

RE: Land at Benskins Lane, Noak Hill, Romford, East of Church Road

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 and property.
 2. The Occupier of the said land and property.
 3. Denise Hiller of 104 Oak Road, Tiptree, Colchester, Essex CO5 0NA
 4. Denise Hiller C/O John Fowlers LLP, Solicitors, Town Hall Chambers, St Runwald Street, Colchester CO1 1DS
 5. Mr Reg Lee of Wellstead Place, Benskins Lane, Romford
 6. The Manager, Lucky Break the All Animal Sanctuary, Benskins Lane off Church Road, Noak Hill, Essex

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**

Land at Benskins Lane, Noak Hill, Romford, East of Church Road, registered at the Land Registry within Title Numbers NGL460468, NGL472560 and NGL460386, and shown edged bold black on the attached plan ("the Land").

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

Without planning permission, the unauthorised operational development of Green Belt agricultural land including, but not limited to:

- a. the importation of hardcore, soils and other waste material onto the Land;
- b. the formation of additional hard-standing on the Land.

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.

The Land lies within the Metropolitan Green Belt. The unauthorised development has a materially harmful impact on the Metropolitan Green Belt. The unauthorised development 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.

The unauthorised development has a materially harmful impact on occupiers of adjacent properties by reason of increased levels of noise and disturbance through vehicle and plant movements.

The unauthorised development is contrary to NPPF, DC45 and DC61 of the Local Development Framework and policy 7.16 of the London Plan. There are not considered to be sufficient very special circumstances in this case to override the presumption against inappropriate development in the Green Belt.

5. WHAT YOU ARE REQUIRED TO DO

- (i) Cease the importation of all materials onto the Land including hardcore and soils.

Time for compliance: 1 day from the effective date of this notice.

- (ii) Cease all engineering operations on the Land, save for those required to comply with this notice, including the raising of levels on the Land.

Time for compliance: 1 day from the effective date of this notice.

- (iii) Remove all additional hard-standing from the Land.

Time for compliance: 2 months from the effective date of this notice.

- (iv) Remove all vehicles and equipment, associated with the unauthorised development, from the Land.

Time for compliance: 2 months from the effective date of this notice.

- (v) Remove all material's that have been deposited on the Land in connection with the unauthorised development.

Time for compliance: 2 months from the effective date of this notice.

(vi) Reinstate the Land to a condition suitable for rough grazing uses.

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

6. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on 18 June 2012, unless an appeal is made against it beforehand

Dated: 14 May 2012

Signed:



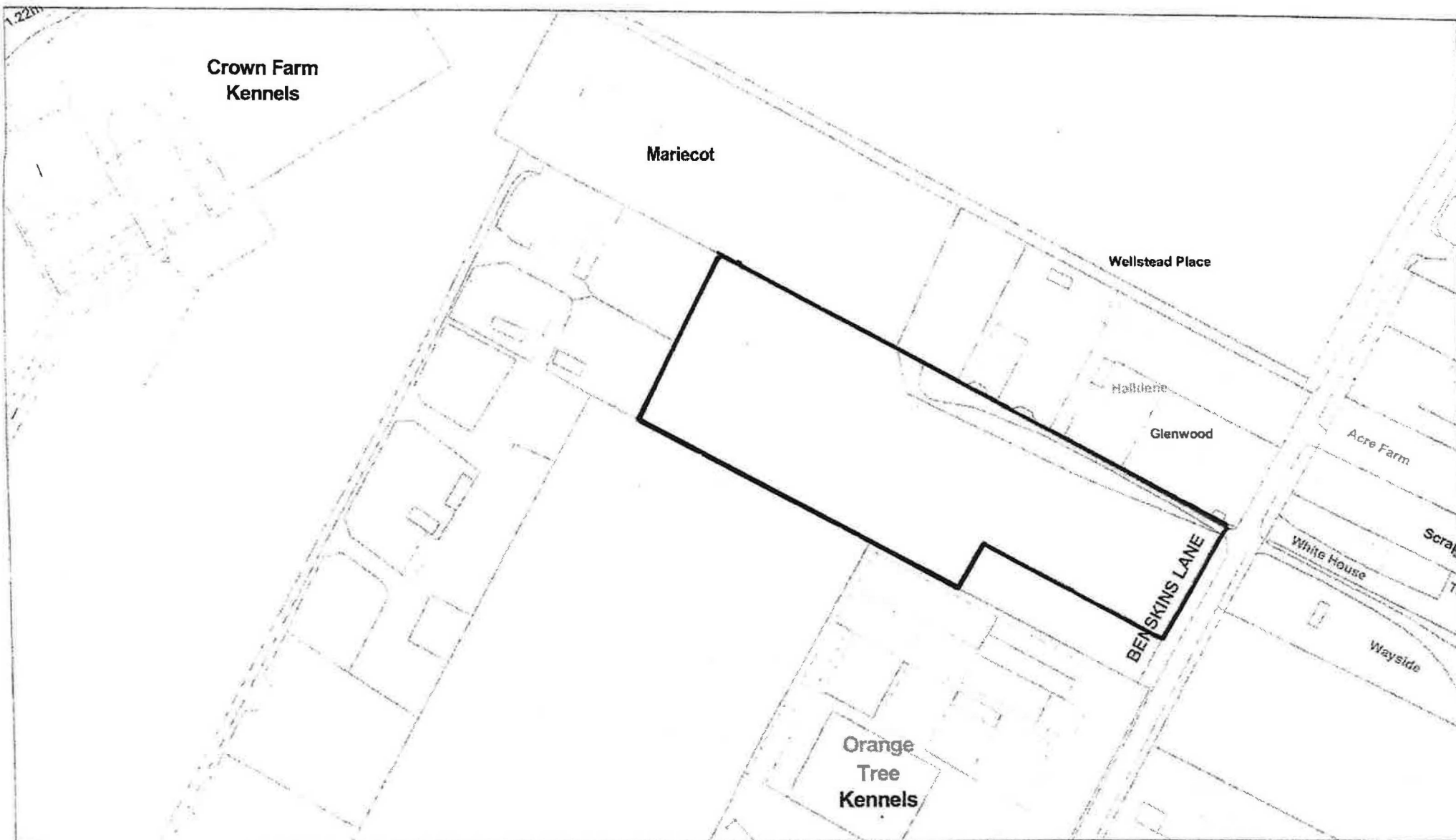
Authorised Officer
on behalf of London Borough of
Havering
Town Hall
Main Road, Romford RM1 3BD


