

ENFORCEMENT NOTICE B

RE: Dogwood, Benskins Lane, Noak Hill, Romford RM4 1LB

IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

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

ENFORCEMENT NOTICE

ISSUED BY: London Borough of Havering (herein after referred to as "the Council")

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. The Explanatory Notes at the end of this Notice and the Enclosures referred to therein contain important additional information.

2. **THE LAND AFFECTED**

The land on the south east side of Benskins Lane, Noak Hill, Romford RM4 1LB, as shown hatched in black on the attached plan and which forms part of the land (sometimes known as Dogwood) registered under Land Registry Title Number EGL148989.

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

Without planning permission, the change of use of land shown hatched in black on the attached plan to the storage of motor vehicles and dismantled vehicle parts, and to undertaking vehicle repairs and the dismantling of motor vehicles.

4. **REASONS FOR ISSUING THIS NOTICE**

To secure the cessation of the land in question, which is located in the Green Belt, being used for the storage of motor vehicles and dismantled vehicle parts, and for undertaking vehicle repairs and the dismantling of motor vehicles.

Reasons:

(1) It appears to the Council that the above breaches of planning control have occurred within the last TEN years in relation to the unauthorised development and uses of the land and that steps should be taken to remedy the breaches in accordance with the purposes stipulated in Section 173 (4)(a) of the above Act.

(2) The site lies within the Green Belt where the guidance in Policy PPG 2 (Green Belt) Green Belt policy and guidance confirm that planning permission should only be given if such identified harm is clearly

outweighed by very special circumstances. The site is being used for storing, dismantling, and undertaking repairs to motor vehicles which uses have a detrimental impact upon views into the site, its openness, and thereby the site's contribution to the Green Belt. Furthermore, the use of the site for the activities listed above results in HGV and smaller vans and car movements causing noise and disturbance to nearby residents.

- (3) The development is therefore considered to be contrary to adopted guidelines illustrated below for current unauthorised uses and is deemed to be unneighbourly.

The development is contrary to the following Local Development Framework ("LDF") Policies:

LDF

CP14 - Green Belt

CP2 - Sustainable Communities

DC45 - Appropriate Development in the Green Belt

DC61 – Urban Design

DC72 - Planning Obligations

PPG2 – Green Belt

OTHER

LONDON PLAN - 7.16 - Green Belt

NPPF - National Planning Policy Framework

The Council does not consider that planning permission should be granted because conditions attached to any consent would not overcome these problems.

5. WHAT YOU ARE REQUIRED TO DO

By this Enforcement Notice you are required, within THREE MONTHS of the date when this Notice takes effect to have:

1. Ceased use of the land shown hatched in black on the attached plan for the storage of motor vehicles, and dismantled vehicle parts, and vehicle repairs and the dismantling of motor vehicles; and
2. Removed from the land shown hatched in black on the attached plan, all cars, car parts, tyres, other vehicles, and all other plant and equipment used in connection with the associated business.
3. Removed from the said land all materials, rubble and debris associated with taking steps 1 and 2 above, and returned the land to its condition before the breaches took place.

6. TIME FOR COMPLIANCE

THREE MONTHS after the date when this Notice takes effect.

7. WHEN THIS NOTICE TAKES EFFECT

This Notice will take effect on 21st August 2017, unless an appeal is made against it beforehand.

Dated: 24th July 2017

Signed: 

Name: David Colwill

Team Leader, Planning Enforcement and Appeals

on behalf of London Borough of Havering

5th Floor, Mercury House, Mercury Gardens, Romford RM1 3SL

Nominated Officer: Onkar Bhogal Telephone Number: 01708 431587

Email: Onkar.Bhogal@haverling.gov.uk

YOUR RIGHT OF APPEAL

You can appeal against this Enforcement Notice to the Secretary of State before 21st August 2017. 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 21st August 2017 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 21st August 2017.

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.

