

**RE: Land Known as Unit 5, 6, 7-8 and part of service road Rainham Trading Estate New Road Rainham RM13 8RA**

**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. Mr Finbar Breslin. Director  
Prime Biomass Ltd  
Dorland House  
Regent Street Lower  
London. SW1 4PH
  4. The Company Secretary  
Prime Biomass Ltd  
Dorland House  
Regent Street Lower  
London. SW1 4PH
  5. Alan Jerome Marcus,  
Jerome Russell House,  
Dovers Industrial Estate  
Rainham, Essex RM13 8QT
  6. Denise Sonya Marcus  
Unit 5, Rainham Trading Estate,  
New Road, Dovers Corner,  
Rainham, Essex
  7. Alan Jerome Marcus,  
Unit 5, Rainham Trading Estate,  
New Road, Dovers Corner,  
Rainham, Essex
  8. Company Secretary  
Denton & Co. Trustees Limited  
Unit 5, Rainham Trading Estate,  
New Road, Dovers Corner,  
Rainham, Essex
  9. Company Secretary  
Denton & Co. Trustees Limited  
Sutton House, Weyside Park  
Catteshall Lane, Godalming  
Surrey GU7 1XE

10. Company Secretary  
The London County Freehold and Leasehold Properties Limited  
Lloyds Chambers  
1 Portsoken Street  
London E1 8HZ

**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 Units 5, 6, 7-8 and part of the service road Rainham Trading Estate, New Road Rainham RM13 8RA shown edged in bold and hatched Black on the attached plan (the Land).

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

An unauthorised change of use of the land for the purpose as a waste wood processing facility and the installation of portable site cabins and a weighbridge associated with the above unauthorised 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 unauthorised use is not considered as acceptable given the degree of harm to the locality caused by visual impact, dust and noise. The use would not contribute to meeting the East London waste apportionment. The application proposes a waste processing facility that would manage non-apportioned waste without any demonstration being made that there is not a more suitable site nearer to the source of the waste being processed. The site forms part of the Rainham West Site Specific Allocation. It is considered that granting planning permission for the proposal, even for a temporary period, could prejudice the future comprehensive redevelopment of the site in line with Havering's Local Development Framework. 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: policies CP11, CD32, DC48, DC52, DC53, DC55, DC61 and SSA12 Joint Waste Development Plan Document: policies W1, W2 and W5. London Plan Policy: 5.16. National Planning Policy Framework: PPS10

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

- (i) Cease the unauthorised use of the Land as a waste processing facility  
Time for compliance: 4 months from the effective date of this notice.
- (ii) Remove from the Land the weighbridge and portable site cabins brought onto the Land and associated the unauthorised use in (i) above  
Time for compliance: 4 months from the effective date of this notice
- (iii) Remove from the Land all machinery brought onto the Land in connection with the unauthorised use in (i) above  
Time for compliance: 4 months from the effective date of this notice
- (iv) Remove from the Land all processed and unprocessed waste wood and materials  
Time for compliance: 4 months from the effective date of this notice
- (v) Remove from the Land all machinery brought onto the land in connection with compliance of the above  
Time for compliance: 4 months from the effective date of this notice
- (vi) 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 15<sup>th</sup> April 2014, unless an appeal is made against it beforehand

