

LAND KNOWN AS PLOTS 'B', 'C', 'D' AND 'E' AT MARICOTTS EQUESTRIAN CENTRE, BENSKINS LANE, NOAK HILL, ROMFORD RM4 1LB

IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

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

ENFORCEMENT REFERENCE: ENF/669/17

ENFORCEMENT NOTICE 3 (PLOT D)

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 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 known as **Plot 'D' at Maricotts Equestrian Centre, Benskins Lane, Noak Hill, Romford RM4 1LB** shown edged in black on the attached plan and is registered under Land Registry Title Number is BGL407042.

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

Without the benefit of planning permission:

- i. Within the last 10 years, the unauthorised material change of use of the land shown edged in black on the attached site plan as Plot 'D' to a sui generis use comprising the storage of HGV motor vehicles, storage of heavy duty machinery, storage of porta cabins used for office use and the storage of car parts; AND
- ii. Within the last 4 years, unauthorised development by the erection of 2 metre high metal palisade fencing, the creation of hard surfacing and the siting of metal containers.

4. **REASONS FOR ISSUING THIS NOTICE**

(1) It appears to the Council that the above breaches of planning control relating material changes of use of the land have occurred within the last TEN years; and

Development breaches of planning control relating to the erection of palisade fencing, the creation of hard surfacing and the siting of metal containers took place within the last FOUR years.

- (2) The land is located in the Metropolitan Green Belt. The unauthorised changes of use to sui generis uses including storage of HGV motor vehicles, storage of porta cabins for office use and storage of heavy machinery and car parts have had a significant impact on the openness of the Green Belt. The alleged breaches of planning control are materially harmful to the visual amenity and open character of the surrounding area. The changes of use and unlawful development in the form of the erection of metal palisade fencing, the creation of hard surfacing and siting of metal containers in the open yard represents inappropriate development in the Green Belt and fails to preserve the openness of the Green Belt and conflicts with the purposes of including land in the Green Belt.
- (3) In making its decision to issue these Notices, the Council contends that the unauthorised uses and developments are contrary to the provisions of the National Planning Policy Framework (NPPF 2019), The Core Strategy and Development Control Policies Development Plan Document CP14, (Green Belt), DC45 (Green Belt), and DC61 (Urban Design) as well as being contrary to London Plan Policies 7.16 (Green Belt), 7.4 (Local Character).
- (4) The Council does not consider that planning permission should be granted because conditions attached to any consent would not overcome the planning issues raised in the reasons for issuing the notice.

5. WHAT YOU ARE REQUIRED TO DO

The Enforcement Notice requires, within **TWO MONTHS** of the effective date of the Notice to:

- i. Cease the use of the land shown as Plot D on the attached plan edged in black from a sui generis use for storage of HGV and motor vehicles, storage of heavy duty machinery, storage of porta cabins used as offices and storage of car parts in the open yard; AND
- ii. Remove all metal palisade fencing; AND
- iii. Remove all HGV and motor vehicles, spare parts, industrial machinery and other equipment associated with motor trade business; AND
- iv. Remove all porta cabins and metal containers; AND
- v. Remove all hard surfacing; AND
- vi. Remove from the site all building materials and debris associated with carrying out the above steps.

6. TIME FOR COMPLIANCE

TWO MONTHS after the date when this Notice takes effect.

7. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on **20th April 2020**, unless an appeal is made against it beforehand.

Dated: 16th March 2020

Signed: .....

David Colwill
Team Leader, Planning Enforcement
on behalf of London Borough of Havering
5th Floor, Mercury House, Mercury Gardens, Romford RM1 3SL

Nominated Officer: Onkar Bhogal
Email: Onkar.Bhogal@haverling.gov.uk

Telephone Number: 01708 431587

THE RIGHT TO APPEAL

Those with a legal or equitable interest in the land of who is a relevant occupier can appeal against this Enforcement Notice to the Secretary of State before the **20th April 2020**.

WHAT HAPPENS IF AN APPEAL IS NOT RECEIVED

If an appeal is not against this Enforcement Notice, it will take effect on **20th April 2020** 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) can be viewed online at <https://www.legislation.gov.uk/ukpga/1990/8/contents>

THE RIGHT TO APPEAL

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 **20th April 2020**.

If an appeal against this Notice is intended, the instructions given on the information sheet from the Planning Inspectorate which accompanies this Notice should be followed.

