

**RE: LODGE FARM (ALSO KNOWN AS CHAPMANS FARM)
PARK FARM ROAD, UPMINSTER**

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 Raymond Chapman
Lodge Farm
Park Farm Road
Upminster
 4. The Chief Executive
Essex County Council
County Hall
Chelmsford
Essex

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 building (shown shaded grey) and the land (shown hatched in black) at Lodge Farm, Park Farm Road Upminster ("the Land") on the attached plan.

3. THE BREACH OF PLANNING CONTROL ALLEGED

A change of use of the Land from agricultural use to retail (Class A1) use, without planning permission.

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 is located within the Metropolitan Green Belt. The Land is being used for retail (class A1) purposes. Use of the Land for retail (Class A1) purposes, other than where the use is ancillary to the agricultural use of the Land for storage and associated sale of farm produce, is inappropriate within the Metropolitan Green Belt.

Use of the Land for retail (class A1) activities gives rise to an increase in traffic movements to and from the Land, creating concerns for highway safety.

The visual amenity of the Land is also decreased because of the utilisation of external storage, erection of advertisements, and additional customer parking and delivery areas.

The Council do not consider that planning permission should be given, because planning conditions cannot overcome the problems of increased visual intrusion and traffic movements to and from on the Land.

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 and DC45. PPG2 is also relevant.

5. WHAT YOU ARE REQUIRED TO DO

- (i) Cease using the Land for retail (class A1) purposes.

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

- (ii) Restore the use of the Land to a use consistent with agricultural purposes, including the sale of goods only produced or grown on the Land.

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

- (iii) Remove all advertising signs, machinery, chilled cabinets and storage cabinets installed on the Land for use in connection with retail (Use Class A1).

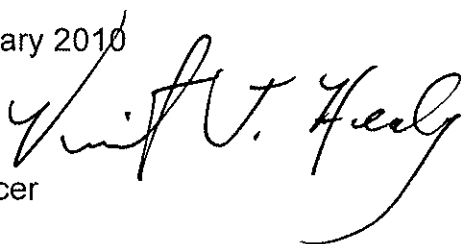
Time for compliance: 3 months from the effective date of this notice.

6. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on 3 March 2010, unless an appeal is made against it beforehand.

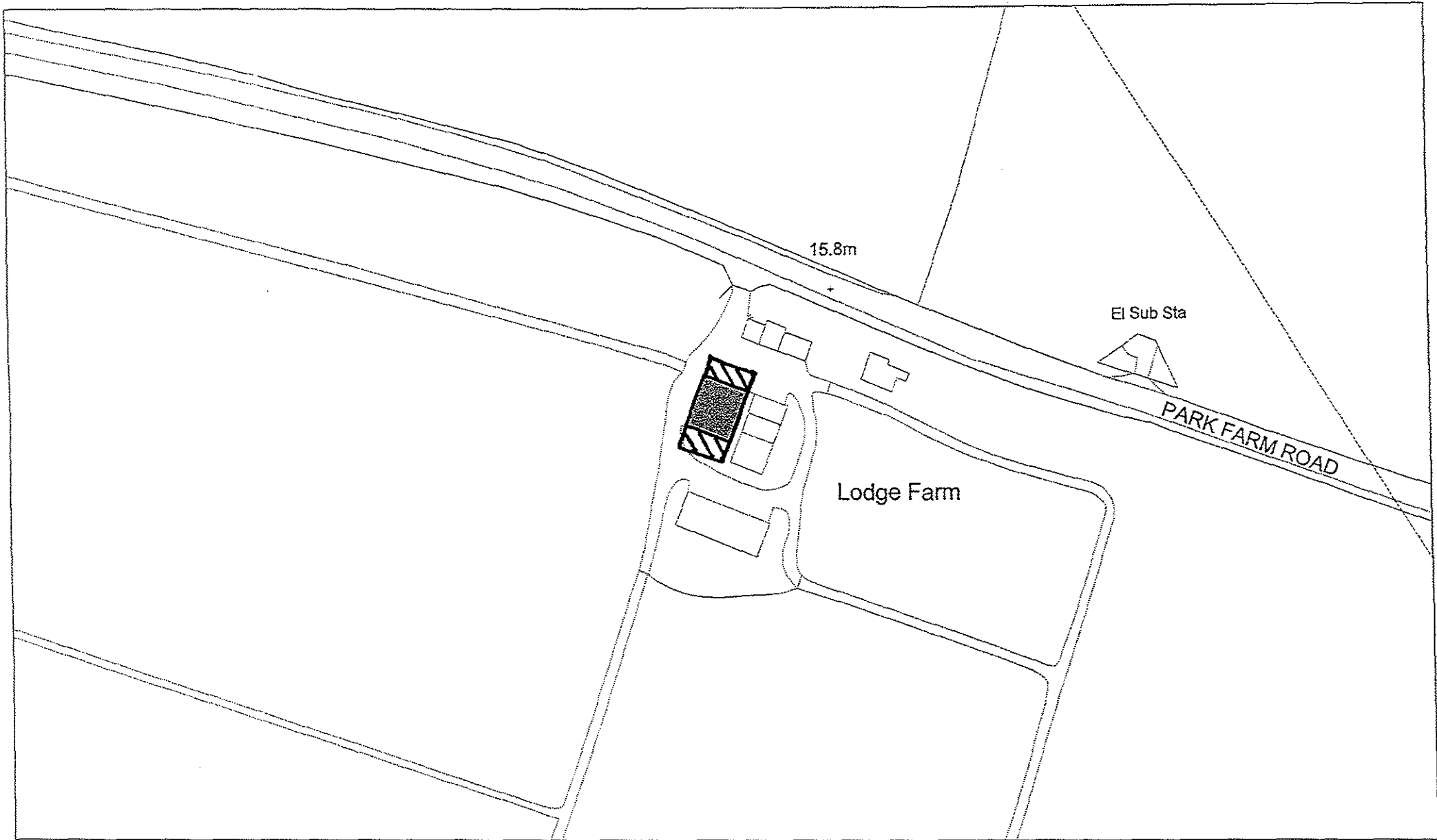
Dated: 20 January 2010

Signed:



Authorised Officer

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

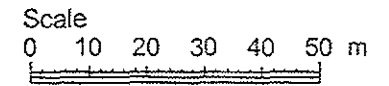


Lodge (Chapmans) Farm. Park Farm Road.



Map Reference: TQ5584NW
Date: 09/10/2009

Scale @ A4
1:1250



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 3 March 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 3 March 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 3 March 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.

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, or 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 the 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 use - then a fee of £335 is payable both to the Secretary of State and to the Council, making the total fees payable £670. 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, 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. Mr Raymond Chapman
Lodge Farm
Park Farm Road
Upminster
4. The Chief Executive
Essex County Council
County Hall
Chelmsford
Essex