

**THE GRASS VERGE ADJACENT TO HACTON LANE(" THE LAND")
OPPOSITE 25-29 CLEMENT WAY, UPMINSTER RM14 2NX**

IMPORTANT- THIS COMMUNICATION AFFECTS YOUR PROPERTY

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

London Borough of Havering Reference: ENF/355/14/

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 has been a breach of planning control, under Section 171 A(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 **THE GRASS VERGE ADJACENT TO HACTON LANE, OPPOSITE 25 - 29 CLEMENT WAY, UPMINSTER RM14 2NX** shown hatched in black on the attached plan.

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

Without the benefit of planning permission:

The unauthorised siting of a mobile telecommunications mast, associated equipment, base station, fencing and generator for Cornerstone Telecommunications Infrastructure Limited and Telefonica (UK) Limited on the grass verge adjacent to Hacton Lane opposite 25 – 29 Clement Way, Upminster RM14 2NX.

4. **REASONS FOR ISSUING THIS NOTICE**

(1) It appears to the Council that the above breach of planning control has occurred "within the last FOUR years" and that steps should be taken to remedy the breach by Section 173 4(a) or to remedy any amenity or injury which has been caused by the breach.

(2) It is considered that the development is harmful to the street scene environment and it is considered it would have an adverse effect on the skyline, by reason of the height of the mast, associated equipment, base station, 'Herras' fencing and generator has an unacceptable effect on the character and appearance of the surrounding area contrary to relevant planning policies and guidance. Consequently, it is deemed reasonable and expedient to take enforcement action to correct the breach in planning

control. The development is therefore contrary to Policy CP14, DC61, DC64 of the LDF, Policy 7.4 of the London Plan and is contrary to the guidance within the NPPF (2019).

(3) 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

The Enforcement Notice requires, **within ONE month:**

1. Remove from the site the telecommunications mast, associated equipment and base station including 'Herras' fencing from the land;

AND

2. Remove from the site all debris or materials accumulated as a result of carrying out the above step.

6. TIME FOR COMPLIANCE

ONE MONTH after the date this Notice takes effect.

7. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on 29th **May 2019**, unless an appeal is made against it beforehand

Dated 24th April 2019



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 Contact Officer:

Onkar Bhogal, Principal Planning Enforcement & Appeals Officer
01708 431587 onkar.bhogal@haverling.gov.uk

THE RIGHT TO APPEAL

Those with a legal or equitable interest in the land or who is a relevant occupier can appeal against this Enforcement Notice to the Secretary of State before the **29th May 2019**. Further details are given in the attached explanatory note.

WHAT HAPPENS IF AN APPEAL IS NOT RECEIVED

If an appeal is not received against this Enforcement Notice, it will take effect on **29th May 2019** 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.

THE RIGHT TO 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 on or before the 29th **May 2019**. If an appeal against this Notice is intended, the instructions given on the information sheet from the Planning Inspectorate which accompanies this Notice should be followed.

GROUND OF APPEAL

The grounds of appeal are set out in Section 174 of the Town and Country Planning Act 1990 (as amended) and an appeal may be made 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 wish to appeal on ground (a)- that planning permission should be granted for the unauthorised development - then a fee of **£924** is payable to the Council when the appeal is lodged. If this fee is not paid, the planning merits of the appeal will not be considered by the Planning Inspector.

