

**RE: 'Small Acres' 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**

- TO:**
1. The Owner of the said land.
  2. The Occupier of the said land.
  3. Mr S Lockhart of 'Small Acres' 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**

The land at 'Small Acres' Folkes Lane, Upminster, Essex RM14 1TH shown edged in black on the attached plan ("the Land").

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

Without planning permission, the siting of three steel haulage containers on the Land, shown individually hatched black on the attached plan ("the Containers").

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 siting of the Containers was substantially completed less than four years ago.

The Land lies within the Metropolitan Green Belt. The Containers are clearly visible from a number of vantage points surrounding the Land, which is detrimental to the character, openness and appearance of the Green Belt.

The Containers by reason of their appearance have an adverse visual affect on and are not in keeping with this area of open countryside. The Containers cause material harm to the visual amenity of the area.

The unauthorised development is contrary to Policy DC45 of the Local Development Framework (Development Plan Documents) as well as PPG2 of Government Circulars and Policy 3D.9 of the London Plan.

The siting of the Containers does not constitute permitted development under the General Permitted Development Order 1995 (as amended).

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

## 5. WHAT YOU ARE REQUIRED TO DO

- (i) Remove the three Containers from the Land.

Time for compliance: 6 months from the effective date of this notice.

- (ii) Return the land to open rural land as it was before the unauthorised development took place.

Time for compliance: 6 months from the effective date of this notice.

- (iii) Remove all materials, machinery, apparatus, equipment and installations used in connection with or resulting from the unauthorised development and arising from compliance with (i) and (ii) above.

Time for compliance: 6 months from the effective date of this notice.

6. **WHEN THIS NOTICE TAKES EFFECT**

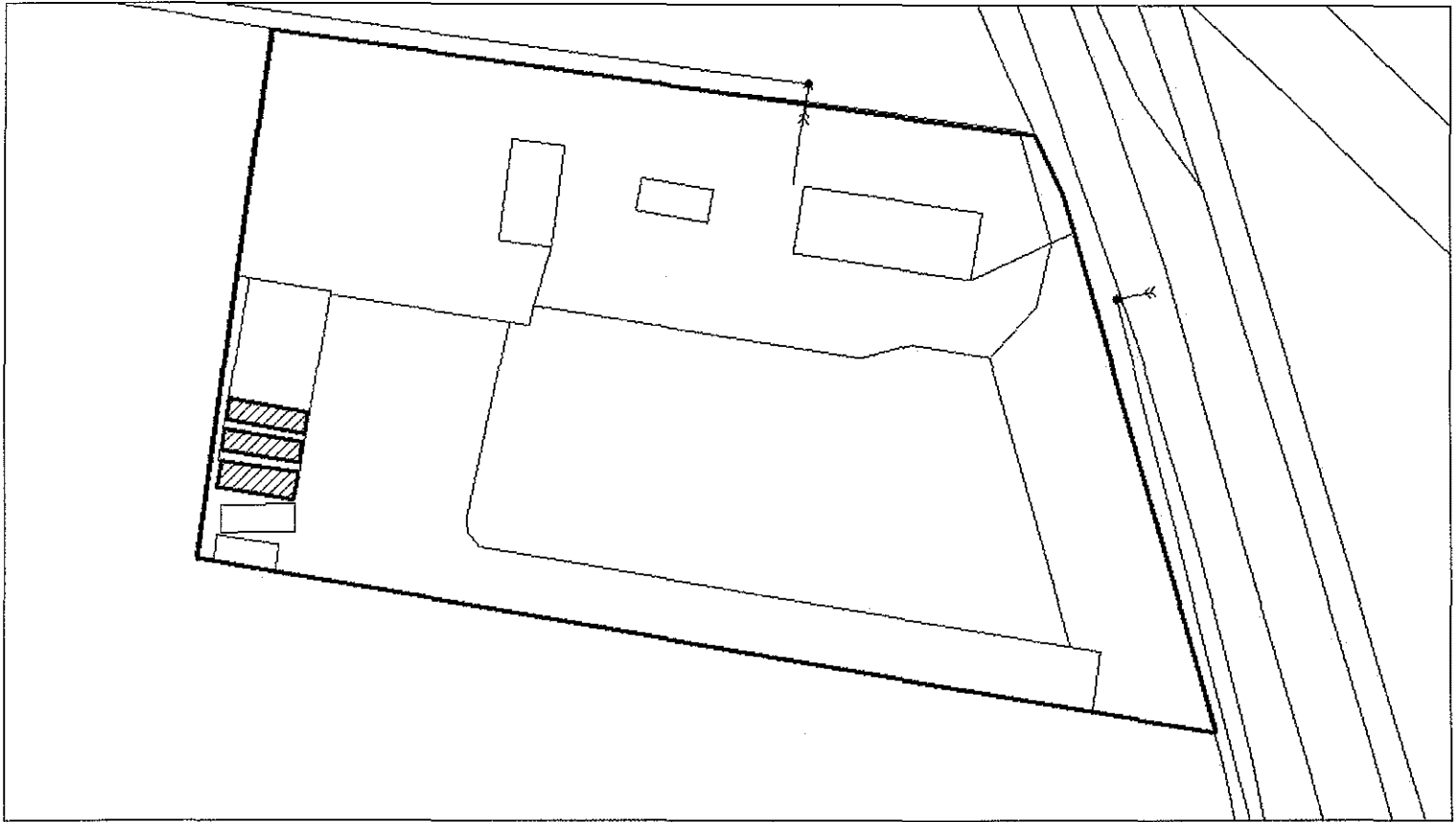
This Notice takes effect on 29 August 2011, unless an appeal is made against it beforehand

Dated: 25 July 2011

Signed:

A handwritten signature in black ink, appearing to read 'W. H. G. G. G.', written in a cursive style.

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



Small Acres, Folkes Lane, Upminster. RM14 1TH



Map Reference: TQ5789SE  
Date: 07/07/2011

Scale @ A4  
1:500

Scale  
0 4 8 12 16 20 m



London Borough of Havering  
Town Hall, Main Road  
Romford, RM1 3BD  
Tel: 01709 434343



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## **YOUR RIGHT OF APPEAL**

You can appeal against this Enforcement Notice to the Secretary of State by 29 August 2011. 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 29 August 2011 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 29 August 2011.

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 £340.00. 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 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. Mr S Lockhart of 'Small Acres' Folkes Lane Upminster, Essex RM14 1TH.