

RE: LAND AT DORISTONE SOUTHEND ARTERIAL ROAD CRANHAM ESSEX

**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. Kenneth George Green, Doristone, Southend Arterial Road, Cranham, Upminster, Essex.
  4. Lorraine Green, Doristone, Southend Arterial Road, Cranham, Upminster, Essex.
  5. Barclays Bank PLC (Co. Regn. No. 1026167) 36/38 South Street Romford RM1 1RH.

**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 at Doristone Southend Arterial Road Cranham Essex shown edged black on the attached plan ("the land")

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

Without planning permission change of use of the Land through material intensification of the mixed residential/limited lawful sale and display of vehicles to residential/sale and display of vehicles and storage in excess of lawful use pursuant to Certificate Of Lawfulness E0002.03.

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. Policy DC61 of the Core Strategy and Development Policies Submission Development Plan Document states that planning permission will only be granted for development which maintains, enhances, or improves the character

and appearance of the local area. Planning permission will not be granted where the proposal results in unacceptable overshadowing, loss of sun/daylight, overlooking or loss of privacy to existing and new properties and has unreasonable adverse effects on the environment by reason of noise, impact, hours of operation, vibration and fumes or prejudices the satisfactory development of the surrounding area as a whole. The yard does not enhance or improve the character or appearance of the local area. The use of the yard is intrusive and the number of vehicle movements cause noise and fumes that adversely impact on the amenities of local residents in the surrounding area.

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

- (i) Stop using the land for the sale of vehicles other than for limited lawful use of sale of two vehicles as allowed under Certificate Of Lawfulness E0002.03 a copy of which is attached to this notice

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

- (ii) Stop using the land for the display of vehicles for sale other than for limited lawful use of display of two vehicles as allowed under Certificate Of Lawfulness E0002.03

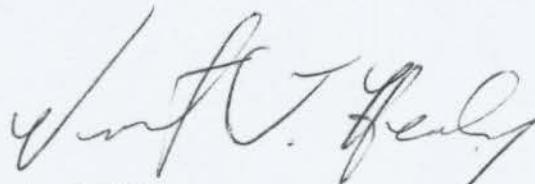
Time for compliance: 3 months from the effective date of this notice

**6. WHEN THIS NOTICE TAKES EFFECT**

This Notice takes effect on 4 February 2009, unless an appeal is made against it beforehand

Dated: 22 December 2008

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 Notice, but any appeal must be received, or posted in time to be received, by the Secretary of State before 4 February 2009. The enclosed booklet "Enforcement Appeals - A guide to Procedure" sets out your rights. Read it carefully. You may use the enclosed appeal forms. One is 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 the spare copy of this Enforcement Notice which is enclosed.

