

**IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY**

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

**ENFORCEMENT NOTICE  
Unauthorised Development**

**ISSUED BY THE COUNCIL OF THE BOROUGH OF BROXBOURNE (“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**

Premises at Ground Floor, Eleanor House, 33 – 35 Eleanor Cross Road, Waltham Cross, Hertfordshire, EN8 7LF (“the Premises”) 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 storage ancillary to use of Land at Eleanor House as forty self-contained flats to use as two separate self-contained flats.

4. **REASONS FOR ISSUING THIS NOTICE**

It appears to the Council that the above breach of planning control has occurred within the last four years.

The design of the Premises is incompatible with the parent building and its wider setting by virtue of their form, layout and location. Moreover, the Premises are unsuitable for use as dwellings as they fails minimum floor-space standards, thus providing sub-standard living conditions to present and future occupiers, not just because of the inadequate size but also because of the poor quality of their aspect, outlook and a failure to provide sufficient amenity space. The unauthorised use of the Premises as self-contained dwellings also deprives the occupants of Eleanor House of a bin-store resulting in the potential for the unnecessary open storage of waste which is harmful to the amenity interests of the occupants of Eleanor House and the wider community. Also, it has not been

demonstrated that a suitable waste provision to the service the Premises now exists.

The unauthorised development is therefore contrary to Policies H6, H8, HD16 & SUS3 of the Adopted Broxbourne Local Plan Second Review 2001 – 2011; Broxbourne Borough-Wide Supplementary Planning Guidance and polices contained in the emerging Local Plan and the National Planning Policy Framework.

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

- (i) Cease the use of the Premises as self-contained flats.
  - (ii) Remove all cooking facilities from the Premises, including all related fixtures, fittings and waste materials therefrom.
  - (iii) Remove all toilets, shower and washing facilities, including all cupboards, sinks and all other related fixtures, fittings and waste materials therefrom.
  - (iv) Remove all domestic paraphernalia from the Premises..
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**6. TIME FOR COMPLIANCE**

