

AGENDA ITEM 18 - APPENDIX B
IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

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

ENFORCEMENT NOTICE

ISSUED BY: THE COUNCIL OF THE LONDON BOROUGH OF HARROW ("the Council")

1 **THIS NOTICE** is 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) 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 this Notice and the enclosures to which it refers contain important additional information.

2. **THE LAND TO WHICH THE NOTICE RELATES**

Land at 52 Mountbel Road, Stanmore, Middlesex HA7 2AF, shown edged with a bold black line on the attached plan ("the Land").

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

Without planning permission, the erection of a close boarded fence of over one metre in height adjacent to the highway and along the boundary with 50 Mountbel Road ("the Unauthorised Development") on the Land.

4 **REASONS FOR THIS NOTICE**

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

(ii) The Unauthorised Development by reason of its height and location is visually obtrusive and detrimental to the amenities of the occupiers of the surrounding residential properties and the street scene.

(iii) The Unauthorised Development contravenes policies E6 and E45 of the adopted Harrow Unitary Development Plan (1994) and policies SD1 and D4 of the Harrow Revised Deposit Draft Unitary Development Plan of March 2003.

(iv) The Council do not consider that planning permission should be given. Planning conditions could not overcome these objections to the development.

Sealed
21/03

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

(i) Reduce the Unauthorised Development to a height not exceeding 1 metre above ground level where the Unauthorised Development is adjacent to the highway as shown, for illustrative purposes only, cross hatched with a black line on the attached plan.

(ii) Where the Unauthorised Development runs along the boundary between the Land and 50 Mountbel Road, reduce the Unauthorised Development to a height not exceeding 1 metre above ground level for a distance of 1.5 metres beginning from the back edge of the footway along the boundary with 50 Mountbel Road as shown, for illustrative purposes only, cross hatched with a black line on the attached plan.

6. **TIME FOR COMPLIANCE**

One calendar month after this Notice takes effect.

7. **WHEN THIS NOTICE TAKES EFFECT**

This Notice takes effect on 2nd January 2004 unless an appeal is made against it beforehand.

Dated: 2nd December 2003

Signed:



A GERALD J BALABANOFF
Borough Solicitor
On behalf of:
The London Borough of Harrow
PO Box 2
Civic Centre
Station Road
Harrow
HA1 2UH

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 Secretary of State **before** the date specified in paragraph 7 of the notice. The enclosed booklet "Making your Enforcement Appeal" sets out your rights. You may use the enclosed appeal forms.

One is for you to send to the Secretary of State if you decide to appeal, together with a copy of the Notice.

The second copy of the appeal form and the Notice should be sent to the Council

(c) The third copy is for your own records.

THE GROUNDS OF APPEAL ARE:

- (a) Planning permission should be granted for what is alleged in the Notice.
- (b) The Breach of Control alleged in the Enforcement Notice has not occurred as a matter of fact.
- (c) There has not been a breach of Planning Control.
- (d) At the time the Enforcement Notice was issued it was too late to take enforcement action against the matters stated in the Notice.
- (e) The Notice was not properly served on everyone with an interest in the Land
- (f) The steps required to comply with the requirements of the Notice are excessive, and lesser steps would overcome objections.
- (g) The time given to comply with the Notice was too short.

Further details of the grounds can be found in Section 5 of the enclosed appeal form.

A fee of £ 220 may be payable for any appeal. Half of this fee is payable to the Council and half to the Planning Inspectorate (made payable to the Office of the Deputy Prime Minister).

This Notice has been served on the following:

Mr F. P Harvey, 52 Mountbel Road, Stanmore, Middlesex. HA7 2AF
The Owner, 52 Mountbel Road, Stanmore, Middlesex. HA7 2AF
The Occupier, 52 Mountbel Road, Stanmore, Middlesex. HA7 2AF
Halifax PLC, Trinity Road, Halifax, West Yorkshire. HX1 2RG

WHAT HAPPENS IF YOU DO NOT APPEAL

If you do not appeal against this 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 specified in paragraph 6 of the notice. Failure to comply with this Notice may result in prosecution and/or remedial action by the Council.