

LAND AT BROOKMANS PARK DRIVE, UPMINSTER

IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

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

ENFORCEMENT REFERENCE: ENF/530/22

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 **LAND ON THE NORTHERN SIDE OF BROOKMANS PARK DRIVE (ALSO KNOWN AS LAND ON THE WEST SIDE OF FRONT LANE), UPMINSTER** as shown edged in black on the attached plan and as registered under Land Registry Title Number EGL550614 (hereinafter called “the Land”)

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

Without planning permission, engineering operations as part of a building operation to lay a hard surface on the Land together with the formation of an earth bund on the Land.

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 as to the operational development 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.
2. The hard surface would appear as an unacceptably incongruous dominant feature of poor design which is visually intrusive to the character and setting of the area contrary to Policy D4 of the London Plan and Policies 27 and 29 of the Havering Local Plan (2016 – 2031). together with the advice in the National

Planning Policy Framework paragraphs 124,126 and 134. It together with the earth bund installed as part of the same unauthorised development also forms inappropriate development in the Metropolitan Green Belt which harms the character and openness of the Metropolitan Green Belt contrary to Policy G2 of the London Plan and the advice in Paragraphs 137,138,147 and 148 of the NPPF.

- 3 No evidence has been provided that the unauthorised development contains measures to prevent unauthorised surface water runoff onto surrounding land and roads and therefore the development is also contrary to Policy 32 of the Havering Local Plan (2016-2031) and the advice in paragraph 167 of the NPPF.
- 4 The Council does not consider that planning permission should be granted because planning conditions attached to any consent would not overcome these problems.

5. WHAT YOU ARE REQUIRED TO DO

1. Remove the hard surface from the Land as shown cross hatched on the plan annexed to the Notice;

AND

2. Remove the low earth bund from the Land on the Brookmans Park Drive frontage as shown by a T on the plan annexed to the Notice.

AND

3. Remove all debris rubbish or other materials, from the Land as a result of taking steps 1 and 2 above.

AND

4. Return the Land back to its former condition before the unauthorised development started

6. TIME FOR COMPLIANCE

ONE MONTH after the date when this Notice takes effect.

7. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on **10th March 2023** unless an appeal is made against it beforehand

Dated: **9TH February 2023**

Signed: 

DAVID COLWILL

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

Nominated Officer to contact regarding this Notice:

Chris Stathers, Principal Planning Enforcement Officer

Telephone Number: **01708 433619** Email: chris.stathers@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 Planning Inspectorate acting on behalf of the Secretary of State before **10th March 2023**. 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 **10th March 2023** 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) 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 Planning Inspectorate before **10th March 2023**.

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) 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 or use, then a fee of **£468** 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

