

RE: Land at end and east of Moor Lane Cranham Essex an adjacent to and south of A127 Southend Arterial Road

**IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY**

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

**ENFORCEMENT NOTICE " B "**

- TO:**
1. The Owner of the said land
  2. The Occupier of the said land
  3. Steve Randall, 6 Hop Gardens, School Road, Ongar, Essex, CM5 9PT
  4. Michael Neil Sanderson, 6 Hop Gardens, School Road, Ongar, Essex, CM5 9PT
  5. The Company Secretary, Oakdene Investments Limited, Key House, 342 Hoe Street, Walthamstow, London E17 9PX..

**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 end of and east of Moor Lane Cranham, and adjacent to and south of the A127 Southend Arterial Road shown hatched black on the attached plan( hereinafter called " the land " ).

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

Without planning permission the material change of use of the Land shown hatched black on the attached plan for use as a moto-cross motor cycle tract.

4. **REASONS FOR ISSUING THIS NOTICE**

It appears to the Council that the above breach of planning control has occurred within the last ten years. The site lies within the Metropolitan Green Belt. The unauthorised use are not suitable for this area owing to the impact it has on the appearance and character of the Green Belt, and the amenity of the locality. The relevant policy is DC45 in the Local Development Framework and PPG2 is also

relevant. Policy DC45 is consistent with the Government's advice on Green Belts (PPG2) which identifies appropriate uses within the 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 unauthorised use of the land is considered to have a detrimental impact upon public views into the site and thereby the site's contribution to the openness of the Green Belt. Policy DC61 is appropriate in that the intensified use of the site will have significant impact on the surrounding residential amenity through noise and increased activity along Moor Lane and the site itself. The Council do not consider that planning permission should be given, because planning conditions could not overcome these problems.

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 : policies DC61 , DC45, and to Government's advice on Green Belts (PPG2).

#### 5. WHAT YOU ARE REQUIRED TO DO

- (i) Cease using the Land shown hatched black on the attached plan as a moto-cross motor cycle race track

Time for compliance: 1 month from the effective date of this notice

- (ii) Return the Land shown hatched black on the attached plan to its condition as open rural naturally seeded Land before its unauthorised use

Time for compliance: 1 month from the effective date of this notice

- (iii) Remove from the Land shown hatched black on the attached plan all machinery, equipment, apparatus, building materials, rubble, motor vehicles brought onto the Land in association with the unauthorised use and in compliance with requirements (i) and (ii) above

Time for compliance: 1 month from the effective date of this notice

#### 6. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on 20<sup>th</sup> July 2009, unless an appeal is made against it beforehand

Dated: 5<sup>th</sup> June 2009

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 20<sup>th</sup> July 2009. Further details are given on the information sheet from the Planning Inspectorate which accompanies this Notice. The enclosed booklet "Enforcement Appeals – A guide to procedure" also sets out your rights.

### **WHAT HAPPENS IF YOU DO NOT APPEAL**

If you do not appeal against this Enforcement Notice, it will take effect on 20<sup>th</sup> July 2009 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 copy 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

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 20<sup>th</sup> July 2009.

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

### GROUND OF APPEAL

Under 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 or, 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 the 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 £ 335. 00 is payable both to the Secretary of State and to the Council, making the total fees payable £ 670.00. If the fees are not paid then that ground of appeal will not be valid.

