

RE: THE MOORINGS GARAGE  
SOUTHEND ARTERIAL ROAD HORNCHURCH RM11 3UB

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 Keith Fountain, Millhurst, 25 Sheering Road, Harlow, Essex, CM17 0JL
4. The Company Secretary, Essex Timber Buildings Limited, 54 Fisher Court, Rhapsody Crescent, Warley, Brentwood, CM14 5GE

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)(b) 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 Moorings Garage Southend Arterial Road Hornchurch RM11 3UB shown edged in black on the attached plan ("the Land").

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

A breach of conditions of planning application P0234.09.

Condition 7 states:

*The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans, particulars and specifications.*

Condition 12 states:

*The number of display buildings on the site shall not exceed a total of 13 at any one time with the buildings being positioned only in those areas shown on the approved plan. The maximum size of any of the display buildings shall not exceed 30 square metres in area. No display buildings shall exceed single storey in height.*

These conditions have been breached by the incorrect positioning of display buildings and the positioning of buildings that exceed 30 square metres in area. See attached approved plan for correct positioning, marked 'Approved Site Plan'.

#### 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 timber display buildings in question were substantially completed less than ten years ago. The site lies within the Metropolitan Green Belt. The incorrect positioning of the display buildings appear as an inappropriate intensified development of the site. It is 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 Local Development Framework: policies DC61 and DC45. PPG2 is also relevant.

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

- (i) Relocate all timber buildings so that they accord with the locations, sizes and numbers as shown on the approved planning application P0234.09. (Refer to the attached plan marked 'Approved Site Plan')

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

- (ii) Reduce the size of all timber buildings so that they do not exceed 30 square metres in area and accord with condition 12 of P0234.09

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

- (iii) Remove all construction debris, rubble and waste materials resulting from complying with (i) and (ii) above

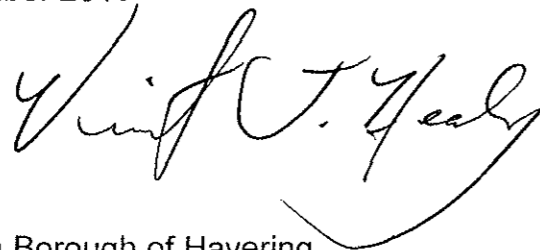
Time for compliance: 3 months from the effective date of this notice

#### 6. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on 3<sup>rd</sup> November 2010, unless an appeal is made against it beforehand

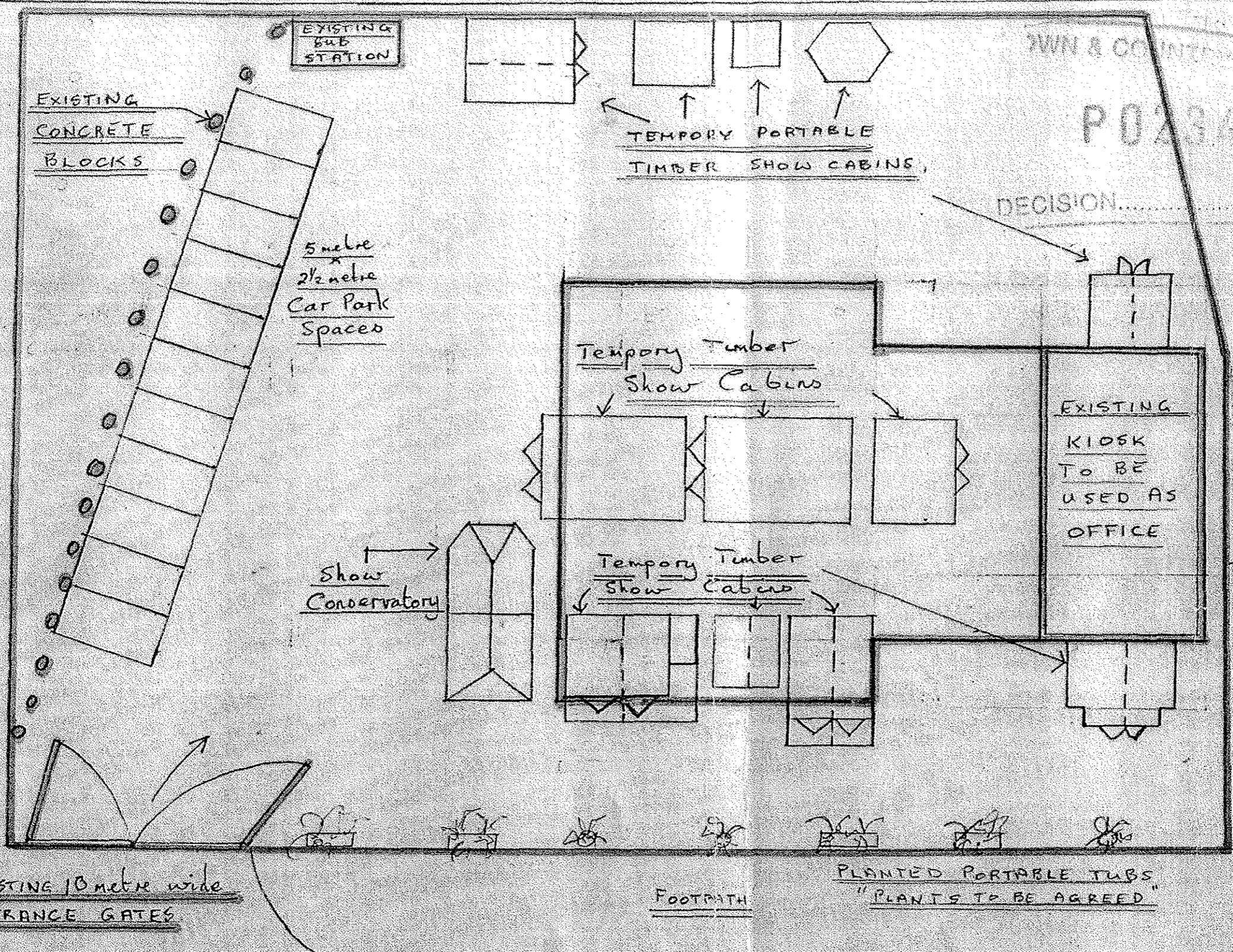
Dated: 22<sup>nd</sup> September 2010

Signed:



Authorised Officer

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



1. BY NAVIGATING  
 LEAD OF REGULATORY SERVICES  
 REF  
 DATE 16 FEB 2009  
 STA  
 US

A127 TO LONDON

# Approved Site Plan

SCALE 1:200 | FEB 2009  
 ESSEX TIMBER BUILDING LTD  
 PROPOSED CHANGE OF USE  
 "The Moorings"  
 Southend Arterial, RM11 3UB

## **YOUR RIGHT OF APPEAL**

You can appeal against this Enforcement Notice to the Secretary of State by the 3<sup>rd</sup> November 2010. 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 3<sup>rd</sup> November 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 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 3<sup>rd</sup> November 2010.

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

### 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 wish to appeal on ground (a) - that planning permission should be granted for the unauthorised development - then a fee of £335 is payable both to the Secretary of State and to the Council, making the total fees payable £670. 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, 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 Keith Fountain, Millhurst, 25 Sheering Road, Harlow, Essex, CM17 0JL
4. The Company Secretary, Essex Timber Buildings Limited, 54 Fisher Court, Rhapsody Crescent, Warley, Brentwood, CM14 5GE