

RE: BUSH FARM, AVELEY 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, RMC Aggregates (Greater London) Limited (Co. Regn.No.00246052), Cemex House, Coldharbour Lane, Thorpe, Egham, Surrey, TW20 8TD.
 4. The Secretary, Priory Angling Club, Bush Farm, Aveley Road, Upminster, RM 14 2TG

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 Bush Farm, Aveley Road, Upminster RM14 2TG shown edged black on the attached plan titled "First Plan" (hereinafter called "the Land").

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

Without planning permission the unauthorised operational development of land (Green Belt) by importation and deposition of materials, including waste material comprising but not limited to residual material from waste processing and hardcore and without planning permission further operational development resulting in the raising of land levels.

4. **REASONS FOR ISSUING THIS NOTICE**

It appears to the Council that the above breach of planning control has occurred within the last four years. Operational development, by the importation and

deposition of materials including waste materials, and the raising of the levels of land has an adverse impact on the open character of this part of the Green Belt.

No special circumstances have been demonstrated to warrant a departure from this policy have not been demonstrated to the Planning Authority and the development is therefore contrary to NPPF, Policy DC45 of the Core Strategy and Development Control Submission Development Plan Document Policy.

The development therefore by reason of its associated works, detrimental to the visual amenities and character of the surrounding area in general and harmful to the essentially open nature of this part of the Metropolitan Green Belt contrary to Policies DC45 and DC61 of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document as well as the provisions of NPPF and Policy 7.16 (2011) of the London Plan.

The development creates noise and disturbance by vehicle and plant movement which is unacceptably detrimental to the amenities of occupiers of adjacent properties, contrary to Policy DC61 of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document.

Further, the development industrialises and intensifies commercial activity in the Metropolitan Green Belt.

5. WHAT YOU ARE REQUIRED TO DO

- (i) Cease importing materials of any description onto the Land.

Time for compliance: Immediately.

- (ii) Cease engineering operations and raising levels of the Land.

Time for compliance: Immediately.

- (iii) Remove all vehicles and equipment and chattels from the Land connected with the unauthorised operational development.

Time for compliance: Two months.

- (iv) Remove all waste materials including but not limited to hardcore, building rubble and spoil from the Land that have been imported onto and deposited on that part of the Land shown cross-hatched on the Plan annexed to this notice titled "Second Plan".

Time for compliance: Six months.

- (v) Reinstate that part of the Land shown cross-hatched on the Plan annexed to this notice titled "Second Plan" to a condition suitable for use as woodland, agriculture or grazing.

Time for compliance: Six months.

6. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on 22nd October 2012, unless an appeal is made against it beforehand