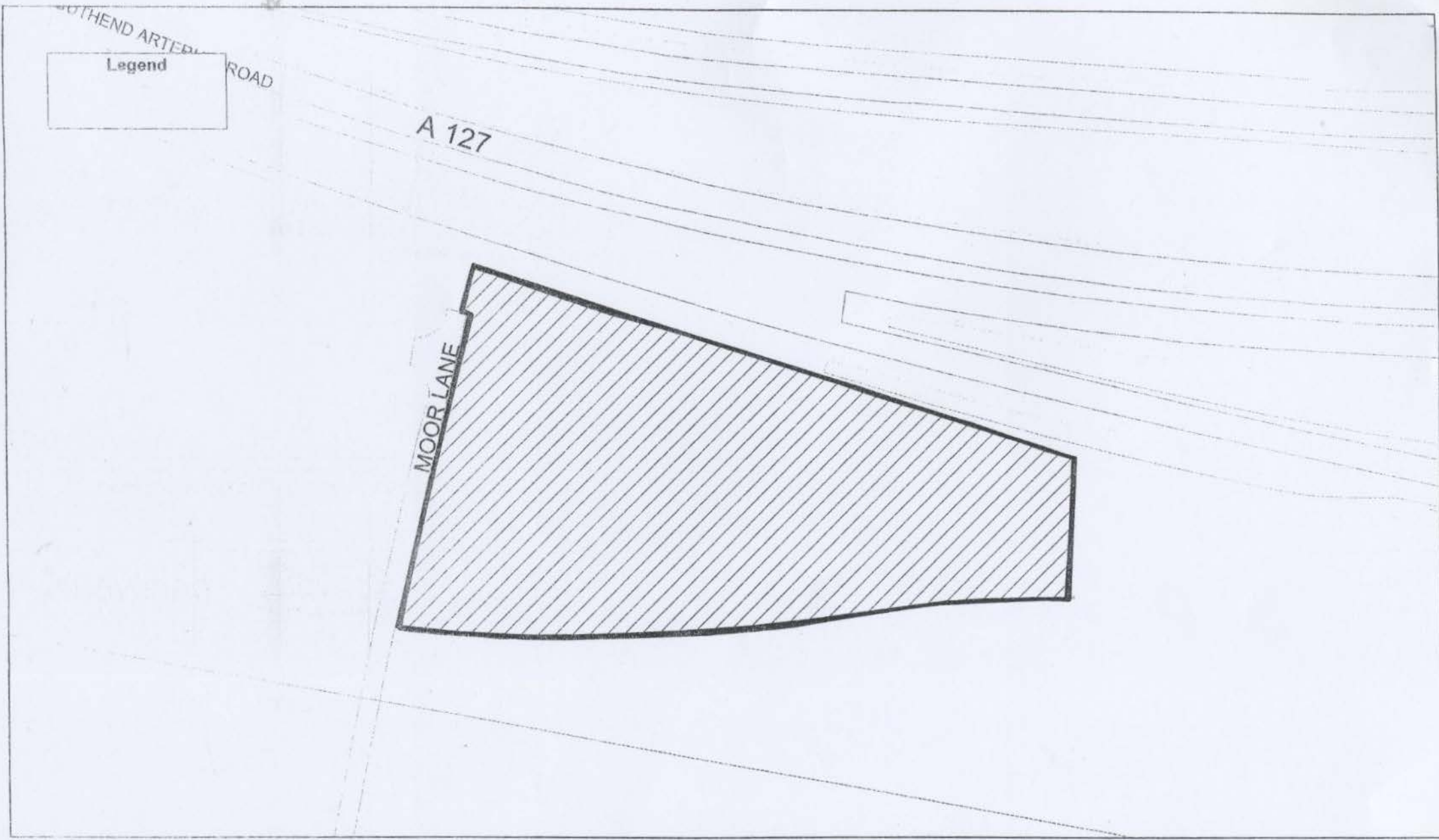
## **STATEMENT ON GROUNDS OF APPEAL**

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 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. Steve Randall, 6 Hop Gardens, School Road, Ongar, Essex, CM5 9PT
4. Michael Neil Sanderson, 6 Hop Gardens, School Road, Ongar, Essex, CM5 9PT
5. The Company Secretary, Oakdene Investments Limited, Key House, 342 Hoe Street, Walthamstow, London E17 9PX.



Land at the end of Moor Lane Cranham

Map Reference: TQ5888SW  
Date: 06/05/2009

Scale @ A4  
1:1250

