

RE: Land adjacent to No. 1 Willoughby Drive, Rainham, Essex RM13 7SX

**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. Thomas Steven Harber of 1 Willoughby Drive, Rainham, Essex RM13 7SX.
  4. Ritchie Harber of 1 Willoughby Drive, Rainham, Essex RM13 7SX.
  5. Lily Harber of 1 Willoughby Drive, Rainham, Essex RM13 7SX.
  6. Lily Harber of 1A Willoughby Drive, Rainham, Essex RM13 7SX.
  7. Lily Harber of Land adjacent to No. 1 Willoughby Drive, Rainham, Essex RM13 7SX.

**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**

Land adjacent to No. 1 Willoughby Drive, Rainham, Essex RM13 7SX shown outlined in bold black on the attached plan ("the Land")

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

Without planning permission, the unauthorised change of use of the Land from allotment use to residential use including the siting of a mobile home.

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 Land lies within the Metropolitan Green Belt. The unauthorised change of use and siting of a mobile home on the Land has a materially harmful impact on the Metropolitan Green Belt. The unauthorised change of use and siting of a mobile home is detrimental to the visual amenity and character of the surrounding area in general and is harmful to the essential open nature of this part of the Metropolitan Green belt.

There is a materially harmful impact on the occupiers of the mobile home because the mobile home offers a poor living environment.

The unauthorised change of use is contrary to policy PPG2 (Green Belt), DC45 and DC61 of the Local Development Framework and policy 3D.9 of the London Plan.

The unauthorised change of use does not constitute permitted development under the General Permitted Development Order 1995 (as amended).

## 5. WHAT YOU ARE REQUIRED TO DO

- (i) Cease using the Land for residential purposes.

Time for compliance: 6 months from the effective date of this notice.

- (ii) Remove from the Land all mobile homes, caravans and vehicles.

Time for compliance: 6 months from the effective date of this notice.

- (iii) Remove from the Land all building materials, debris and rubbish associated with the unauthorised use and in compliance with (i) and (ii) above.

Time for compliance: 6 months from the effective date of this notice.

## 6. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on 18 November 2011, unless an appeal is made against it beforehand

Dated: 14 October 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 18 November 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 18 November 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.

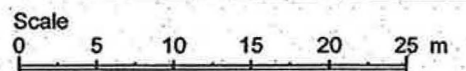
**FAILURE TO COMPLY WITH AN ENFORCEMENT NOTICE WHICH HAS TAKEN EFFECT CAN RESULT IN PROSECUTION AND/OR REMEDIAL ACTION BY THE COUNCIL.**



Map Reference: TQ5184SW



Scale @ A4 1:500  
Date: 11/10/2011



**Havering**  
LONDON BOROUGH

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

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## 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 18 November 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 development - then a fee of £335.00 is payable both to the Secretary of State and to the Council making the total fees payable £670.00. 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 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. Thomas Steven Harber of 1 Willoughby Drive, Rainham, Essex RM13 7SX.
4. Ritchie Harber of 1 Willoughby Drive, Rainham, Essex RM13 7SX.
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