

RE: Folkes Farm, Folkes Lane, Upminster, Essex, RM14 1TH

IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

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

**ENFORCEMENT NOTICE
(NOTICE A)**

- TO:**
1. The Owner of the said land and property
 2. The Occupier of the said land and property
 3. The Company Secretary, Glenroy Estates Limited, 115 Craven Park Road, London, N15 6BL
 4. The Company Secretary, Nationwide Building Society, Property Finance, Kings Park Road, Moulton Park, Northampton, NN3 6NW
 5. The Company Secretary, Anglian Windows Limited, PO Box 65 Anson Road, Norwich, Norfolk NR6 6EJ
 6. The Company Secretary, UK Car Parts 4U Limited, Unit 1 Folkes Farm, Folkes Lane, Upminster, Essex, RM14 1TH
 7. Crimson Wing Car Parts, Office 2 Folkes Farm, Folkes Lane, Upminster, Essex, RM14 1TH
 8. The Owner, Unit 1 Folkes Farm, Folkes Lane, Upminster, Essex, RM14 1TH
 9. The Occupier, Unit 1 Folkes Farm, Folkes Lane, Upminster, Essex, RM14 1TH
 10. The Owner, Office 2 Folkes Farm, Folkes Lane, Upminster, Essex, RM14 1TH
 11. The Occupier, Office 2 Folkes Farm, Folkes Lane, Upminster, Essex, RM14 1TH
 12. The Owner Unit 10, Folkes Farm, Folkes Lane, Upminster, Essex, RM14 1TH
 13. The Occupier Unit 10, Folkes Farm, Folkes Lane, Upminster, Essex, RM14 1TH
 14. The Owner Unit 11, Folkes Farm, Folkes Lane, Upminster, Essex, RM14 1TH

15. The Occupier Unit 11, Folkes Farm, Folkes Lane, Upminster, Essex, RM14 1TH
16. The Owner Unit 6, Folkes Farm, Folkes Lane, Upminster, Essex, RM14 1TH
17. The Occupier Unit 6, Folkes Farm, Folkes Lane, Upminster, Essex, RM14 1TH
18. The Owner Unit 2 and 2A, Folkes Farm, Folkes Lane, Upminster, Essex, RM14 1TH
19. The Occupier Unit 2 and 2A, Folkes Farm, Folkes Lane, Upminster, Essex, RM14 1TH
20. The Owner Rear Office, Building O, Folkes Farm, Folkes Lane, Upminster, Essex, RM14 1TH
21. The Occupier Rear Office, Building O, Folkes Farm, Folkes Lane, Upminster, Essex, RM14 1TH
22. The Owner Courtyard Office, 1-2-3-R, Folkes Farm, Folkes Lane, Upminster, Essex, RM14 1TH
23. The Occupier Courtyard Office, 1-2-3-R, Folkes Farm, Folkes Lane, Upminster, Essex, RM14 1TH
24. The Owner Unit 1A, Folkes Farm, Folkes Lane, Upminster, Essex, RM14 1TH
25. The Occupier Unit 1A, Folkes Farm, Folkes Farm, Folkes Lane, Upminster, Essex, RM14 1TH
26. The Owner Courtyard Office 1 L, Folkes Farm, Folkes Lane, Upminster, Essex, RM14 1TH
27. The Occupier Courtyard Office 1 L, Folkes Farm, Folkes Lane, Upminster, Essex, RM14 1TH
28. The Owner 2, 2A, Folkes Farm, Folkes Lane, Upminster, Essex, RM14 1TH
29. The Occupier 2, 2A, Folkes Farm, Folkes Lane, Upminster, Essex, RM14 1TH

ISSUED BY: London Borough of Havering

1. **THIS IS A FORMAL NOTICE** which is issued by the London Borough of Havering ("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. The Council considers 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

Folkes Farm, Folkes Lane, Upminster, Essex, RM14 1TH (registered at the Land Registry under title number EGL521449) and shown hatched black on the attached plan ("the Land").

