

## **ENFORCEMENT NOTICE**

**RE: MAGNOLIA HOUSE, THE CHASE, UPMINSTER RM14 3YB**

**IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY**

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

### **Notice B**

## **ENFORCEMENT NOTICE**

**ISSUED BY:** London Borough of Havering (herein after referred to as “the Council”)

1. **THIS IS A FORMAL NOTICE** which is issued by the Council because it appears to the Council that there have been breaches 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. The Explanatory Notes at the end of this Notice and the Enclosures referred to therein contain important additional information.

2. **THE LAND AFFECTED**

The site is a rectangular plot located on the western side of The Chase, Upminster on the land known as Magnolia House shown edged in black in the attached plan. The Land Registry Title Number is BGL 102779. To the east of the property is open Green Belt Land. The property is within the land designated as part of the Metropolitan Green Belt and also part of the Cranham Conservation Area.

The site has gated access from The Chase, Upminster and comprises a detached dwellinghouse within a rectangular plot of land measuring approximately 96m deep by 30m wide.

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

Without the benefit of planning permission the inclusion of part of the meadow land shown in blue on the attached map on the western boundary of the property to residential use within the curtilage of the house.

4. **REASONS FOR ISSUING THIS NOTICE**

- (1) It appears to the Council that the above breaches of planning control have occurred within the last TEN years in relation to the unauthorised uses of the land and within FOUR years in respect of development in the land that had to be retained as a meadow that steps should be taken to remedy the breaches in accordance with the purposes stipulated in Section 173 (4) (a) of the above Act.

(2) The development is therefore considered to be contrary to adopted policies and has a harmful impact on Metropolitan Green Belt and Cranham Conservation Area. The development does not fall within any of the exceptions set out in the paragraphs 133,143 and 144 of the NPPF and the Council consider that the use of the Land around the buildings is unacceptable in principle and does not fall within the exemptions in paragraph 143 of the NPPF and contravenes Policy 7.16 of the London Plan and Policies DC45, DC61 and DC68 of the LDF Core Strategy. The breaches of planning control are therefore inappropriate development and in conflict with the LDF, London Plan and the NPPF.

In summary both the development and the use do not preserve the openness of the Green Belt and conflict with the purposes of including land in the Green Belt.

The Council does not consider that planning permission should be granted because conditions attached to any consent would not overcome these problems.

**5. WHAT YOU ARE REQUIRED TO DO**

The Enforcement Notice to require, within **THREE MONTHS**:

- i. Cease the residential use of the land shown in blue in the attached plan; and
- ii. Remove / demolish the outbuilding on the western boundary shown hatched in black on the attached plan;
- iii. Remove all garden furniture and all other items from the area shown in blue on the attached plan;
- iv. Remove the wooden fences on the western and northern boundaries; and
- v. Remove from the land all debris, rubble and other materials accumulated as a result of taking the above steps.

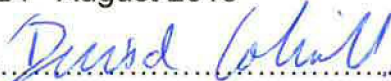
**6. TIME FOR COMPLIANCE**

**THREE MONTHS** after the date when this Notice takes effect.

**7. WHEN THIS NOTICE TAKES EFFECT**

This Notice will take effect on 5<sup>th</sup> October 2018, unless an appeal is made against it beforehand.

Dated: 24<sup>th</sup> August 2018

Signed: 

Name: David Colwill

Team Leader, Planning Enforcement and Appeals

on behalf of London Borough of Havering

5<sup>th</sup> Floor, Mercury House, Mercury Gardens, Romford RM1 3SL

Nominated Officer: Onkar Bhogal

Telephone Number: 01708 43158

Email: Onkar.Bhogal@haverling.gov.uk

## **YOUR RIGHT OF APPEAL**

You can appeal against this Enforcement Notice to the Secretary of State before **5<sup>th</sup> October 2018**. 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 **5<sup>th</sup> October 2018** 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 this 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 **5<sup>th</sup> October 2018**.

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.

### **GROUNDS 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 **£912** is payable to the Council. 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:

Mr Frank Nash  
Magnolia House  
The Chase  
Upminster RM14 3YB

Mrs Josephine Nash  
Magnolia House  
The Chase  
Upminster RM14 3YB

The Owners / Occupiers  
Magnolia House  
The Chase  
Upminster RM14 3YB

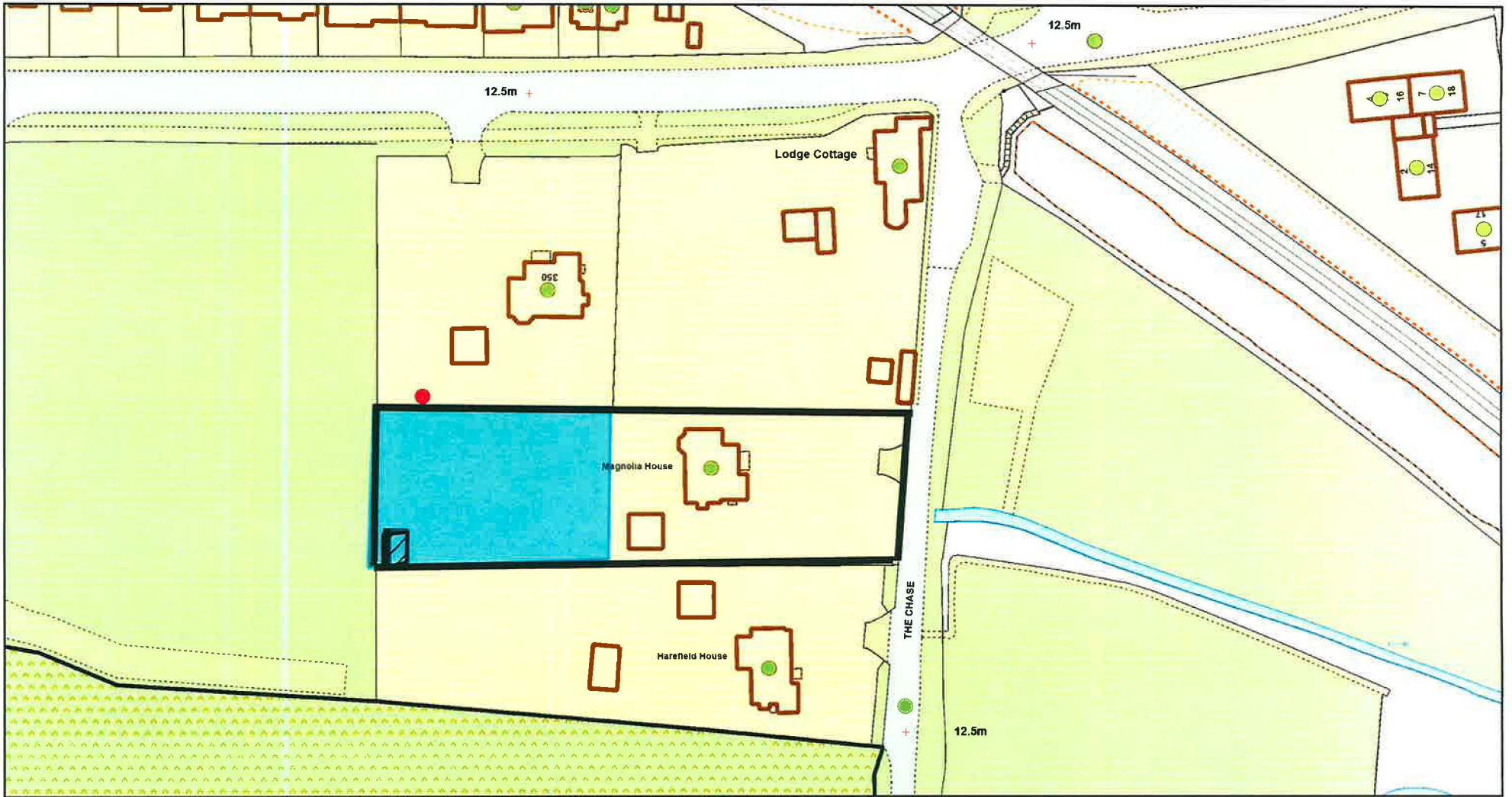
Holly Meadows Limited  
(incorporated in Isle of Man)  
Grosvenor House  
66-67 Athol Street  
Douglas Isle of Man IM1 1JE



Landcourt Limited  
8th Floor  
167 Fleet Street  
London, EC4A 2EA

Kevin Patrick O'Sullivan  
Purgess Lodge  
Chivers Road  
Stondon Massey Brentwood Essex CM15 0LL

Eileen O'Sullivan  
82 Hoe Lane  
Abridge  
Romford RM4 1AU

P O'Sullivan  
11 Cloudesley Square  
London N1 0HT



<p><b>Magnolia House</b></p>	<p style="text-align: right;">N ↑</p>
<p>  </p>	<p> <b>Scale: 1:1000</b>  <b>Date: 06 August 2018</b>  <b>Size: A4</b> </p> 

CST Room 3/13  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol BS1 6PN

Direct Line 0303-444 5000  
Email [enquiries@pins.gsi.gov.uk](mailto:enquiries@pins.gsi.gov.uk)

## THIS IS IMPORTANT

If you want to appeal against this enforcement notice you can do it:-

- on-line at the Appeals Casework Portal <https://acp.planninginspectorate.gov.uk/> or
- sending us enforcement appeal forms, which can be obtained by contacting us on the details above.

**You MUST make sure that we receive your appeal before the effective date on the enforcement notice.**

Please read the appeal guidance documents at <https://www.gov.uk/appeal-enforcement-notice/how-to-appeal>

In exceptional circumstances you may give notice of appeal by fax or letter. You should include:-

- the name of the local planning authority;
- the site address;
- the effective date of the enforcement notice.

We MUST receive this BEFORE the effective date on the enforcement notice. This should **immediately** be followed by your completed appeal forms.