

**RE: Land and premises at Willowbrook Warley Road Great Warley
Brentwood Essex CM13 3JA**

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. Terence John Edwards, Willowbrook, Warley Road, Great Warley, Essex CM13 3JA
 4. Jane Edwards, Willowbrook, Warley Road, Great Warley, Essex CM13 3JA
 5. The Company Secretary, Lloyds TSB Bank PLC (Co. Regn. No. 2065) of Barnett Way, Gloucester GL4 3RL.

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 and premises at Willowbrook, Warley Road, Great Warley, Brentwood, Essex CM13 3JA shown black on the attached plan(hereinafter called " the Land ").

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

Without planning permission the unauthorised installation of four floodlights complete with lamp standards to the perimeter of a tennis court marked A,B,C, and D on the attached plan

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 erection of the unauthorised installation of four floodlights complete with lamp standards to the perimeter of a tennis court in

question was substantially completed less than four years ago. This installation is considered development of the Metropolitan Green Belt and impacts on its nature and open character. It also impacts on the streetscene and residential amenity.

Planning application (P1223.08) was refused for the lamp standards with floodlights due to the property being in the Metropolitan Green Belt. The Core Strategy and Development Control Policies Development Plan Document adopted in 2008 and Government Guidance, as set out in Planning Policy Guidance Note 2 (Green Belts), state that in order to achieve the purposes of the Metropolitan Green Belt it is essential to retain and protect the existing rural character of the area so allocated and that new building will only be permitted outside the existing built up areas in the most exceptional circumstances. No very special circumstances to warrant a departure from this policy have been submitted in this case and the proposal is therefore contrary to Policy DC45 of the Core Strategy and Development control Policies Development Plan Document.

Policy DC56 and PPG17 indicate that floodlighting is necessary for night time sporting activity. Nonetheless it can have adverse impacts, for example on wildlife or residential amenity. The impact of any floodlighting on the openness of the Green Belt or the character of the countryside is a key factor in determining whether this is acceptable.

Policy DC58 states that biodiversity and geodiversity will be protected and enhanced throughout the Borough by protecting and enhancing sites of Special Scientific Interest and all sites of Metropolitan, Borough or Local Importance for Nature Conservation as identified in protecting the Borough's Biodiversity. Planning permission for development that adversely affects any of these sites will not be granted unless the economic or social benefits of the proposal clearly outweigh the nature conservation.

The Council do not consider that planning permission should be given because planning conditions could not overcome these problems.

5. WHAT YOU ARE REQUIRED TO DO

- (i) Remove the four lamp standards with floodlights marked A,B,C, and D on the attached Plan

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

- (ii) Remove from the Land all machinery, equipment, apparatus, rubble and building materials resulting from compliance with (i) above

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

- (iii) Restore the Land to its condition before the breach occurred by levelling the ground


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

6. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on 15th February 2010, unless an appeal is made against it beforehand

Dated: 5th January 2010

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 on 15th February 2010. Further details are given on the information sheet from the Planning Inspectorate which accompanies this Notice. The enclosed booklet "Enforcement Appeals – A guide to procedure" also sets out your rights.

WHAT HAPPENS IF YOU DO NOT APPEAL

If you do not appeal against this Enforcement Notice, it will take effect on 15th February 2010 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.

EXPLANATORY NOTES

STATUTORY PROVISIONS

A copy 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

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 15th February 2010.

If you intend to appeal this Notice you should follow instructions given on the information sheet from the Planning Inspectorate which accompanies this Notice.

GROUND OF APPEAL

Under section 174 of the Town and Country Planning Act 1990 (as amended) you may appeal on one or more of the following grounds :- 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 or, as the case may be, the condition or limitation concerned ought to be discharged :

- (a) that those matters have not occurred;
- (b) that those matters (if they occurred) do not constitute a breach of planning control;
- (c) 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;
- (d) that copies of the enforcement notice were not served as required by section 172;
- (e) that the 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;
- (f) 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 £ 150. 00 is payable both to the Secretary of State and to the Council, making the total fees payable £ 300.00. If the fees are not paid then that ground of appeal will not be valid.