**Five (5) months** after this notice takes effect.

**7. WHEN THIS NOTICE TAKES EFFECT**

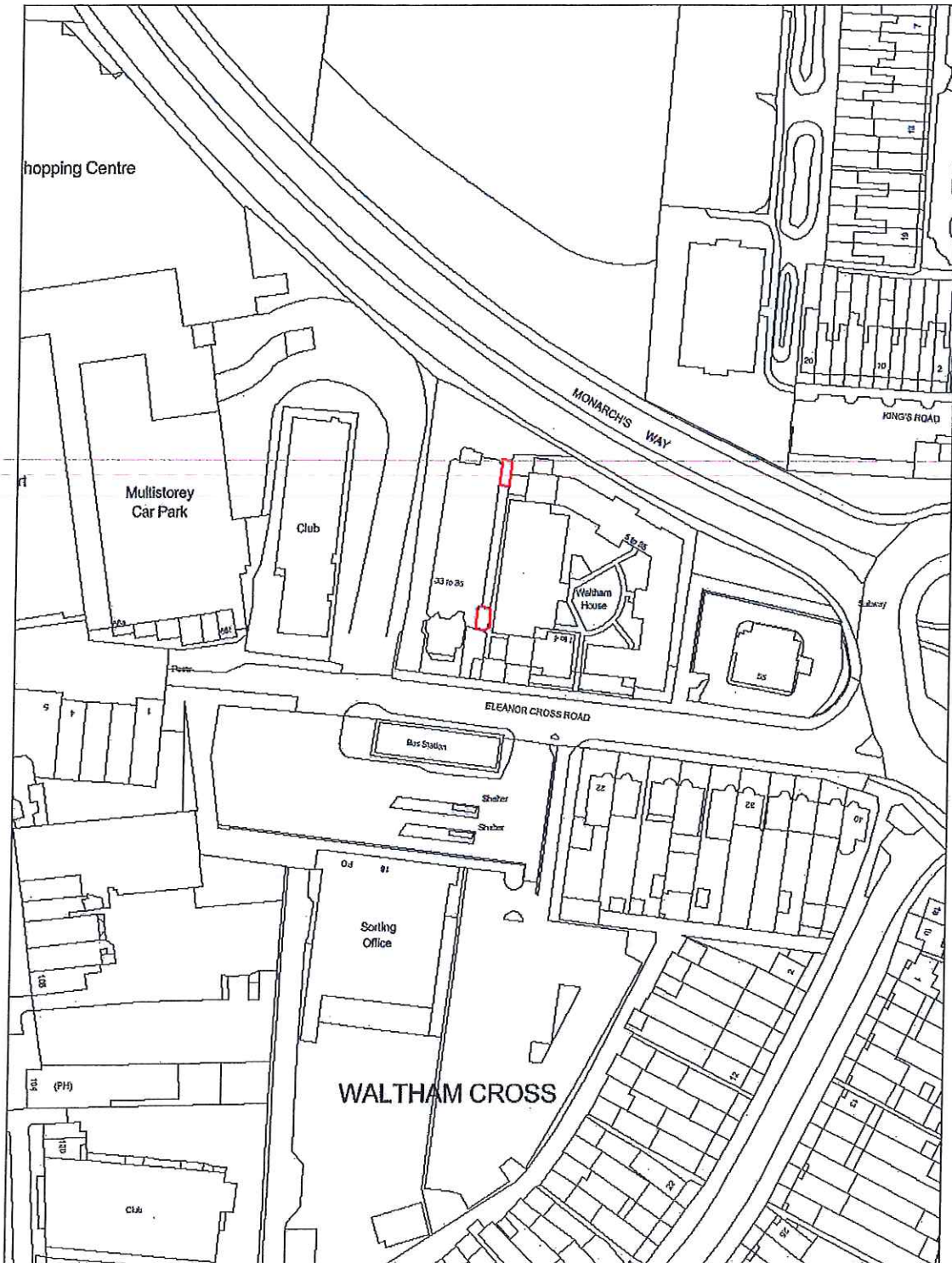
This Notice takes effect the **31<sup>st</sup> January 2018** unless an appeal is made against it beforehand.


