

RE: SYLVAN GLADE, BENSKINS LANE, NOAK HIL

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 land and property.
 2. The Occupier of the said land and property.
 3. Mr Steven Corbyn of Sylvan Glade, Benskins Lane, Noak Hill RM4 1LB.
 4. Bank of Scotland Plc (Scot. Co. Regn No. SC327000) of Birmingham Midshires Division, Pendeford Business Park, Wobaston Road, Wolverhampton WV9 5HZ
 5. Southern Pacific Securities 05-2 Plc (Co. Regn No. 5456430) of Deeds Admin Team, St. Johns Place, Easton Street, High Wycombe, Bucks HP11 1NL

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, within paragraph (a) of section 171A(1) of the above Act, at the land described below. The Council consider 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 being Sylvan Glade Benskins Lane Noak Hill RM4 1LB (registered at the Land Registry under title no. EGL104385) and shown edged in bold black on the attached plan ("the Land").

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

Without planning permission an unauthorised material change of use of the land to the rear of the residential property, as shown hatched black, for residential purposes including the stationing of 5 traveller caravans and associated vehicles.

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. National Planning Policy Framework ("NPPF") states that inappropriate development is by definition harmful to the green Belt and should not be approved except in very special circumstances. The Council has not been made aware of any material considerations which would outweigh the harm to the Green belt or any other harm. The Council considers that the unauthorised residential use, with the stationing of caravans, parking of vehicles and other residential paraphernalia constitutes inappropriate development in the Metropolitan Green Belt and significantly reduces the openness of this part of the Green Belt.

It is an aim of Green Belt policy to keep land open in the context that it is free of development. It is considered that the unauthorised residential use in the rear part of the site detracts from the character and appearance of the surrounding area. The development has a materially harmful impact on the openness of the Green Belt. The Council do not consider that planning permission should be given, because planning conditions could not overcome these problems.

In summary, the unauthorised material change of use to residential use of the land is contrary to the Council's Local Development Framework Core Strategy and Development Control Policies DC45 and the NPPF (2011).

5. WHAT YOU ARE REQUIRED TO DO

- (i) Cease the unauthorised use of the land, to the rear of the main residence as shown hatched black, for residential purposes.

Time for compliance: 6 months from the effective date of this notice.

- (ii) Remove from the Land all caravans, vehicles and equipment associated with the unauthorised residential use.

Time for compliance: 6 months from the effective date of this notice.

6. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on 16th October 2013, unless an appeal is made against it beforehand.

Dated: 11th September 2013

Signed:



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

YOUR RIGHT OF APPEAL

You can appeal against this Enforcement Notice to the Secretary of State by 16th October 2013. 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 16th October 2013 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 16th October 2013.

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.

GROUND 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

If you intend to appeal against the notice 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 fee is 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 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 land and property.
2. The Occupier of the said land and property.
3. Mr S Corbyn
Sylvan Glade
Benskins Lane
Noak Hill RM4 1LB
4. Bank of Scotland Plc
Birmingham Midshires Division
Pendeford Business Park
Wobaston Road
Wolverhampton WV9 5HZ
5. Southern Pacific Securities 05-2 Plc
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