

RE: LAND ADJOINING HILLVIEW, CLAY TYE ROAD, NORTH OCKENDON,  
UPMINSTER, ESSEX RM14 3PL

**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 property.
  2. The Occupier of the said property.
  3. Mr Brian Edward Benson of Hillview, Clay Tye Road, Upminster, Essex RM14 3PL.
  4. Mrs Jacky Benson of Hillview, Clay Tye Road, Upminster, Essex RM14 3PL.
  5. Abbey National Plc of Deeds Services, 101 Midsummer Boulevard, Milton Keynes MK9 1AA.

**ISSUED BY:** London Borough of Havering

1. **THIS IS A FORMAL NOTICE** which is issued by the London Borough of Havering ("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. The Council considers 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 adjoining Hillview, Clay Tye Road, North Ockendon, Upminster, RM14 3PL shown edged in black on the attached plan ("the Land").

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

Without planning permission a change in use of the Land from agricultural use to use for residential purposes.

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 Land lies within the Metropolitan Green Belt. The unauthorised use is inappropriate and harmful to the function, character, appearance and openness of the Green Belt.

The Council do not consider that this harm can be overcome by the use of planning conditions.

The unauthorised change of use is contrary to Policy DC61 and DC45 of the Local Development Framework (Development Plan Documents) and governmental policy PPG2.

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

- (i) Cease using the Land for residential purposes.

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

- (ii) Restore the Land to grassed open rural land

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

**6. WHEN THIS NOTICE TAKES EFFECT**

This Notice takes effect on 22 December 2008, unless an appeal is made against it beforehand

Dated: 15/11/2008

Signed:



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

# H.M. LAND REGISTRY

TITLE NUMBER

## EGL 356661

ORDNANCE SURVEY  
PLAN REFERENCE

TQ 5886 E

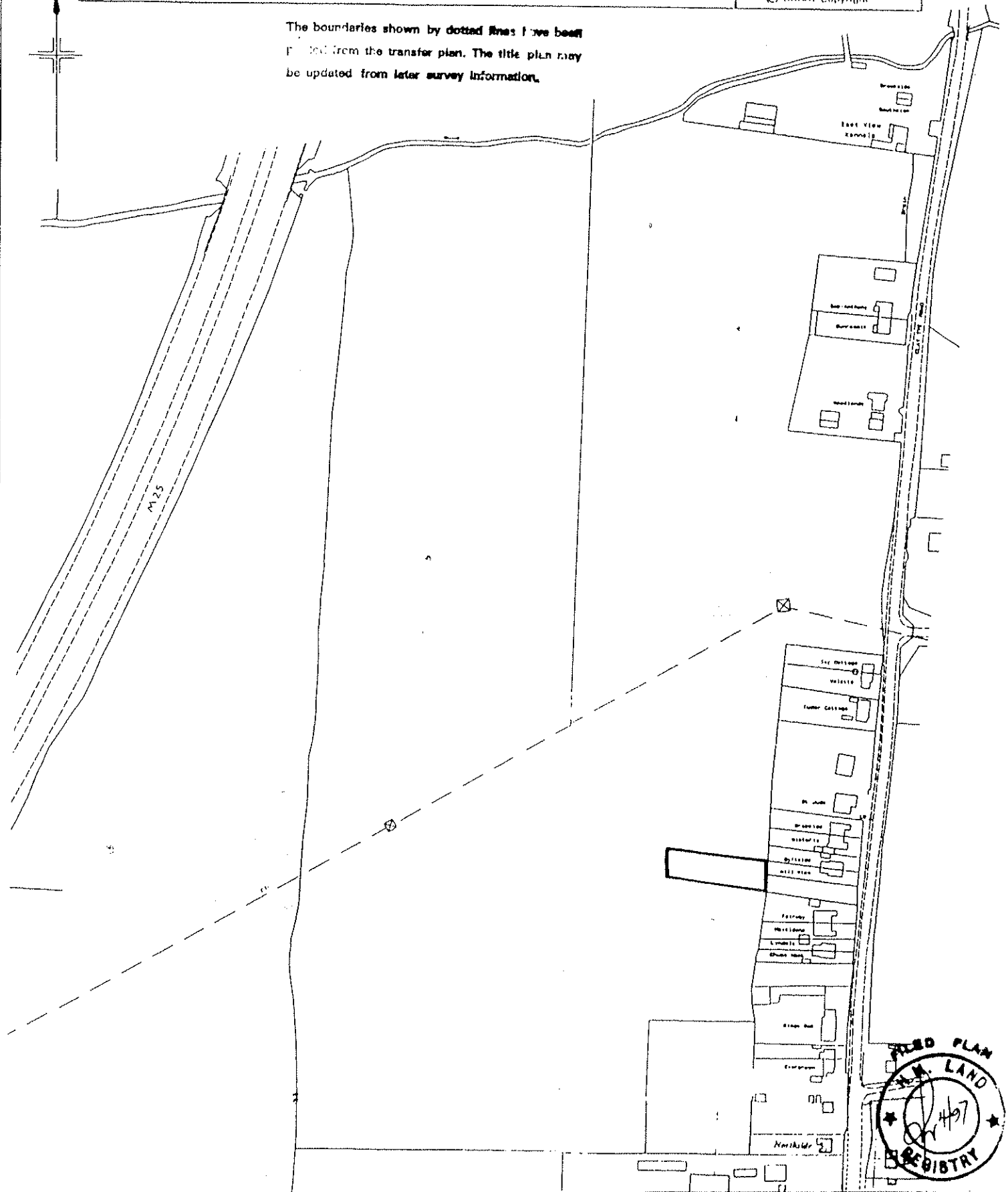
Scale  
1:2500

GREATER LONDON

LONDON BOROUGH OF HAVERING

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The boundaries shown by dotted lines have been  
derived from the transfer plan. The title plan may  
be updated from later survey information.



## **YOUR RIGHT OF APPEAL**

You can appeal against this Enforcement Notice to the Secretary of State by 22 December 2008. 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 22 December 2008 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 22 December 2008. The enclosed booklet "Enforcement Appeals - A guide to Procedure" sets out your rights. Read it carefully. If you appeal you should use the enclosed appeal forms. Two copies are for you to send to the Secretary of State if you decide to appeal. The other is for you to keep as a duplicate for your own records. You should also send the Secretary of State a copy of the Enforcement Notice.

### **GROUNDINGS OF APPEAL**

The grounds of appeal are set out in Section 174 of the Town and Country Planning Act 1991 and are also set out on pages 2 - 5 the enclosed appeal forms.

### **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. If the fees are not paid then that ground of appeal will not be valid.

### **STATEMENT ON GROUNDINGS 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 him, 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 property.
2. The Occupier of the said property.
3. Mr Brian Edward Benson of Hillview, Clay Tye Road, Upminster, Essex RM14 3PL.

4. Mrs Jacky Benson of Hillview, Clay Tye Road, Upminster, Essex RM14 3PL.
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