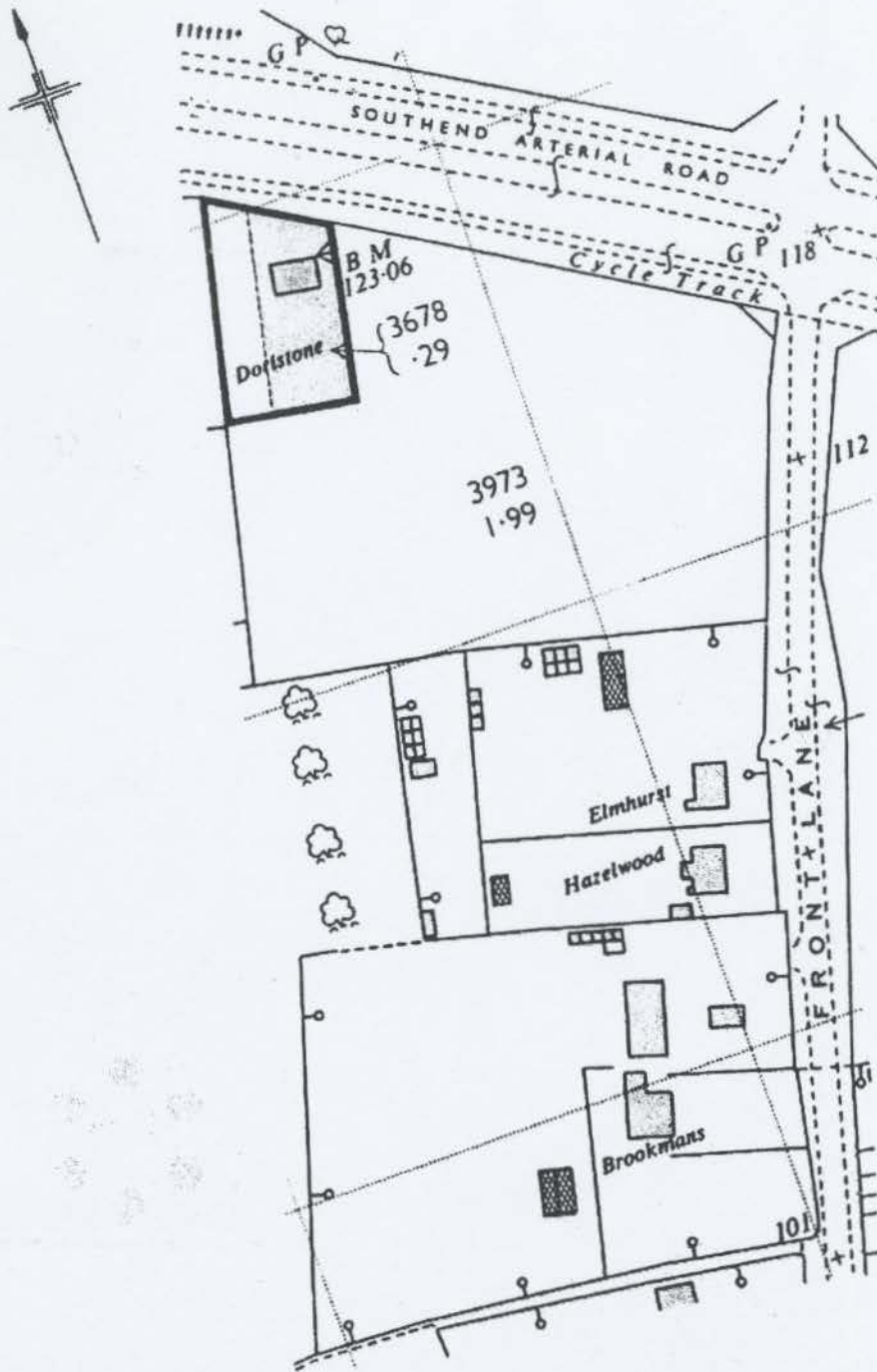
## **WHAT HAPPENS IF YOU DO NOT APPEAL**

If you do not appeal against this Enforcement Notice, it will take effect on 4 February 2009 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.**

H.M. LAND REGISTRY		TITLE NUMBER	
		NGL 192086	
ORDNANCE SURVEY PLAN REFERENCE	COUNTY	SHEET	NATIONAL GRID
	GREATER LONDON		TQ 5788
			SECTION
			M
Scale: 1/1250 Enlarged from 1/2500			©Crown copyright 1972

BOROUGH OF HAVERING



## 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 4 February 2009. 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 of 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 £ 335.00 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:

- TO:**
1. The Owner of the said land
  2. The Occupier of the said land
  3. Kenneth George Green, Doristone, Southend Arterial Road, Cranham, Upminster, Essex

4. Lorraine Green, Doristone, Southend Arterial Road, Cranham, Upminster, Essex
5. Barclays Bank PLC (Co. Regn. No. 1026167), 36/38 South Street, Romford RM1 1RH.



TOWN AND COUNTRY PLANNING ACT 1990: SECTIONS 191 AND 192  
(as amended by section 10 of the Planning and Compensation Act 1991)

**TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT  
PROCEDURE) ORDER 1995: ARTICLE 24**

**E0002.03**

**CERTIFICATE OF LAWFUL USE OR DEVELOPMENT**

The Council of the London Borough of Havering hereby certify that on the 6 March 2003 the use described in the First Schedule to this certificate in respect of the land specified in the Second Schedule to this certificate and hatched black on the plan attached to this certificate, was lawful within the meaning of section 191 of the Town and Country Planning Act 1990 (as amended), for the following reason:

The use commenced more than 10 years before the date of the application and is therefore immune from enforcement action.

Signed

*Vanessa J. Healey*  
Authorised Person

On behalf of the London Borough of Havering

Date:

*13<sup>th</sup> September 2004.*

**First Schedule**

Use for the sale and display of a maximum of 2 motor vehicles at any given time

**Second Schedule**

Land to the front of Doriston, Southend Arterial Road Cranham Upminster

**Notes**

1. This certificate is issued solely for the purposes of section 191 of the Town and Country Planning Act 1990 (as amended).
2. It certifies that the use specified in the First Schedule taking place on the land described in the Second Schedule was lawful, on the specified date and, thus, was liable to enforcement action under section 172 of the 1990 Act on that date.
3. This certificate applies only to the extent of the use described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any use which is materially

different from that described or which relates to other land may render the owner or occupier liable to enforcement action.

