

ENFORCEMENT NOTICE

RE: Elm House, Southend Arterial Road, Hornchurch, Essex RM11 3UB

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 have been breaches 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

Elm House, Southend Arterial Road, Hornchurch RM11 3UB shown edged in black on the attached plan and which forms part of the land (also known as Finance House) registered under Land Registry Title Number EGL516447.

3. THE BREACHES OF PLANNING CONTROL ALLEGED

Conditions 1, 2 and 3 of planning permission ref: P0770.07 as quoted below have not been complied with.

1) Within three months of the date of this decision the existing yard shown on drawing number PL5006-02 shall be permanently removed from the site along with the means of enclosure, and any structures, containers or stored materials not shown on the drawing.

2) Within one month of the date of this letter a scheme for landscaping the site, including the area shown on the application drawings as a yard, and any surplus car parking shall be submitted to and approved in writing by the local planning authority. The scheme of landscaping shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the approval by the Council of the landscaping scheme; and any trees or plants which within a period of 5 years from the completion of the landscaping die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written approval to any variation.

3) Within one month of the date of this decision a plan for the layout of parking on the site shall be submitted to and approved in writing by the local planning authority. Within two months of the date that a plan is approved the car park shall be laid out and permanently marked in accordance with the approved plan. The car park shall not thereafter be used for any purpose other than the parking or manoeuvring of vehicles in accordance with this condition. The car park shall not be used for the parking of or storage of heavy goods vehicles, plant, machinery or any other storage.

4) The car park and office building use hereby permitted shall not be open to staff or visitors or used for the parking of vehicles outside the following times: Mondays – Fridays 06.30 to 19.30, Saturdays, Sundays and bank holidays 07.00 to 18.00.

4. REASONS FOR ISSUING THIS NOTICE

(1) It appears to the Council that the above breaches of planning control have occurred within the last TEN years in relation to non-compliance conditions 1, 2 and 3 of planning permission ref: P07070.07. 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. National Planning Policies confirm that the use and building are inappropriate development in the Green Belt. The site is being used for offices, parking, plant and storage of motor vehicles and storing of building materials has a detrimental impact upon views into the site, its openness, and thereby the site's contribution to the Green Belt. The use of the site for the activities listed above results in noise, fumes, and HGV and other vehicle movements causing noise and disturbance to nearby residential occupiers. Planning permission should only be given if such identified harm is clearly outweighed by very special circumstances. In this case very special circumstances have not been identified.

(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

CP03 - Employment

CP14 - Green Belt

DC33 - Car Parking

DC45 - Appropriate Development in the Green Belt

DC61 - Urban Design

OTHER

LONDON PLAN - 7.16 - Green Belt

LONDON PLAN - 7.4 - Local character

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 ONE MONTH of the date when this Notice takes effect to have complied with conditions 1, 2 and 3 of planning permission ref: P0707.07 as quoted below:

1) Within three months of the date of this decision the existing yard shown on drawing number PL5006-02 shall be permanently removed from the site along with the means of enclosure, and any structures, containers or stored materials not shown on the drawing.

2) Within one month of the date of this letter a scheme for landscaping the site, including the area shown on the application drawings as a yard, and any surplus car parking shall be submitted to and approved in writing by the local planning authority. The scheme of landscaping shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the approval by the Council of the landscaping scheme; and any trees or plants which within a period of 5 years from the completion of the landscaping die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written approval to any variation.

3) Within one month of the date of this decision a plan for the layout of parking on the site shall be submitted to and approved in writing by the local planning authority. Within two months of the date that a plan is approved the car park shall be laid out and permanently marked in accordance with the approved plan. The car park shall not thereafter be used for any purpose other than the parking or manoeuvring of vehicles in accordance with this condition. The car park shall not be used for the parking of or storage of heavy goods vehicles, plant, machinery or any other storage.

6. TIME FOR COMPLIANCE

ONE MONTH after the date when this Notice takes effect.

7. WHEN THIS NOTICE TAKES EFFECT

This Notice will take effect on 11th September 2017, unless an appeal is made against it beforehand.

Dated: 14th August 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@havering.gov.uk

YOUR RIGHT OF APPEAL

You can appeal against this Enforcement Notice to the Secretary of State before 11th September 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 11th September 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 this 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 11th September 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:

The Company Secretary
Elm Site Services Ltd
Elm House
Southend Arterial Road

Hornchurch RM11 3UJ

The Occupiers
Elm House
Southend Arterial Road
Hornchurch RM11 3UJ

The Owners
Elm House
Southend Arterial Road
Hornchurch RM11 3UJ

M Steel
Elm Site Services Ltd
Elm House
Southend Arterial Road
Hornchurch RM11 3UJ

