

LAND KNOWN AS G3 FISHERIES, AVELEY ROAD, UPMINSTER RM14 2TN

IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

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

ENFORCEMENT REFERENCE: ENF/811/17

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 known as **G3 Fisheries, Aveley Road, Upminster RM14 2TN**, shown edged in black and the area of the breach shown hatched on the attached plan and is registered under Land Registry Title Number is BGL139122.

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

Without the benefit of planning permission:e

- i.e Within the last 10 years, the unauthorised material change of use of the land shown hatched in black on the attached plan to a sui generis use as a public fishing area and for residential purposes; ANDe
- ii. Within the last 4 years the unauthorised development by the formation of hard surfaces, siting of containers, formation of a pond, erection of buildings in connection with the fishing lake, customers toilets and erection of 2 metre high metal palisade fencing.e

4. **REASONS FOR ISSUING THIS NOTICE**

(1)It appears to the Council that the above breaches of planning control relating material changes of use of the land have occurred within the last TEN years; ande

Development breaches of planning control took place within the last FOUR years and that steps should be taken to remedy the breach by Section 173 4(a) or to remedy any injury to amenity which has been caused by the breach.e

(2) The land is located in the Metropolitan Green Belt. The unauthorised uses of the land as a commercial fishing lake and for residential use have had a significant adverse impact on the openness of the Green Belt. The alleged breaches of planning control are materially harmful to the visual amenity and open character of the surrounding area. The development breaches by the formation of hard surfaces, siting of containers, erection of buildings for cooking fishing bait and storing goods in connection with fishing business, erection of customers toilets, the erection of 2 metre high metal palisade fencing and creation of a pond at the site represents inappropriate development in the Green Belt and fails to preserve the openness of the Green Belt and conflicts with the purposes of including land in the Green Belt.

(3) In making its decision to issue this Notice, the Council contends that the unauthorised uses and developments are contrary to the provisions of the National Planning Policy Framework (NPPF 2019), The Core Strategy and Development Control Policies Development Plan Document CP14, (Green Belt), DC45 (Green Belt), and DC61 (Urban Design) as well as being contrary to London Plan Policies 7.16 (Green Belt), 7.4 (Local Character).

(4) The Council does not consider that planning permission should be granted because conditions attached to any consent would not overcome the planning issues raised in the reasons for issuing the notice.

5. **WHAT YOU ARE REQUIRED TO DO**

The Enforcement Notice requires, within **THREE MONTHS** of the effective date of the Notice to:

- i. Cease the use of the land shown hatched in black on the attached site plan as a commercial fishing area or for residential use; AND
- ii. Remove all metal palisade fencing; AND
- iii. Remove all containers, remove all buildings, remove the mobile home, remove all equipment associated with the fishing lake, including any buildings used as offices and remove any equipment used in preparation of fishing bait in the open yard; AND
- iv. Remove all hard surfaces; AND
- v. Remove from the site all building materials and debris associated with carrying out the above steps.
- vi. Restore the land to its condition as existed before the breaches occurred.

6. **TIME FOR COMPLIANCE**

THREE MONTHS after the date when this Notice takes effect.

7. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on **9th July 2020**, unless an appeal is made against it beforehand.

Dated: 28th May 2020

Signed



David Colwill
Team Leader, Planning Enforcement
on behalf of London Borough of Havering
5th Floor, Mercury House, Mercury Gardens, Romford RM1 3SL

Nominated Officer: Onkar Bhogal
Email: Onkar.Bhogal@haverling.gov.uk

Telephone Number: 01708 431587

THE RIGHT TO APPEAL

Those with a legal or equitable interest in the land of who is a relevant occupier can appeal against this Enforcement Notice to the Secretary of State before the **9th July 2020**. Further details are given in the attached explanatory note.

WHAT HAPPENS IF AN APPEAL IS NOT RECEIVED

If an appeal is not against this Enforcement Notice, it will take effect on **9th July 2020** 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) can be viewed online at <https://www.legislation.gov.uk/>

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 **9th July 2020**.

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.

GROUNDINGS 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

The grounds of appeal 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 to be 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:

G3 Fisheries Limited
Aveley Road
Upminster RM14 2TN

The Owners
G3 Fisheries
Aveley Road
Upminster RM14 2TN

The Occupiers
G3 Fisheries
Aveley Road
Upminster RM14 2TN

G3 Fisheries Limited (Co. Reg. 10638754)
183 Station Lane
Hornchurch RM12 6LL

Cemex UK Operations Limited (Co. Reg. No. 658390)
Of Cemex House
Coldharbour Lane
Egham Surrey TE20 8TD

Daniel Joseph Grace
65 Cavendish Crescent
Hornchurch RM12 5NT

Martin Alan Free
183 Station Lane
Hornchurch RM12 6LL

Daniel Joseph Grace
183 Station Lane
Hornchurch RM12 6LL

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.



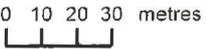
G3 FISHERIES - AVELEY ROAD- UPMINSTER







Scale: 1:1250
Date: 27 May 2020





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