



IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

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

ENFORCEMENT NOTICE

MATERIAL 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 Spring Farm, Old Park Ride, Waltham Cross, Hertfordshire, EN7 5HU shown edged in red on the attached plan.

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

Without planning permission, the change of use of the land to Class B8 Storage and Distribution including the change of use of the agricultural building hatched black on the attached plan to a stone processing operation, including showroom, and the associated outside storage and distribution of materials on the land.

4. REASONS FOR ISSUING THIS NOTICE

It appears to the Council that the breach of planning control was erected within the last 10 years.

A planning application was submitted for the “proposed change of use an agricultural building to Class B8 storage and distribution, with ancillary temporary showroom and cutting facilities” (reference 07/20/0255/F) and this was subsequently refused.

The reasons for refusal were:

- 1. The proposal represents inappropriate development within the Green Belt for which no very special circumstances have been demonstrated. As such the proposal is unacceptable in principle and has a detrimental impact on the openness of the Green Belt as well as unacceptably increasing the intensification of activity within the building, the land surrounding it and on its access routes. Consequently the proposal*

is contrary to Policies GBC2 and GBC15 of the Borough of Broxbourne Local Plan Second Review 2001-2011 (December 2005), Policy GB1 of the emerging draft Local Plan 2018 – 2033 and the National Planning Policy Framework (February 2019).

2. *The cutting of stone forming part of this application, alongside increased vehicular traffic entering and egressing the site and using Old Park Ride represents an unacceptable impact on the amenity of residents of nearby residential dwellings in terms of noise. This includes the agricultural workers dwelling which is in close proximity to the building. Consequently, the proposal is contrary to Policies H6 and SUS8 of the Borough of Broxbourne Local Plan Second Review 2001-2011 (December 2005), Policies EQ1 and EQ4 of the emerging draft Local Plan 2018 – 2033 and the National Planning Policy Framework (February 2019).*
3. *There is insufficient information supplied with this application to fully assess the highway impacts and car parking arrangements resulting from this proposal; details of arrangements for refuse collection or waste water removal from the site have also not been provided. Without the necessary information there is doubt over possible implications for highway safety and convenience as well as processes for waste collection and waste water disposal. Consequently the proposal is contrary to Policies T3, T6 and T11 of the Borough of Broxbourne Local Plan Second Review 2001 – 2011 (December 2005), Policies TM2 and TM5 of the emerging draft Local Plan 2018-2033 and the National Planning Policy Framework (February 2019).*

A subsequent planning appeal, which was considered on the basis that the use had already begun, was dismissed.

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 building hatched black for the purposes of stone processing, cutting, and associated stone product showroom
- (ii) Cease the use of the land for storage and distribution of stone, stone products, and materials associated with the stone processing operation
- (iii) Remove all stone cutting machines, cutting tables, and other equipment associated with the use from the building hatched black
- (iv) Remove all stone and materials associated with the use from the land

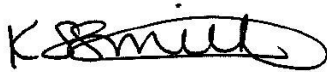
6. TIME FOR COMPLIANCE

- Step (i) – 1 week from the date this Notice takes effect
 Step (ii) – 1 week from the date this Notice takes effect
 Step (iii) – 3 months from the date this Notice takes effect
 Step (iv) – 5 months from the date this Notice takes effect

7. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on 7th January 2022, unless an appeal is made against it beforehand.

Dated: 8th December 2021



Signed:

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

WHO THIS ENFORCEMENT NOTICE IS SERVED ON:

- Leslie Robert Barker of Spring Farm Yard, Old Park Ride, Waltham Cross, EN7 5HU
- Johnny Benbassat of 8 Champion Close, Eagle Farm South, Milton Keynes, MK17 7BW
- Quartz Workshops Direct, T/A Luna Stone Spring Farm, Old Park Ride, Waltham Cross, EN7 5HU

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

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.