

RE: GROVELANDS HORTICULTURAL NURSERY CLAY TYE ROAD UPMINSTER

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
 2. The Occupier of the said land
 3. The Company Secretary, Emperor Estates Limited, 67 Westow Street, Upper Norwood, London SE19 3RW
 4. The Company Secretary, Emperor Estates Limited, 16 – 18 Woodford Road, Forest Gate, London E7 0HA
 5. National Westminster Bank Plc, (Co. Regn. No. 00929027), 1st Floor Blackburn House, 22 – 26 Eastern Road, Romford RM1 3PJ

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 Grovelands Garden Centre, Clay Tye Road, Upminster RM14 3PL shown edged black on the attached plan (hereinafter called " the Land ").

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

Without planning permission, the change of use of the land shown hatched black on the attached plan to storage

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 relevant policies of the London Development Framework are DC61, which deals with Urban Design, and DC45, which deals with

appropriate change of use within the Metropolitan Green Belt. PPG2 is also relevant. Policy DC61 is the Council's general environmental policy which seeks to ensure that all change of use is compatible with its surrounding environment. Policy DC45 is the Council policy which presumes against harmful inappropriate change of use within the Green Belt. Policy DC45 is consistent with the Government's advice on Green Belts (PPG2) which similarly identifies appropriate uses for the purposes of either DC45 or PPG2. Green Belt policy and guidance confirm that planning permission should only be given if such identified harm is clearly outweighed by very special circumstances. The site is being used for storage purposes of mobile temporary buildings and containers which have a detrimental impact upon views into the site, its openness, and thereby the site's contribution to the Green Belt. Furthermore, the use of the site for storage results in lorry movements causing noise and disturbance to nearby residents.

5. WHAT YOU ARE REQUIRED TO DO

- (i) Stop using the land shown hatched black on the attached plan for storage

Time for compliance: 3 months from the effective date of this notice.

- (ii) Remove from the Land all rubble, storage materials, machinery, apparatus, equipment, mobile homes and containers brought onto the land in association with the unauthorised use and resulting from compliance with requirement (i) above

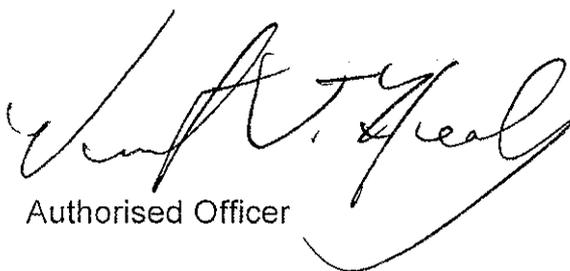
Time for compliance: 3 months from the effective date of this notice.

6. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on 15th June 2009 unless an appeal is made against it beforehand

Dated: *28th April* 2009

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 15th June 2009. Further details are given on the information sheet from the Planning Inspectorate which accompanies this Notice. The enclosed booklet "Enforcement Appeals – A guide to procedure" also sets out your rights.

WHAT HAPPENS IF YOU DO NOT APPEAL

If you do not appeal against this Enforcement Notice, it will take effect on 15th June 2009 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 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

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 15th June 2009.

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 (a) - that planning permission should be granted for the unauthorised development - then a fee of £335 is payable both to the Secretary of State and to the Council, 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

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

- TO:**
- (1) The Owner of the said land
 - (2) The Occupier of the said land
 - (3) The Company Secretary, Emperor Estates Limited, 67 Westow Street, Upper Norwood, London SE19 3RW.
 - (4) The Company Secretary, Emperor Estates Limited, 16 – 18 Woodford Road, Forest Gate, London E7 0HA.
 - (5) National Westminster Bank Plc, 1st Floor Blackburn House, 22 – 26 Eastern Road, Romford RM1 3PJ.

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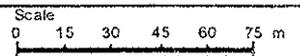
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Map Reference: TQ5985NW
Date: 14/11/2008

Scale: 1:2500



**Grovelands Horticultural Nursery, Clay Tye
Road, Upminster, RM14 3PL**



London Borough of Havering
Planning Department
Mercury House, Mercury Gardens
Romford, RM7 3SL
Tel: 01708 434343

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