

IMPORTANT: THIS COMMUNICATION AFFECTS YOUR PROPERTY

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

BREACH OF CONDITION NOTICE

Our ref: ENF/237/19

ISSUED BY: LONDON BOROUGH OF HAVERING COUNCIL

TO:

Patrick Sweeney
Railways Sidings
Ockendon Road, Upminster, Essex RM14 2TZ

Patrick Sweeney
Springfield Farm
Marsh Lane, Ayelsbury HP17 8SN

James Joseph Sweeney
Railways Sidings
Ockendon Road, Upminster, Essex RM14 2TZ

Sweeney Family
Railways Sidings
Ockendon Road, Upminster, Essex RM14 2TZ

Mongan Family
Railways Sidings
Ockendon Road, Upminster, Essex RM14 2TZ

The Owners / Occupiers
Railways Sidings
Ockendon Road, Upminster, Essex RM14 2TZ

1. **THIS IS A FORMAL NOTICE** which is issued by the Council, under section 187A of the above Act because they consider that conditions imposed on a grant of planning permission, relating to the land described below have not been complied with. It considers that you should be required to comply with the conditions specified in this notice.
2. **THE LAND AFFECTED BY THE NOTICE**

Land adjacent to the railway line and Ockendon Road Upminster RM14 2TZ, known as Railway Sidings as shown edged in black on the site plan.

3. THE RELEVANT PLANNING PERMISSION

The relevant planning permission to which this notice relates is for the permission granted by the Council on 4th August 2017 for the material change in use of land to provide 5 pitches for stationing of caravans for residential occupation by Traveller families, together with associated operational Development including the installation of fencing, walls and an electricity cabinet.

4. THE BREACH OF CONDITIONS

The following conditions have not been complied with:-

Condition 1 states:

The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans (as set out on page one of this decision notice).

Reason:-

The Local Planning Authority consider it essential that the whole of the development is carried out and that no departure whatsoever is made from the details approved, since the development would not necessarily be acceptable if partly carried out or carried out differently in any degree from the details submitted. Also, in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

Condition 3 states:

The application site, and five pitches hereby approved, shall only be occupied by Mr James Sweeney, Mrs Priscilla Sweeney and their children Crystal, Polyanna, Tommy and Billy; Ms Caroline Mongen and her children Megan and Noritta; Mrs Noreen Sweeney; Mr Thomas Sweeney, Mrs Bernadette Sweeney and their children Caitlin, Nikita, Bernadette and John; and Mr Martin Sweeney, Mrs Maria Sweeney and their children Jimmy, Caroline, Martin, Olivia and Maria. When the site ceases to be occupied by the above named persons, the use hereby permitted shall cease and all materials and equipment brought onto the land in connections therewith shall be removed.

Reason:-

The proposed use of the site is inappropriate development in the Green Belt. The personal circumstances of the applicant, in this case, amount to the very special circumstances which render the development acceptable. In context of this, the Local Planning Authority are keen to retain control of the site and ensure any future occupiers, should the site be sold or change hands, similarly meet the definition of a gypsy/traveller and personal circumstances advanced acceptably outweigh the harm(s) caused to the Green Belt, in accordance with that suggested in the National Planning Policy Framework and Planning Policy for Traveller Sites.

Condition 4 states:

No more than 5 x mobile homes and 5 x touring caravan shall be present on-site at any one time.

Reason:-

In the interests of retaining control, to ensure that any occupation of the site remains as per the details approved and to ensure no undue intensification of the site and/or additional harm to the Green Belt, in accordance with that suggested in the National Planning Policy Framework and Planning Policy for Traveller Sites.

The existing external lighting erected, without the benefit of planning permission, shall be removed from the site within three months of the date of this decision. No occupation of the site shall furthermore occur until an external lighting scheme has been submitted to the Local Planning Authority for review and approval in writing . Any such submission shall include details of the extent of illumination together with precise details of the height, location and design of the lights. The installation of any such lighting shall be undertaken in accordance with the approved details.

Reason:-

No lighting details have been supplied with the application to judge the impact arising from the installation of external lighting. Submission of this detail prior to installation will ensure any such lighting is appropriate to the use and locality; in the interests of amenity ; and to ensure that the development accords with Development Control Policies Development Plan Document Policies DC56 and DC61.

Condition 8 states:

No more than 5 x mobile homes and 5 x touring caravan shall be present on-site at any one time.

Reason:-

In the interests of retaining control, to ensure that any occupation of the site remains as per the details approved and to ensure no undue intensification of the site and/or additional harm to the Green Belt, in accordance with that suggested in the National Planning Policy Framework and Planning Policy for Traveller Sites.

The existing external lighting erected, without the benefit of planning permission, shall be removed from the site within three months of the date of this decision. No occupation of the site shall furthermore occur until an external lighting scheme has been submitted to the Local Planning Authority for review and approval in writing . Any such submission shall include details of the extent of illumination together with precise details of the height, location and design of the lights. The installation of any such lighting shall be undertaken in accordance with the approved details.

Reason:-

No lighting details have been supplied with the application to judge the impact arising from the installation of external lighting. Submission of this detail prior to installation will ensure any such lighting is appropriate to the use and locality; in the interests of amenity; and to ensure that the development accords with Development Control Policies Development Plan Document Policies DC56 and DC61.

5. THE FOLLOWING ACTIVITIES ARE TO CEASE TO SECURE COMPLIANCE WITH THE CONDITIONS

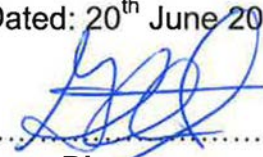
Within 28 days from the date of service of this notice:

1. Cease the use of Railway Sidings, Ockendon Road, Upminster RM14 2TZ for use of land to residential occupation by Traveller families, together with associated operational Development including the installation of fencing, walls and a electricity cabinet; or
2. Submit planning application(s) to discharge / vary or remove conditions 1, 3, 4, and 8 of Planning Permission ref: P0950.17.

6. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect immediately it is served on you or you receive it by postal delivery.

Dated: 20th June 2019



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Gary Rice

Position: Planning Manager - Head of Development Management

Authorised Officer

On behalf of: The Mayor and Burgesses of the London Borough of Havering Town Hall
Main Road Romford RM1 3BD

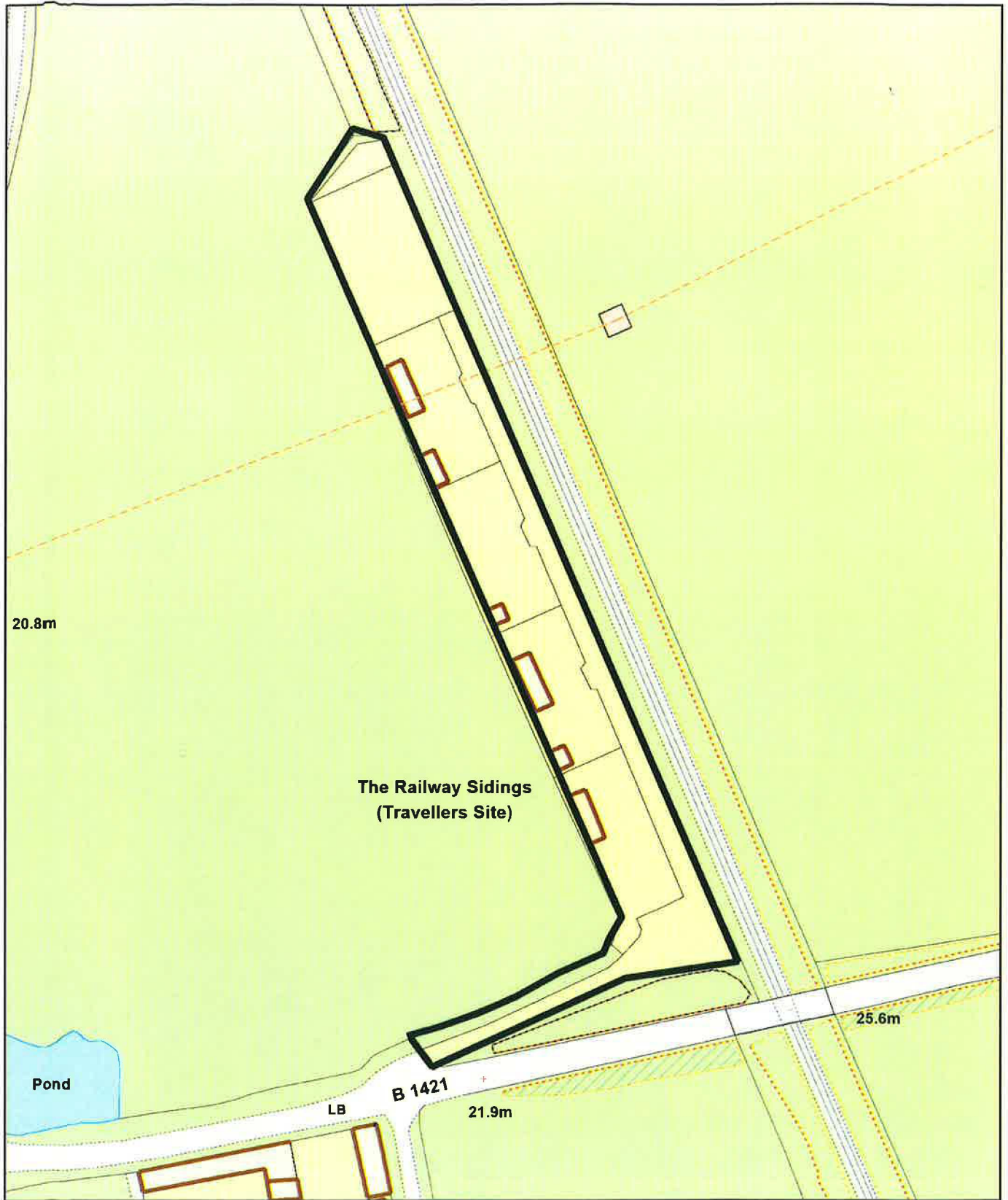
WARNING

THERE IS NO RIGHT OF APPEAL AGAINST THIS NOTICE

It is an offence to contravene the requirements stated in paragraph 5 of this notice after the end of the compliance period. You will then be at risk of immediate prosecution in the Magistrates Court for which the maximum penalty is £2,500 for a first offence and for any subsequent offence. If you are in any doubt about what this notice requires you to do, you should get in touch immediately with Onkar Bhogal, Planning Enforcement and Appeals Officer, Mercury House, Mercury Gardens, Romford, RM1 3SL (01708 431587).

If you need independent advice about this notice, you are advised to contact urgently a lawyer, planning consultant or other professional adviser specialising in planning matters. If you wish to contest the validity of the notice, you may only do so by an application to the High Court for judicial review. A lawyer will advise you on what this procedure involves.

DO NOT LEAVE YOUR RESPONSE TO THE LAST MINUTE



<p>Railway Sidings</p>	<p>N ↑</p>
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	<p>Scale: 1:1250 Date: 12 June 2019</p> <p>0 10 20 30 metres</p>
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	<p>London Borough of Havering Town Hall, Main Road Romford, RM1 3BD Tel: 01708 434343</p>	<p>© Crown copyright and database rights 2019 Ordnance Survey 100024327</p>
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