

TOWN AND COUNTRY PLANNING ACT 1990
DACORUM BOROUGH COUNCIL



Application Ref No. 4/0954/91

N Gurbuz
15 Chapel Street
Luton
Beds

DEVELOPMENT ADDRESS AND DESCRIPTION
=====

98 London Road, Hemel Hempstead,

MODIFICATION TO CONDITION 4 OF 4/0374/90 TO ALLOW OPENING TO 12.30 PM (SHOP TO
TAKE AWAY)

Your application for *full planning permission* dated and received on 10.07.1991
has been *REFUSED*, for the reasons set out on the attached sheet(s).

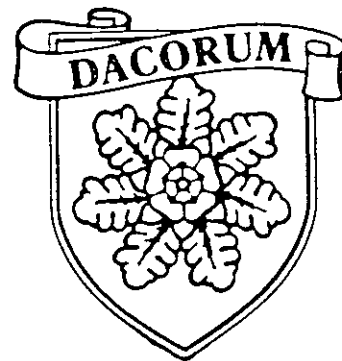
Director of Planning

Date of Decision: 26.07.1991

(ENC Reasons and Notes)

REASONS FOR REFUSAL
OF APPLICATION: 4/0954/91

Date of Decision: 26.07.1991



The existing Condition relating to the hours of use imposed to safeguard the residential amenity of the locality. The proposed extension of hours later into the evening would be seriously detrimental to the residential amenity of the locality by reason of noise, disturbance and nuisance arising from the increased use of No. 98 as a take-away.

**IMPORTANT - THIS COMMUNICATION AFFECTS
YOUR PROPERTY**

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

**ENFORCEMENT NOTICE
(BREACH OF CONDITION)**

ISSUED BY: DACORUM BOROUGH COUNCIL

1. **THIS IS A FORMAL NOTICE** which is issued by the Council because it appears to them that there has been a breach of planning control, under section 171A(1)(b) 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.

2. **THE LAND AFFECTED**

Land at 98 London Road, Apsley, Hemel Hempstead, Hertfordshire shown edged red on the attached plan.

3. **THE BREACH OF PLANNING CONTROL ALLEGED**

On 10th May 1990 planning permission was granted for change of use of the ground floor shop to a 'takeaway' food shop subject to conditions. One of those conditions is that the premises shall not be open for trade outside the hours of 0830 to 2300 Mondays to Saturdays and 1100 to 2230 on Sundays. It appears to the Council that the condition has not been complied with fully, because the hours stated in the above Condition are being exceeded.

4. **REASONS FOR ISSUING THIS NOTICE**

It appears to the Council that the above breach of planning control has occurred since the end of 1963.

General Policy and Principles (PPG 1) states that it is the purpose of the planning system to regulate the use of land in the public interest. This includes assessing whether development would affect the locality generally and unacceptably affect amenities that ought in the public interest be protected.

In addition to being a neighbourhood shopping area Apsley is also a residential area. Occupants of flats in the vicinity of the premises are entitled to expect reasonable residential amenity and for this reason a condition was imposed on the planning permission for change of use restricting the hours of opening. The opening of the premises beyond the permitted evening closing times has resulted in noise, disturbance and nuisance from pedestrian customers and vehicles visiting the premises. This has adversely affected the amenities of local residents and thus causes harm to interests of acknowledged importance.

5. WHAT YOU ARE REQUIRED TO DO

Cease trading outside the permitted hours.

Time for compliance: 28 days after this notice takes effect.

6. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on 13th Nov 1992
unless an appeal is made against it beforehand.

Dated: 7th February 1992

Signed: A.H. Waller ASSISTANT DIRECTOR (LAW)

Director of Law and Administration

on behalf of: Dacorum Borough Council
Civic Centre
Marlowes
Hemel Hempstead
Herts HP1 1HH

