

## **ENFORCEMENT NOTICE**

### **RE: LAND ON THE SOUTH SIDE OF NEW ROAD, RAINHAM**

#### **IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY**

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

#### **ENFORCEMENT REFERENCE: ENF/92/19**

**ISSUED BY:** London Borough of Havering (herein after referred to as “the Council”)

1. **THIS IS A FORMAL NOTICE** which is issued by the Council because it appears to the Council that there have been breaches 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. The Explanatory Notes at the end of this Notice and the Enclosures referred to therein contain important additional information.

#### 2. **THE LAND AFFECTED**

The land known as **Land on the South Side of New Road, Rainham** shown edged in black on the attached plan and is registered under Land Registry Title Number EGL424018.

#### 3. **THE BREACHES OF PLANNING CONTROL ALLEGED**

Without planning permission, the change of use of land from vehicle storage to a mixed use of vehicle storage and residential use.

#### 4. **REASONS FOR ISSUING THIS NOTICE**

- 1) It appears to the Council that the above breaches of planning control have occurred “within the last TEN years” and that steps should be taken to remedy the breach by Section 173 4(a) or to remedy any amenity which has been caused by the breach.
- 2) It is considered that the change of use of the land for residential use, is an incompatible and therefore inappropriate use of industrial land, with cramped and substandard living conditions, and fails to provide adequate fire safety measures contrary to Policies DC3, DC4, DC55 and DC61 of the LDF Core Strategy and Development Control Policies DPD, London Plan Policy 3.5 and the NPPF 2019
- 3) The Council does not consider that planning permission should be granted for the development because conditions attached to any consent cannot remedy the breach.

## 5. WHAT YOU ARE REQUIRED TO DO

By this Enforcement Notice you are required, within **TWO MONTHS** of the date when this Notice takes effect to:

- (i) Cease the use of the site for residential purposes;

And

- (ii) Remove the three caravans which facilitate residential use;

And

- (iii) Remove all fixtures, fittings, residential paraphernalia and cooking amenities from the site;

And

- (iv) Remove all materials and debris resulting from actions i, ii and iii from the site.

## 6. TIME FOR COMPLIANCE

TWO MONTHS after the date when this Notice takes effect.

## 7. WHEN THIS NOTICE TAKES EFFECT

This Notice will take effect on **24<sup>th</sup> May 2019**, unless an appeal is made against it beforehand.

Dated: 26<sup>th</sup> April 2019

Signed: .....

Name: David Colwill

Team Leader, Planning Enforcement and Appeals

on behalf of London Borough of Havering

5<sup>th</sup> Floor, Mercury House, Mercury Gardens, Romford RM1 3SL

Nominated Officer: Sager Perwez

Telephone Number: 01708 434194

Email: [Sager.Perwez@haverling.gov.uk](mailto:Sager.Perwez@haverling.gov.uk)

## THE RIGHT TO APPEAL

Those with a legal or equitable interest in the land or who is a relevant occupier can appeal against this Enforcement Notice to the Secretary of State before **24<sup>th</sup> May 2019**. Further details are given in the attached explanatory note.

## WHAT HAPPENS IF AN APPEAL IS NOT RECEIVED

If an appeal is not received against this Enforcement Notice, it will take effect on **24<sup>th</sup> May 2019** 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 this 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.

**THE RIGHT TO APPEAL**

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 **24<sup>th</sup> May 2019**.

If an appeal against this Notice is intended, the instructions given on the information sheet from the Planning Inspectorate which accompanies this Notice should be followed.

**GROUND OF APPEAL**

The grounds of appeal are set out in Section 174 of the Town and Country Planning Act 1990 (as amended) and an appeal may be made 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 an appeal on ground (a) - that planning permission should be granted for the unauthorised development be sought - then a fee of **£924** is payable to the Council when the appeal is lodged. If this fee is not paid, the planning merits of the appeal will not be considered by the Planning Inspector.

## **STATEMENT ON GROUNDS OF APPEAL**

It must be submitted 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 you a notice so requiring, a statement in writing specifying the grounds on which the appeal against the Enforcement Notice is being made and stating briefly the facts on which it is proposed 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. Occupier, Caravan 1, Land on the South Side of New Road, Rainham
2. Occupier, Caravan 2, Land on the South Side of New Road, Rainham
3. Occupier, Caravan 3, Land on the South Side of New Road, Rainham
4. John Davies, The Ponderosa, Place Farm Lane, Doddinghurst, Brentwood, Essex, CM15 0JA





<p><b>Land on the South Side of New Road, Rainham</b></p>	<p style="text-align: right;">N ↑</p>
<p>    </p>	<p> <b>Scale: 1:1000</b>  <b>Date: 24 April 2019</b> </p> <p style="text-align: right;">0 5 10 15 metres</p> 
<p>  </p>	<p>             London Borough of Havering              Town Hall, Main Road              Romford, RM1 3BD              Tel: 01708 434343         </p> <p>             © Crown copyright and database rights 2019              Ordnance Survey 100024327         </p>

CST Room 3/13  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol BS1 6PN

Direct Line 0303-444 5000  
Email [enquiries@pins.gsi.gov.uk](mailto:enquiries@pins.gsi.gov.uk)

## THIS IS IMPORTANT

If you want to appeal against this enforcement notice you can do it:-

- on-line at the Appeals Casework Portal <https://acp.planninginspectorate.gov.uk/> or
- sending us enforcement appeal forms, which can be obtained by contacting us on the details above.

**You MUST make sure that we receive your appeal before the effective date on the enforcement notice.**

Please read the appeal guidance documents at <https://www.gov.uk/appeal-enforcement-notice/how-to-appeal>

In exceptional circumstances you may give notice of appeal by fax or letter. You should include:-

- the name of the local planning authority;
- the site address;
- the effective date of the enforcement notice.

We MUST receive this BEFORE the effective date on the enforcement notice. This should **immediately** be followed by your completed appeal forms.