

**RE: Rookery, 10 Cranham Hall Mews, The Chase, Upminster, Essex RM14 3DB**

**IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY**

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

**ENFORCEMENT NOTICE A**

- TO:**
1. The Owner of the said land
  2. The Occupier of the said land
  3. Keith George Ware of Rookery, 10 Cranham Hall Mews, The Chase, Upminster, Essex RM14 3DB
  4. Rosemary Ivy Ware of Rookery, 10 Cranham Hall Mews, The Chase, Upminster, Essex RM14 3DB
  5. c/o The Secretary, Coventry Building Society, Economic House, P.O. Box 9, High Street, Coventry, CV1 5QN

**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**

The land and property known as Rookery, 10 Cranham Hall Mews, The Chase, Upminster, Essex RM14 3DB (Reg. Title No. EGL568970) shown outlined in bold black on the attached copy of the plan labelled "EGL568970 Rookery, 10 Cranham Hall Mews - Location" ("the Land").

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

Without planning permission, the unauthorised erection of fences and a gate in the position indicated by the dotted bold black line on the Plan attached labelled "Unauthorised Fencing at "Rookery" 10 Cranham Hall Mews".

4. **REASONS FOR ISSUING THIS NOTICE**

It appears to the Council that the above breach of planning control has occurred within the last 4 years.

The erection of gates and fences is considered to be development. The unauthorised erection of paddock fencing by reason of its extent appearance and

siting would appear to be materially harmful to the special character and appearance of the Cranham Conservation Area contrary to Policy DC68, Development Control Policies and Development Plan Documents ("DPD") of the Local Development Framework ("LDF") with its associated "Article 4 Direction" (the Town and Country Planning (General Permitted Development) Order 1995) which removes within the Cranham Conservation Area, usual permitted development rights with regard to erecting gates, walls, fences or other means of enclosure.

The subdivision of the land into small plots results in encroachment into the countryside and is therefore considered to be inappropriate development in the Metropolitan Green Belt. No very special circumstances have been identified in this case and it is contrary to Policy DC45 of the LDF Development Control Policies, DPD and the provisions of guidance PPG2.

The Council do not consider that planning permission should be given because conditions would not overcome clear policy-led objections to the development.

In making its decision to issue this Notice the Council considered that the relevant policies are: policies DC22, DC45, DC47, DC61 and DC68 of the LDF Development Control Policies DPD; the Cranham Conservation Area Character Appraisal and Management proposals London Plan Policies 7.8 and 7.16; guidance PPS5 planning for historic environment, PPG2 Green Belts and the Cranham Conservation Area Article 4 Direction.

## 5. WHAT YOU ARE REQUIRED TO DO

- (i) Remove from the Land all fencing, gates or other means of enclosure other than those fences which have planning approval under planning reference P0779.10

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

- (ii) Remove from the Land any machinery, building materials, rubble, scrap or waste associated with the unauthorised fencing or arising from compliance with requirement (i) above and restore the Land to its condition before the breach occurred.

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

## 6. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on 18<sup>th</sup> April 2012, unless an appeal is made against it beforehand.

Dated: 15<sup>th</sup> March 2012

Signed:



Authorised Officer  
on behalf of the 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 18<sup>th</sup> April 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<sup>th</sup> April 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<sup>th</sup> April 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. You should also send the Secretary of State a copy of the Notice.

### **GROUNDINGS 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 £340.00.

Contact the Council with regard to payment. 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 you, 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
2. The Occupier of the said land
3. Keith George Ware of Rookery, 10 Cranham Hall Mews, The Chase, Upminster, Essex RM14 3DB
4. Rosemary Ivy Ware of Rookery, 10 Cranham Hall Mews, The Chase, Upminster, Essex RM14 3DB
5. c/o The Secretary, Coventry Building Society, Economic House, P.O. Box 9, High Street, Coventry, CV1 5QN

