

IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY

TOWN AND COUNTRY PLANNING ACT 1990

(As amended by the Planning and Compensation Act 1991 and the Planning and Compulsory Purchase Act 2004)

TEMPORARY STOP NOTICE

**OLD FOX PUBLIC HOUSE, SCHOOL LANE, BRICKET WOOD,
HERTFORDSHIRE**

SERVED BY: [St Albans City and District Council] herein after referred to as "the Council"

**To: DANIEL JAMES HEFFERNAN
MARION ANNE HEFFERNAN**

1. On 26 October 2009, the Council has issued this temporary stop notice alleging that there has been a breach of planning control on the land described in paragraph 4 below.
2. This temporary stop notice is issued by the Council, in exercise of their power in section 171E of the 1990 Act, because they think that it is expedient that the activity specified in this notice should cease on the land described in paragraph 4 below. The Council **now prohibits** the carrying out of the activity specified in this notice. Important additional information is given in the Annex to this notice.
3. **THE REASONS FOR ISSUING THIS NOTICE**
The expediency reasons for issuing this Notice are as follows:-
 - (i) The creation of a road and hard standing constitutes development as set out in S55(1) of the Town and Country Planning Act 1990 by virtue of the carrying out of building, engineering, mining or other operations in, on, over or under land.
 - (ii) The newly constructed road fails to integrate sympathetically with the appearance and form of this building and would adversely affect the character and visual amenity of the Conservation Area. The proposal is considered to be contrary to Policy 69 (General Design and Layout) (i) 85 (Development in Conservation Areas) (i) preamble, (i)(a), i(b), (i)(c), i(e), (i)(f), (i)(g) and 87 (Locally Listed Buildings) of the St Albans District Local Plan 1994.

- (iii) The works undertaken on the site require planning permission, however, planning permission is unlikely to be granted as the creation of the hardcore surface fails to integrate sympathetically with the appearance and form of the public house and its garden grounds and adversely affect the character and visual amenity of the Conservation Area and is contrary to Policy 69 (General Design and Layout) (i), 85 (Development in Conservation Areas) (i) preamble, (i)(a), (i)(b), (i)(c), (i)(e), (i)(f), (i)(g) and 87 (Locally Listed Buildings) of the St Albans District Local Plan 1994.

4. THE LAND TO WHICH THIS NOTICE RELATES

Land at Old Fox Public House, School Lane, Bricket Wood, Hertfordshire, (shown edged red on the attached plan).

5. THE ACTIVITY TO WHICH THIS NOTICE RELATES

Importation of hard core and construction of road, (shown hatched black on the attached plan). Creation of earth bund (shown in blue on the attached plan).

6. WHAT YOU ARE REQUIRED TO DO

Cease all the activity specified in paragraph 5 of this notice.

7. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on 26 October 2009 when all the activity specified in this notice shall cease. This notice will cease to have effect on (28 days after it takes effect).

Dated: 26 October 2009

Signed:


M LOVELADY LLB. SOLICITOR
HEAD OF LEGAL AND DEMOCRATIC SERVICES

On behalf of: St Albans District Council

Nominated Officer: Ms Paula Wilde

Telephone Number: 01727 866100 (ext 2341)

ANNEX 1

WARNING

THIS NOTICE TAKES EFFECT ON THE DATE SPECIFIED IN PARAGRAPH 7.

THERE IS NO RIGHT OF APPEAL TO THE FIRST SECRETARY OF STATE AGAINST THIS NOTICE.

It is an offence to contravene a temporary stop notice after a site notice has been displayed or the temporary stop notice has been served on you. (Section 171G of the 1990 Act.) If you then fail to comply with the temporary stop notice you will be at risk of **immediate prosecution** in the Magistrates' Court, for which the maximum penalty is £20,000 on summary conviction for a first offence and for any subsequent offence. The fine on conviction on indictment is unlimited. If you are in any doubt about what this notice requires you to do, you should get in touch **immediately** with Ms Paula Wilde, the Council's Senior Planning Enforcement Officer, District Council Offices, St Peters Street, St Albans, Herts, AL21 3JE (Tel No 01727 866100 ext. 2341. If you need independent advice about this notice, you are advised to contact urgently a lawyer, planning consultant or other professional adviser specialising in planning matters. If you wish to contest the validity of the notice, you may only do so by an application to the High Court for judicial review.

The Old Fox PH School Lane Bricket Wood



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St Albans
CITY AND DISTRICT

ST ALBANS DISTRICT COUNCIL

TOWN & COUNTRY PLANNING ACT 1990
(as amended by the Planning & Compulsory Purchase Act 2004)

SITE NOTICE

TEMPORARY STOP NOTICE

YOU ARE HEREBY NOTIFIED THAT

On 26 October 2009 ST ALBANS DISTRICT COUNCIL served a temporary stop notice on land at Old Fox Public House, School Lane, Bricket Wood, Hertfordshire ("the Land") requiring the cessation of the following activities:

Importation of hardcore and construction of road. Creation of earth bund.

A copy of the Temporary Stop Notice is displayed with this site notice.

Any person contravening the temporary stop notice after the above date when the temporary stop notice and this site notice affixed and displayed on the Land may be prosecuted in accordance with S171G of the Town & Country Planning Act 1990 (which is set out in full below).

Signed:

Dated: 26 October 2009

M LOVELADY, LLB SOLICITOR

HEAD OF LEGAL AND DEMOCRATIC SERVICES

Section 171G of the Town & Country Planning Act 1990

- (1) A person commits an offence if he contravenes a temporary stop notice –
 - (a) which has been served on him
 - (b) a copy of which has been displayed in accordance with s171E(5)
- (2) **Contravention of a temporary stop notice includes causing or permitting the contravention of the notice**
- (3) An offence under this section may be charged by reference to a day or longer period of time
- (4) A person may be convicted of more than one such offence in relation to the same **temporary stop notice** by reference to different days or period of time
- (5) A person does not commit an offence under this section if he proves –
 - (a) that the temporary stop notice was not served on him, and
 - (b) that he did not know, and could not reasonably have been expected to know, of its existence
- (6) A person convicted of an offence under this section is liable
 - (a) On summary conviction, to a fine not exceeding £20,000
 - (b) On conviction on indictment, to a fine
- (7) In determining the amount of the fine the court must have regard in particular to any financial benefit which has accrued or has appeared to accrue to the person convicted in consequence of the offence