

**LAND KNOWN AS NEW ACRES, WEST SIDE OF 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/457/20

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 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 **NEW ACRES, WEST SIDE OF BENSKINS LANE, NOAK HILL, ROMFORD, RM4 1LB**, shown cross-hatched in black on the attached plan and is registered under Land Registry Title Number BGL154957.

3. THE BREACHES OF PLANNING CONTROL ALLEGED

1. Without planning permission, the material change of use of the land to residential use as a travellers’ site;

AND

2. Associated unauthorised operational development on the land, namely laying hard surfaces, erecting timber fencing, siting waste facilities and subdividing the land into 10 distinct plots.

4. REASONS FOR ISSUING THIS NOTICE

1. It appears to the Council that the above breaches of planning control have occurred within the last FOUR years in respect of the operational development and within the last TEN years in respect of the material change of use of the land and that steps should be taken to remedy the breaches pursuant to Section 173 4(a) of the above Act and to remedy any injury to amenity which has been caused by the breaches pursuant to section 173(4)(b) of the Act.

2. The land lies within the Metropolitan Green Belt and the operational development constitutes inappropriate development, which is by definition harmful. It has harmful impacts upon the openness of the green belt due to the erection of significant built structures including utility/day rooms, boundary fencing, hard surfaces as well as the stationing of mobile homes, touring caravans and other vehicles on the land reduces the openness of the land to a significant extent. Furthermore as the land encroaches into the countryside the development is also contrary to one of the five purposes of including land within the Green Belt contrary to Policy DC45 of the Core Strategy and Development Control Policies Development Plan Document 2008 and the National Planning Policy Framework 2019 and the Planning Policy for Traveller Sites 2015.
3. The proposed development, by reason of the hard surfaces covering the land, the erection of boundary fences around and within the land, the siting of mobile homes and caravans, together with the paraphernalia associated with a travellers' site has the effect of devastating the verdant character of the area, and is considered to be harmful to the character and appearance of the area, contrary to Policies DC61 and DC69 of the Core Strategy and Development Control Policies Development Plan Document 2008, which seeks developments that of a high standard of design and which maintain, enhance or improve the character and appearance of the designated Havering Ridge area.
4. The change of use and operational development are considered to significantly adversely affect and damage the biodiversity of the habitat of the land and it is considered that retention of the land for residential use as a travellers' site would have a significant harmful impact upon the ecological and biodiversity of the land. In these respects the change of use is contrary to Policies CP16 and DC58 of the London Borough of Havering Core Strategy 2008, Policy 7.19 of the London Plan 2016 and the advice in National Planning Policy Framework 2019, which seek minimising impacts on and providing net gains for biodiversity.
5. The use as a travellers' site is also considered to have a harmful effect upon the safe and free flow of traffic and it is considered that by reason of the lack of pedestrian visibility splays and the siting of the fencing it impedes the vehicular and pedestrian entry to and egress from the land and is harmful to highway and pedestrian safety contrary to Policies DC8, and DC36 of the Core Strategy and Development Control Policies Development Plan Document 2008 and the guidance contained in the National Planning Policy Framework 2019.
6. The use as a travellers' site is also considered to have a harmful impact on overland run off from surface water and thereby increase the flood risk within and adjacent to the site. As a result the use does not comply with Policies CP15, DC8 and DC51 of the adopted the Core Strategy and Development Control Policies Development Plan Document 2008, policy 5.13 of London plan and the advice given in the NPPF 2019.
7. There are no very special circumstances which outweigh the harm in principle to the Green Belt, notwithstanding other harm including the personal circumstances of the occupiers of the site, the position with unmet demand for traveller sites in the current adopted plan and the claim that the site is within a sustainable

location, such that the use as a travellers' site is contrary to Policies DC8 and DC45 of the Core Strategy and relevant Policy in the NPPF 2019 and PPTS.

8. The land is not considered by the Council to be in a sustainable location due to the distance from the nearest shops and services, the absence of nearby public transport and in particular an unsuitable access road which is both narrow, lacks any pedestrian walkway and is in poor condition. The site would lead to a significant increase in vehicle movements from both the arrival/departure of caravans, commercial and private vehicles to reach shops, services and local schools. The use therefore does not represent sustainable development and would therefore not comply with Policies CP9 of the Core Strategy and section 10, 'Meeting the Challenge of Climate Change' of the National Planning Policy Framework (NPPF).
9. The Council does not consider that planning permission should be granted because planning conditions attached to any consent would not overcome these problems and because a relevant planning application (reference P1045.20) has already been considered and refused.