Dated 22<sup>nd</sup> December 2017

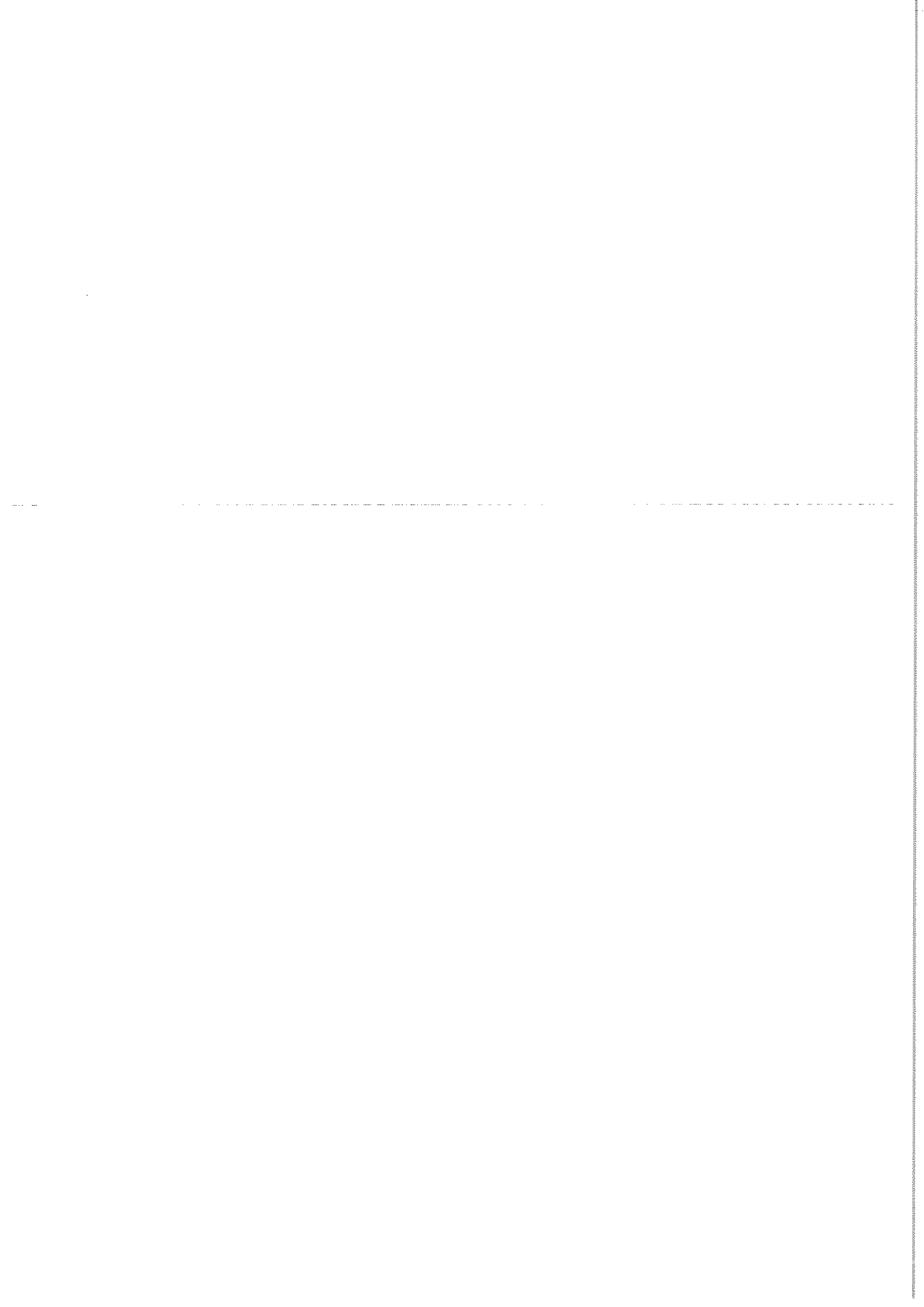
Signed .....



Douglas Cooper  
Head of Planning & Development  
Borough of Broxbourne  
Bishops College, Churchgate  
Cheshunt, EN8 9XE



	BROXBORNE BOROUGH COUNCIL BOROUGH OFFICES 11 MURCHINGATE WALTHAM HERTS EN8 9QX TEL: 01992 785555	<b>TITLE</b> Enforcement Plan <b>LOCATION</b> Elanor House 33 - 35 Eleanor Cross Road Waltham Cross EN8 7LF
	User SB/MK Date: 16/12/2017 Scale: 1/1250 <small>Reproduced from the 1996 Ordnance Survey mapping with the permission of the controller of Her Majesty's Stationary Office (c) Crown Copyright. Unauthorised reproduction in any form is prohibited and may lead to prosecution or civil proceedings.</small>	



WHO THIS ENFORCEMENT NOTICE IS SERVED ON:

- The Owner(s)/ Occupier(s), Ground Floor Flats, Eleanor House, 33 – 35 Eleanor Cross Road, Waltham Cross, Hertfordshire, EN8 7LF
  - The Company Secretary, WRAITH HOMES LIMITED (Co. Regn. No. 08631079) of 12 West Street, Ware SG12 9EE
  - The Company Secretary, SMITH HOMES 1 CONSULTANCY LIMITED (10868942) of 12 West Street, Ware SG12 9EE
  - John Smith, 12 West Street, Ware SG12 9EE
  - Carly Rebekah Smith, 12 West Street, Ware, SG12 9EE
-

## **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](mailto: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](mailto: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](http://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 a deemed 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 deemed 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 **£1540.00**. 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](mailto: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](http://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](http://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](mailto: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](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](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](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](http://www.planningportal.gov.uk/uploads/pins/enforcement_making_your_appeal.pdf)