

RE: 90 RAINHAM ROAD, RAINHAM, RM13 7RJ

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. Company Secretary of A.M.O.S. Properties Limited of 46-54 High Street Ingatestone Essex CM4 9DW
 4. Lloyds Bank PLC, 38 New Road, Dagenham, Essex.
 5. Mr Joseph Matthew O' Sullivan, 46-54 High Street Ingatestone Essex CM4 9DW.
 6. Ms Alison Marie O' Sullivan 46-54 High Street Ingatestone Essex CM4 9DW
 7. Ms Barbara Elaine O' Sullivan 7 Oaklands Park, Hutton Mount, Brentwood, Essex CM13 2LW.

ISSUED BY: London Borough of Havering

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 at 90 Rainham Road, Rainham, RM13 7RJ forming part of the land registered at HM Land Registry under Title Number EGL229494 shown edged in black on the attached plan ("the Land").

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

Without planning permission, the erection of an enclosure forming a smoking shelter on the flat roof at the rear of the premises in question.

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. The smoking shelter in question was substantially

completed less than four years ago. The smoking shelter appears as an intrusive addition at first floor level. It is contrary to development plan policies and harmful to the visual amenities of the area. The Council do not consider that planning permission should be given, because planning conditions could not overcome these problems.

In making its decision to issue this Notice the Council considered that the unauthorised use is contrary to the following policies of the Local Development Framework: policy DC61 and policy 4B.1 of the London plan 2008.

5. WHAT YOU ARE REQUIRED TO DO

- (i) Remove the unauthorised smoking shelter shown cross hatched in its approximate location on the plan attached from the Land

Time for compliance: 2 months from the effective date of this notice.

- (ii) Restore the roof area on which the unauthorised smoking shelter has been constructed to its condition and use prior to construction of the smoking shelter

Time for compliance: 2 months from the effective date of this notice

6. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on 11th April 2014, unless an appeal is made against it beforehand

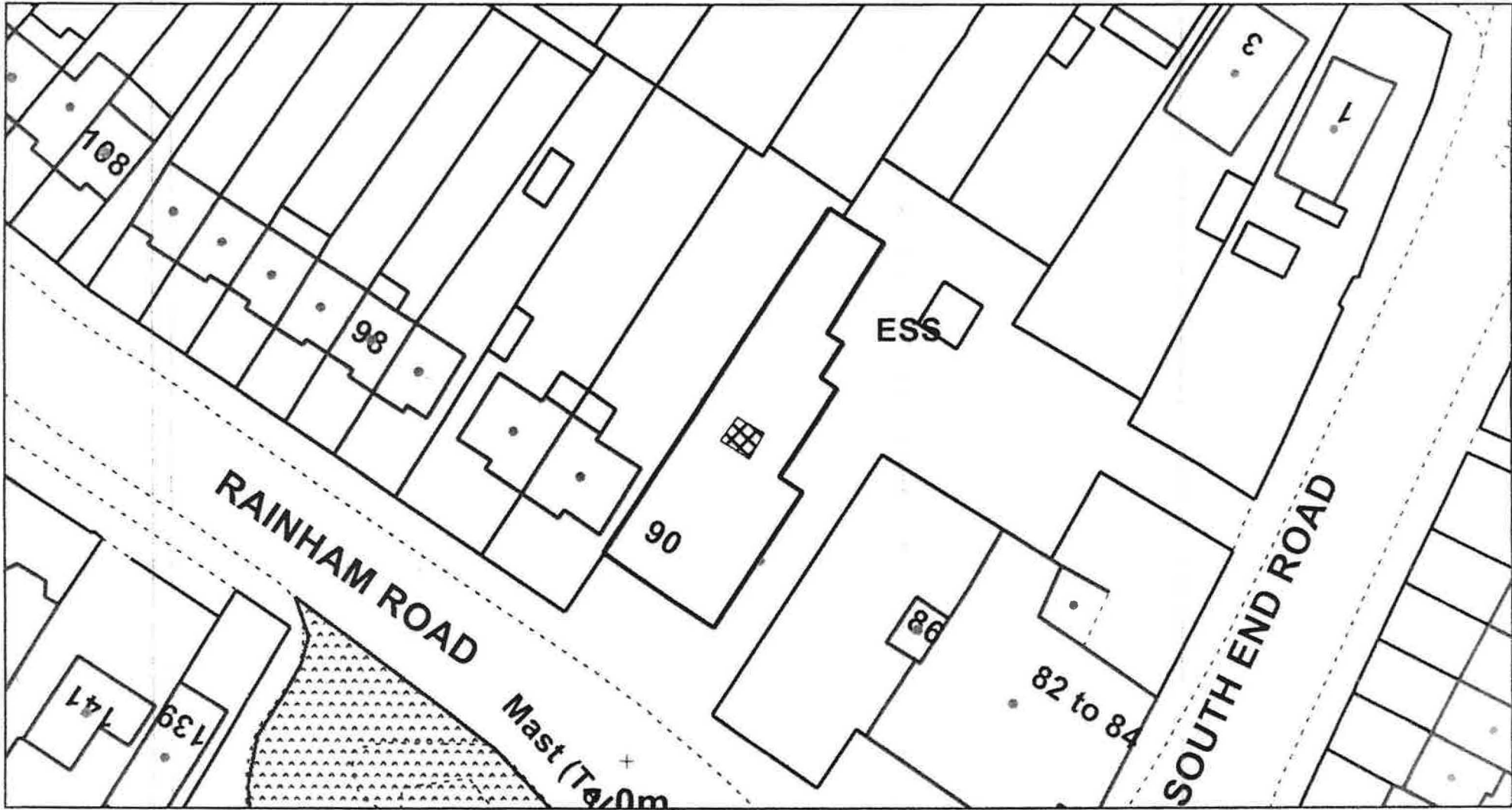
Dated: 7th March 2014

Signed:







Authorised Officer

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



90 Rainham Road, RM13 7RJ



Scale: 1:600
Date: 24 February 2014
Size: A4




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

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YOUR RIGHT OF APPEAL

You can appeal against this Enforcement Notice to the Secretary of State by the 11th April 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 11th April 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.

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 11th April 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 development - then a fee of £195 is payable both to the Secretary of State and to the Council, making the total fees payable £390. 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 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. Company Secretary of A.M.O.S. Properties Limited of 46-54 High Street Ingatestone Essex CM4 9DW
4. Lloyds Bank PLC, 38 New Road, Dagenham, Essex.
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