5. WHAT YOU ARE REQUIRED TO DO

In the area hatched in black on the attached plan:

Within ONE month of the effective date of the Notice to:

- (i) Cease using the land for residential purposes or as a travellers' site;

AND

- (ii) Remove all mobile homes, static caravans, touring caravans, utility buildings and other residential paraphernalia from the land;

AND within TWO months of the effective date of the Notice to:

- (iii) Remove all fencing from the land;

AND

- (iv) Remove all hard surfacing and aggregates;

AND

- (v) Remove all other debris, rubbish or other materials accumulated as a result of taking steps (i) to (iv) above;

AND

- (vi) Restore the land to its condition which existed before the unauthorised development and change of use were carried out.

6. TIME FOR COMPLIANCE

ONE MONTH for steps (i) and (ii) and **TWO MONTHS** for steps (iii), (iv), (v) and (vi) after the date when this Notice takes effect.

7. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on **21st January 2021**, unless an appeal is made against it beforehand

Dated: **18th December 2020**

Signed: 

DAVID COLWILL

Authorised Officer on behalf of London Borough of Havering, Mercury House, Mercury Gardens, Romford, RM1 3SL

Nominated Officer to contact regarding this Notice: Onkar Bhogal

Telephone Number: 01708 431587 Email: onkar.bhogal@havering.gov.uk

THE RIGHT TO APPEAL

Those with a legal or equitable interest in the land or who is a relevant occupier can appeal against this Enforcement Notice to the Planning Inspectorate acting on behalf of the Secretary of State before **21st January 2021**. Further details are given in the attached explanatory note.

WHAT HAPPENS IF AN APPEAL IS NOT RECEIVED

If an appeal is not received against this Enforcement Notice, it will take effect on **21st January 2021** 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>

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 Planning Inspectorate before **21st January 2021**.

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.

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 you wish to appeal on ground (a) - that planning permission should be granted for the unauthorised development or use, 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.

