

**LAND ADJOINING CHALKFIELDS, TOMKYNS LANE, UPMINSTER RM14 1TP**

**IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY**

**TOWN AND COUNTRY PLANNING ACT 1990  
(as amended by the Planning and Compensation Act 1991)**

**ENFORCEMENT REFERENCE: ENF/528/22**

**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 **LAND ADJOINING CHALKFIELDS, TOMKYNS LANE, UPMINSTER RM14 1TP**, shown edged in black on the attached plan.

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

Without planning permission:

- (i) The construction of a building and hard surfacing; and
- (ii) The construction of a boundary treatment to the entrance of the site comprising of a gate, brick pillars, fencing and also hard surfacing leading from the gate to the building.

**4. REASONS FOR ISSUING THIS NOTICE**

1. It appears to the Council that the above breach of planning control has occurred within the last four years and that steps should be taken to remedy the breach by Section 173 4(a) or to remedy any injury to amenity which has been caused by the breach.
2. The site is within the area identified in the Havering Local Plan as Metropolitan Green Belt. Policy G2 of the London Plan and Government Guidance as set out in the National Planning Policy Framework (Green Belts) states 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 development will only be permitted outside the existing built up areas in the most

exceptional circumstances. The building is considered to be inappropriate in principle in the Green Belt and no very special circumstances exist to outweigh the harm caused by reason of inappropriateness and visual harm to the character and openness of the Green Belt. The height, scale, bulk, mass, siting and position close to the boundaries of the site of the building is materially harmful to the open and spacious character of the Green Belt. The development is therefore contrary to Policy G2 of the London Plan and the National Planning Policy Framework.

3. The site is within the area identified in the Havering Local Plan as Metropolitan Green Belt. Policy G2 of the London Plan and Government Guidance as set out in the National Planning Policy Framework (Green Belts) states 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 development will only be permitted outside the existing built up areas in the most exceptional circumstances. The boundary treatment is considered to be inappropriate in principle in the Green Belt and no very special circumstances exist to outweigh the harm caused by reason of inappropriateness and visual harm to the character and openness of the Green Belt. The height, scale, bulk, mass, siting and position close to the boundary of the site of the boundary treatment and also its bulky and dominant presence in the streetscene, including that it presents a blank, uninterrupted and unattractive new feature is materially harmful to the open and spacious character of the Green Belt. The development is therefore contrary to Policy G2 of the London Plan and the National Planning Policy Framework and contrary to guidance within the Residential Extensions and Alterations Supplementary Planning Document Adopted 2011.
4. In the absence of a biodiversity (Ecological) Survey and report, the development has not demonstrated if the barn has impacted on protected or priority species and that it has not resulted in significant adverse impacts on biodiversity which has not been effectively mitigated against contrary to Policies 27 and 30 of the Havering Local Plan, Policy G6 of the London Plan and the guidance contained in the National Planning Policy Framework.
5. 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 permission has already been refused under application P0163.23 for the building).

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

- (i) DEMOLISH the building located as shown in the approximate area marked as X on the attached OS plan and as depicted on the photo in Appendix 1;

**AND**

- (ii) Remove all hard surfacing upon which the building stood and reinstate the site to its condition before the development was carried out;

**AND**

- (iii) Demolish or reduce to a height of no more than 1 metre at any point the boundary treatment at the entrance of the site (comprising the gate, brick pillars and fencing) as shown in Appendix 2 to this Notice;

**AND**

- (iv) Remove any hard surfacing between the gates and the building;

**AND**

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

## **6. TIME FOR COMPLIANCE**

**THREE MONTHS** after the date when this Notice takes effect.

## **7. WHEN THIS NOTICE TAKES EFFECT**

This Notice takes effect on **10<sup>th</sup> January 2025**, unless an appeal is made against it beforehand

Dated: **11<sup>th</sup> December 2024**

Signed: 

DAVID COLWILL

Authorised Officer on behalf of London Borough of Havering, Town Hall, Main Road, Romford, RM1 3BB

Nominated Officer to contact regarding this Notice: **George Atta-Adutwum**

Telephone Number: **01708 432157** Email: [george.atta-adutwum@havering.gov.uk](mailto:george.atta-adutwum@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 10<sup>th</sup> January 2025**. 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 **10<sup>th</sup> January 2025** 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) 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 10<sup>th</sup> January 2025**.

