

**THE LAND AT THE EAST SIDE OF TYE FARM, ST MARY'S LANE, UPMINSTER
RM14 3NX**

IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

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

Enforcement Reference: ENF/846/18

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 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 **The East Side of Tye Farm, St Mary's Lane, Upminster RM14 3NX** (registered under title number EGL488518) as shown edged in BLACK on the attached plan.

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

1. Without planning permission, the unauthorised change of use of green belt land to a commercial storage and distribution use (B8) and intrinsically linked use of hard surfaced areas.
2. Without planning permission, the unauthorised development associated with the change of use for storage and distribution; including the placement of storage containers, skips, caravans, commercial vehicles/equipment, building materials and commercial waste.

4. **REASONS FOR ISSUING THIS NOTICE**

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

3. The depositing of materials to facilitate the change of use to an additional commercial area for use by the adjacent commercial site is contrary to Policy DC45 and has an unreasonable adverse effect on the green belt, by reason of visual amenity and causing harm to the openness of the greenbelt, contrary to Policy DC45, CP14, NPPF Chapter 13,– Green Belt, and Policy 7.16 of the London Plan
4. The development neither enhances nor preserves the character or appearance of the Greenbelt and no very special circumstances have been alleged or appear to exist to justify the change of use. The change of use of greenbelt land to commercial use results in undue harm to the greenbelt in terms of being contrary to and maintaining the openness, denying any potential agricultural use and adversely impacting on the attractive landscape of the greenbelt which is contrary to the NPPF Chapter 13 section 143 and Policies DC45 and CP14 of the LDF Core Strategy and Development Control Policies DPD and London Plan Policy 7.16.

The Council has not requested the submission of a planning application to assess the development as any conditions that may be attached to such a development would not mitigate the harm caused and would be contrary to policies.

5. WHAT YOU ARE REQUIRED TO DO

The Enforcement Notice requires, within 3 months from the effective date of this notice to:

- (i) Cease using the land for any commercial use including storage and distribution;

AND

- (ii) Remove in full from the land outlined in black on the attached plan, all vehicles, machinery, storage containers and equipment associated with any commercial use;

AND

Within 6 months from the effective date of this notice to:

- (iii) Remove from the land, in the area shown hatched in black on the attached plan, all hardstanding used in association with commercial use.

AND

- (iv) Restore the land as edged in black to its condition before the breach occurred;

AND

- (v) Remove from the land, in the area shown outlined in black on the attached plan, all materials, rubble, machinery, apparatus and Installations used in connection with or resulting from compliance with steps (i), (ii), (iii) and (iv) above;

6. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on **26th July 2019**, unless an appeal is made against it beforehand.

Dated: 26th June 2019

Signed: 

Authorised Officer

David Colwill, Team Leader Planning Enforcement & Appeals
on behalf of London Borough of Havering
Town Hall
Main Road
Romford RM1 3BD

Nominated Officer: William Coleman
Email: William.coleman@haverling.gov.uk

Telephone Number: 01708 433174

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 by the **26th July 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 **26th July 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 before **26th July 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 an appeal on ground (a) - that planning permission should be granted for the unauthorised development be sought - 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

