

ENFORCEMENT NOTICE

RE: Ex Hardy Plants Nursery, Southend Arterial Road, Upminster RM14 1TE

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

The site relates to the former Hardy Plants Nursery premises at Southend Arterial Road, Hornchurch RM14 1TE. It is currently occupied by a car sales business and is set out with a single storey sales office building surrounded by a sales forecourt which is surfaced with hardcore and enclosed with palisade and timber panel fencing. The site is registered under Land Registry Title Number 127526

3. THE BREACHES OF PLANNING CONTROL ALLEGED

- i. Without planning permission, the material change of the former Hardy Plants Nursery to unauthorised car sales and general storage.
- ii. Erection of sales single storey sales office building and associated fencing.

4. REASONS FOR ISSUING THIS NOTICE

It appears to the Council the above breaches of planning control in respect of the material change of use of the land for sale of motor vehicles, storage of various goods occurred within last 10 years and erection of the boundary fencing and car sales building commenced less than 4 years ago.

- i. The site is within the area identified as Metropolitan Green Belt. The Local Development Framework and Government Guidance as set out in the NPPF is that in order to achieve the purposes of the Metropolitan Green Belt it is essential to retain and protect the existing rural character of the area so allocated and that the new building will only be permitted outside the existing built up areas in the most exceptional circumstances. No special circumstances have

been submitted in this case and the proposal is therefore contrary to Policy DC45 of the LDF Core Strategy and Development Control Policies DPD and the provisions of the NPPF.

- ii. The change of use, including the sales office building, sales forecourt, storage areas, surfacing and associated fencing, would by reason of the prominent location and setting, erode the openness of the area and increase the intrusion of built development into the countryside, resulting in considerable harm to the openness of the Green Belt, contrary to Policy DC45 of the LDF Core Strategy and Development Control Policies DPD and the provisions of the NPPF.

The development is contrary to the following Local Development Framework ("LDF") Policies:

CP14 - Green Belt
CP17 - Design
DC33 - Car Parking
DC45 - Appropriate Development in the Green Belt
DC61 - Urban Design

OTHER

LONDON PLAN - 7.16 - Green Belt
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 THREE MONTHS of the date when this Notice takes effect to have:

- i. Ceased the use of the land for car sales and for storage purposes; and
- ii. Removed all motor vehicles and equipment that assists in the unauthorised uses; and
- iii. Removed the single storey car sales office building; and
- iv. Removed the unauthorised fencing; and
- v. Removed all debris, building materials accumulated as a result of taking steps i, ii, iii and iv above; and
- vi. Restored the land to its lawful use.

6. TIME FOR COMPLIANCE

THREE MONTHS after the date when this Notice takes effect.

7. WHEN THIS NOTICE TAKES EFFECT

This Notice will take effect on **11th January 2018**, unless an appeal is made against it beforehand.

Dated: 30th November 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 43158

Email: Onkar.Bhogal@haverling.gov.uk

YOUR RIGHT OF APPEAL

You can appeal against this Enforcement Notice to the Secretary of State before **11th January 2018**. 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 January 2018** 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 January 2018**.

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:

Julie Rosemary Currey
Hardy Plants Nurseries
Southend Arterial Road
Cranham
Essex RM14 1TE

Maryanne Jane Currey
Hardy Plants Nurseries
Southend Arterial Road
Cranham
Essex RM14 1TE

Julie R Harrop
Hardy Plants Nurseries
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Maryanne Matthews
Hardy Plants Nurseries
Southend Arterial Road
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Company Secretary
AMG Motors Ltd
Hardy Plants Nurseries
Southend Arterial Road
Cranham
Essex RM14 1TE

Folan Grant
Director
Hardy Plants Nurseries
Southend Arterial Road
Cranham
Essex RM14 1TE

Owner / Occupiers
Hardy Plants Nurseries
Southend Arterial Road
Cranham
Essex RM14 1TE

The Company Secretary
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