

By Hand

Mr and Mrs Young
Youngs Farm
St Mary's Lane
Upminster
RM14 3NU

Please call: Steve Lomas
Telephone: 01708 432805
Email: steve.lomas@havering.gov.uk
Textphone ☎: 18001 01708 434 798
(Deaf & hearing impaired)

Date: 2nd August 2016

Your Reference:
Council's Reference: ENF/472/15/

IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY

Dear Sir/Madam,

**RE: Town and Country Planning Act 1990 – Planning Enforcement Notice
YOUNGS FARM ST MARY'S LANE UPMINSTER RH14 3NU**

The Council has issued an enforcement notice dated **17th February 2016** relating to the above land and I now serve on you a copy of that notice. Copies of the notice are also being served on others who, it is understood, have interests in the land. A list of persons upon whom this enforcement notice is served is attached to the notice for your information.

Unless an appeal is made to the Secretary of State, the enclosed enforcement notice will take effect on **16th September 2016**. Thereafter the period for compliance is **3 months and 9 months**, as set out in the notice. Persons upon whom the notice is served may be prosecuted for any breach of the enforcement notice after the expiry of the compliance period.

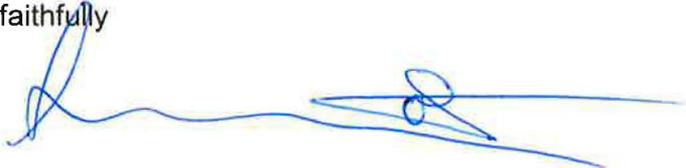
If you intend to appeal against this Enforcement Notice then you must immediately contact the Planning Inspectorate as explained in the enforcement notice.

There is a fee of **£770** for a ground (a) appeal. This fee should be paid to the London Borough of Havering when you lodge your appeal. If you do not pay this fee, the planning merits of your appeal may not be considered by the Planning Inspector.

The other grounds of appeal (b – g) do not attract a fee.

Your appeal must be received by The Planning Inspectorate before the date the notice takes effect, being **16TH September 2016**.

Yours faithfully



Steve Lomas
Planning Enforcement Officer

Enc: Planning Enforcement Notice



CC: The Owner of the Property or Land

The Occupier of the Property or Land

Mr and Mrs Young
Youngs Farm
St Mary's Lane
Upminster
RM14 3NU



RE: YOUNGS FARM ST MARY'S LANE UPMINSTER RM14 3NU

IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

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

ENFORCEMENT NOTICE

- TO:**
1. The Owner of the said land
 2. The Occupier of the said land
 3. Mr and Mrs Young
Youngs Farm
St Mary's Lane
Upminster
RM14 3NU

ISSUED BY: London Borough of Havering

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

The land at Youngs Farm St Mary's Lane Upminster RM14 3NU shown edged Black on the attached plan.

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

The unauthorised change of use of the barn, shown hatched black on the attached plan, to totally residential use and the unauthorised alterations to the external appearance of the barn involving rear dormer window, rear balcony structure, front porch and the erection of a boundary fence to create a residential amenity space.

4. **REASONS FOR ISSUING THIS NOTICE**

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

The unauthorised alterations to the barn conflict with the agricultural nature of its design and the rural nature of the location. In this respect the alterations are contrary to Policy DC61 of the LDF. The fencing surrounding the barn is in appropriate and harmful to the open nature of the Green Belt.

The wholly residential use of the barn and enclosures and development represents inappropriate development in the Green Belt, is contrary to the guidance on development in the Green Belt as set out in the National Planning Policy Framework. The fencing surrounding the barn is inappropriate and harmful to the open nature of the Green Belt. and is contrary to Policy DC61 of the LDF. There are not considered to be any very special circumstances which would overcome the harm through inappropriateness. The unauthorised development has resulted in a loss to the rural and agricultural character of the site and its contribution to the openness of the Green Belt.

In making its decision to issue this Notice the Council considered that the unauthorised use is contrary to the following policies of the Local Development Framework: policy DC61 and Green Belt guidance within the NPPF.