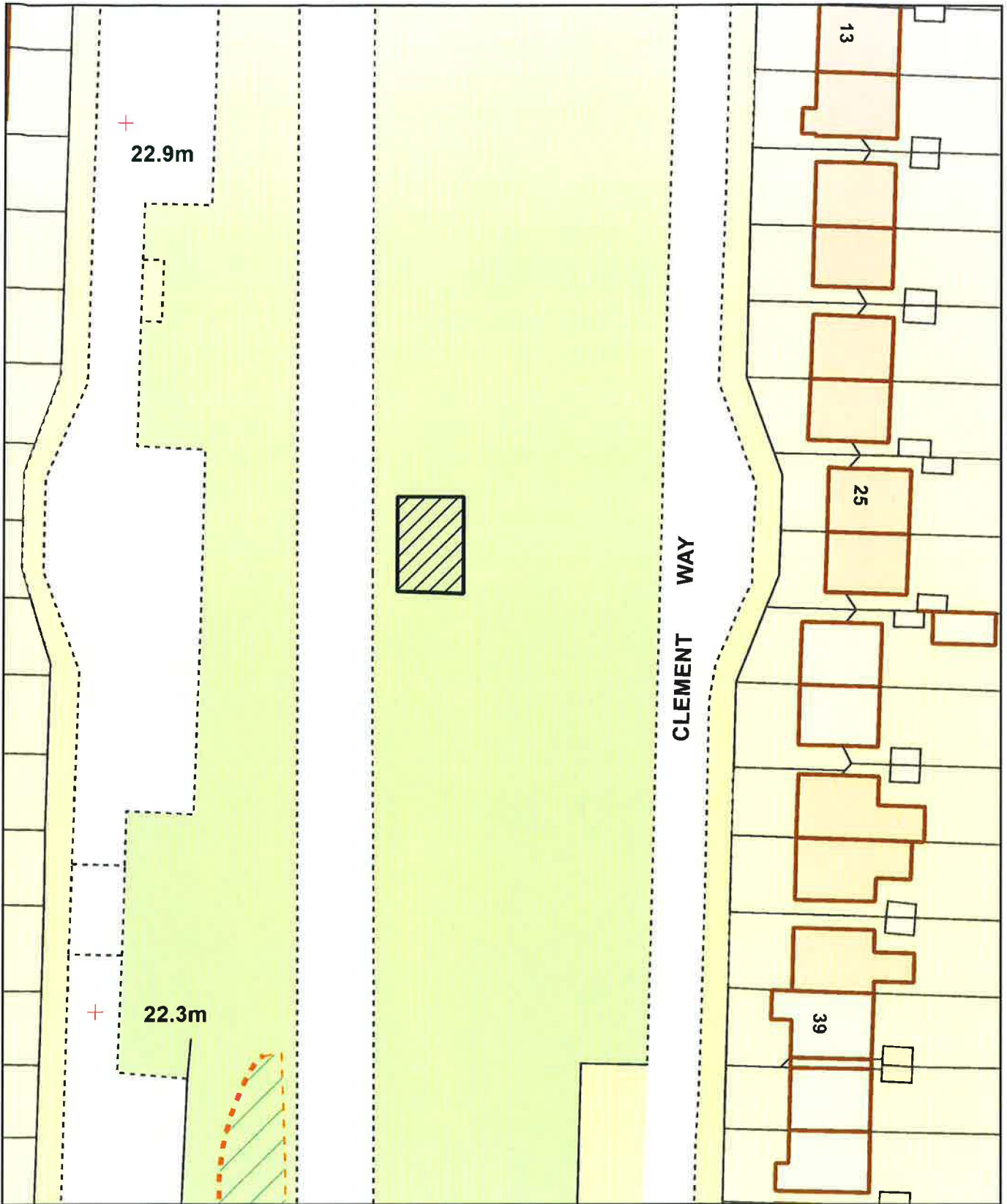
STATEMENT ON GROUNDS OF APPEAL

It must be submitted 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, a statement in writing specifying the grounds on which the appeal against the Enforcement Notice is being made and stating briefly the facts on which it is proposed 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 Directors, Mono Consultants Ltd, 48 St Vincent Street, Glasgow G2 5TS
2. The Directors, Mono Consultants Limited, Culzean House, 36 Renfield Street, Glasgow G2 1LU
3. The Directors, Telefonica UK Limited, 260 Bath Road, Slough, Berkshire SL1 4DX
4. 02 Secretaries Ltd, 260 Bath Road, Slough, Berkshire SL1 4DX
5. The Directors, Cornerstone Telecommunications Infrastructure Limited, Hive 2, 1530 Arlington Business Park, Theale, Reading, Berkshire RG7 4SA
6. The Mayor and Burgess of the London Borough of Havering, Attn: Legal Department, Town Hall, Main Road, RM1 3SL



Telephone Mast in Hacton Lnae opposite 25-29 Clement Way

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nlpg NATIONAL STREET GAZETTEER
 Ordnance Survey Licensed Partner

Scale: 1:500
 Date: 18 April 2019

0 2.5 5 7.5 metres

Havering
 LONDON BOROUGH

London Borough of Havering
 Town Hall, Main Road
 Romford, RM1 3BD
 Tel: 01708 434343

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 Ordnance Survey 100024327

CST Room 3/13
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

Direct Line 0303-444 5000
Email enquiries@pins.gsi.gov.uk

THIS IS IMPORTANT

If you want to appeal against this enforcement notice you can do it:-

- on-line at the Appeals Casework Portal <https://acp.planninginspectorate.gov.uk/> or
- sending us enforcement appeal forms, which can be obtained by contacting us on the details above.

You MUST make sure that we receive your appeal before the effective date on the enforcement notice.

Please read the appeal guidance documents at <https://www.gov.uk/appeal-enforcement-notice/how-to-appeal>

In exceptional circumstances you may give notice of appeal by fax or letter. You should include:-

- the name of the local planning authority;
- the site address;
- the effective date of the enforcement notice.

We MUST receive this BEFORE the effective date on the enforcement notice. This should **immediately** be followed by your completed appeal forms.