

## **ENFORCEMENT NOTICE A**

**RE: Dogwood, Benskins Lane, Noak Hill, Romford RM4 1LB**

**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 land on the south east side of Benskins Lane, Noak Hill, Romford RM4 1LB as shown hatched and as rectangular block in black on the attached plan and which forms part of the land (sometimes known as Dogwood) registered under Land Registry Title Number EGL148989.

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

- (i) Without planning permission, the change of use of land shown hatched in black on the attached plan to the storage of motor vehicles and dismantled vehicle parts, and to undertaking vehicle repairs and the dismantling of motor vehicles.
- (ii) Without planning permission, operational development of the land shown as a rectangular block in black in the approximate position shown on the attached plan consisting of the erection of a shed measuring approximately 4.5m high x 10m wide x 12m deep.

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 unauthorised uses of the land and within FOUR years in respect of the erection of the shed measuring 4.5m high x 10m wide x 12m deep. 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 storing, dismantling and repair of motor vehicles and the erection of associated structures which have 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

CP14 - Green Belt

CP2 - Sustainable Communities

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:

1. Ceased use of the land shown hatched in black on the attached plan for the storage of motor vehicles and dismantled vehicle parts, and undertaking vehicle repairs and the dismantling of motor vehicles; and
2. Removed from the land the shed measuring approximately 4.5m high x 10m wide X 12m deep shown as rectangular block in black in the approximate position shown on the attached plan used to repair motor vehicles;
3. Removed from the land shown hatched in black on the attached plan all vehicles, vehicle parts, tyres, other vehicles, and plant and equipment used in connection with the associated business.
4. Removed from the said land all materials, rubble and debris associated with taking steps 1, 2, and 3 above and returned the land to its condition before the breaches took place.

**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 21<sup>st</sup> August 2017, unless an appeal is made against it beforehand.

Dated: 24<sup>th</sup> July 2017

Signed: 

Name: David Colwill

Team Leader, Planning Enforcement and Appeals

on behalf of London Borough of Havering

5<sup>th</sup> 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 21<sup>st</sup> August 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 21<sup>st</sup> August 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 21<sup>st</sup> August 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.

## **GROUNDINGS 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 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 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**

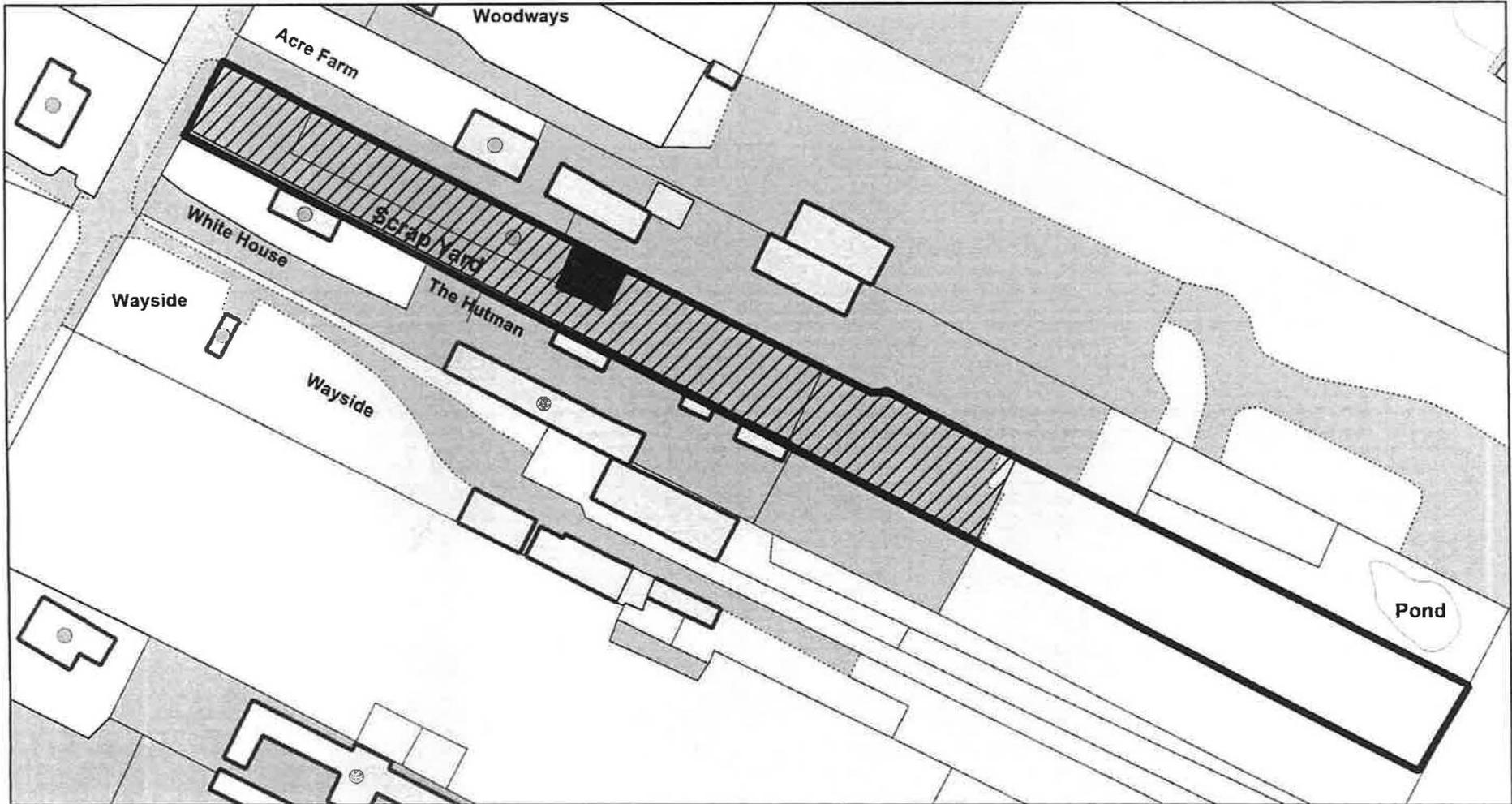
The names and addresses of all the persons on whom the Enforcement Notice has been served are:

Rizmee Sami  
7 The Gables  
125 Harrow Road  
Leytonstone, London E11 3PX

Rizmee Sami  
Dogwood  
Benskins Lane  
Noak Hill, Essex RM4 1LB

The Owners  
Dogwood  
Benskins Lane  
Noak Hill, Essex RM4 1LB

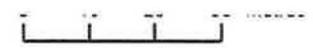
Occupiers  
Dogwood  
Benskins Lane  
Noak Hill, Essex RM4 1LB



**ENFORCEMENT NOTICE A**



Scale: 1:1000  
 Date: 18 May 2017  
 Size: A4



London Borough of Havering  
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 Tel: 01708 434343

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