GROUNDS 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 you wish to appeal on ground (a) - that planning permission should be granted for the unauthorised development - then a fee of **£770** is payable to the Council. If the fees are 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 you 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

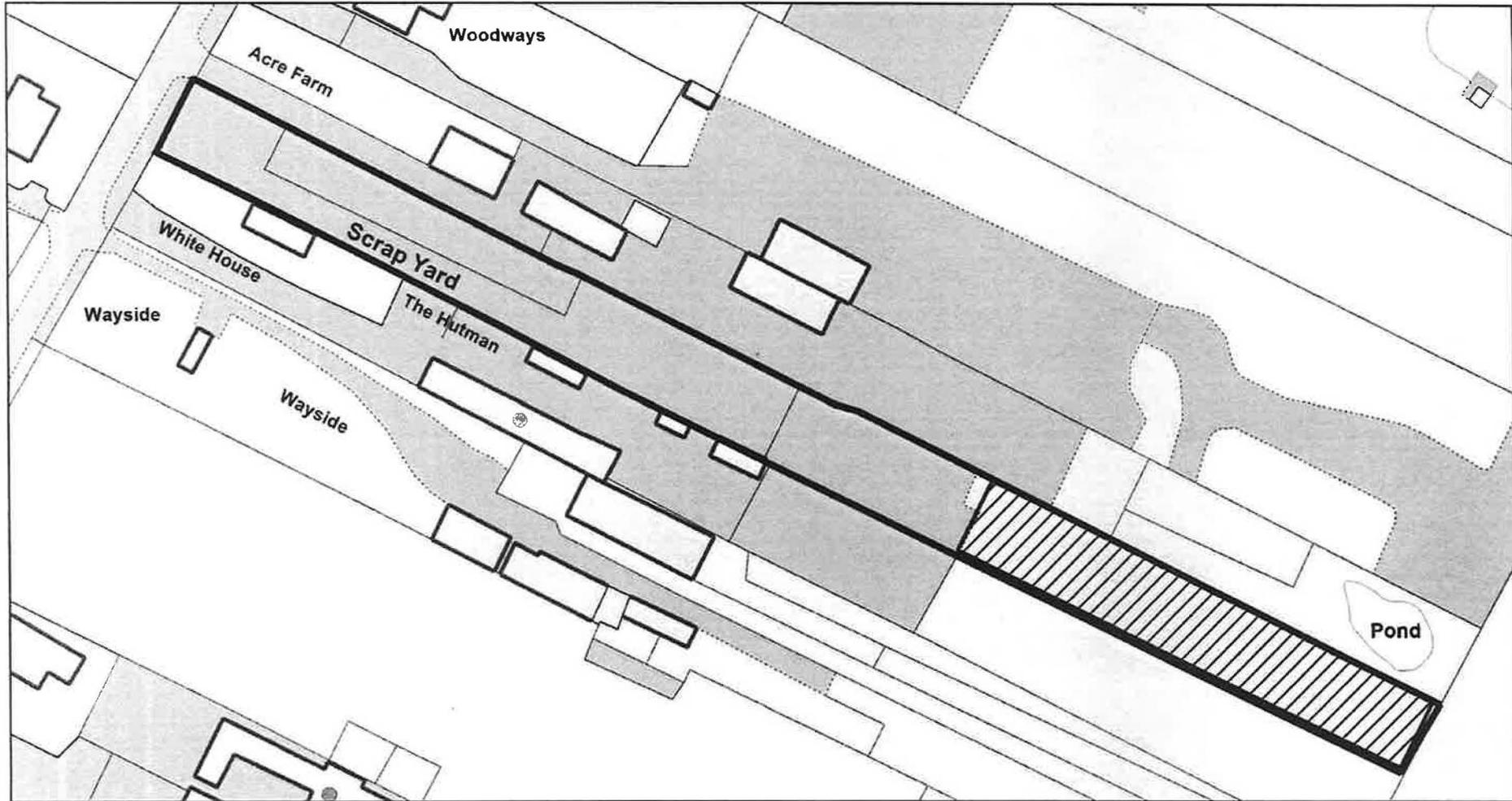
The names and addresses of all the persons on whom the Enforcement Notice has been served are:

Rizmee Sami
7 The Gables
125 harrow road
Leytonstone, London E11 3PX

Rizmee Sami
Dogwood
Benskins Lane
Noak Hill, Essex RM4 1LB

The Owners
Dogwood
Benskins Lane
Noak Hill, Essex RM4 1LB

Occupiers
Dogwood
Benskins Lane
Noak Hill, Essex RM4 1LB



Dogwood - Enforcement notice B



Scale: 1:1000
Date: 06 April 2017
Size: A4



London Borough of Havering
 Town Hall, Main Road, Romford, RM1 3BD
 Tel: 01708 434343

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