GROUNDINGS OF APPEAL

The grounds of appeal are set out in Section 174 of the Town and Country Planning Act 1990 (as amended) and an appeal may be made 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 an appeal on ground (a) - that planning permission should be granted for the unauthorised development be sought - then a fee of **£924** is payable to the Council when the appeal is lodged. If this fee is not paid, the planning merits of the appeal will not be considered by the Planning Inspector.

STATEMENT ON GROUNDS OF APPEAL

The grounds of appeal must be submitted 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 the appeal against the Enforcement Notice is to be made and stating briefly the facts on which it is proposed 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:

Dulcie Chambers
Oakhurst Farm
Coxtie Green Road
Pilgrims Hatch, Brentwood, Essex CM14 5RP

Jacqueline Wolstenholme
Residential House fronting Benskins Lane
Maricotts Equestrian Centre, Benskins Lane, Noak Hill, Romford RM4 1LB

Susan and L Daniels
Residential House fronting Benskins Lane
Maricotts Equestrian Centre, Benskins Lane, Noak Hill, Romford RM4 1LB

Theresa Ann Englefield
Residential House fronting Benskins Lane
Maricotts Equestrian Centre, Benskins Lane, Noak Hill, Romford RM4 1LB

V. Irion
Residential House fronting Benskins Lane
Maricotts Equestrian Centre, Benskins Lane, Noak Hill, Romford RM4 1LB

The Occupiers
Residential House fronting Benskins Lane
Maricotts Equestrian Centre, Benskins Lane, Noak Hill, Romford RM4 1LB

Ms Barbara Thompson
Flat 1
Maricotts Equestrian Centre, Benskins Lane, Noak Hill, Romford RM4 1LB

Occupiers
Flat 1
Maricotts Equestrian Centre, Benskins Lane, Noak Hill, Romford RM4 1LB

Ms Kerry Morgan
Mobile Home 1
Maricotts Equestrian Centre, Benskins Lane, Noak Hill, Romford RM4 1LB

Occupiers
Mobile Home 1
Maricotts Equestrian Centre, Benskins Lane, Noak Hill, Romford RM4 1LB

Jason Thompson
Mobile Home 2
Maricotts Equestrian Centre, Benskins Lane, Noak Hill, Romford RM4 1LB

Occupiers
Mobile Home 2
Maricotts Equestrian Centre, Benskins Lane, Noak Hill, Romford RM4 1LB

Deane Downs
Mobile Home 3
Maricotts Equestrian Centre, Benskins Lane, Noak Hill, Romford RM4 1LB

Occupiers
Mobile Home 3
Maricotts Equestrian Centre, Benskins Lane, Noak Hill, Romford RM4 1LB

The Directors
Wasteman Limited
Maricotts Equestrian Centre, Benskins Lane, Noak Hill, Romford RM4 1LB

The Owners
Maricotts Equestrian Centre, Benskins Lane, Noak Hill, Romford RM4 1LB

The Occupiers
Maricotts Equestrian Centre, Benskins Lane, Noak Hill, Romford RM4 1LB

Bush Hammering Company
Warehouse 6
Maricotts Equestrian Centre, Benskins Lane, Noak Hill, Romford RM4 1LB

ATS Coaches
Maricotts Equestrian Centre, Benskins Lane, Noak Hill, Romford RM4 1LB

