

RE: TIMBUK2. FOLKES FARM. FOLKES LANE. UPMINSTER. 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 B

TO:

1. The Owner of the said land
2. The Occupier of the said land
3. The Company Secretary
Timbuk2 Limited
Finance House
77 Queens Road
Buckhurst Hill, Essex IG9 5BW
4. The Company Secretary
Glenroy Estates
Unit 14 Grosvenor Way
London E5 9ND
5. The Company Secretary
Nationwide Building Society of Property Finance
Kings Park Road
Moluton Park
Northampton NN3 6NW

ISSUED BY: London Borough of Havering

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 Folkes Farm, Folkes Lane, Upminster shown hatched Black on the attached plan.

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

Without planning permission, the change of use of the land for the purposes as an extension to an existing car park.

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 change of use of the land for car parking was substantially commenced less than ten years ago. The site lies within the Metropolitan Green Belt. The unauthorised use is inappropriate in principle in terms of Green Belt policy guidance in PPG2 and is also harmful to the function, character appearance and openness of the Green Belt, and therefore contrary to development plan policies and harmful to the visual amenities of the area. The Council do not consider that planning permission should be given, because planning conditions could not overcome this harm.

In making its decision to issue this Notice the Council considered that the unauthorised use is contrary to the following policies of the Local Development Framework: policies DC61, DC45 and PPG2 policy guidance.

5. WHAT YOU ARE REQUIRED TO DO

- (i) Cease using the Land for the unauthorised use of car parking.

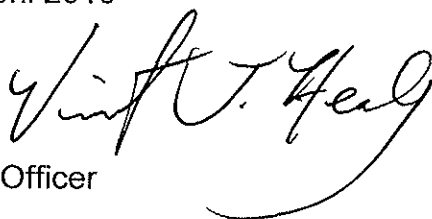
Time for compliance: 3 months from the effective date of this notice.

6. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on 16 May 2010, unless an appeal is made against it beforehand

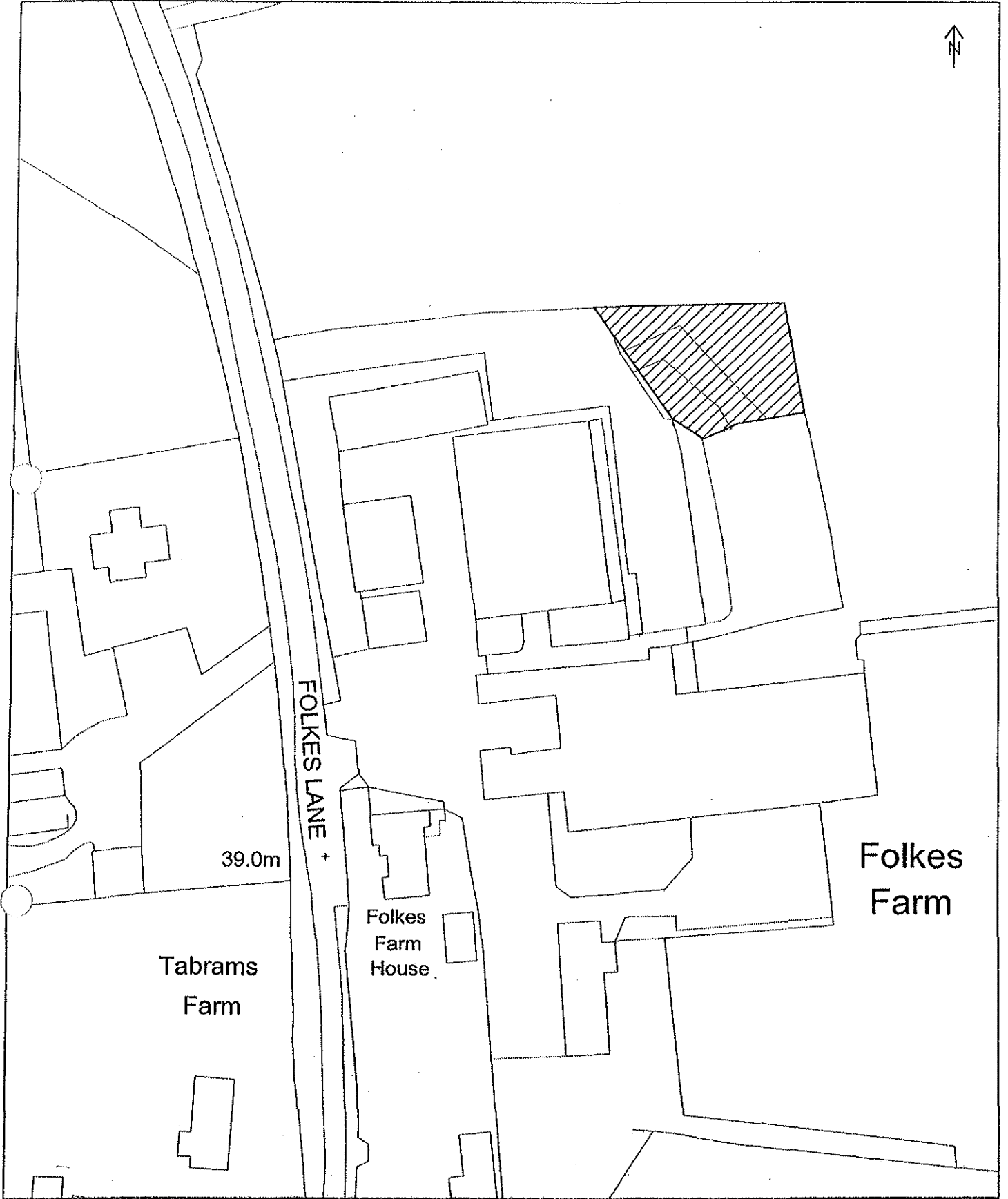
Dated: 1 April 2010

Signed:



Authorised Officer

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



Car Park Timbuk2 Folkes Farm. Folkes Lane Upminster

Scale
0 10 20 30 40 50 m



Havering
LONDON BOROUGH



Scale @ A4 1:1000

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

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YOUR RIGHT OF APPEAL

You can appeal against this Enforcement Notice to the Secretary of State by the 16 May 2010. 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 16 May 2010 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 16 May 2010.

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 wish to appeal on ground (a) - that planning permission should be granted for the unauthorised use - then a fee of £335.00 is payable both to the Secretary of State and to the Council, making the total fees payable £670.00. 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, 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. The Company Secretary
Timbuk2 Limited
Finance House
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Buckhurst Hill, Essex IG9 5BW
4. The Company Secretary
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