

RE: The Whitehouse, Benskins Lane, Noak Hill, Romford RM4 1LB

IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

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

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. The Explanatory Notes at the end of this Notice and the Enclosures referred to therein contain important additional information.

2. **THE LAND AFFECTED**

The land on the south east side of Benskins Lane, Noak Hill, Romford RM4 1LB shown as cross hatched in black on the attached plan and which forms part of the land (sometimes known as The White House) registered under Land Registry Title Number EGL591523.

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

- (i) Without planning permission, the change of use of the land shown as cross hatched in black on the attached plan from mixed residential use/commercial use/open land to residential use involving the stationing of caravans / mobile homes. The residential buildings known as the White House and the Hutman which are situated within the land (sometimes known as The White House) registered under Land Registry Title Number EGL591523 are not subject to these enforcement proceedings.
- (ii) Without planning permission, the laying of hard standing to accommodate caravans and motor vehicles on the land shown as cross hatched in black on the attached plan.

4. **REASONS FOR ISSUING THIS NOTICE**

(1) It appears to the Council that the above breaches of planning control have occurred within the last TEN years in relation to the unauthorised uses of the land and that steps should be taken to remedy the breaches in accordance with the purposes stipulated in Section 173 (4) (a) of the above Act.

(2) The use is inappropriate development in the Green Belt. The use of the site for residential use, involving the siting of mobile homes, due to the

intensity of use and occupation of previously open undeveloped land results in loss of openness, harmful to the Green Belt. Policy E of the Planning Policy for Traveller Sites 2015 states that traveller sites (temporary or permanent) are considered inappropriate development. Inappropriate development is by definition harmful to the Green Belt and should not be approved, except in very special circumstances. The guidance in the NPPF is that local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. In this case very special circumstances have not been identified.

- (3) The development is therefore considered to be contrary to adopted policy and has a harmful impact on the Green Belt.

The development is contrary to the following Local Development Framework ("LDF") Policies:

LDF

CP14 - Green Belt

CP2 - Sustainable Communities

DC45 - Appropriate Development in the Green Belt

DC72 - Planning Obligations

DC8 - Gypsies and Travellers

OTHER

LONDON PLAN - 7.16 - Green Belt

NPPF - National Planning Policy Framework

PPTS – Planning Policy for Traveller Sites

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

By this Enforcement Notice you are required, **within TWO MONTHS** of the date when this Notice takes effect to have:

1. Ceased use of the land shown as cross hatched in black on the attached plan (with the exception of the above mentioned residential buildings known as the White House and the Hutman) for residential purposes including the storage of mobile homes/ caravans, motor vehicles; and
2. Removed from the land all mobile homes/ caravans, motor vehicles;
3. Removed all that hardstanding that was laid to accommodate caravans and motor vehicles on the land shown as cross hatched in black on the attached plan.
4. Removed all building materials, rubble and debris associated with taking steps 1, 2 and 3 above and returned the land to its condition before the breaches took place.

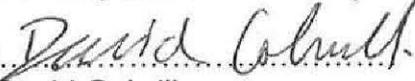
6 TIME FOR COMPLIANCE

TWO MONTHS after the date when this Notice takes effect

7. WHEN THIS NOTICE TAKES EFFECT

This Notice will take effect on 21st August 2017, unless an appeal is made against it beforehand

Dated: 24th July 2017

Signed: 

Name: 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 Officer: Onkar Bhogal Telephone Number: 01708 431587

Email: Onkar.bhogal@haverling.gov.uk

YOUR RIGHT OF APPEAL

You can appeal against this Enforcement Notice to the Secretary of State before 21st August 2017. 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 21st August 2017 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.

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 21st August 2017.