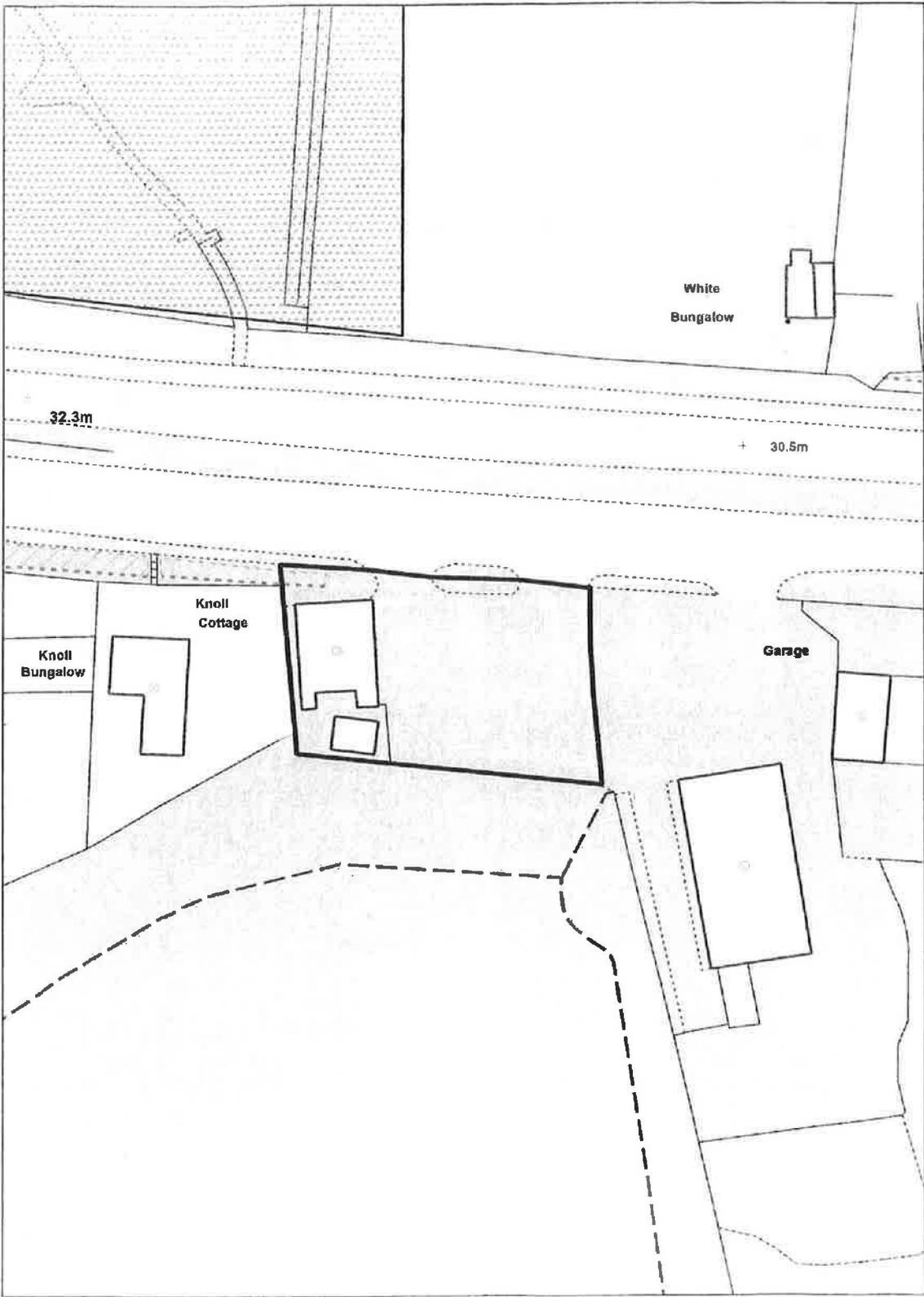
Mark Walpole
Elm Site Services Ltd
Elm House
Southend Arterial Road
Hornchurch RM11 3UJ

Elm Site Services Ltd
C/o Bruce Allen LLP
3rd Floor
Scottish Mutual House
27-29 North Street
Hornchurch RM11 1RS

Mark Walpole
5 Mendoza Close
Hornchurch RM11 2RP

Michael Steel
9 Nelmes Way
Hornchurch RM11 2QY

The Directors
Elm Site Services Ltd
Finance House
Southend Arterial Road
Hornchurch RM11 3UJ



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CST Room 3/13
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

Direct Line 0303-444 5000
Email enquiries@pins.gsi.gov.uk

THIS IS IMPORTANT

If you want to appeal against this enforcement notice you can do it:-

- on-line at the Appeals Casework Portal <https://acp.planninginspectorate.gov.uk/> or
- sending us enforcement appeal forms, which can be obtained by contacting us on the details above.

You MUST make sure that we receive your appeal before the effective date on the enforcement notice.

Please read the appeal guidance documents at <https://www.gov.uk/appeal-enforcement-notice/how-to-appeal>

In exceptional circumstances you may give notice of appeal by fax or letter. You should include:-

- the name of the local planning authority;
- the site address;
- the effective date of the enforcement notice.

We MUST receive this BEFORE the effective date on the enforcement notice. This should **immediately** be followed by your completed appeal forms.