

**RE: 2-8 Upminster Road South, Rainham, Essex, RM13 9YX**

**IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY**

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

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**ENFORCEMENT NOTICE**

- TO:**
1. The Owner of the said land
  2. The Occupier of the said land
  3. Mr Jeffrey Tucker, 2-8 Upminster Road South, Rainham, Essex, RM13 9YX

**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 2-8 Upminster Road South, Rainham, Essex, RM13 9YX shown edged in black on the attached plan and registered at HM Land Registry under title number EGL127936 ("the Land")

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

Without planning permission, the unauthorised erection of an outbuilding shown cross-hatched black on the attached plan ("the Outbuilding") on the Land,

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 site contains a Grade II Listed Building and is also located within the designated Rainham Village Conservation Area. The siting of the building on the boundary with Rainham Hall, especially the depth of the building, the height of the pitch roof and the nature of the materials used, detracts from the setting of the Listed Building on site and, in particular, from public views available within the curtilage of the adjoining Grade II\* Listed Building known as Rainham Hall.

In making its decision to issue this Notice the Council considered that the relevant policies are: policies DC67, DC68 and DC61 of the LDF Development Control Policies DPD; Rainham Conservation Area Character Appraisal and Management

Proposal; London Plan Policy 7.8 and paragraph 132 of the National Planning Policy Framework.

The Council do not consider that planning permission should be given, because planning conditions could not overcome clear policy-led objections to the development.

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

- (i) Demolish and remove the unauthorised Outbuilding as described in paragraph 3 above and shown cross-hatched black on the plan attached.

Time for compliance: 3 months from the effective date of this notice.

- (ii) Remove from the Land all building materials and rubble arising from compliance with the first requirement above.

Time for compliance: 3 months from the effective date of this notice

**6. WHEN THIS NOTICE TAKES EFFECT**

This Notice takes effect on 19<sup>th</sup> October 2012, unless an appeal is made against it beforehand

Dated: 14<sup>th</sup> September 2012

Signed:



Authorised Officer

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

### **YOUR RIGHT OF APPEAL**

You can appeal against this Enforcement Notice to the Secretary of State by the 19<sup>th</sup> October 2012 2010. 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 19<sup>th</sup> October 2012 2010 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 19<sup>th</sup> October 2012.

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 £170 is payable both to the Secretary of State and to the Council, making the total fees payable £340. If the fees are not paid then that ground of appeal will not be valid.

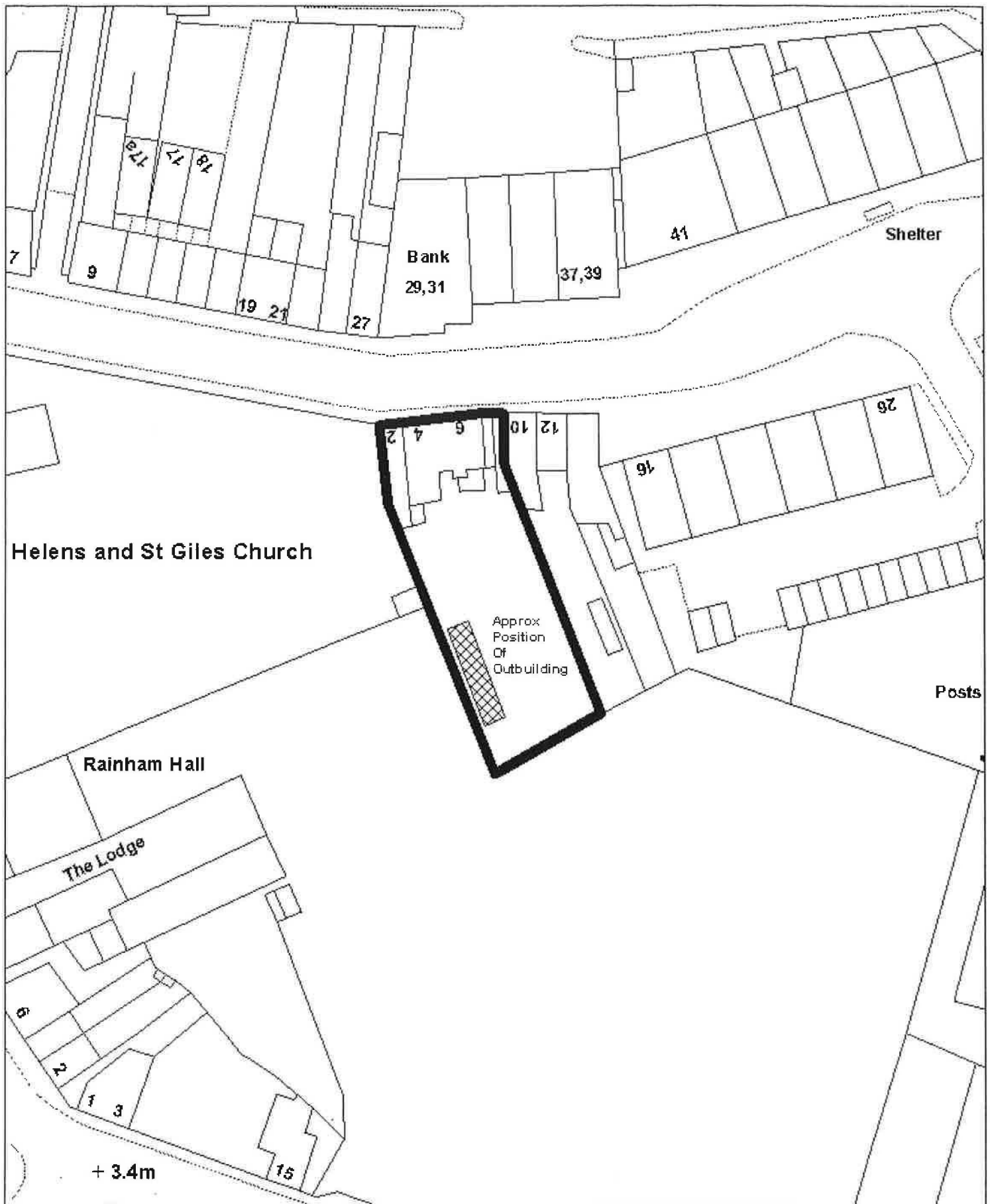
### **STATEMENT ON GROUNDS OF APPEAL**

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. Mr Jeffrey Tucker, 2-8 Upminster Road South, Rainham, Essex,  
RM13 9YX

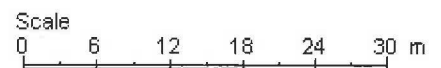


**2-8 Upminster Road South**

Map Reference: TQ5282 SW



Scale @ A4 1:625  
Date: 13/06/2012



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

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