

RE: Denver Industrial Estate, Ferry Lane, Rainham

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 and property.
 2. The Occupier of the said land and property.
 3. Rainham Steel Investments Limited of Kathryn House, Manor Way, Rainham, Essex RM13 8RE
 4. Rainham Steel Investments Limited of Devonshire House 60 Goswell Road, London EC1M 7AD
 5. The Go-Ahead Group PLC of 3rd Floor, 41-45 Grey Street, Newcastle Upon Tyne NE1 6EE

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, under Section 171A(1)(a) 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 and property known as Denver Industrial Estate, Ferry Lane, Rainham (registered under title no. EGL358652) and shown outlined in bold black on the attached plan ("the Land").

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

Without planning permission, the material change of use of the Land to a waste recycling and processing facility ("the Use").

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 Use of the Land in conjunction with the adjoining waste recycling site produces a more intensive waste recycling operation which significantly diminishes local and residential amenity in the area.

The Use in this location or elsewhere in the borough is unacceptable. There has been a significant increase in waste recycling operations in the borough. The number and scale such operations currently exceeds the boroughs quota under the East London waste apportionment on waste recycling as set out in the adopted Joint Waste Plan.

The number of heavy vehicle movements to and from the Land adversely impacts on Highway safety and the condition of the private access road into the industrial estate.

The Land can be seen from the public highway, and the unauthorised Use appears visually obtrusive and detracts from the visual amenity of the area.

The unauthorised Use is considered to be contrary to policies W2 and W5 of the Waste DPD and policy SSA12 of the LDF. The Use is also considered contrary to policies CP11, DC32, DC48, DC52, DC53, DC55 and DC61 of the LDF.

The Council does not consider that planning conditions could overcome these problems.

The Council do not consider that planning permission should be given because planning conditions could not overcome these problems.

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

- (i) Cease the unauthorised Use of the Land as a waste processing and recycling facility

Time for compliance: 4 months from the effective date of this notice.

- (ii) Remove from the Land all waste and recycling materials (processed and unprocessed) brought onto the Land in connection with the unauthorised Use

Time for compliance: 4 months from the effective date of this notice.

- (iii) Remove all machinery and equipment brought onto the Land in connection with the unauthorised Use

Time for compliance: 4 months from the effective date of this notice.

- (iv) Restore the Land to its condition prior to the commencement of the unauthorised Use

Time for compliance: 4 months from the effective date of this notice.

6. **WHEN THIS NOTICE TAKES EFFECT**

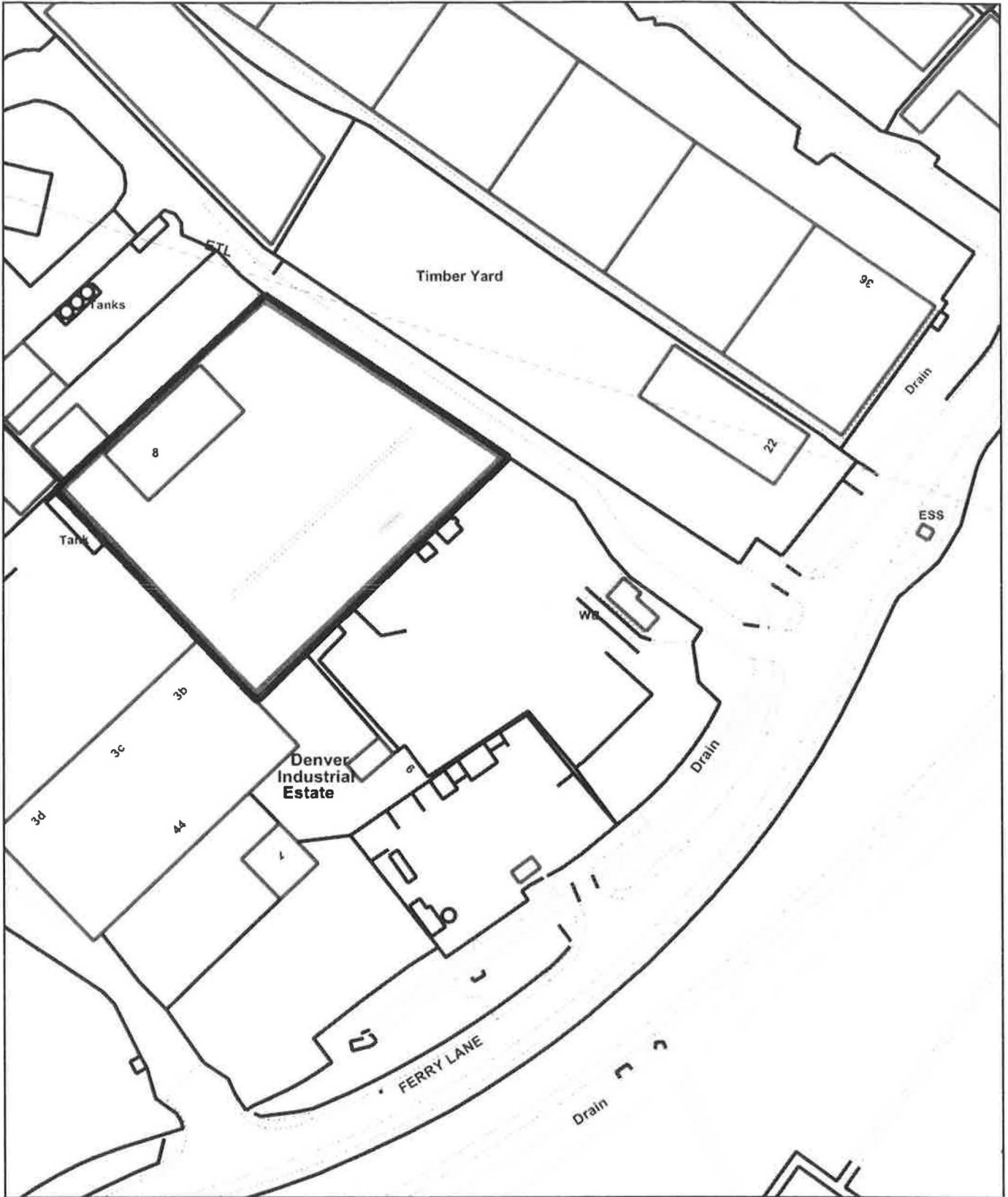
This Notice takes effect on 20 April 2015, unless an appeal is made against it beforehand

Dated: 2 March 2015

Signed:



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



LAND AT DENVER INDUSTRIAL ESTATE









 The National Land & Property Gazetteer
 Ordnance Survey
 Licensed Partner

Scale: 1:1250
Date: 26 February 2015





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

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 Ordnance Survey 100024327

YOUR RIGHT OF APPEAL

You can appeal against this Enforcement Notice to the Secretary of State
By 20 April 2015. 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 20 April 2015 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 20 April 2015.

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.

GROUNDINGS 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

If you intend to appeal against the notice on ground (a) - that planning permission should be granted for the unauthorised development - then a fee of £1,950.00 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 him, 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 and property.
2. The Occupier of the said land and property.
3. Rainham Steel Investments Limited of Kathryn House, Manor Way, Rainham, Essex RM13 8RE
4. Rainham Steel Investments Limited of Devonshire House 60 Goswell Road, London EC1M 7AD
5. The Go-Ahead Group PLC of 3rd Floor, 41-45 Grey Street, Newcastle Upon Tyne NE1 6EE