Dated: 20th September 2012

Signed:  Authorised Officer

On behalf of London Borough of Havering
Town Hall
Main Road
Romford RM1 3BD

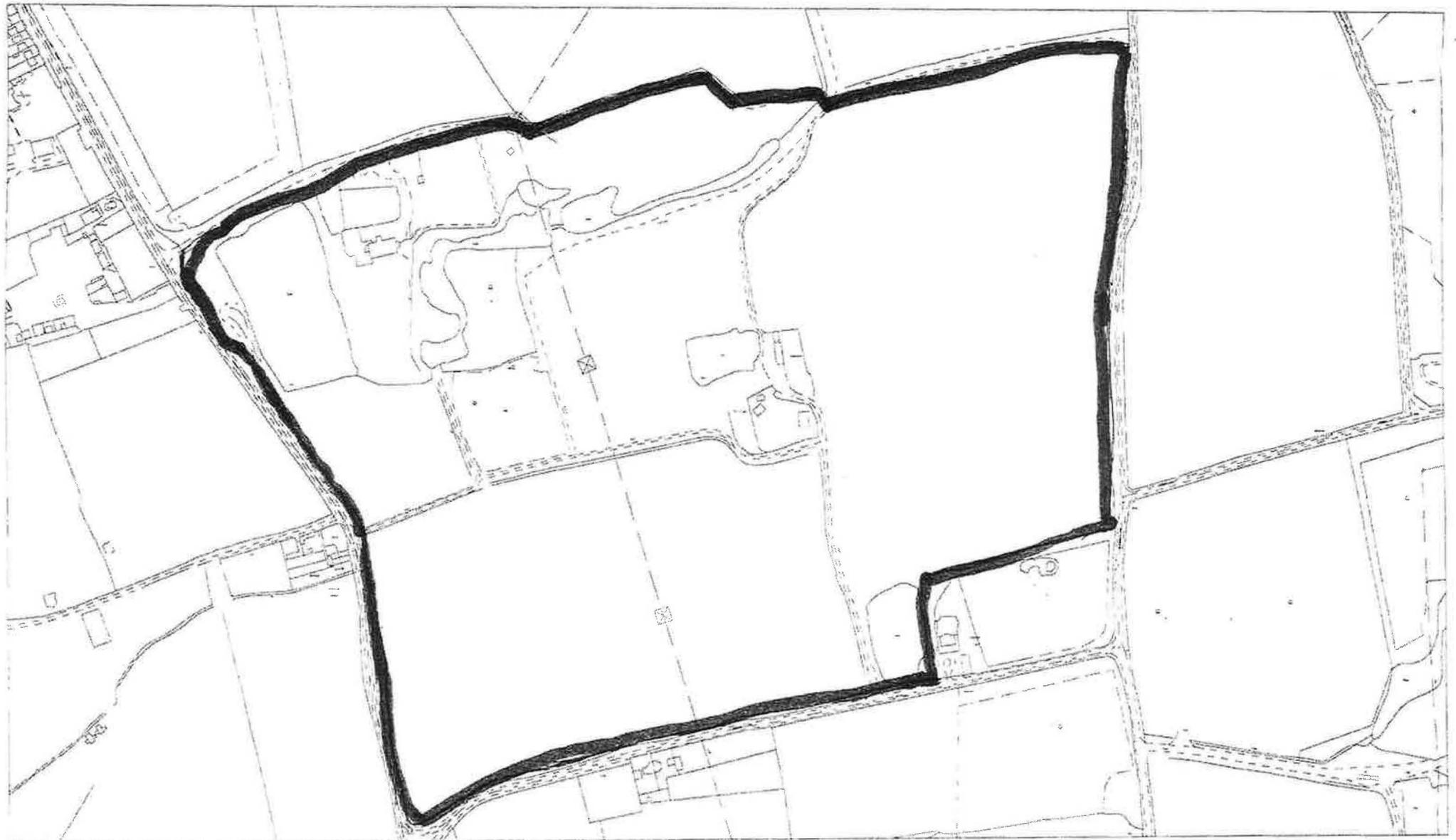
YOUR RIGHT OF APPEAL

You can appeal against this Enforcement Notice to the Secretary of State by the 22nd October 2012. Further details are given in the attached explanatory note.

WHAT HAPPENS IF YOU DO NOT APPEAL

If you do not appeal against this Enforcement Notice, it will take effect on 22nd October 2012 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.