5. WHAT YOU ARE REQUIRED TO DO

- (i) Cease the unauthorised residential use of the barn as a residential dwelling (Class C3).

Time for compliance: 3 months from the effective date of this notice.

- (ii) Remove the unauthorised rear dormer, rear balcony structure and front porch and restore the barn design and layout, both internal and external including any hard-surface, so that it accords with the approved plans in application P1580.04

Time for compliance: 9 months from the effective date of this notice.

- (iii) Remove the unauthorised boundary fence around the barn

Time for compliance: 9 months from the effective date of this notice.

- (iv) Restore the land around the barn to open agricultural land.

Time for compliance: 9 months from the effective date of this notice.

- (v) Remove from the land all waste materials and machinery brought onto the land for the purpose of complying with the above requirements

Time for compliance: 9 months from the effective date of this notice

6. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on 16th September 2016, unless an appeal is made against it beforehand

Dated: 2nd August 2016

Signed: 

Authorised Officer

on behalf of London Borough of Havering
Town Hall
Main Road
Romford RM1 3BD

YOUR RIGHT OF APPEAL

You can appeal against this Enforcement Notice to the Secretary of State by the 16th September 2016. Further details are given in the attached explanatory note.

WHAT HAPPENS IF YOU DO NOT APPEAL

If you do not appeal against this Enforcement Notice, it will take effect on 16th September 2016 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.

EXPLANATORY NOTES

STATUTORY PROVISIONS

A summary of Sections 171A, 171B and 172 to 177 of the Town and Country Planning Act 1990 (as amended) is enclosed with this Notice.

YOUR RIGHT OF APPEAL

You can appeal against this Notice, but any appeal must be in writing and received, or posted (with the postage paid and properly addressed) in time to be received in the ordinary course of the post, by the Secretary of State before 16th September 2016.

If you intend to appeal against this Notice you should follow the instructions given on the information sheet from the Planning Inspectorate which accompanies this Notice.

GROUND OF APPEAL

The grounds of appeal are set out in Section 174 of the Town and Country Planning Act 1990 (as amended) you may appeal on one or more of the following grounds:-

- (a) that, in respect of any breach of planning control which may be constituted by the matters stated in the Notice, planning permission ought to be granted, as the case may be, the condition or limitation concerned ought to be discharged;
- (b) that those matters have not occurred;
- (c) that those matters (if they occurred) do not constitute a breach of planning control;
- (d) that, at the date when the notice was issued, no enforcement action could be taken in respect of any breach of planning control which may be constituted by those matters;
- (e) that copies of the Enforcement Notice were not served as required by section 172;
- (f) that steps required by the notice to be taken, or the activities required by the notice to cease, exceed what is necessary to remedy any breach of planning control which may be constituted by those matters or, as the case may be, to remedy any injury to amenity which has been caused by any such breach;
- (g) that any period specified in the notice in accordance with section 173(9) falls short of what should reasonably be allowed.

Not all these grounds may be relevant to you.

PLANNING APPLICATION FEE

Should wish to appeal on ground (a) - that planning permission should be granted for the unauthorised use - then a fee of £770 is payable to the Council. If the fee is not paid then that ground of appeal will not be valid.

