

RE: Land at end and east of Moor Lane Cranham Essex and 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 " A "

- 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 edged black on the attached Plan " A " (hereinafter called " the Land ").

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

Without planning permission, the construction of hardstanding shown cross hatched black and the movement of soils and importation of materials on the land hatched black on the attached Plan " B " in connection with the unauthorised change of use of the said Land to a moto- cross track.

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 site lies within the Metropolitan Green Belt. It is

contrary to development plan policies and harmful to the visual amenities of the area.

In making its decision to issue this Notice the Council considered that the hardstanding and the movement of soils and importation of materials, is inappropriate development causing harm to the openness of the Green Belt and it is contrary to development plan policies. It is contrary to the objectives of Planning Policy Guidance Note 2 : Green Belts, and contrary to Policy DC45 of the Local Development Framework. Policy DC45 is consistent with the Government's advice on Green Belts which similarly 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 . In this case, the hard surfaced area appears to be for the purpose of enabling expansion of the site for commercial purposes which includes the current unlawful use of the land for the purposes of use as a moto-cross track. The hardstanding to accommodate the unlawful use has a detrimental impact upon views into the site, its openness and thereby the site's contribution to the Green Belt.

5. WHAT YOU ARE REQUIRED TO DO

- (i) Remove the unauthorised hardstanding associated with the unauthorised use located in the area cross hatched black on the attached Plan " B "

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

- (ii) Remove the unauthorised imported soils, earth mounding and banking from the area hatched black on the attached Plan " B ", and reinstate excavations to achieve an approximately level site in the area hatched black on the attached Plan " B "

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

- (iii) Remove from the Land all rubbish, rubble, building materials machinery, apparatus, equipment brought onto the Land associated with the unauthorised development and resulting from compliance with (i) to (ii) above.

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

- (v) Restore the Land to its former condition by restoring it to open rural naturally seeded land

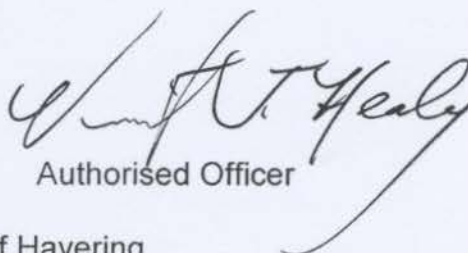
Time for compliance: 3 months from the effective date of this notice

6. WHEN THIS NOTICE TAKES EFFECT

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

Dated: 5th 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 20th 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 20th 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 20th 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 £ 1870. 00 is payable both

to the Secretary of State and to the Council, making the total fees payable £ 3740.00 . 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.

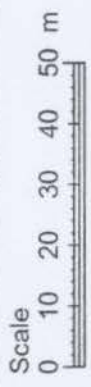
PLAN (A)

PLAN (A)



Map Reference: TQ5888SW
 Date: 17/04/2009

Scale @ A4
 1:1250



Land at the end of Moor Lane Cranham

Legend

FROM LBH PLANNING 15:03

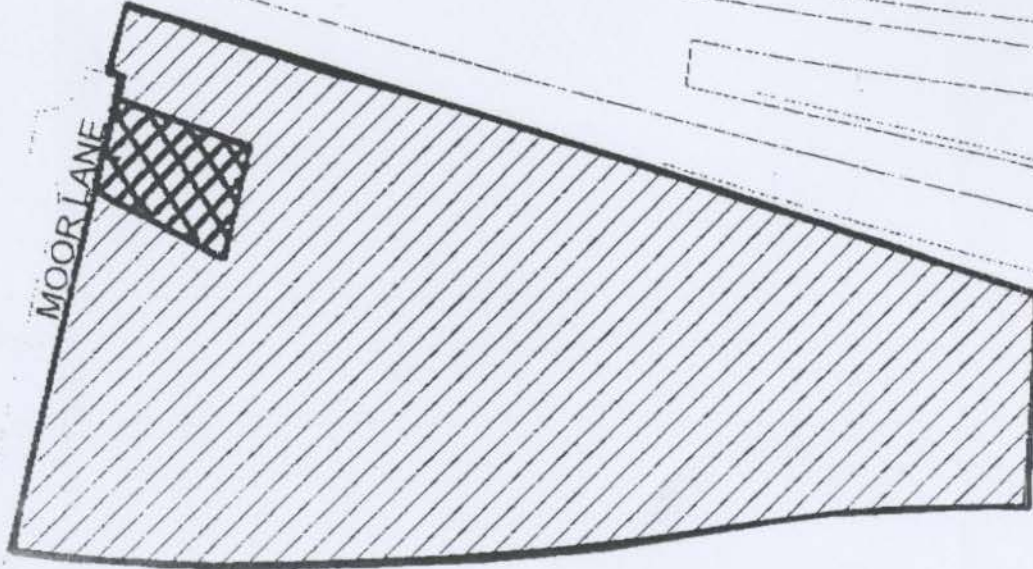
26-MAY-2009

Plan (B) TO 2482

WOTHEND ARTERIAL ROAD

A 127

MOOR LANE



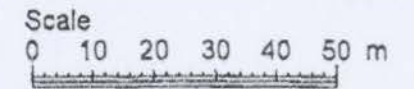
Plan (B)

Land at the end of Moor Lane Cranham



Map Reference: TQ5888SW
Date: 06/05/2009

Scale @ A4
1:1250



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



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