

RE: Kings Oak, Clay Tye Road, Upminster Essex RM14 3PL

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.

2. **THE LAND AFFECTED**

The land at Kings Oak, Clay Tye Road, Upminster Essex RM14 3PL, showed edged in black on the attached plan.

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

- (i) Without planning permission, the unauthorised change of use of land shown hatched in black on the attached plan use for storage of goods in connection with removal business.
- (ii) Without planning permission, the unauthorised storage of containers in the northwest part of the property shown hatched in black on the attached plan in connection with removal business.

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 use of the land that steps should be taken to remedy the breach by Section 173 4(a) or to remedy any amenity or injury which has been caused by the breach.
- (2) The unauthorised use and development of the Land is inappropriate and therefore, in principle harmful to the character, appearance and purpose of the Metropolitan Green Belt. Significant harm to the Green Belt is also caused through physical impact arising from storage of goods including use of garages, noise, increase in traffic and associated activities in connection with removal business.
- (3) Material harm is being caused to visual and residential amenity by reason of the adverse effect that is having on the character, setting and appearance of this rural site which is located within the Green Belt and also in terms of noise disturbance and pollution.

- (4) The activities are contrary to the following Policies CP14 (Green Belt), DC45 (Appropriate Development in the Green Belt), DC55 (Noise), DC61 (Urban Design) of the Local Framework Development Framework, Policy PPG2 of Planning Policy Guidance and also the National Planning Policy Framework.

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

The Enforcement Notice requires:

Within TWO MONTHS:

1. Cease using of the Land shown hatched in black on the attached plan for storage of containers in connection with removal business; and
2. Cease the use of the garages shown hatched in black on the attached plan for storage of goods in connection with removal; and
3. Remove from the land all storage containers; and
4. Remove all waste materials associated with removal of the storage containers.

6. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on ^{9th} January 2017, unless an appeal is made against it beforehand

Dated: ^{18th} November 2016

Signed: 

Name: Simon Thelwell

Authorised Officer

on behalf of London Borough of Havering

5th Floor, Mercury House, Mercury Gardens, Romford RM1 3SL

YOUR RIGHT OF APPEAL

You can appeal against this Enforcement Notice to the Secretary of State before ^{9th} January 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 ^{9th} January 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 ^{9th}.....**January 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.

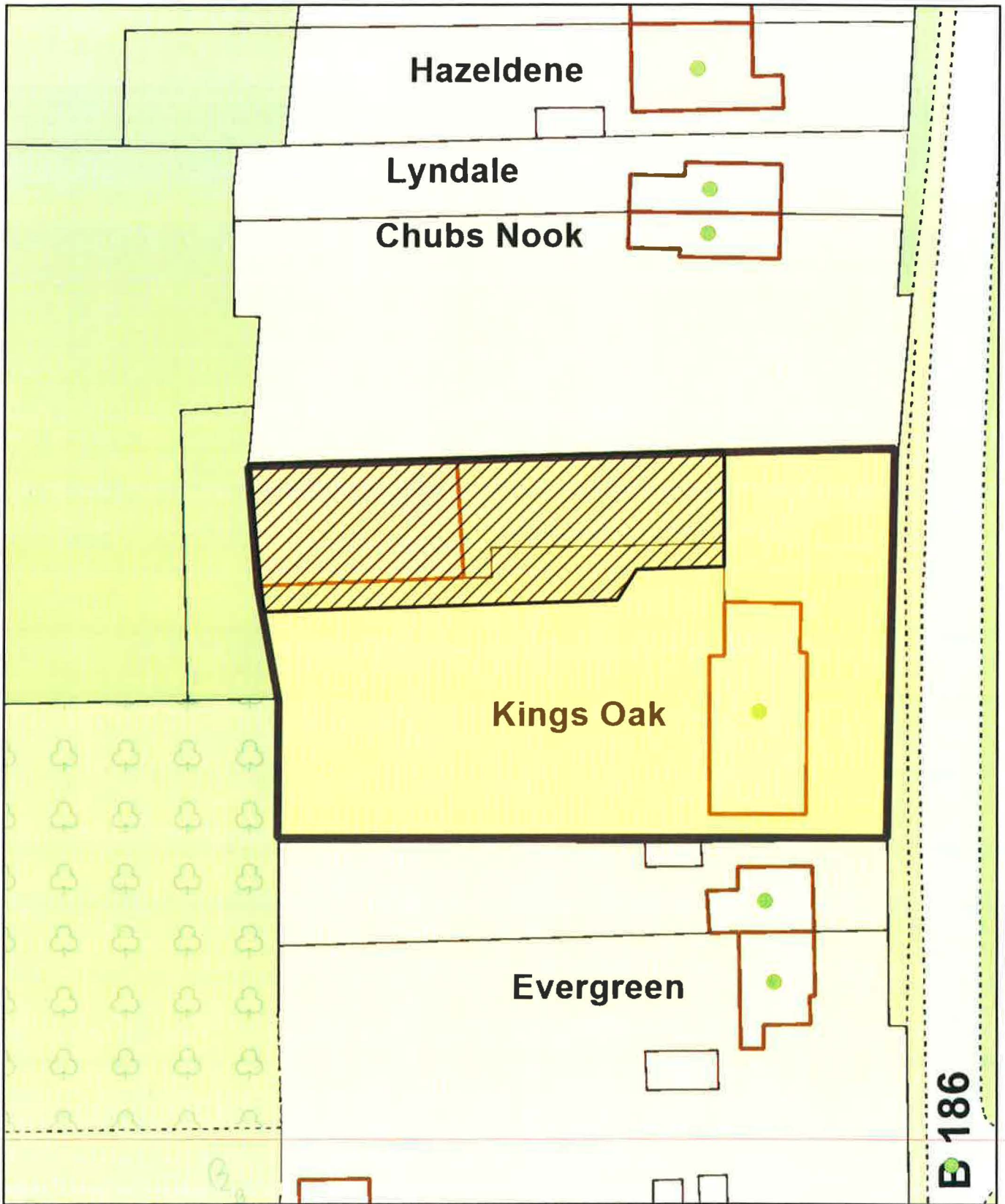
STATEMENT ON GROUNDS OF APPEAL



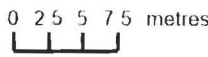

You must submit to the Secretary of State, either when giving notice of appeal or within 14 days from the date on which the Secretary of State sends him a notice so requiring, a statement in writing specifying the grounds on which you are appealing against the Enforcement Notice and stating briefly the 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:

1. Mr Keith John Alfred Harvey
Kings Oak
Clay Tye Road, Upminster, Essex RM14 3PL
2. Tara Carmen Harvey
Kings Oak, Clay Tye Road, Upminster, Essex RM14 3PL
3. The Owner / Occupiers
Kings Oak, Clay Tye Road, Upminster, Essex RM14 3PL
4. Bank of Scotland PLC
(Regn. No. SC327000)
Of Birmingham Midshires Division
Pendeford Business Park
Wobaston Road
Wolverhampton WN9 5HZ
5. Skye Loans Ltd
(Co. Regn. 9345937)
Capita Mortgage Services Limited
Crown House
Crown Street
Ipswich IP1 3HS



<p>Kings Oak</p>	
	<p>Scale: 1:500 0 25 50 75 metres</p> <p>Date: 17 November 2016</p> 
 <p>London Borough of Havering Town Hall, Main Road Romford, RM1 3BD Tel: 01708 434343</p>	<p>© Crown copyright and database rights 2016 Ordnance Survey 100024327</p>

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.