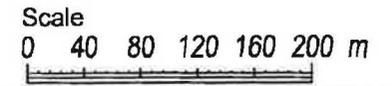


Bush Farm



Map Reference: TQ5683
Date: 17/09/2012

Scale @ A4
1:5000



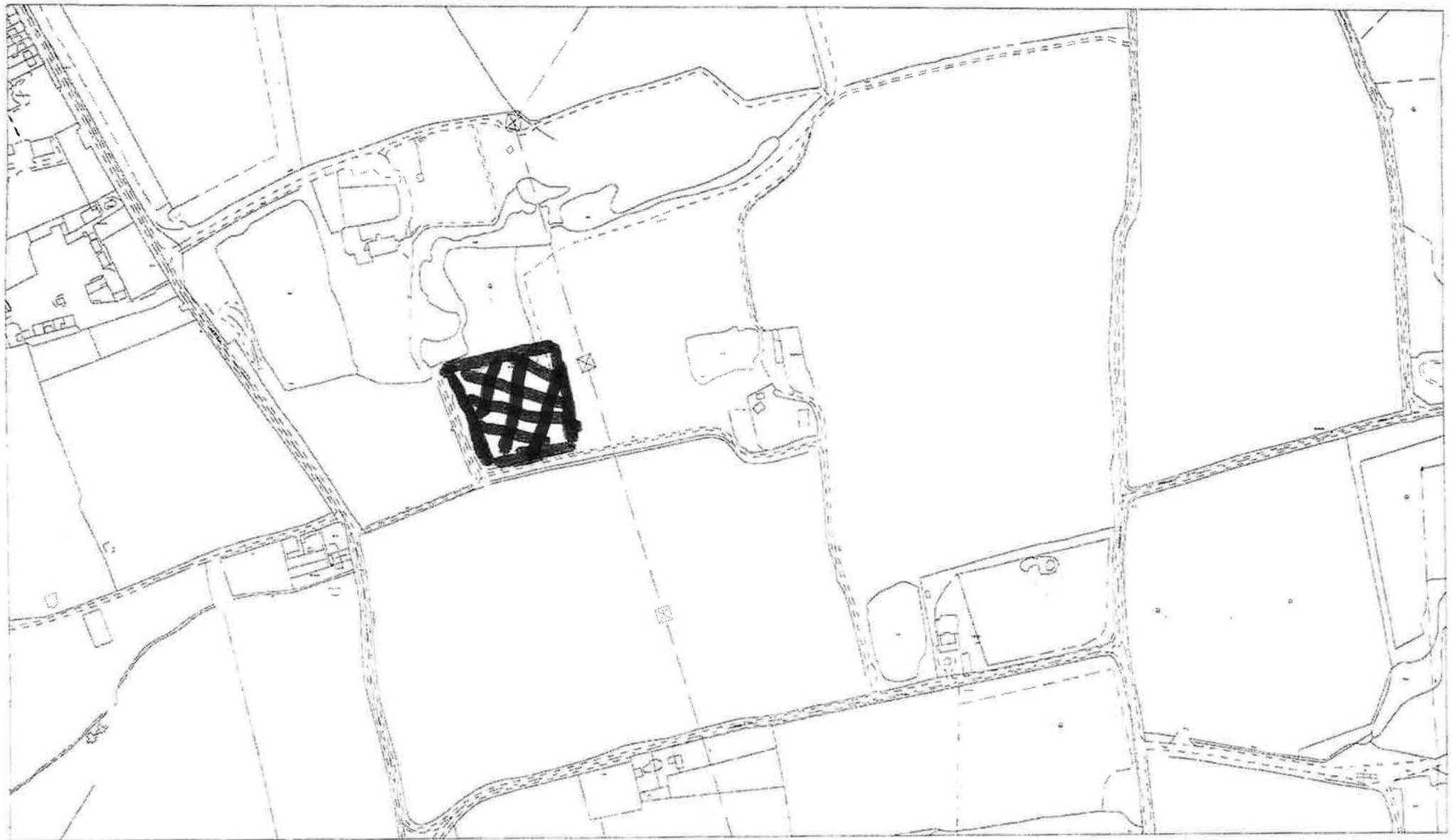
London Borough of Havering
Town Hall, Main Road
Romford, RM1 3BD
Tel: 01708 434343

nlp
National Land
Planning
Gazetteer



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"FIRST PLAN"

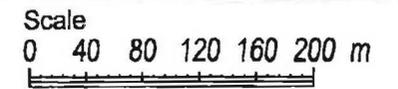


Bush Farm



Map Reference: TQ5683
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Scale @ A4
1:5000



Havering
LONDON BOROUGH

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

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"SECOND PLAN"

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.

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 22nd October 2012.

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

GROUND OF APPEAL

The grounds of appeal are set out in 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, 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 £510.00 is payable both to the Secretary of State and to the Council, making the total fees payable £1,020.00. The fee is based on the site area. 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 him 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, RMC Aggregates (Greater London) Limited (Co. Regn.No.00246052), Cemex House, Coldharbour Lane, Thorpe, Egham, Surrey, TW20 8TD.
 4. The Secretary, Priory Angling Club, Bush Farm, Aveley Road, Upminster, RM 14 2TG

Land at Bush Farm, Aveley Road, Upminster, Essex, RM14 2LG

IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY

TOWN AND COUNTRY PLANNING ACT 1990 as amended by the **Planning and Compensation Act 1991** and the **Planning and Compulsory Purchase Act 2004** (the "1990 Act")

STOP NOTICE

SERVED BY: London Borough of Havering herein after referred to as "the Council".

