



Havering
LONDON BOROUGH

THE OWNER
Land at Aveley Marshes
Rainham
Essex

Ian W Burns, BA(Law) Solicitor
Assistant Chief Executive
Legal and Democratic Services

London Borough of Havering
Town Hall, Main Road,
Romford, Essex RM1 3BD
DX 138120 ROMFORD 4

Please ask for Vincent Healy
Telephone: 01708 432467
Fax: 01708 432482

e-mail: vincent.healy@havering.gov.uk

POSTED ON SITE BY HAND

Date: 28th November 2011

Our Ref: VJH – TP3324

Your Ref:

IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

Dear Sir or Madam,

TOWN & COUNTRY PLANNING ACT 1990 (as amended) - SECTION 173A WITHDRAWAL OF ENFORCEMENT NOTICES A and B relating to land at Aveley Marshes, Rainham, Essex

The Council have issued enforcement notices A and B on 14th January 2011 relating to the above land and due to a defect in the service of the notices which was acknowledged by the Council at a Public Inquiry dated 9th November 2011, it exercises its powers under Section 173A of the Town and Country Planning act 1990 (as amended) (the 1990 Act) to withdraw the Notices, copies of which is attached for ease of reference.

Please note that the Council's withdrawal of the attached notices does not affect the power of the Local Planning Authority to issue a further Enforcement Notice or Notices (Section 173A (4) of the 1990 Act).

Parties on whom the enforcement notices have been served and to whom confirmation of withdrawal of the Enforcement Notices is now sent are as follows:-

1. The Owner of the said land
2. The Occupier of the said land
3. Mr Michael Verrechia, c/o Freightmaster Commercial, Arterial Road, Aveley, RM15 4XS
4. Mr Dean Kenneth Everett, Lamorna, Dunnings Lane, Bulphan, Upminster, RM14 3RJ

5. Mr Ivan Jonathan North, Andes, Herga Hyll, Orsett, Essex RM16 3JA
6. Transport for London c/o, The Asset Register Manager, Transport for London, Group Property, 172 Buckingham Palace Road, London SW1W 9TN

Yours sincerely,



Vincent Healy
for and on behalf of Ian W Burns
Acting Assistant Chief Executive
Legal and Democratic Services

Lexcel
Practice Management Standard
Law Society Accredited



INVESTOR IN PEOPLE

ENFORCEMENT NOTICE A

RE: AVELEY MARSHES, RAINHAM

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 Michael Verrechia, c/o Freightmaster Commercials, Arterial Road, Aveley, RM15 4XS
4. Mr Dean Kenneth Everett, Lamorna, Dunnings Lane, Bulphan, Upminster, RM14 3RJ
5. Mr Ivan Jonathan North, Andes, Herga Hill, Orsett, Essex, RM16 3JA
6. Transport for London c/o The Asset Register Manager, Transport for London, Group Property, 172 Buckingham Palace Road, London, SW1W 9TN

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 known as Aveley Marshes, Rainham shown hatched black on the attached plan ("the Land").

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

Without the benefit of planning permission, a material change of use in the storage and parking of vehicles, containers, portakabins and plant.

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. It is considered that the use is materially harmful to birds, wildlife and plants. The site is an area of Metropolitan Importance for Nature Conservation. It is the largest expanse of wetland bordering the upper reaches of the Thames Estuary and is of Scientific Specialist Interest. This is contrary to the Local Development Framework Core Strategy and Development Control Policies Development Plan Document DC58.

Further, the site is within the Metropolitan Green Belt and is detrimental to the visual amenities and character of the surrounding area in general and the open nature of this part of the Metropolitan Green Belt. This is contrary to the Local Development Framework Core Strategy and Development Control Policies Development Plan Document DC45 as well as PPG2 and Policy 3D.9 of the London Plan.

5. WHAT YOU ARE REQUIRED TO DO

- (i) Cease using the Land, as shown cross hatched on the attached plan, for the unauthorised purpose of storage and parking including storage of vehicles, containers, portakabins and plant.