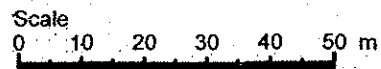
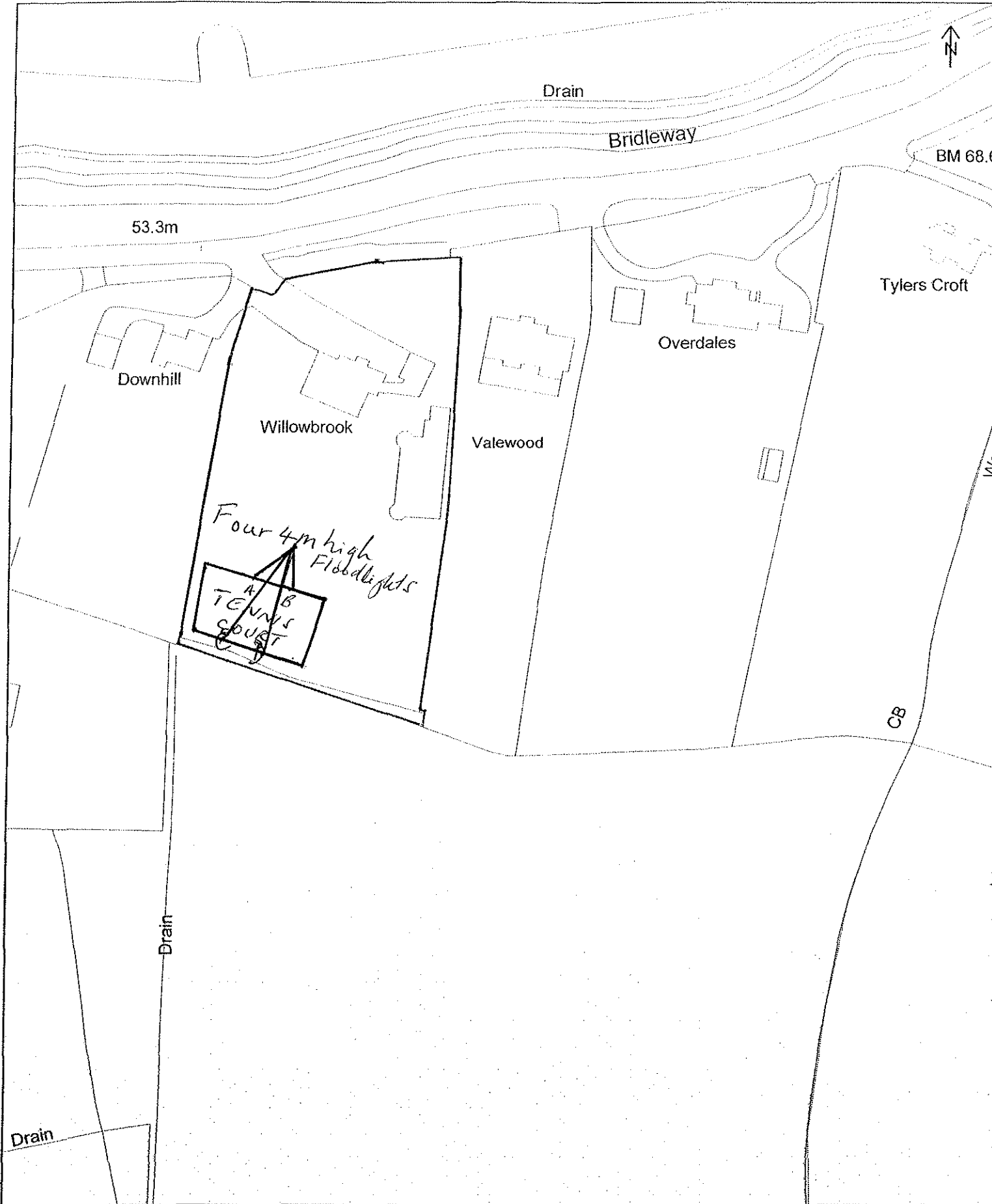
STATEMENT ON GROUNDS OF APPEAL

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 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:

1. The Owner of the said land
2. The Occupier of the said land
3. Terence John Edwards , Willowbrook , Warley Road, Great Warley, Essex
CM13 3JA
4. Jane Edwards, Willowbrook, Warley Road, Great Warley, Essex Cm13 3JA
5. The Company Secretary, Lloyds TSB Bank PLC (Co. Regn. No. 2065) of
Barnett Way, Gloucester GL4 3RL



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 Romford, RM1 3BD
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