



# The Planning Inspectorate

Room 3B  
Temple Quay House  
2 The Square  
Bristol  
BS1 6PN

Direct Line: 0303 444 5589  
Customer Services:  
0303 444 5000

Email: [teame3@planninginspectorate.gov.uk](mailto:teame3@planninginspectorate.gov.uk)  
[www.gov.uk/planning-inspectorate](http://www.gov.uk/planning-inspectorate)

Planning Enforcement Officer  
Stevenage Borough Council  
Department Of Environmental Services  
Daneshill House  
Danestrete  
Stevenage  
Herts  
SG1 1HN

Your Ref: 21/01025/ENF  
Our Ref: APP/K1935/C/22/3303739  
Further appeal references at foot of letter

10 December 2024

Dear Planning Enforcement Officer,

Town and Country Planning Act 1990  
Appeals by Ms Karen Allen, Mr Bliaise Barron  
Site Address: 7 Boxfield Green, STEVENAGE, SG2 7DR

Without prejudice to the outcome of the appeal, the Inspector would like the parties comments on the following matters:-

1. Section 173 (1) of the Town and Country Planning Act 1990 (as amended) says that a notice shall state (a) the matters which appear to the local planning authority to constitute the breach of planning control; and (b) the paragraph of s171A (1) within which, in the opinion of the authority, the breach falls. Section 173 (2) says that a notice complies with subsection (1) (a) if it enables any person on whom a copy of it is served to know what those matters are.
2. The enforcement notice alleges '*Construction of both Planning References 17/00734/FPH (Approved) and 17/00638/CLPD (Certificate Issued) at the same time, such that these works associated with 17/00734/FPH are not in accordance with the approved plans and the works associated with 17/00638/CLPD are not deemed to meet the provisions of Class B, Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) as permitted development.*
3. Although the Council has set out what it considers the breach to be within its statement of case, it is not possible to ascertain this from the four corners of the notice. An enforcement notice which, on the face of it and without having to refer to evidence elsewhere, fails to tell the recipient fairly what they have done wrong, as required by section 173(3) is a nullity and is therefore without legal effect.
4. In addition, the enforcement notice provides time for compliance with the requirements which is stated to be '*5 months from the date of this notice for implementation and 4 months following implementation from completion*'. Section 173(9) of the Act provides that an enforcement notice shall specify the period at the end of which any steps are required to have been taken or any activities are required to have ceased and, whilst a notice may specify different periods for different steps or activities, the periods for compliance with the notice starts to run from the date when the notice comes into effect. However, since the period of 'four

months following implementation' would come into effect only once commencement of the former period of 5 months is started rather than when the notice comes into effect, the Inspector seeks the parties views as to whether the notice would be invalid or a nullity, or whether, subject to the essential test of injustice, the notice would be correctable.

5. Given the above, I invite comments as to whether the notice is a nullity. Please provide comments within 10 working days of this letter.
6. In the event that the Council considers the notice to be a nullity, the Council should confirm whether it wishes to withdraw the enforcement notice?

Yours sincerely,

***Ben White***

Ben White

<https://www.gov.uk/government/publications/planning-inspectorate-privacy-notice>

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Linked cases: APP/K1935/C/22/3303740