

RE: Land at Folkes Farm, Folkes Lane, Upminster RM14 1TH

IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

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

ENFORCEMENT NOTICE B

TO:

1. The Owner of the said land
2. The Occupier of the said land
3. The Company Secretary, Glenroy Estates Limited (Co. Regn. No. 050773907), 115 Craven Park Road, London N15 6BL
4. The Company Secretary, Nationwide Building Society, Property Finance, Kings Park Road, Moulton Park, Northampton NN3 6NW.

ISSUED BY: London Borough of Havering

1. **THIS IS A FORMAL NOTICE** which is issued by the Council because it appears to the Council that there has been a breach 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.

2. **THE LAND AFFECTED**

The land at Folkes Farm House, Folkes Lane, Upminster RM14 1TH shown edged black on the attached plan (hereinafter called " the Land ")

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

Without planning permission a material change of use of the land cross hatched black for the parking and storage of commercial 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 site lies within the Metropolitan Green Belt. It is considered that the use is materially harmful as the commercial activity operating from the site involves vehicle parking and manoeuvring which create noise and disturbance to the amenities of the occupiers of adjacent properties. The unauthorised change of use is not suitable for this area owing to the impact it has over the character of the Green Belt.

In line with the case of *Murfitt v Secretary of State for the Environment and East Cambridgeshire DC* (1980) 40 P & C R the construction of hardstanding is an

integral part of the unauthorised change of use for the parking and storage of commercial vehicles.

The Council do not consider that planning permission should be given because planning conditions could not overcome these problems. In making its decision to issue this Notice the Council considered that the unauthorised change of use for parking and storage of commercial vehicles is contrary to the following policies of the Local Development Framework, namely policies DC61 and DC45, as well as PPG2 of Government Circulars and Policy 3D.9 of the London Plan.

5. WHAT YOU ARE REQUIRED TO DO

- (i) Remove the unauthorised commercial vehicles used for storage and parking on the Land shown cross hatched black on the attached plan.

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

- (ii) Remove from the Land the unauthorised hardstanding used in conjunction with the unauthorised change of use for the parking and storage of commercial vehicles shown as cross hatched black on the attached plan.

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

- (iii) Remove from the Land all rubbish, rubble, associated building materials and construction debris arising from compliance with (i) and (ii) above.

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

- (iv) Restore the area crosshatched black on the attached plan prior to the installation of the unauthorised hardstanding by reseeding and planting with grass.

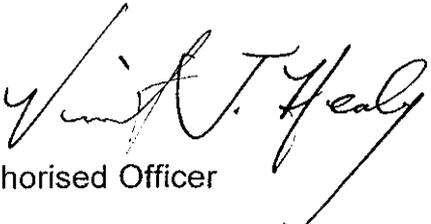
Time for compliance : 6 month from the effective date of this notice

6. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on 8th November 2010, unless an appeal is made against it beforehand

Dated: 7th October 2010

Signed:


Authorised Officer

on behalf of London Borough of Havering
Town Hall

Main Road
Romford RM1 3BD

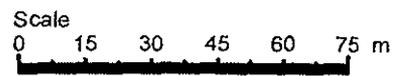
YOUR RIGHT OF APPEAL

You can appeal against this Notice, but any appeal must be received, or posted in time to be received, by the Secretary of State before 8th November 2010.

WHAT HAPPENS IF YOU DO NOT APPEAL

If you do not appeal against this Enforcement Notice, it will take effect on 8th November 2010 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.



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 Town Hall, Main Road
 Romford, RM1 3BD
 Tel: 01708 434343

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 London Borough of Havering: 100024327

EXPLANATORY NOTES

STATUTORY PROVISIONS

A copy 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

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 8th November 2010.

If you intend to appeal this Notice you should follow instructions given on the information sheet from the Planning Inspectorate which accompanies this Notice.

GROUND OF APPEAL

Under 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 or, 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 the 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 that planning permission should be granted for the unauthorised change of use - then fees of £ 335 for the change of use, making the total fees payable £670. 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 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

1. The Owner of the said land
2. The Occupier of the said land
3. The Company Secretary, Glenroy Estates Limited (Co. Regn. No. 050773907), 115 Craven Park Road, London N15 6BL
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