.gov.uk/uploads/pins/taking-part_enforcement-inquiry.pdf

Further information regarding appeals can be found using the following link
<http://www.planningportal.gov.uk/planning/appeals/online/makeanappeal>

Copies of the 'How to complete your enforcement appeal form' booklet is available via
http://www.planningportal.gov.uk/uploads/pins/enforcement_making_your_appeal.pdf