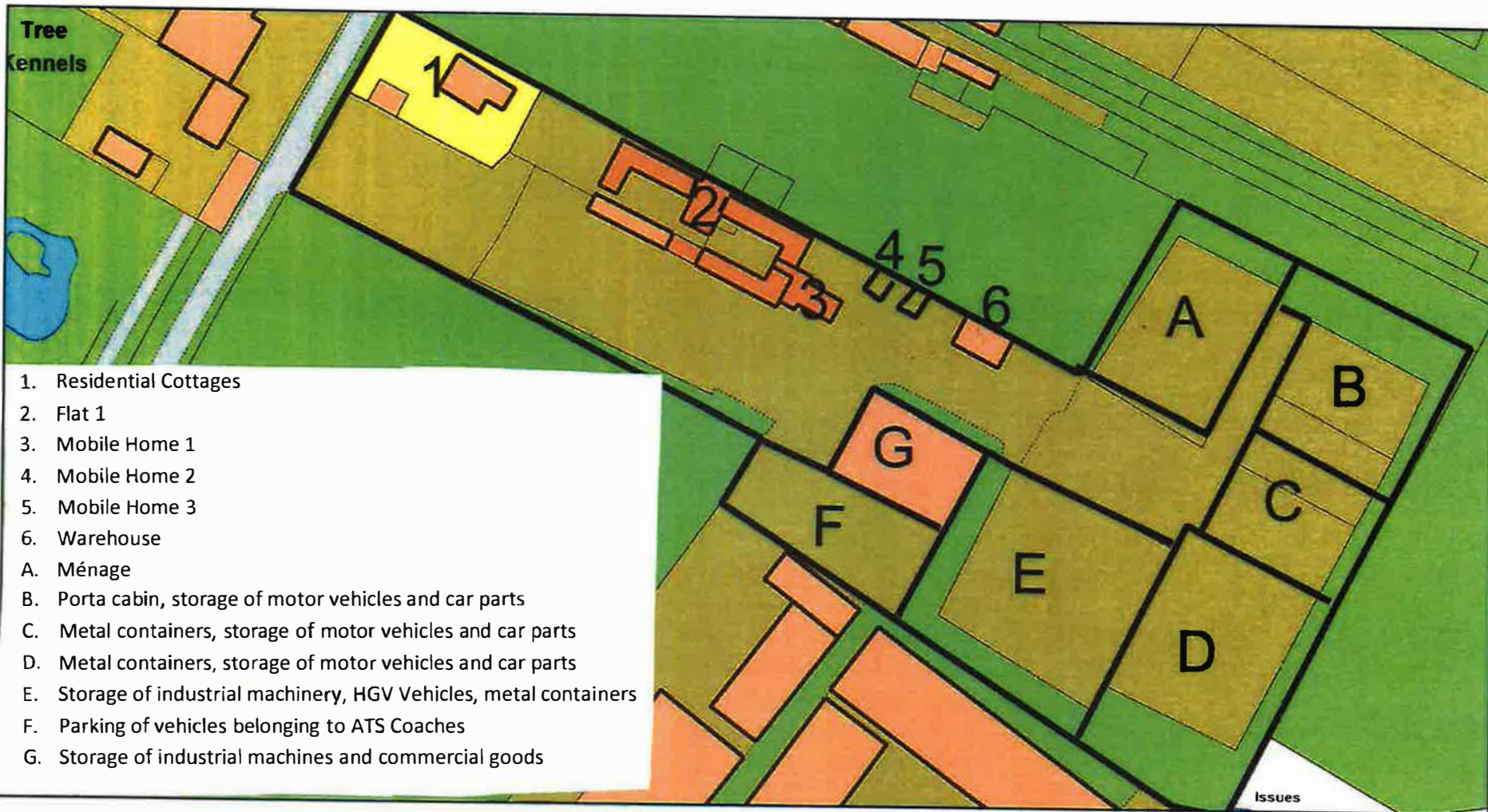
The Occupiers of Warehouse adjacent to ATS Coaches
Maricotts Equestrian Centre, Benskins Lane, Noak Hill, Romford RM4 1LB

The Occupiers
Plot B
Maricotts Equestrian Centre, Benskins Lane, Noak Hill, Romford RM4 1LB

The Occupiers
Plot C
Maricotts Equestrian Centre, Benskins Lane, Noak Hill, Romford RM4 1LB


The Occupiers
Plot D
Maricotts Equestrian Centre, Benskins Lane, Noak Hill, Romford RM4 1LB

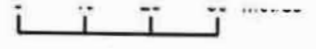
The Occupiers
Plot E
Maricotts Equestrian Centre, Benskins Lane, Noak Hill, Romford RM4 1LB



1. Residential Cottages
2. Flat 1
3. Mobile Home 1
4. Mobile Home 2
5. Mobile Home 3
6. Warehouse
- A. Ménage
- B. Porta cabin, storage of motor vehicles and car parts
- C. Metal containers, storage of motor vehicles and car parts
- D. Metal containers, storage of motor vehicles and car parts
- E. Storage of industrial machinery, HGV Vehicles, metal containers
- F. Parking of vehicles belonging to ATS Coaches
- G. Storage of industrial machines and commercial goods

MARRICOTTS N
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Scale: 1:1250
Date: 11 March 2020
Size: A4


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

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.