

RE: Upminster Court, 133 Hall Lane, Upminster, RM14 1AL

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. Iain Robert Liddell of Upminster Court 133 Hall Lane, Upminster, Essex RM14 1AL
 4. The Company Secretary, Uniserve Holdings Limited (Company Number 02234562) of Upminster Court, Hall Lane, Upminster, RM14 1AL

ISSUED BY: London Borough of Havering

1. **THIS IS A FORMAL NOTICE** which is issued by the London Borough of Havering ("the Council") because it appears to the Council that there has been a breach of planning control, within paragraph (a) of Section 171A(1) of the above Act, at the land described below. The Council considers 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 Upminster Court, 133 Hall Lane, Upminster, Essex RM14 1AL (registered at the Land Registry under title numbers EGL493397 and EGL138107) and shown edged black on the attached plan ("the Land").

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

The unauthorised installation of external lightning including bollard lighting, floodlights and spike up lights on the Land.

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'.

Upminster Court is a Grade II listed building. The gardens of Upminster Court were laid out at the beginning of 20th Century to accompany the building and are registered as Grade II on the English Heritage's Register of Historic Parks and Gardens.

The Council considers the type and amount of lighting installed on the Land to be detrimental to the special character of the registered Historical Garden as well as the special character of the site.

The degree of lighting that has been installed is considered to be unnecessary and excessive. The design and layout of lighting combines to form a lighting scheme that is significantly detrimental to the special character of the registered historic garden and Grade II listed building, contrary to the provisions of the National Planning Policy Framework, Policy 7.8 of the London Plan and Policy DC67 of the Local Development Framework.

The extent of lighting on the land results in a level of brightness that would be uncharacteristic of this site and also the local area, to the degree that it is harmful to the local character and the street scene. Therefore, the installation of lighting on the Land is contrary to Policy DC61 of the Local Development Framework.

The Council considers that the overall degree of luminance produced by the lighting and the lack of control over the light sensors is to a degree that is unreasonably harmful to the amenity of neighbouring residential occupiers and therefore, contrary to Policy DC56 of the Local Development Framework National Planning Policy Framework and National Planning Guidance.

5. WHAT YOU ARE REQUIRED TO DO

- (i) Remove all bollard lights from the Land.

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

- (ii) Remove from the Land all floodlights located at the bases of trees.

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

- (iii) Remove all spike uplights from the Land.

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

6. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on 3rd February 2014, unless an appeal is made against it beforehand

Dated: 23rd December 2013



Signed:
Authorised Officer
on behalf of London Borough of Havering
Town Hall
Main Road
Romford RM1 3BD

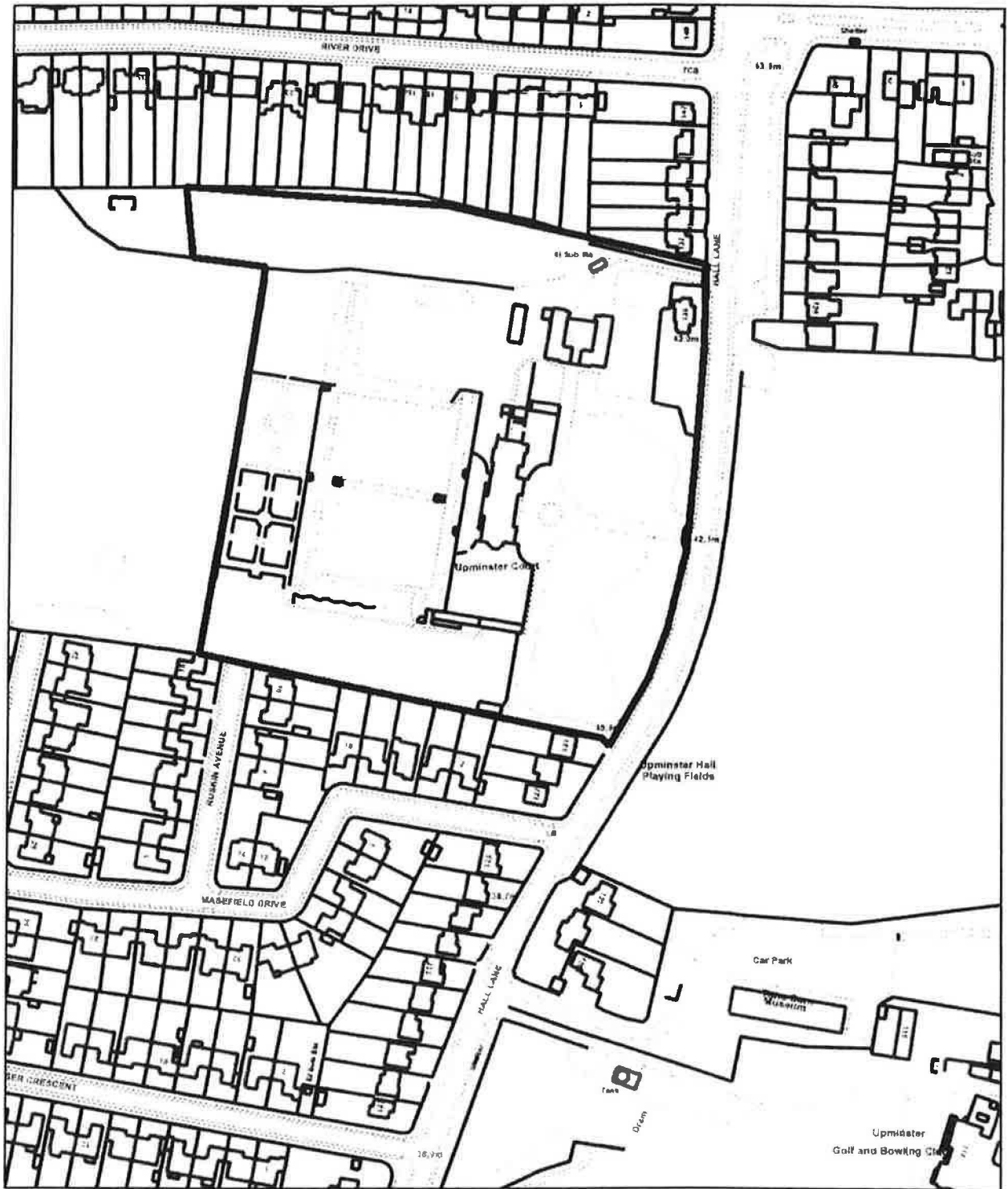
YOUR RIGHT OF APPEAL

You can appeal against this Enforcement Notice to the Secretary of State by the 3rd February 2014. 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 3rd February 2014 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.




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 Ordnance Survey
 Licensed Partner

Scale: 1:2000
Date: 20 December 2013
Size: A4


 0 5 10 15 metres


Havering
 LONDON BOROUGH

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

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 Ordnance Survey 100024327

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 3rd February 2014.

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 use - then a fee of £390 is payable to the Council. If the fee is 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. Iain Robert Liddell of Upminster Court 133 Hall Lane, Upminster, Essex RM14 1AL
4. The Company Secretary, Uniserve Holdings Limited (company number 02234562) of Upminster Court, Hall Lane, Upminster, RM14 1AL