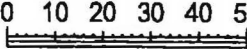
At about 1500hrs Tuesday 15 May 2012.
Personally served on Mr Reg Lee at Site.

1. Owner.
2. Occupier
3. Mr Reg Lee
4. The Manager of Lucky Break.

Notices to Denise Hillier sent by post 14/5/12.
Notices fixed to Site.

✓ B Lang.



	 <p>Map Reference: TQ5394SE Date: 27/03/2012</p>	<p>Scale @ A4 1:1468</p> <p>Scale 0 10 20 30 40 50 m</p> 
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Havering
LONDON BOROUGH

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



nlp
The National Land & Property Gazetteer

NSG
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YOUR RIGHT OF APPEAL

You can appeal against this Enforcement Notice to the Secretary of State by 18 June 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 18 June 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.

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 18 June 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 you wish to appeal on Ground (a) - that planning permission should be granted for the unauthorised development - then a fee of £170.00 is payable both to the Secretary of State and to the Council making the total fees payable £240.00 If the fees are not paid then that ground of appeal will not be valid.

The fee is based on an operational site area of 0.1 hectares.

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. Denise Hiller of 104 Oak Road, Tiptree, Colchester, Essex CO5 0NA
4. Denise Hiller C/O John Fowlers LLP, Solicitors, Town Hall Chambers, St Runwald Street, Colchester CO1 1DS
5. Mr Reg Lee of Wellstead Place, Benskins Lane, Romford
7. The Manager, Lucky Break the All Animal Sanctuary, Benskins Lane off Church Road, Noak Hill, Essex

**Land at Benskins Lane, Noak Hill, Romford,
East of Church Road**

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: The Owners of the Land to which this Notice relates

The Occupiers of the Land to which this Notice relates

Denise Hiller of 104 Oak Road, Tiptree, Colchester, Essex CO5 0NA

Denise Hiller C/O John Fowlers LLP, Solicitors, Town Hall Chambers, St Runwald Street, Colchester CO1 1DS

Mr Reg Lee of Wellstead Place, Benskins Lane, Romford

The Manager, Lucky Break the All Animal Sanctuary, Benskins Lane off Church Road, Noak Hill, Essex

1. On **14 May 2012** the Council issued an enforcement notice (a copy is attached to this notice) alleging that there has been a breach of planning control on the Temporary Stop Notice alleging that there have been breaches of planning control on the **land at Benskins Lane, Noak Hill, Romford, East of Church Road**.
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 REASONS FOR ISSUING THIS NOTICE**

Planning permission has not been granted for a change of use or for any operational development on the land described in paragraph 4 below. The Operational Development or Change of Use that has taken place is not appropriate in the Green Belt and has resulted in significant harm to the openness and visual amenity of the area. Any further development or change of use of the land would

IMPORTANT – THIS COMMUNICATION AFFECTS:

Land at Benskins Lane, Noak Hill, Romford,
East of Church Road

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 of material onto the Land, including but not limited to hardcore and soils

THE STOP NOTICE TAKES EFFECT ON: 14 May 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**).

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.

SCANNED

exacerbate the harm. In these circumstances, it would be expedient to require activities to cease until further details are known.

4. THE LAND TO WHICH THIS NOTICE RELATES

Land at Benskins Lane, Noak Hill, Romford, East of Church Road, registered at the Land Registry within Title Numbers NGL460468, NGL472560 and NGL460386, and shown edged bold black on the attached plan ("the Land").

5. THE ACTIVITY TO WHICH THIS NOTICE RELATES

Without planning permission operational development on the Land including:

- (i) the importation and deposition of materials onto the Land including but not limited to hardcore and soils; and
- (ii) the movement and spreading of materials on the Land including but not limited to hardcore and soils.
- (iii) the laying of hard standing on the Land.