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

- (ii) Cease using the land for any unauthorised purpose save for the authorised use as open land which would include forested land.

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

6. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on 14th February 2011, unless an appeal is made against it beforehand

Dated: 14th January 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 14th February 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 14th February 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.

WITHDRAWN

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 14th February 2011.

If you intend to appeal this Notice you should follow instructions given on the information sheet from the Planning Inspectorate which accompanies this Notice.

GROUND(S) 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 £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

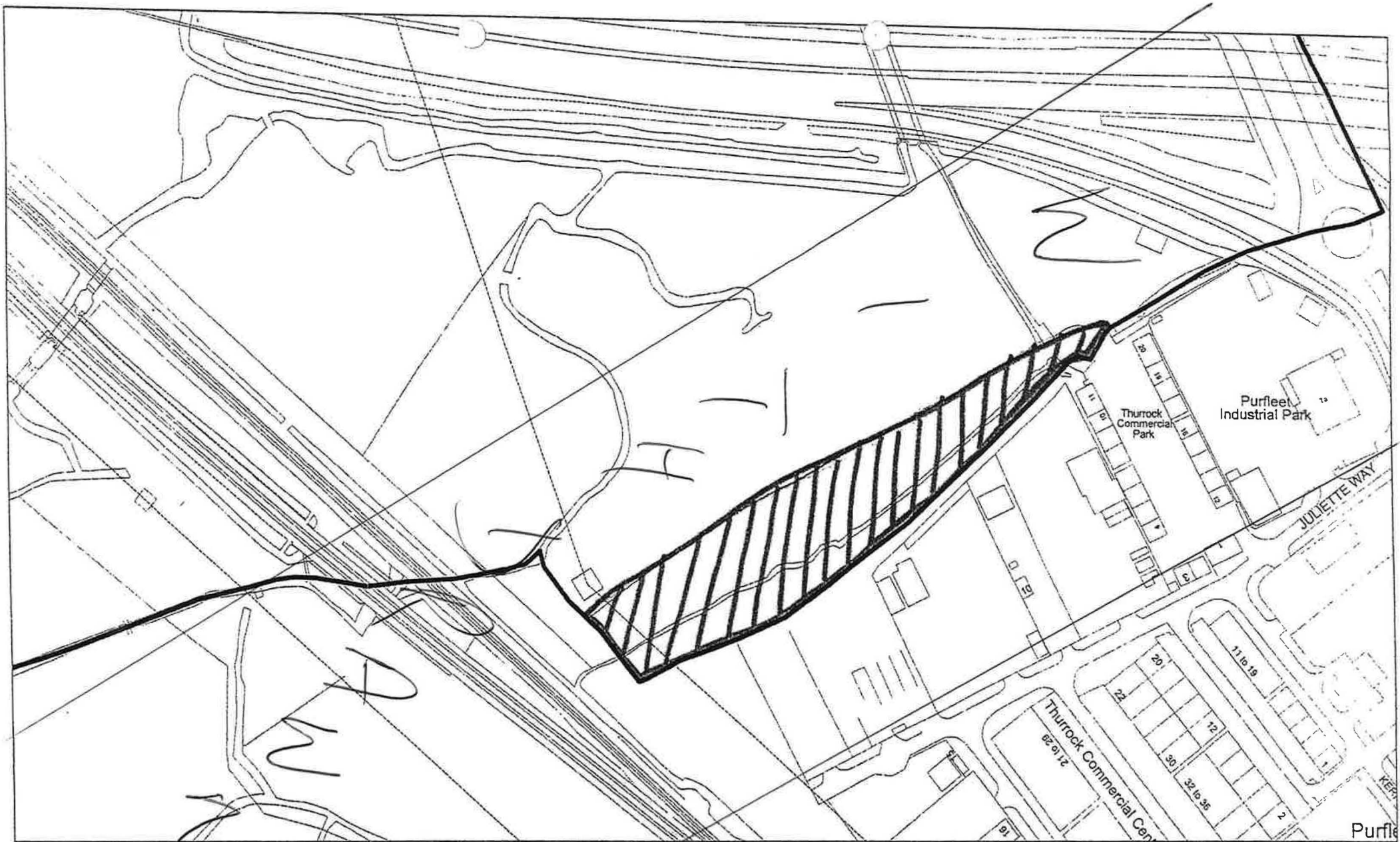
You must submit to the Secretary of State, either when giving notice of appeal or within 14 days from the date on which the Secretary of State sends him a notice so requiring him, a statement in writing specifying the grounds on which you are appealing against the enforcement notice and stating briefly 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:

