

LONDON BOROUGH OF HAVERING**TOWN AND COUNTRY PLANNING ACT 1990****AGENT**

Mr ANDREI MINDRU
9
Third Avenue
Grays
RM20 3JH

APPLICANT

SMITH'S INVEST LIMITED
Howards Farm Tomkyns Lane
Upminster
Havering
RM14 1TP

APPLICATION NO: P1053.24

In pursuance of their powers as Local Planning Authority, the Council have considered your application and have decided to **REFUSE PLANNING PERMISSION** for the following development :

Proposal: Variation of condition 2 (approved plans) of planning permission Ref: P0550.23 dated 14/06/2023 to allow for the addition of a rear conservatory and canopy (Proposed development to demolish existing 5 bedroom dwelling, single detached garage and storage and erection of 4/5 bedroom dwellinghouse)
Revised Plans recvd 25/09/24 & 24/10/24

Location: Howards Farm, Tomkyns Lane
Upminster

The above decision is based on the details in drawing(s):

D07 - PROPOSED ELEVATIONS (FRONT - ORANGE DOTTED LINE FOR EXISTING)

D08 - PROPOSED PLANS (First Floor & Loft)

EXISTING PLANS (basement & Roof Plan)

D02 - EXISTING PLANS (Ground & First Floor)

D04 - Existing Front / Rear Elevation

D05 - Existing Side / Flank Elevation

D06 - Existing Section

D07 - PROPOSED PLANS (Ground & Roof Plan)

D08 - PROPOSED PLANS (First & Loft)

D09 - PROPOSED ELEVATIONS (FRONT & REAR ELEVATIONS)

D10 - PROPOSED ELEVATIONS (SIDE / FLANK)

D11 - PROPOSED SECTION AA

D01 - BLOCK PLAN

D01.1 - LOCATION MAP

D02 - EXISTING PLANS (GROUND/ROOF)

D03 EXISTING ELEVATION (SIDE/FLANK/REAR)

D04 - PROPOSED PLANS (Ground Floor & Roof)

D05 - PROPOSED ELEVATION (REAR)

D06 - PROPOSED ELEVATION (SIDE / FLANK)

for the following reason(s):

- 1 The site is within the area identified as Metropolitan Green Belt. Government Guidance as set out in the National Planning Policy Framework is that in order to achieve the purposes of the Metropolitan Green Belt it is essential to retain and protect the existing open character of the area so allocated and that the new buildings will only be permitted in certain circumstances. The development is, by reason of its height, scale, bulk and mass, would be materially larger than the original dwelling combined with the retention of the storage & garage which was not demolished which would cause harm to the openness of the Green Belt. No very special circumstances have been submitted in this case that would clearly outweigh the identified harm to the Green Belt. The development proposal is therefore contrary to Policy G2 of the London Plan and the guidance in the National Planning Policy Framework.

INFORMATIVE(S)

- 1 For Residential Development Only

Please be advised that approval of this application from 1st September 2019 (either by London Borough of Havering, or subsequently by PINS if allowed on appeal following a refusal by London Borough of Havering) will attract a liability payment of £70,650 plus indexation in Community Infrastructure Levy (CIL). This charge has been levied under s.206 of the Planning Act 2008 and includes both the Mayor of London's CIL and Havering Council's CIL.

London Borough of Havering, as CIL collecting authority, has responsibility for the collection of the Mayoral CIL, in addition to Havering's CIL, on commencement of the development.

Your proposal is subject to a CIL Liability Notice indicating a levy of £70,650 plus indexation for the application, based on the Mayoral CIL levy rate for Havering of £25/sq.m plus Havering's charging rate for residential of £125/sq.m (Zone A) and the floorspace of 471 square metres.

You are advised to visit the planning portal website where you can download the appropriate document templates.

<http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>

- 2 Statement Required by Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015: Consideration was given to seeking amendments, but given conflict with adopted planning policy, notification of intended refusal and the reason(s) for it was given to Mr Mindru (Agent) by e-mail on 11/12/24.

Date: 11th December 2024



Helen Oakerbee
Director of Planning

London Borough of Havering
Town Hall, Main Road
Romford RM1 3BB

IMPORTANT - attention is drawn to the notes overleaf

NOTES IN CONNECTION WITH APPROVAL OF APPLICATIONS SUBJECT TO CONDITIONS OR REFUSAL OF APPLICATIONS FOR PLANNING PERMISSION

1. If the applicant is aggrieved by the decision of the local planning authority to refuse permission or to grant permission or approval subject to conditions, an appeal may be made to the First Secretary of State at the Department for Communities and Local Government in accordance with Section 78 of the Town and Country Planning Act 1990 within six months of the date of this notice. However, if an enforcement notice is subsequently served relating to the same or substantially similar land and development and you want to appeal you must do so within 28 days of the service of the enforcement notice, or within 6 months of the date of this notice, whichever period expires earlier.

Appeals must be made on a form which is obtainable from the Planning Inspectorate, Customer Support Unit, Temple Quay House. 2 The Square. Temple Quay. Bristol BS1 6PN or from the Planning Inspectorate's web site,

www.planning.inspectorate.gov.uk

2. When submitting the completed appeal form to the Planning Inspectorate, a copy should be sent to Planning, London Borough of Havering, Town Hall, Main Road Romford, RM1 3BB. The First Secretary of State has power to allow a longer period for the giving of a notice of appeal but will not normally be prepared to exercise these powers unless there are special circumstances which excuse the delay in giving notice of appeal. The First Secretary of State is not required to entertain an appeal if it appears that permission for the proposed development could not have been granted by the local planning authority, or could not have been so granted otherwise than subject to the conditions imposed by them, having regard to the statutory requirements to the provisions of the development order, and to any directions given under the order. Where the decision of the local planning authority is based upon a direction from the First Secretary; it is not the practise to refuse to accept appeals solely because of this direction.
3. If permission to develop land is refused or granted subject to conditions, whether by the local planning authority or by the First Secretary of State and the owner of the land claims that the land has become incapable of reasonable beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, a purchase notice may be served on the London Borough of Havering requiring the council to purchase the land in accordance with the provision of Part VI of the Town and Country Planning Act 1990.
4. In certain circumstances, a claim may be made against the local planning authority for compensation where there has been an appeal or where an application has been referred to the First Secretary, and where planning permission is refused or granted subject to conditions. The circumstances in which such compensation is payable are set out in section 114 of the Town and Country Planning Act 1990.
5. The statutory requirements are those set out in section 79(6) of the Town and Country Planning Act 1990, namely Sections 70, 71 and 72(1) of the Act.

You are reminded that Building Regulations approval may also be required for these works. You must contact the Building Control Manager or Building Inspector to confirm if permission is required.

Note: Following a change in government legislation a fee is now required for the request for Submission of details pursuant to discharge of conditions in order to comply with the Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment) (England) Regulations, which came into force from 06/04/2008. A fee of £116 per request (or £34 where the related permission was for extending or altering a dwellinghouse) will be required.