24.1m

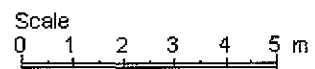
Rookery

Unauthorised Fencing at "Rookery" 10 Cranham Hall Mews

Map Reference: TQ5786SW

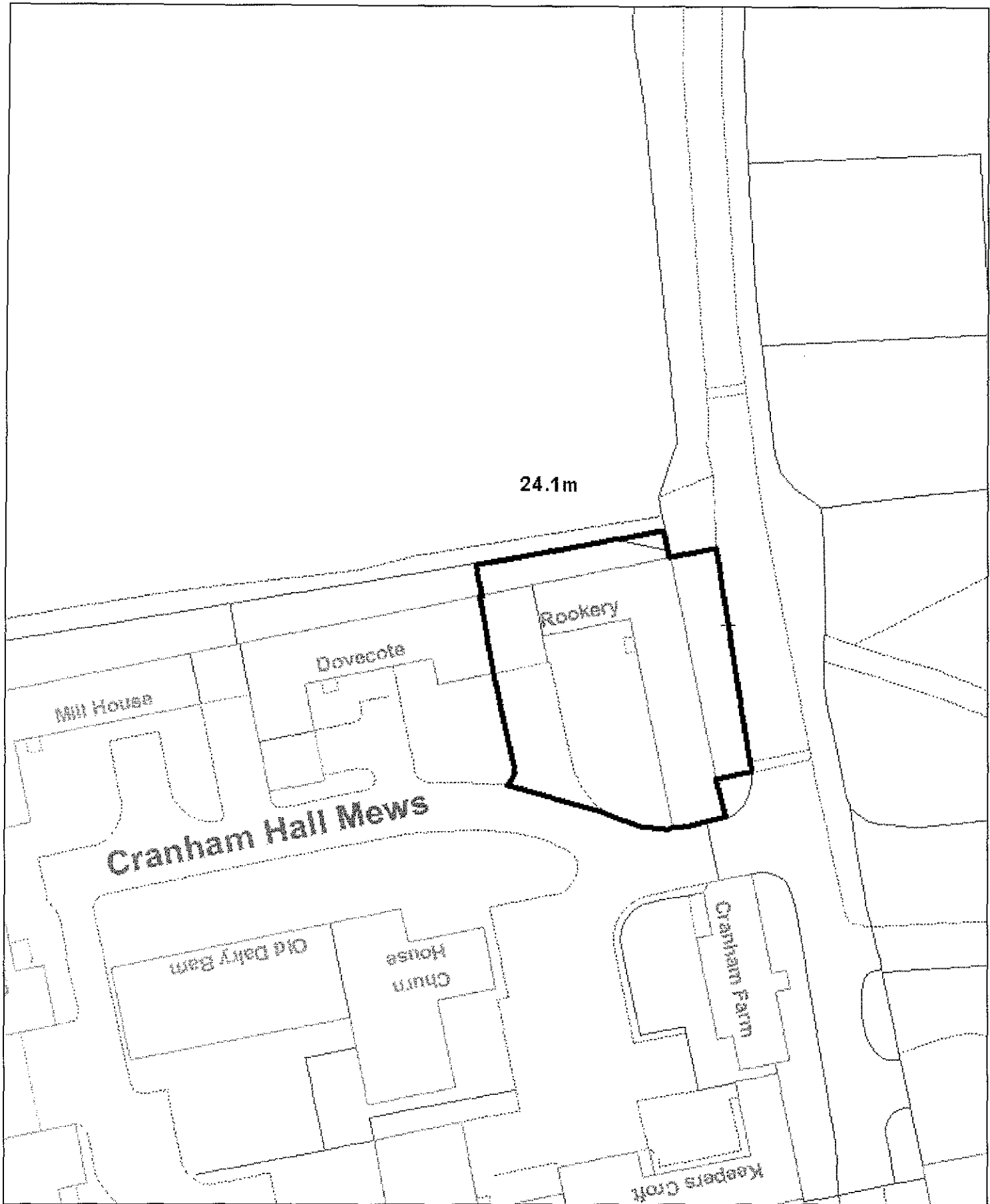


Scale @ A4 1:150  
Date: 13/02/2012



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

© Crown copyright and database rights 2012 Ordnance Survey  
100024327

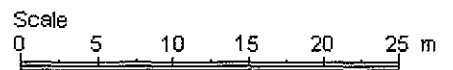


**EGL568970 Rookery, 10 Cranham Hall Mews - Location**

Map Reference: TQ5786SW



Scale @ A4 1:500  
Date: 13/02/2012



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

© Crown copyright and database rights 2012 Ordnance Survey  
100024327