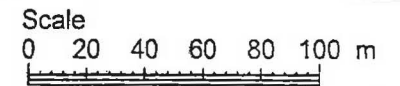
1. The Owner of the said land
2. The Occupier of the said land
3. Mr Michael Verrechia, c/o Freightmaster Commercials, Arterial Road, Aveley, RM15 4XS
4. Mr Dean Kenneth Everett, Lamorna, Dunnings Lane, Bulphan, Upminster, RM14 3RJ
5. Mr Ivan Jonathan North, Andes Herga Hyll, Orsett, Essex, RM16 3JA
6. Transport for London c/o The Asset Register Manager, Transport for London, Group Property, 172 Buckingham Palace Road, London, SW1W 9TN

DRAWN



Map Reference: TQ5480SE
Date: 10/09/2009

Scale @ A4
1:2485



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



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ENFORCEMENT NOTICE B

RE: AVELEY MARSHES, RAINHAM

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 Michael Verrechita, c/o Freightmaster Commercials, Arterial Road, Aveley, RM15 4XS
4. Mr Dean Kenneth Everett, Lamorna, Dunnings Lane, Bulphan, Upminster, RM14 3RJ
5. Mr Ivan Jonathan North, Andes, Herga Hyll, Orsett, Essex, RM16 3JA
6. Transport for London c/o The Asset Register Manager, Transport for London, Group Property, 172 Buckingham Palace Road, London, SW1W 9TN

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 known as Aveley Marshes, Rainham shown edged in black on the attached plan ("the Land").

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

Without the benefit of planning permission, the construction on the Land of a hardsurface, including compact earth and gravel.

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 unauthorised development was substantially completed less than four years ago. The construction of the hardsurface is considered development of the Metropolitan Green Belt and impacts and open character. It is visually harmful and includes changes to the watercourse that are located in an area identified as area liable to flooding.

The development is therefore contrary to Policies CP15, CP16, DC45, DC48 and DC58 of the Local Development Framework Development Control Policies Development Plan Document and PPG2, Policy 3D.9 of the London Plan.

The Council do not consider that planning permission should be given because planning conditions could not overcome these problems.

5. WHAT YOU ARE REQUIRED TO DO

- (i) Remove all hardsurfacing including the compacted earth and gravel as shown cross hatched on the attached plan.

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

- (ii) Remove all building materials, construction debris, associated spoils and rubble brought onto the land in connection with unauthorised development.

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

- (iii) Return the land to open rural land as it was before the unauthorised development took place.

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

6. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on 14th February 2011, unless an appeal is made against it beforehand

Dated: 14th January 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 2011. Further details are given in the attached explanatory note.

W

WHAT HAPPENS IF YOU DO NOT APPEAL

If you do not appeal against this Enforcement Notice, it will take effect on 14th February 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.

THIS DRAWING

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 14th February 2011.

If you intend to appeal this Notice you should follow instructions given on the information sheet from the Planning Inspectorate which accompanies this Notice.

GROUND(S) 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 £1690 is payable both to the Secretary of State and to the Council making the total fees payable £3380. If the fees are not paid then that ground of appeal will not be valid.