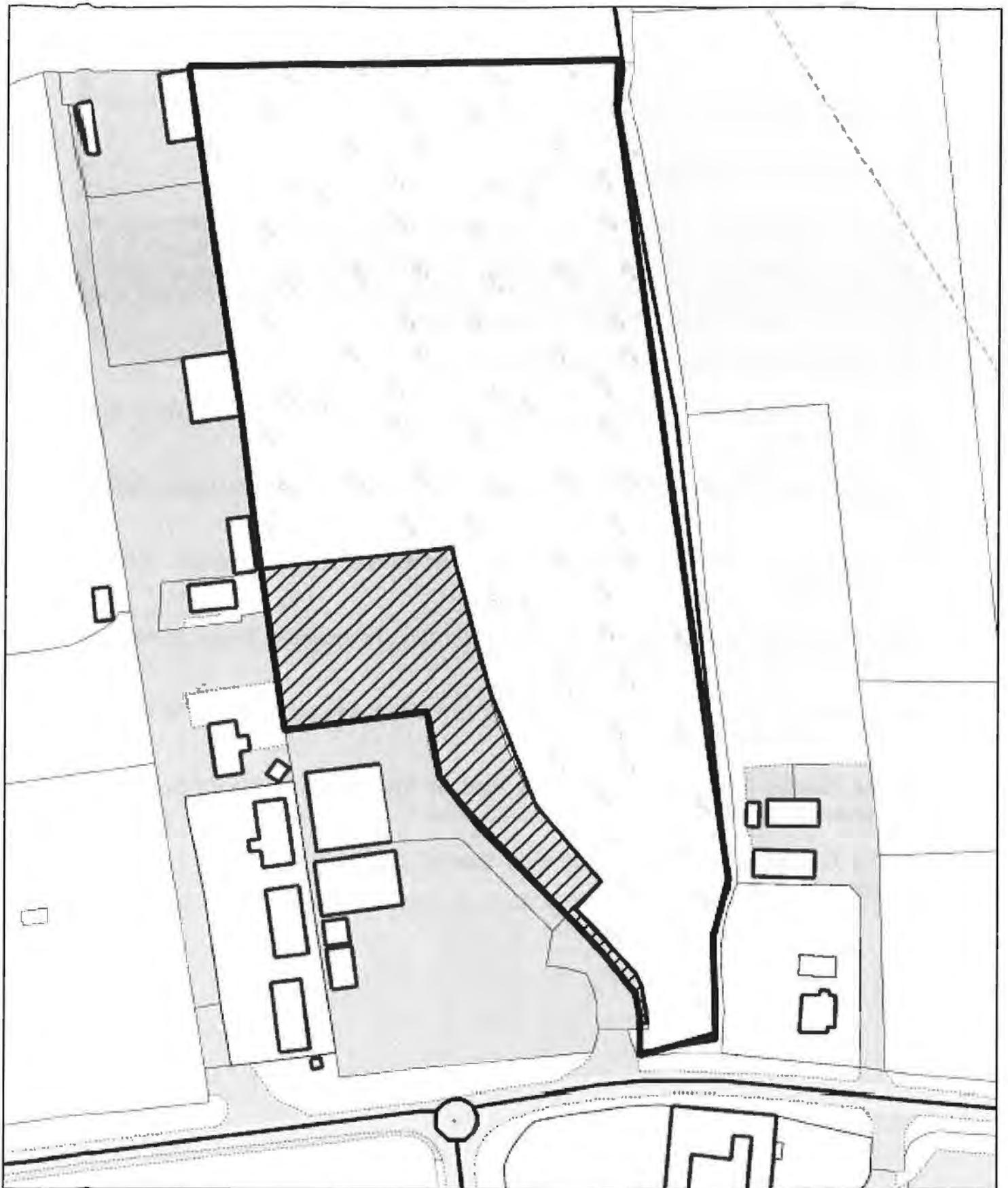
STATEMENT ON GROUNDS OF APPEAL

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 you 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) Clive Roger Nichols; 1 Aquarend Place, St Mary's Lane, Upminster. Essex RM14 3NX.
- (2) Paul William Nichols; 1 Aquarend Place, St Mary's Lane, Upminster. Essex RM14 3NX
- (3) Company Sectary, Aquarend Properties Limited, 1 Aquarend Place, St Mary's Lane, Upminster. Essex RM14 3NX
- (4) Company Director, Aquarend Properties Limited, 1 Aquarend Place, St Mary's Lane, Upminster. Essex RM14 3NX
- (5) The Owner; The land at The East Side of Tye Farm, St Mary's Lane, Upminster RM14 3NX
- (6) The Occupier; The land at The East Side of Tye Farm, St Mary's Lane, Upminster RM14 3NX



SITE PLAN



Scale: 1:1250

Date: 03 May 2019

0 10 20 30 metres



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

© Crown copyright and database rights 2019
 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.