ANNEX

YOUR RIGHT OF APPEAL

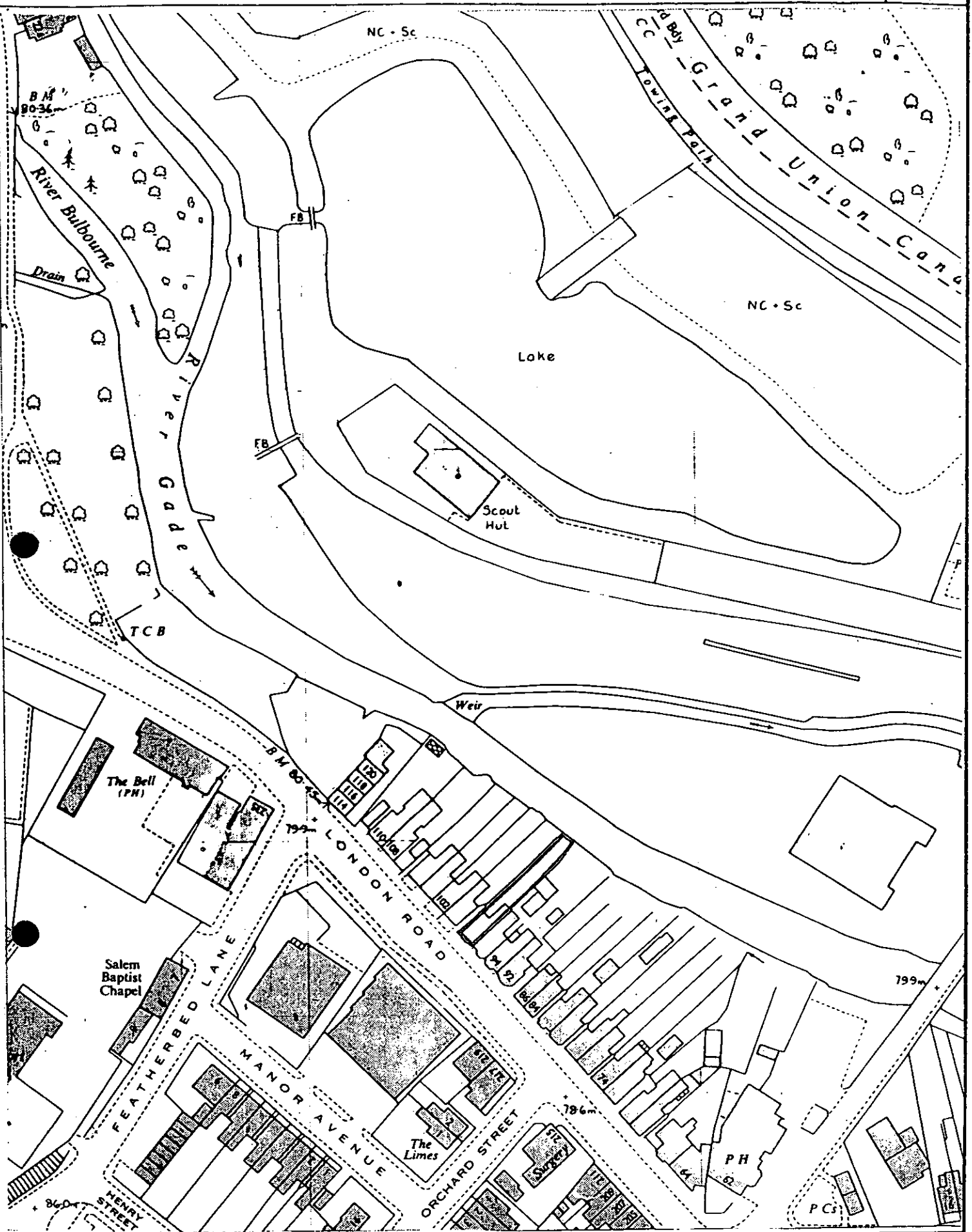
You can appeal against this notice, but any appeal must be received, or posted in time to be received, by the Secretary of State before 13th Nov 1992. The enclosed booklet "Enforcement Appeals - A Guide to Procedure" sets out your rights. Read it carefully. You may use the enclosed appeal forms. One is for you to send to the Secretary of State if you decide to appeal. The other is for you to keep as a duplicate for your own records. You should also send the Secretary of State the spare copy of this enforcement notice which is enclosed.

WHAT HAPPENS IF YOU DO NOT APPEAL

If you do not appeal against this enforcement notice, it will take effect on 13th Nov 1992 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 the notice. Failure to comply with an enforcement notice which has taken effect can result in prosecution and/or

remedial action by the Council. On conviction, a fine of up to £20,000 may be imposed by the Magistrates' Court or an unlimited fine by the Crown Court.

2.92/ENF.A/2447/387/AMW/JDD/BS.5



PLAN REFERRED TO IN ENFORCEMENT NOTICE DATED 14 Feb. 1992

SCALE: 1:1250

APPLICATION No. 4/0374/90

DACORUM BOROUGH COUNCIL,
CIVIC CENTRE, MARLOWES,
HEMEL HEMPSTEAD.