- TO:
1. The Owner of the said land
 2. The Occupier of the said land.
 3. The Company Secretary, RMC Aggregates (Greater London) Limited (Co. Regn.No.00246052), Cemex House, Coldharbour Lane, Thorpe, Egham, Surrey, TW20 8TD.
 4. The Secretary, Priory Angling Club, Bush Farm, Aveley Road, Upminster, RM14 2TG

1. On 20th September 2012 the Council issued an Enforcement Notice (of which a copy is attached to this notice) alleging that there has been a breach of planning control on the Land at Bush Farm, Aveley Road, Upminster, Essex, RM14 2TG
2. THIS NOTICE is issued by the Council, in exercise of their power in section 183 of the 1990 Act, because they consider that it is expedient that the activities specified in this notice should cease before the expiry of the period allowed for compliance with the requirements of the Enforcement Notice on the land described in paragraph 3 below. The Council now prohibit the carrying out of the activity specified in this notice. Important additional information is given in the Annex to this notice.

3. THE LAND TO WHICH THIS NOTICE RELATES

Land at Bush Farm, Aveley Road, Upminster, Essex, RM14 2TG shown edged black on the attached plan (hereinafter called "the Land").

4. THE ACTIVITY TO WHICH THIS NOTICE RELATES

Without planning permission, the importation and deposition of waste materials, including but not limited to residual material from waste processing and hardcore and without planning permission further operational development resulting in the raising of land levels.

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

Cease the importation and deposition of all materials onto the Land, including but not limited to residual material from waste processing and hardcore.

Cease all engineering operations on the Land connected with the importation and deposition of materials on the Land, including the raising of levels on the Land.

6. **WHEN THIS NOTICE TAKES EFFECT**

This notice takes effect on 20th September 2012 when all the activity specified in this notice shall cease.

Dated: *20th September 2012*

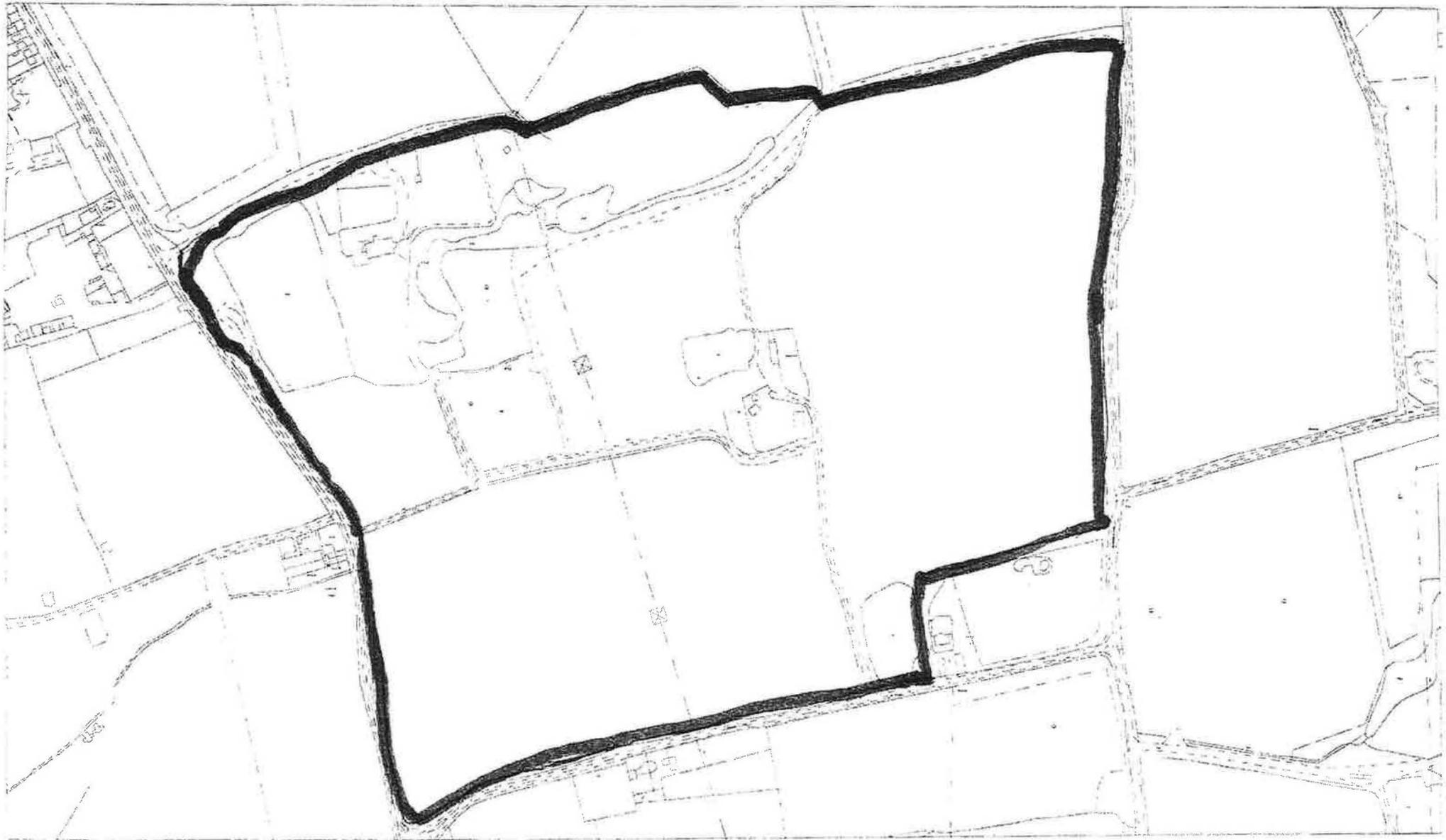
Signed:



Authorised Officer
on behalf of London Borough of Havering
Town Hall
Main Road, Romford RM1 3BD

STATEMENT OF REASONS FOR EARLY EFFECT OF NOTICE

The Council considers that this notice should take effect on 20th September 2012, the day of service, in order to protect the openness of the Metropolitan Green Belt. The Council considers that the effect of unauthorised development specified in this notice to be so severe that its continuation will cause irreparable damage to the openness of the Metropolitan Green Belt.

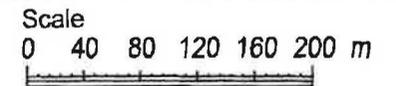


Bush Farm



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

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ANNEX

WARNING

THIS NOTICE TAKES EFFECT ON THE DATE SPECIFIED IN PARAGRAPH 6

**THERE IS NO RIGHT OF APPEAL TO THE FIRST SECRETARY OF
STATE AGAINST THIS NOTICE**

It is an offence to contravene a stop notice after a site notice has been displayed or the stop notice has been served on you (**Section 187(1) of TOWN AND COUNTRY PLANNING ACT 1990** as amended by the **Planning and Compensation Act 1991** and the **Planning and Compulsory Purchase Act 2004**).

If you then fail to comply with the stop notice you will be at risk of **immediate prosecution** in the Magistrates' Court, for which the maximum penalty is £20,000 on summary conviction for a first offence and for any subsequent offence. The fine on conviction on indictment is unlimited.

If you are in any doubt about what this notice requires you to do, you should get in touch **immediately** with Simon Thelwell, Planning Control Manager, Mercury House, Romford RM1 3SL 01708 432685.

If you need independent advice about this notice, you are advised to contact urgently a lawyer, planning consultant or other professional adviser specialising in planning matters. If you wish to contest the validity of the notice, you may only do so by an application to the High Court for judicial review.

IMPORTANT – THIS COMMUNICATION AFFECTS:

Land at Bush Farm, Aveley Road , Upminster, Essex, RM14 2LG

TOWN AND COUNTRY PLANNING ACT 1990 as amended by the **Planning and Compensation Act 1991** and the **Planning and Compulsory Purchase Act 2004** (the "1990 Act")

NOTICE

A STOP NOTICE HAS BEEN SERVED BY: London Borough of Havering herein after referred to as "the Council".

THE ACTIVITY TO WHICH THE STOP NOTICE RELATES: Without planning permission, the importation and deposition of waste material onto the Land, including but not limited to residual material from waste processing and hardcore.

THE STOP NOTICE TAKES EFFECT ON: 20th September 2012 when all the activity specified in this notice shall cease.

IT IS AN OFFENCE to contravene a stop notice after a site notice has been displayed or the stop notice has been served on you (**Section 187(1) of TOWN AND COUNTRY PLANNING ACT 1990** as amended by the **Planning and Compensation Act 1991** and the **Planning and Compulsory Purchase Act 2004**).

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