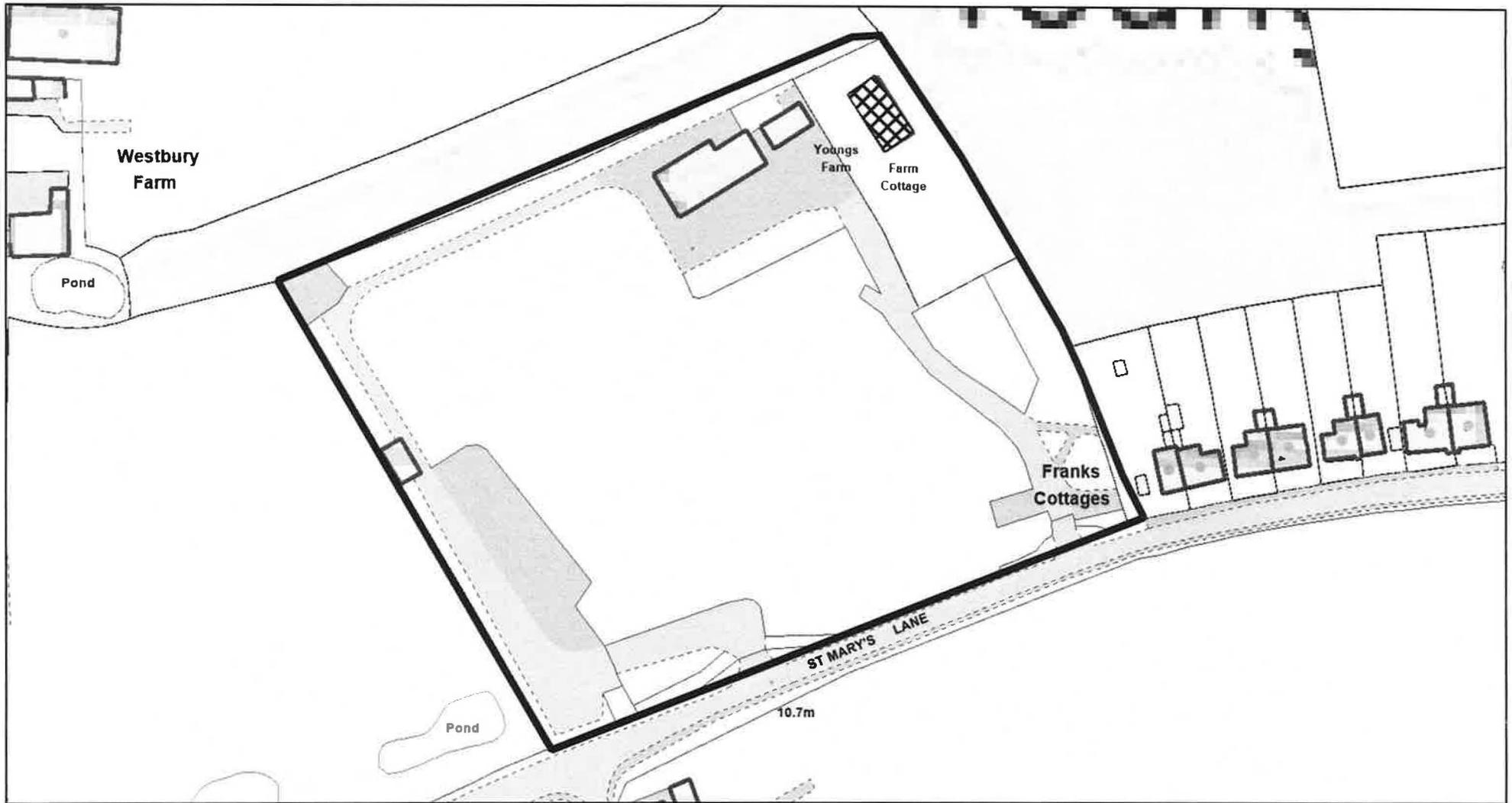
STATEMENT ON GROUNDS OF APPEAL

You must submit to the Secretary of State, either when giving notice of appeal or within 14 days from the date on which the Secretary of State sends him a notice so requiring, a statement in writing specifying the grounds on which you are appealing against the Enforcement Notice and stating briefly the facts on which you propose to rely in support of each of those grounds.

RECIPIENTS OF THE ENFORCEMENT NOTICE

The names and addresses of all the persons on whom the Enforcement Notice has been served are:

1. The Owner of the said land
2. The Occupier of the said land
3. Mr and Mrs Young
Youngs Farm
St Mary's Lane
Upminster
RM14 3NU



Youngs Farm, St Mary's Lane, Upminster. RM14 3NU

	<p>Scale: 1:1500 Date: 29 July 2016 Size: A4</p>
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