3. THE BREACH OF PLANNING CONTROL ALLEGED

Without planning permission the material change of use of:

- (a) the Land for the unauthorised purpose of vehicle related activities including dismantling of vehicles, open storage and/or sale of vehicles, open storage and/or sale of car parts, vehicle accessories and scrap metal;
- (b) the building shown shaded bold black on the Land ("the Building") for the unauthorised purpose of vehicle related activities including dismantling of vehicles, storage and/or sale of vehicles, storage and/or sale of car parts, vehicle accessories and scrap metal.

4. REASONS FOR ISSUING THIS NOTICE

It appears to the Council that the above breach of planning control has occurred within the last ten years.

The Land lies within the Metropolitan Green Belt. The unauthorised use of the Land has a materially harmful impact on the Metropolitan Green Belt. The unauthorised use is detrimental to the visual amenity and character of the surrounding area in general and is harmful to the essential open nature of this part of the Metropolitan Green belt.

Both national and local planning policies provide for the protection of the Metropolitan Green Belt, the fundamental aim of Green Belts being to prevent urban sprawl by keeping land permanently open.

There is a general presumption against inappropriate development in the Green Belt and such development should not be approved except in very special circumstances. Inappropriate development is by definition harmful to the Green Belt. Very special circumstances to justify inappropriate development will not exist unless harm, by reason of inappropriateness and any other harm, is clearly outweighed by other considerations.

In this case no special circumstances have been demonstrated and therefore the development is contrary to policies NPPF (paragraphs 79-92 Green Belt) DC45, DC61 of the Local Development Framework and Policy 7.16 of the London Plan (2013 Rema)

The unauthorised use of the Land is detrimental to the visual amenities and character of the surrounding area in general and harmful to the essential open nature of this part of the Metropolitan Green Belt, contrary to policy.

The unauthorised use creates noise and disturbance through commercial activity including vehicle and plant movement which is unacceptably detrimental to the amenities of occupiers of neighbouring properties contrary to policy DC61 of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document.

Further the unauthorised use industrialises and intensifies commercial activity in the Metropolitan Green Belt causing damage to wildlife and landscape as well as producing additional traffic movements in a rural lane degrading the quality of the road and compromising highway safety.

The Council do not consider that planning permission should be given, because planning conditions could not overcome these problems.

5. WHAT YOU ARE REQUIRED TO DO

- (i) Cease the use of the Land for the unauthorised purpose of vehicle related activities including dismantling of vehicles, open storage of vehicles, open storage of car parts, vehicle accessories and scrap metal.

Time for compliance: 3 months from the effective date of this notice.

- (ii) Cease the use of the Building for the unauthorised purpose of vehicle related activities including dismantling of vehicles, storage of vehicles, storage of car parts, vehicle accessories and scrap metal.

Time for compliance: 3 months from the effective date of this notice.

- (iii) Cease the use of the Land and Building for the unauthorised purpose of buying, selling and distribution of vehicles, car parts, vehicle accessories and scrap metal

Time for compliance: 3 months from the effective date of this notice.

- (iv) Remove the unauthorised vehicles, dismantled vehicles, car parts, vehicle accessories and scrap metal from the Land and Building

