

ENFORCEMENT NOTICE A

RE: East Hall Farm, East Hall Lane, Wennington, Rainham RM13 9DS

IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

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

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. The Explanatory Notes at the end of this Notice and the Enclosures referred to therein contain important additional information.

2. THE LAND AFFECTED

The site identified edged in black on the attached plan is located on the northern side of East Hall Lane in Wennington, Rainham.

3. THE BREACH OF PLANNING CONTROL ALLEGED

- (i) Without the benefit of planning permission, the change of use of the land shown hatched in black on the attached plan from car parking area to storage of aggregates, distribution activities and storage of containers.

4. REASONS FOR ISSUING THIS NOTICE

(1) It appears to the Council that the above breaches of planning control have occurred within the last TEN years in relation to the change of use of the car parking area to storage of aggregates, distribution activities and storage of containers including unauthorised uses of the land and that steps should be taken to remedy the breaches in accordance with the purposes stipulated in Section 173 (4) (a) of the above Act.

(2) The proposed material change of use, temporary structures and storage areas associated with the use would result in development that is detrimental to the openness of the Green Belt and would conflict with the purposes of including land in the Green Belt. The proposal constitutes inappropriate Green Belt development and in the absence of very special circumstances, that clearly outweigh the harm to the Green Belt, by reason of inappropriateness, and resulting landscaping and visual harms, the proposal is considered to be contrary to the guidance contained in the

National Planning Policy Framework and policies DC43 and DC61 of the Core Strategy and Development Control Policies DPD.

- (3) The proposed use, by reason of the proposed hours of operation, noise and dust nuisance, would be detrimental to the amenities of the occupiers of nearby residential properties and insufficient information has been supplied with the application to demonstrate that such impacts could effectively be mitigated and/or managed, contrary to policies DC52, DC55, DC56 and DC61 of the Core Strategy and Development Control Policies DPD.
- (4) The proposed use, by reason of the number of vehicle movements associated, would put added strain on local infrastructure; intensify an existing site with additional HGV movements in a weight limited area; and adversely impact on pedestrian and other road users' safety. The development is not consistent with the Council's road hierarchy and is considered contrary to the principles of policy DC32 of the Core Strategy and Development Control Policies DPD.

The development is therefore considered to be contrary to the following Local Development Framework ("LDF") Policies listed in the reasons for refusal in the planning application ref: P0480.17 and has a harmful impact on the Green Belt.

LDF

CP03 - Employment
CP10 - Sustainable Transport
CP14 - Green Belt
CP15 - Environmental Management
CP17 - Design
DC32 - The Road Network
DC33 - Car Parking
DC43 - Ready Mixed and Processing Plant
DC45 - Appropriate Development in the Green Belt
DC48 - Flood Risk
DC51 - Water Supply, Drainage and Quality
DC52 - Air Quality
DC55 - Noise
DC56 - Light
DC61 - Urban Design

OTHER

LONDON PLAN - 4.4 - Managing industrial land and premises
LONDON PLAN - 5.12 - Flood risk management
LONDON PLAN - 5.13 - Sustainable drainage
LONDON PLAN - 6.13 - Parking
LONDON PLAN - 7.14 - Improving air quality
LONDON PLAN - 7.15 - Reducing noise and enhancing soundscapes
LONDON PLAN - 7.16 - Green Belt
LONDON PLAN - 7.4 - Local character
LONDON PLAN - 8.3 - Community infrastructure Levy
NPPF - National Planning Policy Framework

The Council does not consider that planning permission should be granted because conditions attached to any consent would not overcome these problems.

5. WHAT YOU ARE REQUIRED TO DO

The Enforcement Notice requires you to **within THREE MONTHS** of the date when this Notice takes effect to have:

1. Ceased the use of the land shown cross hatched in black on the attached plan for storage of aggregates, distribution activities and storage of containers; and
2. Removed from the land all aggregates, containers and any other plant equipment associated with the unlawful use; and
3. Removed all building materials, rubble and debris associated with taking steps 1, and 2 above and return the land back to the condition before the unauthorised use started.

6 TIME FOR COMPLIANCE

THREE MONTHS after the date when this Notice takes effect

7. WHEN THIS NOTICE TAKES EFFECT

This Notice will take effect on 25th September 2017, unless an appeal is made against it beforehand

Dated: 14th August 2017



Signed:

Name: David Colwill
Team Leader, Planning Enforcement and Appeals
on behalf of London Borough of Havering
5th Floor, Mercury House, Mercury Gardens, Romford RM1 3SL

Nominated Officer: Onkar Bhogal
Telephone Number: 01708 431587
Email: Onkar.bhogal@havering.gov.uk

YOUR RIGHT OF APPEAL

You can appeal against this Enforcement Notice to the Secretary of State before 25th September 2017. 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 25th September 2017 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 25th September 2017.

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 you wish to appeal on ground (a) - that planning permission should be granted for the unauthorised development - then a fee of **£770** is payable to the Council. 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 you 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:

The Company Secretary
Binning Property Corporation Ltd
(Co. reg. No. 10087427)
First floor (North)
Devonshire House
1 Devonshire Street
London W1W 5DS

Manjinder Singh Binning
2 Mordon Road
Ilford
Essex IG3 8QR

The Company Secretary
Concrete Singh Ltd
2 Mordon Road
Ilford
Essex IG3 8QR

Mandeep Singh Binning
2 Mordon Road
Ilford
Essex IG3 8QR

Mandeep Singh Binning
840a-842 High Road
Leyton
London E10 6AE

The Manager
Auto Channel Car Sales
East Hall Farm
East Hall Lane
Wennington
Rainham RM13 9DS

The Owners
East Hall Farm
East Hall Lane
Wennington
Rainham RM13 9DS

The Occupiers
East Hall Farm
East Hall Lane
Wennington
Rainham RM13 9DS

The Directors
Concrete Singh Ltd
East Hall Farm
East Hall Lane
Wennington
Rainham RM13 9DS

Manjinder Singh Binning
Mandeep Singh Binning
East Hall Farm
East Hall Lane
Wennington
Rainham RM13 9DS

Rikos Ltd
(Co Reg. No. 04602657)
91 Vicarage Road
London
E10 5EQ



CST Room 3/13
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

Direct Line 0303-444 5000
Email enquiries@pins.gsi.gov.uk

THIS IS IMPORTANT

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

- on-line at the Appeals Casework Portal <https://acp.planninginspectorate.gov.uk/> 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 notice of appeal by fax or letter. You should include:-

- the name of the local planning authority;
- the site address;
- 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.