6. WHAT YOU ARE REQUIRED TO DO

- (i) Cease the unauthorised operational development on the Land including:
 - a. the importation and deposition of materials onto the Land including but not limited to hardcore and soils; and
 - b. the movement and spreading of materials on the Land including but not limited to hardcore and soils.
 - c. the laying of hard standing on the Land.
- (ii) Cease engineering operations on the Land, including the raising of levels on the Land.

7. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on **14 May 2012** when all the activity specified in this notice shall cease.

Dated: **14 May 2012**

Signed:

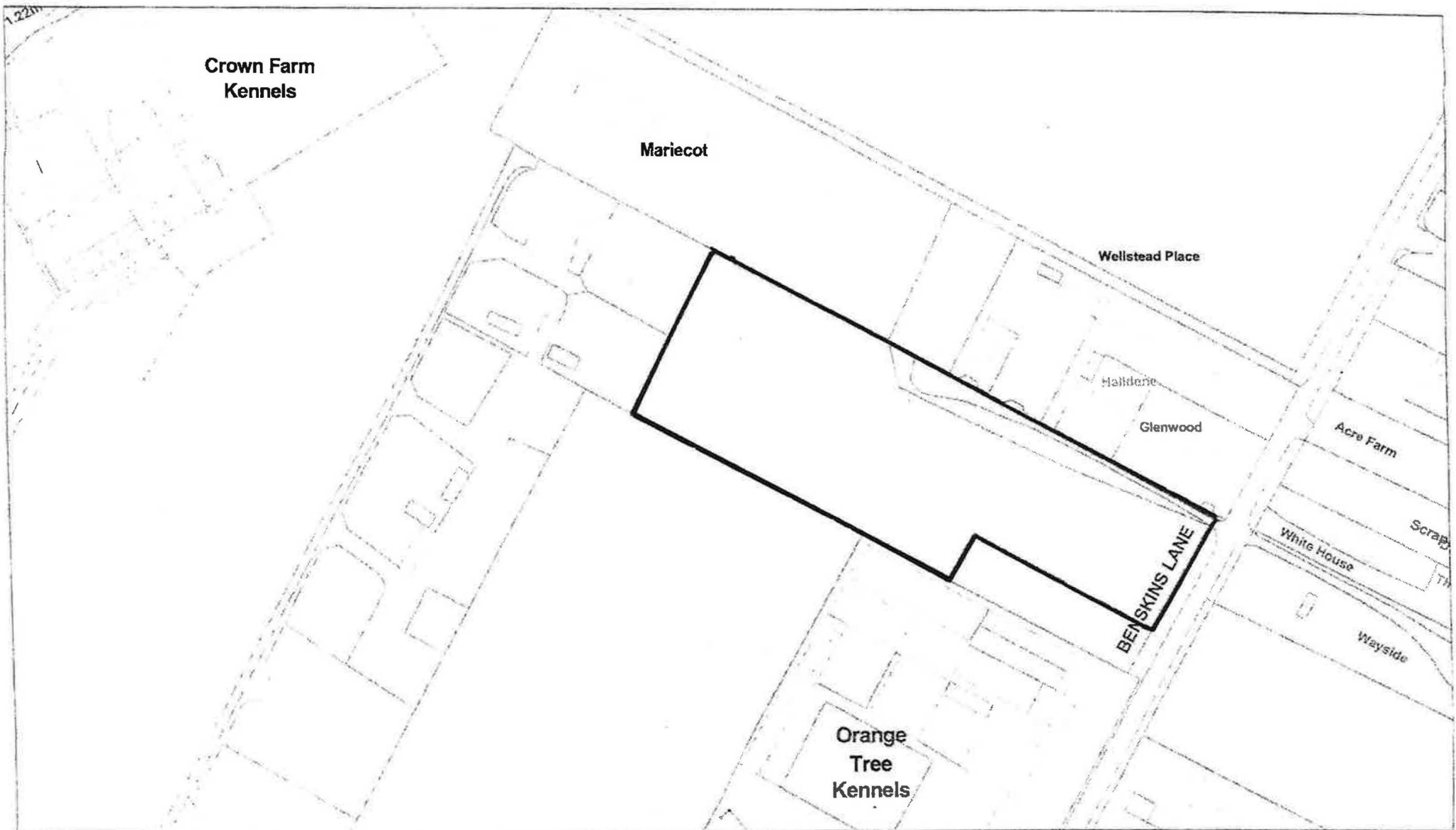


Authorised Officer
on behalf of London Borough of Havering
Town Hall
Main Road, Romford RM1 3BD

STATEMENT OF REASONS FOR EARLY EFFECT OF NOTICE

The Council considers that this notice should take effect on 14 May 2012, the day of service, in order to protect the openness of the Metropolitan Green Belt. The Council considers the effect of the 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.

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	<p>Map Reference: TQ5394SE Date: 27/03/2012</p>	<p>Scale @ A4 1:1468</p> <p>Scale 0 10 20 30 40 50 m</p>
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Havering
 LONDON BOROUGH

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.

In Conjunction with Enforcement Notice.
V B Lacey