

RE: LAND AND PREMISES AT 5 WRITTLE WALK RAINHAM RM13 7XB

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. The Company Secretary, Interface Properties Limited, 626 Romford Road, London, E12 5AQ
 4. Mr Asad Chaudhry, 626 Romford Road, London, E12 5AQ
 5. Bank of Ireland (UK) PLC, c/o Bank of Ireland UK, 1 Donegall Square South, Belfast, BT1 5LR

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 ground floor of the premises on the land at 5 Writtle Walk, Rainham, RM13 7XB shown edged Black on the attached plan ("the Land").

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

Without planning permission the unauthorised change of use from A1 (Retail) to A5 (Take-away).

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 breach has a material detrimental effect on the residential amenity of surrounding properties. The use as a takeaway, due to its days and hours of operation and inadequate extract ducting and proximity to adjoining residential accommodation, gives rise to unacceptable levels of noise, disturbance, smells and anti-social behaviour. 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 DC16, DC55, DC61 and DC63, also PPS1.

5. WHAT YOU ARE REQUIRED TO DO

- (i) Cease the unauthorised use as an A5 take-away

Time for compliance: 1 month from the effective date of this notice

- (ii) Restore the Land to its condition before the breach took place. Remove all installations and equipment, including ventilation and extractor equipment, associated with the unauthorised A5 use

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

- (iii) Revert the use of the shop premises to the authorised use as A1 retail

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

6. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on 20th May 2011, unless an appeal is made against it beforehand.

Dated: Friday April 15th 2011

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 20th May 2011. 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 20th May 2011 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 copy of the relevant legislation (Sections 171A, 171B, 172 to 177, 179 and 289 of the Town and Country Planning Act 1990 (as amended)) and a summary of Sections 171A, 171B, 172 to 174 and 179 of the Town and Country Planning Act 1990 (as amended) are 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 20th May 2011.

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 use - then a fee of £335 is payable both to the Secretary of State and to the Council, making the total fees payable £670.

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. Interface Properties Limited, 626 Romford Road, London, E12 5AQ
4. Mr Asad Chaudhry, 626 Romford Road, London, E12 5AQ
5. Bank of Ireland (UK) PLC, c/o Bank of Ireland UK, 1 Donegall Square South, Belfast, BT1 5LR

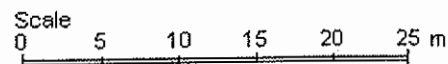


5 Writtle Walk, Rainham, RM13 7XB

Map Reference: TQ5183NW



Scale @ A4 1:500
Date: 31/03/2011



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

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