

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

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

To: John Kenneth Rudkin, Kettlewell Farm, Lye Lane, Bricket Wood, Herts, AL2 3TF

1. On 11 May 2010, 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 site is within the metropolitan Green Belt, wherein permission should only be given for new buildings for agricultural or other essential purposes appropriate to a rural area or small scale facilities for participatory sport or recreation. The buildings erected specifically conflict with these criteria, and the relevant central Government advice contained at Para 3.4-3.5 of PPG2 Green Belts. The building therefore fails to preserve and is detrimental to the openness and visual amenity of the Metropolitan Green Belt and conflicts with the purposes of including land in it. Furthermore, by virtue of the size and scale, the development results in an adverse impact upon the open rural character of the Metropolitan Green Belt contrary to Policy 1 of the St Albans District Local Plan Review 1994.
4. **THE LAND TO WHICH THIS NOTICE RELATES**
Land at Bricket Wood Sports and Country Club, Lye Lane, Bricket Wood, St Albans, Hertfordshire
(Shown edged red on the attached plan)

5. THE ACTIVITY TO WHICH THIS NOTICE RELATES

The carrying out of unauthorised building works shown hatched blue on the attached plan being described as the unauthorised structures as numbered on the Building Regulations drawing 2151/07 known as the meeting room (1) female changing room (2) office room (3) male changing room (4) meeting room (5) and function room (6) and the extension of the Gym building.

6. WHAT YOU ARE REQUIRED TO DO


Cease all the activity specified in this notice.

7. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on 12 May 2010 when all the activity specified in this notice shall cease. This notice will cease to have effect on 9 June 2010 (28 days after it takes effect).

Dated: 11 May 2010

Signed:



M Lovelady, LLB. Solicitor
Head of Legal and Democratic Services

On behalf of:

St Albans District Council
Civic Centre, St Peters Street
St Albans, Herts. AL1 3JE

Nominated Officer:

Ms Paula Wilde
Senior Planning Enforcement Officer
01727 866100 ext 2341

ANNEX

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, Civic Centre, St Peters Street, St Albans, Herts, AL1 3JE. Tel: 01727 866100 ex. 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.



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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 11 May 2010 ST ALBANS DISTRICT COUNCIL served a temporary stop notice on land at Bricket Wood Sports and Country Club, Lye Lane, Bricket Wood, St Albans, Hertfordshire ("the Land") requiring the cessation of the following activities:

The carrying out of unauthorised building works being described as the unauthorised structures as numbered on the Building Regulations drawing 215/07 known as the meeting room (1) female changing room (2) office room (3) male changing room (4) meeting room (5) and function room (6) and the extension of the Gym building.

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: 11 May 2010

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

DISTRICT OF THE CITY ST ALBANS
PLANNING AND HERITAGE DEPARTMENT

STATEMENT OF WITNESS

STATEMENT OF: Paula Wilde
AGE OF WITNESS: Over 18
OCCUPATION IF WITNESS: Planning Enforcement Officer
ADDRESS: St Albans District Council
Civic Centre
St Peters Street
St Albans
Herts
AL1 3JE.

My name is Paula Wilde I am employed at St Albans District Council as the Senior Planning Enforcement Officer.

As part of my duties, I investigate breaches of planning control.

On Tuesday 11 May 2010 at approximately 4.30pm, I attached two copies of the Temporary Stop Notice to the land in the names of Mr Rudkin and Mrs Rudkin.

I noted that there were no building works being undertaken at this time of serving the notices, but the unauthorised buildings works had progressed since my last visit to eves height. There were no workman on site.

I drove to Kettlewell Farm where I served copies of the Notice in person on Mr Rudkin and Mrs Rudkin.

This statement (consisting of 2 pages, signed by me) is true to the best of my knowledge and belief and I make it knowing that, if tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true. I have read this statement.

Signature

Paula Wilde

Date

11/5/10