4. The effect of the certificate is also qualified by the proviso in section 192(4) of the 1990 Act (as amended) which states that the lawfulness of a described use or operation is only conclusively presumed where there has been no material change, before the use is instituted or the operation begun, in any of the matters relevant to the determining such lawfulness.

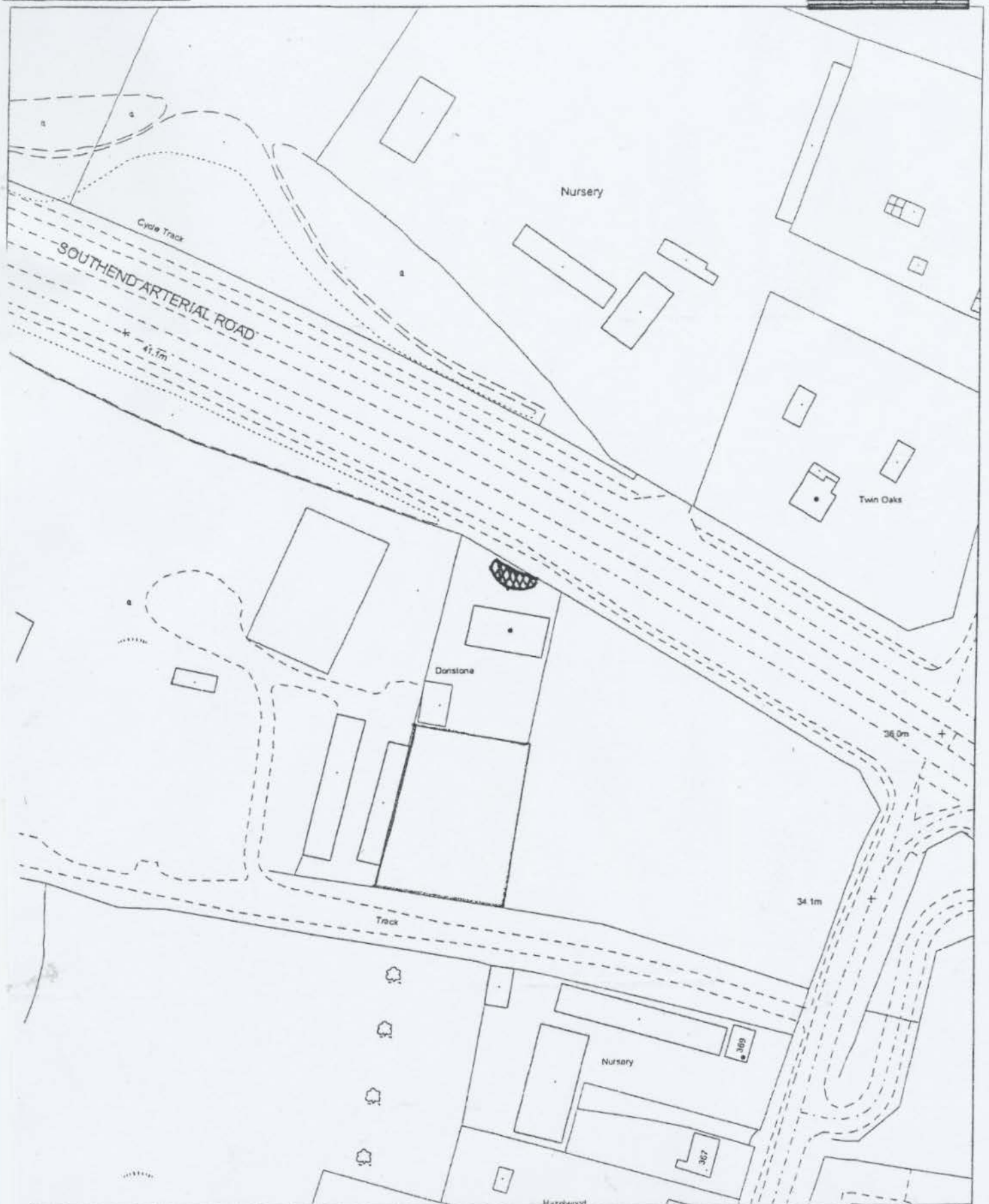




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Scale  
0 8 16 24 32 40 m



REFERENCE: TQ5788NW

DATE: 10/10/2003  
TIME: 14:48

SCALE: 1:1250