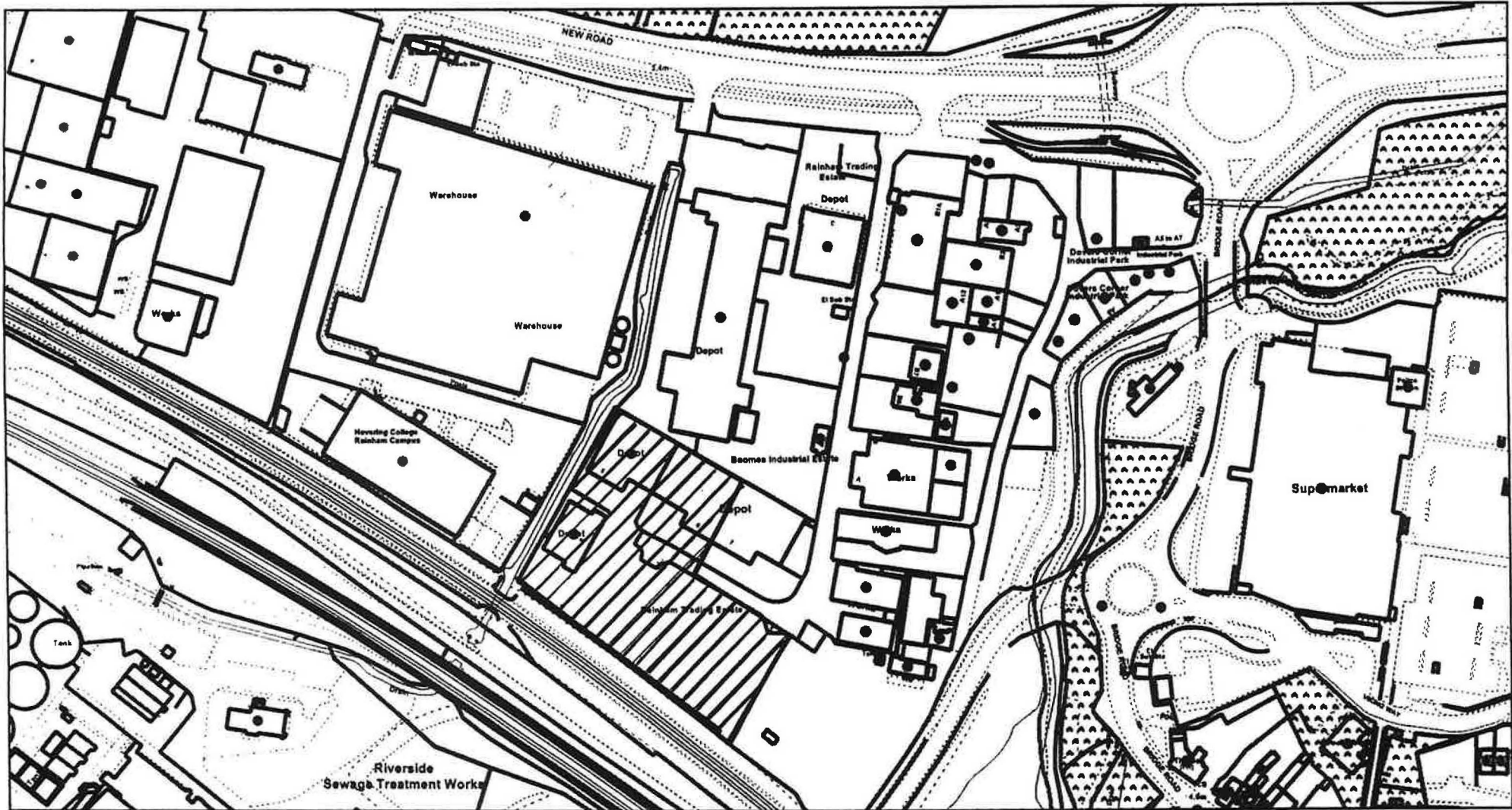
Dated: 11<sup>th</sup> March 2014

Signed:



Authorised Officer

on behalf of London Borough of Havering  
Town Hall



**Dovers Corner Industrial Estate. New Road. Rainham**



**Scale: 1:2500**  
**Date: 12 November 2013**  
**Size: A4**



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

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 Ordnance Survey 100024327

Main Road  
Romford RM1 3BD

### **YOUR RIGHT OF APPEAL**

You can appeal against this Enforcement Notice to the Secretary of State by the 15<sup>th</sup> 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 15<sup>th</sup> 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 15<sup>th</sup> 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 use - then a fee of £770 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, 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. Mr Finbar Breslin. Director  
Prime Biomass Ltd  
Dorland House  
Regent Street Lower  
London. SW1 4PH
4. The Company Secretary  
Prime Biomass Ltd  
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Surrey GU7 1XE

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