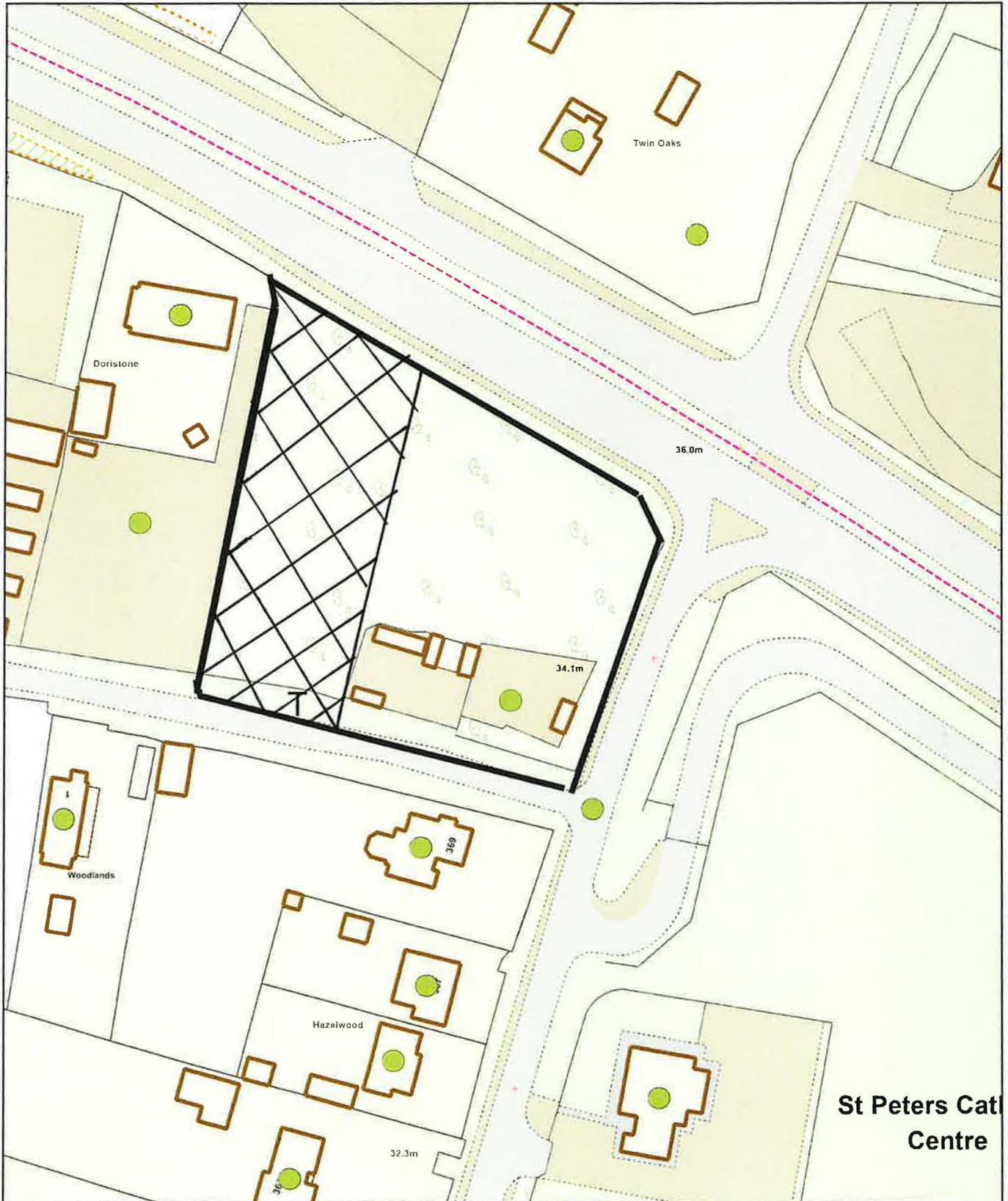
The grounds of appeal must be submitted to the Planning Inspectorate, either when giving notice of the appeal or within 14 days from the date on which the Planning Inspectorate sends you a notice so requiring, a statement in writing specifying the grounds on which the appeal against the Enforcement Notice is being made and stating briefly the facts on which 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:

1. Jeffrey Alan Hedges, 369 Front Lane, Upminster, RM14 1LW
2. Kenneth George Green, Doristone, Southend Arterial Road, Upminster, Essex RM14 1TL

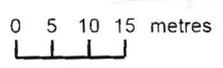
3. The Owner, Land on the northern side of Brookmans Park Drive, Upminster
4. The Occupier, Land on the northern side of Brookmans Park Drive, Upminster
5. Jeffrey Alan Hedges via email.



LAND AT BROOKMANS PARK DRIVE	ENF/530/22
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	Scale: 1:1000 Date: 08 February 2023
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Enforcement appeal: information sheet for local planning authorities

Customer Support Team
Temple Quay House
2 The Square
Temple Quay
Bristol BS1
6PN

Direct Line: 0303 444 5000

Email: enquiries@planninginspectorate.gov.uk

1. THIS IS IMPORTANT

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

- online at the [Appeals Casework Portal](#); 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 written notice of appeal by letter or email. You should include the name and contact details of the appellant(s) and either attach a copy of the Enforcement notice that you wish to appeal or state the following:

- the name of the local planning authority;
- the site address; and
- 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.