STATEMENT ON GROUNDS OF APPEAL

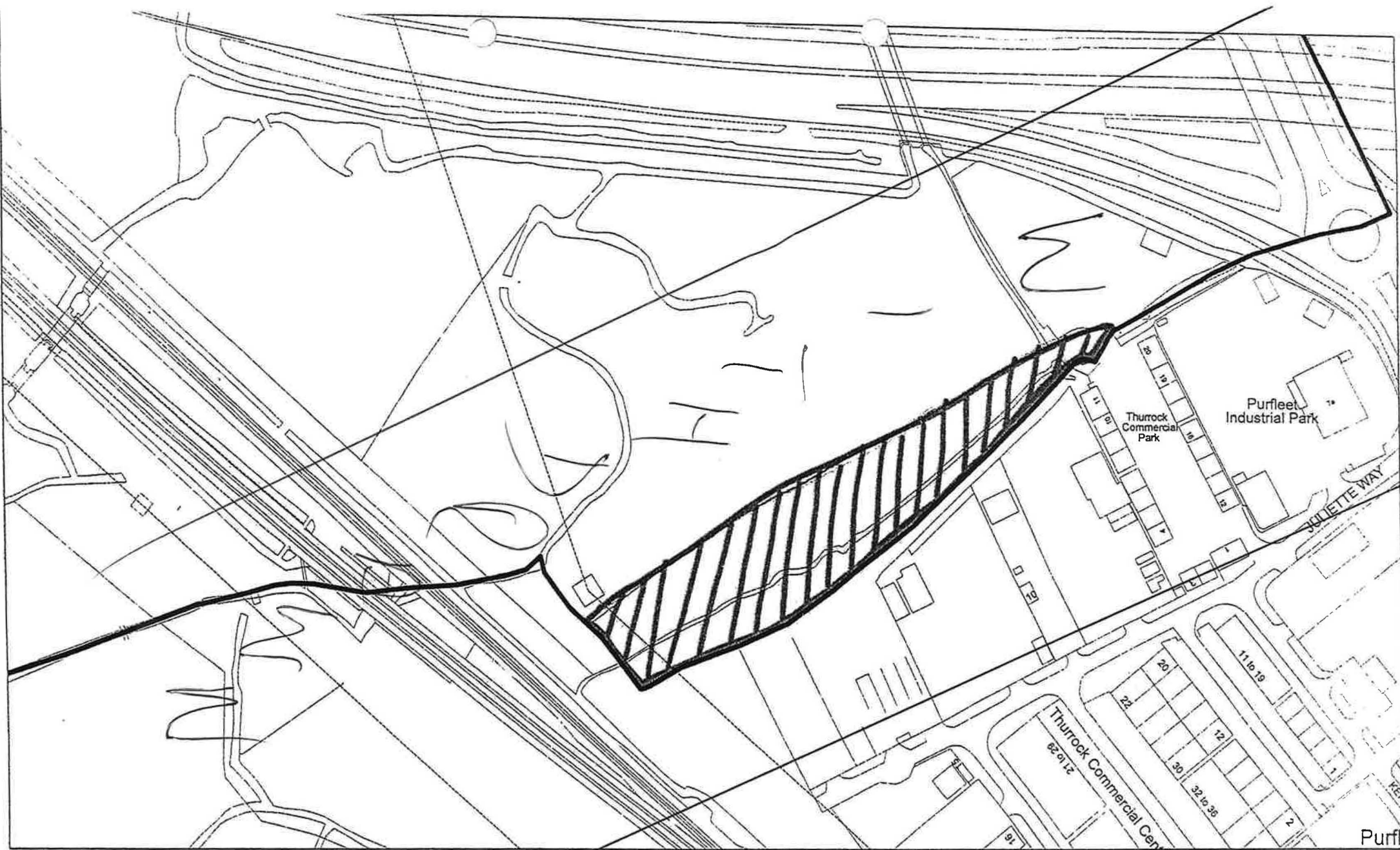
You must submit to the Secretary of State, either when giving notice of appeal or within 14 days from the date on which the Secretary of State sends him a notice so requiring him, a statement in writing specifying the grounds on which you are appealing against the enforcement notice and stating briefly 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
2. The Occupier of the said land
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