

B

RE: Land adjacent to Cedar lodge, Pinewood Road, Havering-atte-Bower

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 G Tamplin, Cedar Lodge, Pinewood Road, Havering-atte -Bower

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 adjacent to Cedar Lodge, Pinewood Road Havering-atte-Bower shown hatched black on the attached plan 'A' ("the Land")

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

Without planning permission, the construction on the Land of:

- (i) a hardstanding/tennis court with perimeter fencing shown single hatched black on attached plan 'B'
- (ii) an area of decking shown cross hatched black on attached plan 'B'
- (iii) a pond including engineering works and earth works shown vertically hatched on attached plan 'B'

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 works in question were substantially completed less than four years ago. The site lies within the approved Green Belt where, with certain exceptions which do not apply in this case, there is a strong presumption against any development. The works appear as an intrusion in this otherwise mainly open rural landscape. They 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 these problems.

In making its decision to issue this Notice the Council considered that the unauthorised use is contrary to the following policies of the Havering Unitary Development Plan : policies GRB2, GRB6, GRB15 and ENV1

5. WHAT YOU ARE REQUIRED TO DO

- (i) Remove the hardstanding/tennis court including associated perimeter fencing from the Land
Time for compliance: Three months from the effective date of this notice.
- (ii) Remove the area of decking from the Land
Time for compliance: Three months from the effective date of this notice.
- (iii) Remove the pond including associated engineering works and earth works from the Land
Time for compliance: Three months from the effective date of this notice
- (iv) Remove from the Land all building materials and rubble arising from compliance with requirements (i) to (iii) above
Time for compliance: Three months from the effective date of this notice
- (v) Return the Land to its former vegetated rural appearance, condition and levels as it existed in October 2001 before the breach occurred by:
 - (a) reinstatement of the earth moved/removed from the pond excavation and the hardstanding/tennis court site
 - (b) reinstatement of the boundary between the original garden of Cedar Lodge and the LandTime for compliance: Three months from the effective date of this notice

6. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on 28th February 2004, unless an appeal is made against it beforehand

Dated: 16th January 2004

Signed:



Authorised Officer

on behalf of 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 the 28th February 2004. 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 28th February 2004 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.



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'A'

DATE: 24/09/2002



MAP REFERENCE: TQ5092NE

Drawing No.