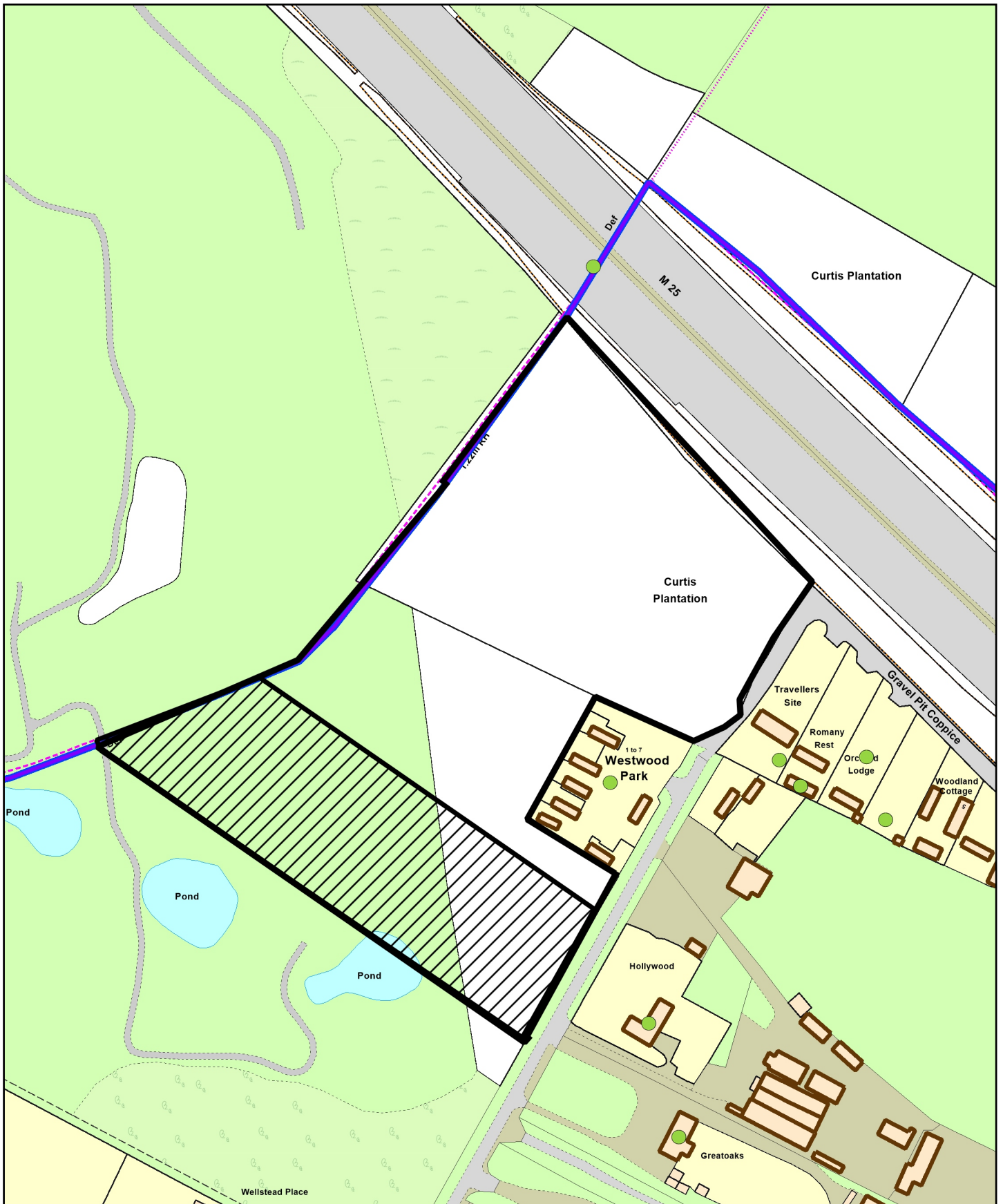
STATEMENT ON GROUNDS OF APPEAL

The grounds of appeal must be submitted to the Planning Inspectorate, either when giving notice of the appeal or within 14 days from the date on which the Planning Inspectorate sends you a notice so requiring, a statement in writing specifying the grounds on which the appeal against the Enforcement Notice is being made 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. Charles Clarke, 1 Coppice Gravel Pit Caravan Site, Woodlands Drive off Benskins Lane, Noak Hill RM4 1LB
2. Charles Clarke, 33a Melbourne Road, East Ham, London E6 2RU
3. John Malachy McDaid, Reg. Office J & J Transport Limited, 11 Haddon Way, Greenford, Middlesex UB6 0DH
4. John Malachy McDaid, J & J Transport Limited, Unit 1 Station Approach, Oldfield Lane North, Greenford Middlesex UB6 0AL
5. Martin and Maleya McDonagh and or Occupiers of Pitch 1 New Acres Caravan Site, Benskins Lane, Noak Hill, RM4 1LB
6. Helen Kiely and Occupiers of Pitch 2 New Acres Caravan Site, Benskins Lane, Noak Hill, RM4 1LB
7. Jimmy O'Brien and Milissa O'Brien and Occupiers of Pitch 3 New Acres Caravan Site, Benskins Lane, Noak Hill, RM4 1LB
8. Thomas O'Sullivan and Michael O'Reilly and Occupiers of Pitch 4 New Acres Caravan Site, Benskins Lane, Noak Hill, RM4 1LB
9. Michael O'Brien and Chloe Dooley and Occupiers of Pitch 5 New Acres Caravan Site, Benskins Lane, Noak Hill, RM4 1LB
10. Michael Delaney and John Delaney and Occupiers of Pitch 6 New Acres Caravan Site, Benskins Lane, Noak Hill, RM4 1LB
11. Philip Khan and Occupiers of Pitch 7 New Acres Caravan Site, Benskins Lane, Noak Hill, RM4 1LB
12. Steven Alexander Gilheney and Steven Patrick Alexander Gilheney and Occupiers of Pitch 8 New Acres Caravan Site, Benskins Lane, Noak Hill, RM4 1LB
13. Peter Gilheney and Richard Gilheney and Occupiers of Pitch 9 New Acres Caravan Site, Benskins Lane, Noak Hill, RM4 1LB
14. James O'Driscoll and Occupiers of Pitch 10 New Acres Caravan Site, Benskins Lane, Noak Hill, RM4 1LB
15. Margaret Nicole O'Driscoll and Occupiers (Tenant) of Pitch 10 New Acres Caravan Site, Benskins Lane, Noak Hill, RM4 1LB



'New Acres', Land South of Westwood Park, Benskins Lane, Noak Hil, Romford RM1 4LB


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 The National Land & Property Gazetteer
 NATIONAL STREET GAZETTEER
 Ordnance Survey
 Licensed Partner

Scale: 1:2000 0 10 20 30 metres
Date: 13 November 2020



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

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 Ordnance Survey 100024327

Customer Support Team
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 written notice of appeal by letter or email. You should include the name and contact details of the appellant(s) and either attach a copy of the Enforcement notice that you wish to appeal or state the following:

- the name of the local planning authority;
- the site address; and
- 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.