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 **£240** 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. Jonathan Sullivan, Land Adjoining Chalkfields, Tomkyns Lane, Upminster RM14 1TP
2. Duane Sullivan, Land Adjoining Chalkfields, Tomkyns Lane, Upminster RM14 1TP
3. Jonathan Sullivan, Chalkfields, Tomkyns Lane, Upminster RM14 1TP
4. Duane Sullivan, Chalkfields, Tomkyns Lane, Upminster RM14 1TP
5. The Owner(s), Land adjoining Chalkfields, Tomkyns Lane, Upminster RM14 1TP
6. The Occupiers, Land adjoining Chalkfields, Tomkyns Lane, Upminster RM14 1TP
7. Clydesdale Bank PLC, Mortgage Services, PO Box 3105, Clydebank, Glasgow G60 9AU

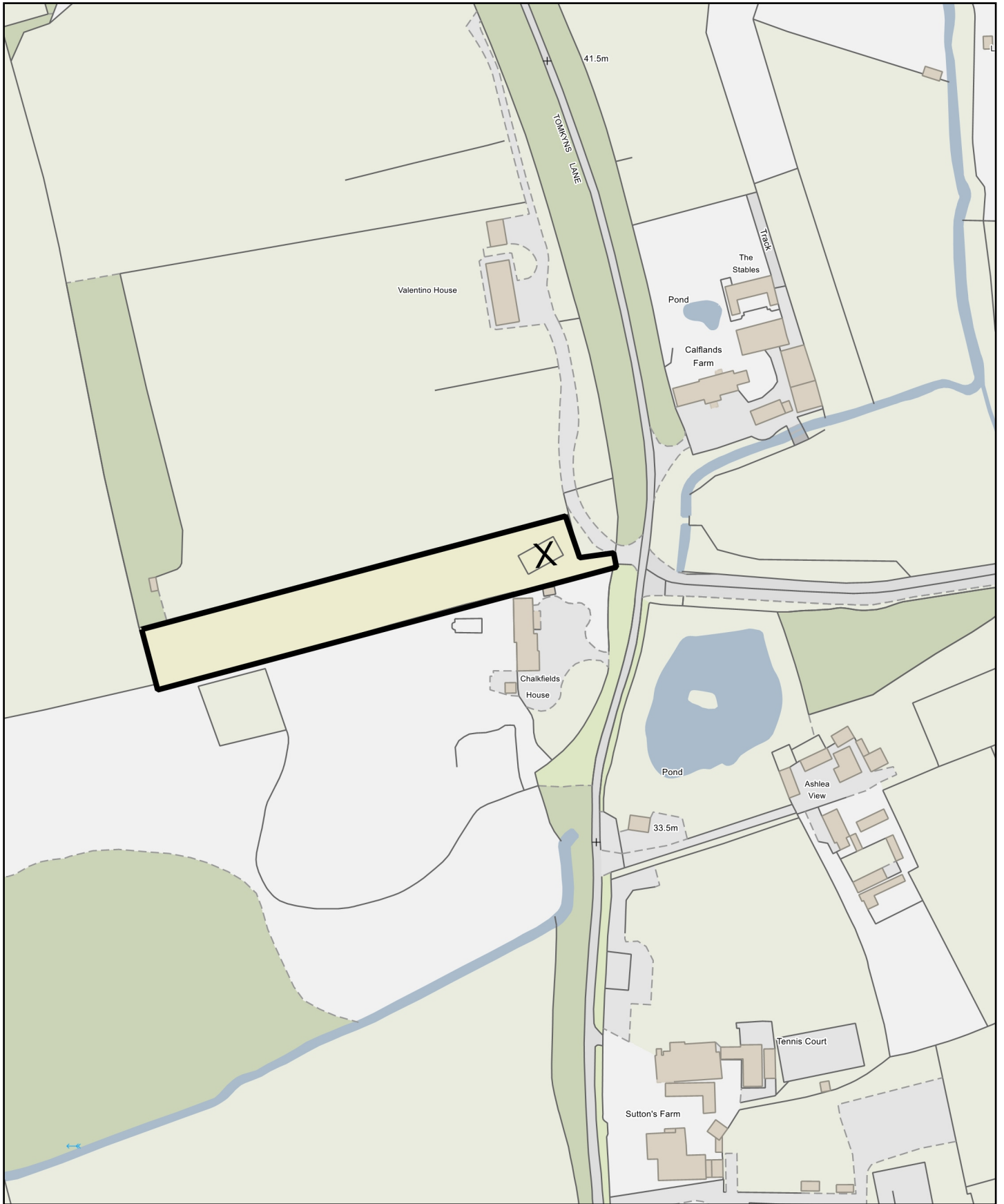
**Appendix 1: Photo of the building to be demolished**



**Appendix 2: Photo of the boundary treatment at the entrance to be demolished or reduced to 1 metre height**






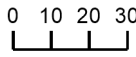



**Land Adjoining (north of) Chalkfields, Tomkyns Lane, Upminster RM14 1TP (OS Map to Enforcement Notice)**

**TQ5664489999**




**Scale: 1:2000**      0 10 20 30 metres  
**Date: 05 December 2024**

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

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 Ordnance Survey AC0000815231

# Enforcement appeal: information sheet for local planning authorities

Customer Support Team  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol BS1  
6PN

Direct Line: 0303 444 5000

Email: [enquiries@planninginspectorate.gov.uk](mailto:enquiries@planninginspectorate.gov.uk)

## 1. THIS IS IMPORTANT

If you want to appeal against this enforcement notice you can do it:-

- online at the [Appeals Casework Portal](#); 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.