



## **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 CHANGE OF USE**

**ISSUED BY: Broxbourne Borough Council (“the Council”)**

**1. 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) (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 THE NOTICE RELATES**

Land at 11 Abbey Road, Waltham Cross, EN8 7LJ shown edged in red on the attached plan.

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

Without planning permission, the use of the outbuilding, as shaded yellow with black hatching on the Plan, as a separate, self-contained unit of accommodation and the installation of a window at first floor level.

**4. REASONS FOR ISSUING THIS NOTICE**

It appears to the Council that the breach of planning control was erected within the last 4 years.

Planning permission was refused to continue the use as a separate self-contained unit for use by family member (reference 07/21/0798/F) including the installation of a first-floor window. The reasons for refusal were as follows:

1. *The application site is of insufficient size to accommodate the proposed annex together with the existing parent dwelling whilst retaining adequate private amenity space. Accordingly the proposal represents an over intensive use of the site which would harmful to residents’ and future residents enjoyment of the property. This would not accord with Policies H8 (d), DSC1 and DSC2 of the Local Plan 2018-2033 and the Council’s Supplementary Planning Guidance August 2004 (updated 2013).*

2. *By reason of the first floor window in close proximity to neighbouring dwellings the development fails to comply with acceptable privacy conditions as contained within the Council's Supplementary Planning Guidance August 2004 (updated 2013) supported by the Policies DSC1 and H8 of the Local Plan 2018-2033.*

The use is contrary to an earlier permission, reference 07/20/0863/HF, which was granted in November 2020 for a "roof alteration to outbuilding". Condition 3 of that permission states:

*The development hereby permitted shall be used solely as additional living accommodation in connection with the existing dwelling unit, and shall not be used as a separate unit of accommodation. Reason: - The establishment of an additional independent unit of accommodation would give rise to an over-intensive and unsatisfactory use of the site and lead to an unsatisfactory relationship between independent dwellings".*

The Council do not consider that planning conditions could overcome the objections to the development.

## 5. WHAT YOU ARE REQUIRED TO DO

- (i) Cease the use of the outbuilding as a separate unit of accommodation
- (ii) Remove the first floor window from the outbuilding

## 6. TIME FOR COMPLIANCE

- Step (i) – 1 week from the date this Notice takes effect
- Step (ii) – 8 weeks from the date this Notice takes effect

## 7. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on 30 December 2021 unless an appeal is made against it beforehand.

Dated: 30 November 2021

Signed: 

Katie Smith  
Assistant Director - Place  
Borough of Broxbourne  
Bishops College, Churchgate, Cheshunt, EN8 9XE

## WHO THIS ENFORCEMENT NOTICE IS SERVED ON:

- Suleyman Aksoy of 11 Abbey Road, Waltham Cross, Hertfordshire, EN8 7LJ
- Barclays Bank UL PLC (Co. Regn. No. 9740322) of PO BOX 187, Leeds, LS11 1AN
- The Occupier(s) of 11 Abbey Road, Waltham Cross, Hertfordshire, EN8 7LJ

**ANNEX****YOUR RIGHT OF APPEAL**

You can appeal against this notice, but any appeal must be received, or posted in time to be received, by the Planning Inspectorate acting on behalf of the Secretary of State before the date specified in paragraph 7 of the notice. The enclosed information sheet published by the Planning Inspectorate gives details of how to make an appeal  
<http://www.planningportal.gov.uk/uploads/pins/eninfosheet.pdf>

**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.

Customer Support Team  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol  
BS1 6PN  
Direct Line: 0303 444 5000  
Email: [enquiries@planninginspectorate.gov.uk](mailto:enquiries@planninginspectorate.gov.uk)

## **THIS IS IMPORTANT**

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

- online at the [Appeals Casework Portal](#); or
- sending us enforcement appeal forms, which can be obtained by contacting us on the details above.

**You MUST make sure that we RECEIVE your appeal BEFORE the effective date on the enforcement notice.**

Please read the appeal guidance documents at <https://www.gov.uk/appeal-enforcement-notice/how-to-appeal>.

In exceptional circumstances you may give written notice of appeal by letter or email. You should include the name and contact details of the appellant(s) and either attach a copy of the Enforcement notice that you wish to appeal or state the following:

- the name of the local planning authority;
- the site 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.