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 you wish to appeal on ground (a) - that planning permission should be granted for the unauthorised development - then a fee of **£770** is payable to the Council. 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 you 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

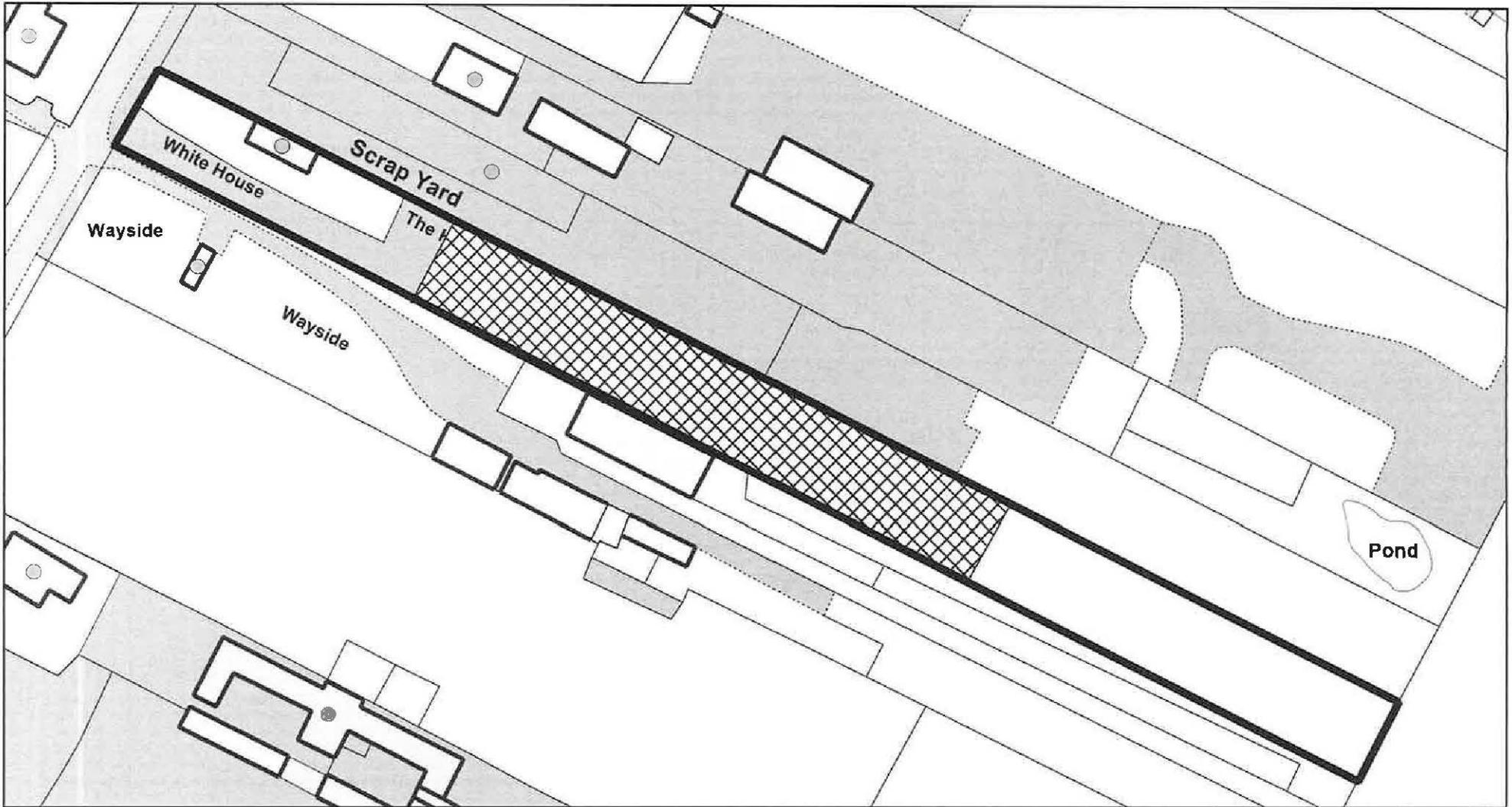
The names and addresses of all the persons on whom the Enforcement Notice has been served are:

Mr James O'Brien
15 Brideale Close
Peckham
London SE15 6NB

The Owners
White House
Benskins Lane
Noak Hill, Essex RM4 1LB

Occupiers
White House
Benskins Lane
Noak Hill, Essex RM4 1LB

+ all persons on or at the land described above



White house N
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