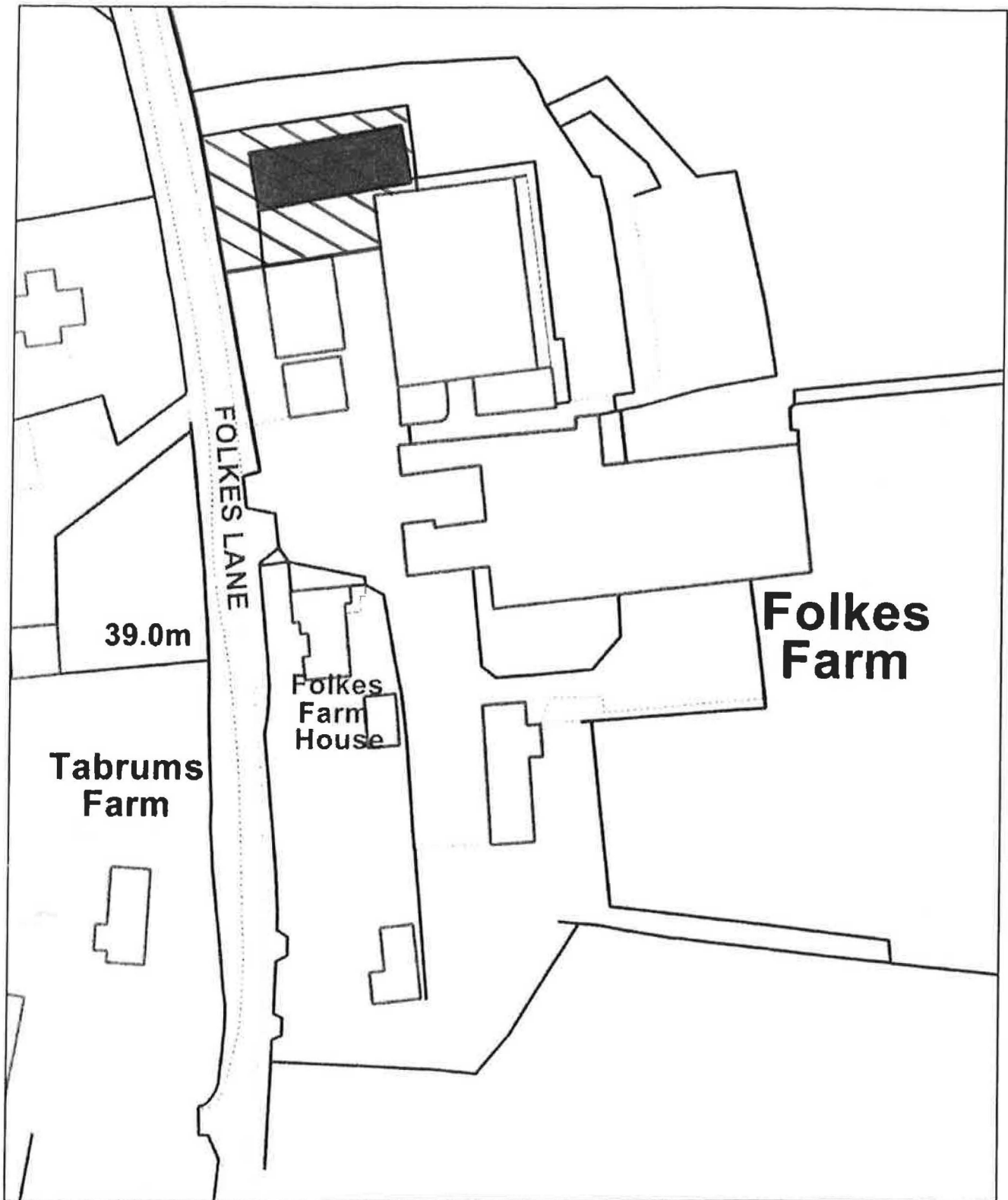
Time for compliance: 3 months from the effective date of this notice.

- (v) Remove all rubbish, rubble and associated material from the Land and Building arising from compliance with requirements (i),(ii),(iii) and (iv) above.

Time for compliance: 3 months from the effective date of this notice.

- (vi) Reinstate the Land save for the Building to its former rural condition by reseeded and replanting the affected area with grass.


Time for compliance: 3 months from the effective date of this notice.



PLAN 1 N
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nlpg   Ordnance Survey
NATIONAL STREET LONDON PARTNER

Scale: 1:1000 0 5 10 15 metres
 Date: 21 January 2014

 **Havering**
LONDON BOROUGH

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

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 Ordnance Survey 100024327

6. **WHEN THIS NOTICE TAKES EFFECT**

This Notice takes effect on 5 June 2014, unless an appeal is made against it beforehand

Dated: 24 April 2014

Signed:

A handwritten signature in black ink, appearing to read 'Vincent J. Healy', written in a cursive style.

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 5 June 2014. 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 5 June 2014 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 5 June 2014.

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

If you intend to appeal against the notice on ground (a) - that planning permission should be granted for the unauthorised development - then a fee of £770.00 is payable to the Council. If the fee is 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 him, 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. The Owner of the said land and property
2. The Occupier of the said land and property
3. The Company Secretary, Glenroy Estates Limited, 115 Craven Park Road, London, N15 6BL
4. The Company Secretary, Nationwide Building Society, Property Finance, Kings Park Road, Moulton Park, Northampton, NN3 6NW
5. The Company Secretary, Anglian Windows Limited, PO Box 65 Anson Road, Norwich, Norfolk NR6 6EJ
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