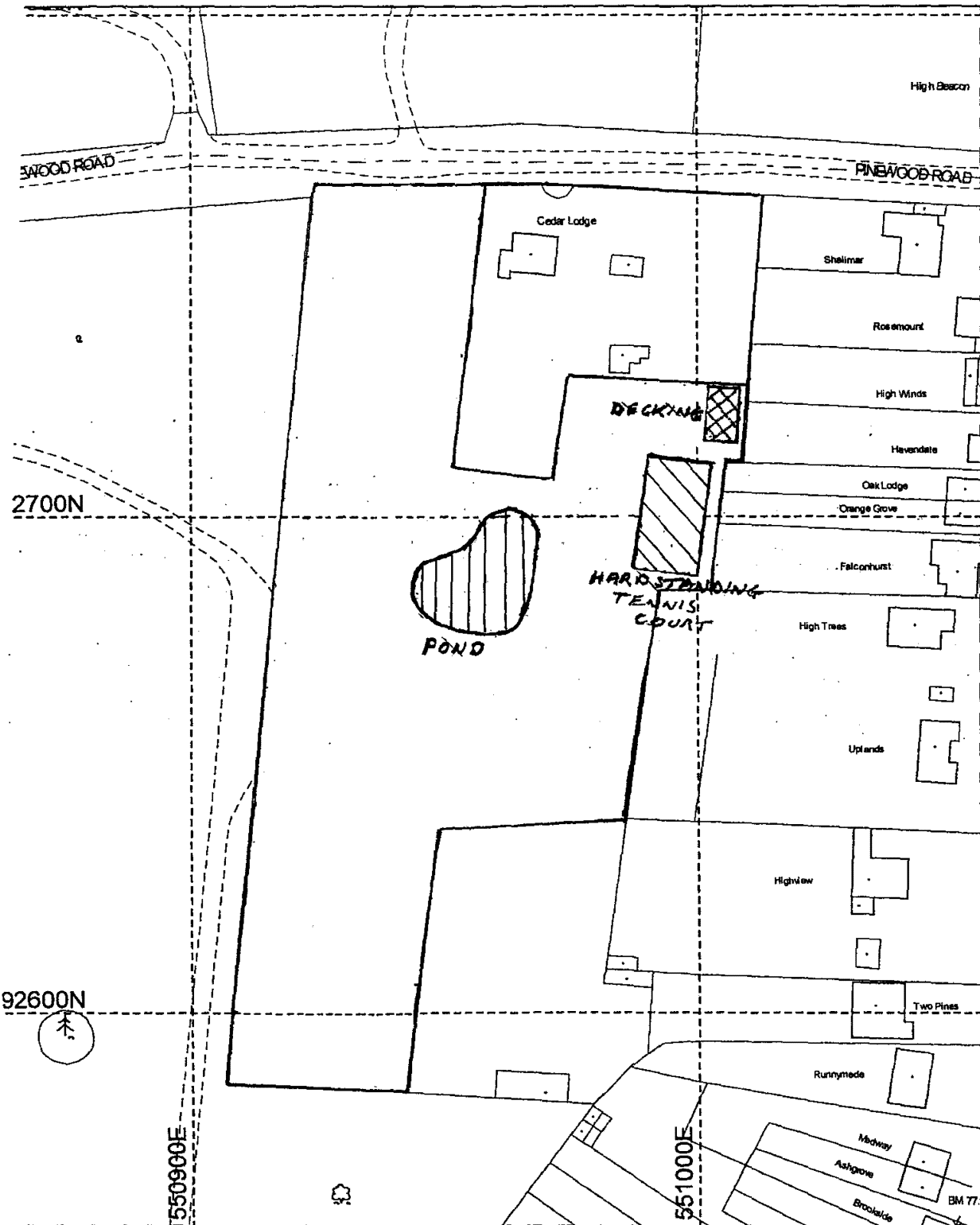
SCALE: 1:1000



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(B)

DATE: 24/09/2002



AP REFERENCE: TQ5092NE

Drawing No.

SCALE: 1:1000

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 28th February 20034. The enclosed booklet "Enforcement Appeals - A guide to Procedure" sets out your rights. Read it carefully. If you appeal you should use the enclosed appeal forms. Two copies are for you to send to the Secretary of State if you decide to appeal. The other is for you to keep as a duplicate for your own records. You should also send the Secretary of State a copy of the Enforcement Notice.

GROUND OF APPEAL

The grounds of appeal are set out in Section 174 of the Town and Country Planning Act 1990 and are also set out on pages 2 - 5 the enclosed appeal forms.

PLANNING APPLICATION FEE

Should wish to appeal on ground (a) - that planning permission should be granted for the unauthorised development - then a fee of £1100 is payable both to the Secretary of State and 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 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
2. The Occupier of the said land
3. Mr G Tamplin, Cedar Lodge, Pinewood Road, Havering-atte -Bower

A

RE: Land adjacent to Cedar lodge, Pinewood Road, Havering-atte-Bower

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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 adjacent to Cedar Lodge, Pinewood Road Havering-atte-Bower shown hatched black on the attached plan ("the Land").

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

Without planning permission a material change of use of the Land to residential garden use by its incorporation into the garden of Cedar Lodge

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 unauthorised use is not recognised as appropriate for the Green Belt. It is therefore harmful to the function, character and appearance of the Green Belt and is harmful to the visual qualities of the surrounding area. The Council do not consider that planning permission should be given, because planning conditions could not overcome these problems.

In making its decision to issue this Notice the Council considered that the unauthorised use is contrary to the following policies of the Havering Unitary Development Plan: policies GRB2, GRB6 and GRB15

5. WHAT YOU ARE REQUIRED TO DO

- (i) Stop using the land for a residential garden

Time for compliance: One month from the effective date of this notice.

- (ii) Remove from the land all machinery and installations brought onto the land in connection with the unauthorised use

Time for compliance: One month from the effective date of this notice

6. WHEN THIS NOTICE TAKES EFFECT

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Dated: 16th January 2004

Signed:



Authorised Officer

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

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DATE: 24/09/2002



MAP REFERENCE: TQ5092NE

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GROUND OF APPEAL

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PLANNING APPLICATION FEE

Should wish to appeal on ground (a) - that planning permission should be granted for the unauthorised use - then a fee of £220 is payable both to the Secretary of State and 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 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.

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