

**LAND SOUTH SIDE OF WILLOUGHBY DRIVE EAST OF YARD 5 BY CASTLE
AVENUE RAINHAM ESSEX RM13 8JP**

IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

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

ENFORCEMENT REFERENCE: ENF/241/19

ENFORCEMENT NOTICE

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 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 **LAND ON SOUTHSIDE OF WILLOUGHBY DRIVE, EAST OF YARD 5, RAINHAM ESSEX RM13 8JP**, shown edged in black on the attached plan, registered under Land Registry Title Numbers EGL544294.

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

Without the benefit of planning permission:

1. The material change of use of the land edged in black in the attached site plan in Green Belt to a sui generis use as a scaffolding contractors yard involving industrial processes relating to the greasing of scaffolding poles, general maintenance and repairs of scaffolding poles, boards and scaffolding equipment and storage of scaffolding equipment including poles & boards;

AND

2. Unauthorised development through the erection of a shed with corrugated roof measuring approximately 20 metres wide by 23 metres long and 5 metres high.

4. **REASONS FOR ISSUING THIS NOTICE**

(1) It appears to the Council that the above breaches of planning control have occurred within the last FOUR years for all operational development and within 10 YEARS for change of use of the land and that steps should be taken to remedy the breaches in accordance with the purposes stipulated in Section 173 (4) (a) of the above Act.

- (2) The use of the site has a greater visual impact on the openness of the Green Belt than the previous uses of the site. The continuation of the uses at the site would result in substantial harm to the openness and permanence of the Green Belt. The use is therefore considered contrary to Policy DC45 of the London Borough of Havering LDF Core Strategy and Development Control Policies DPD 2008, Policy 7.16 of the current London Plan and the National Planning Policy Framework 2019. Further, the proposal would not constitute very special circumstances which would outweigh all relevant planning harm.
- (3) In the absence of noise attenuation evidence, the use is considered to materially impact upon the reasonable residential amenities of nearby residential occupiers. The proposal is considered contrary to the implementation of Policies DC32, DC55 and DC61 of the London Borough of Havering LDF Core Strategy and Development Control Policies DPD 2008 and relevant paragraphs contained in the National Planning Policy Framework 2019.
- (4) Given the nature of the use and the location of the structures in relation to the neighbouring properties, the use presents a significant adverse impact on the amenity of nearby dwellings in contravention of policy DC61.
- (5) The use is contrary to the principles of Policy DC32 as it is considered that the intensification of the site, and use, would give rise to additional HGV movements on unsuitable local infrastructure. The increase in traffic would impact on pedestrian safety and also the safety of other road users
- (6) The Council does not consider that planning permission should be granted because conditions attached to any consent would not overcome the planning issues raised in the reasons for issuing the notice.

5. WHAT YOU ARE REQUIRED TO DO

The Enforcement Notice requires, within **TWO MONTHS** of the effective date of the Notice to:

1. Cease the use of the land edged in black in the attached site plan in Green Belt for use as a scaffolding contractors yard involving industrial processes relating to the greasing of scaffolding poles, general maintenance and repairs of scaffolding poles, boards and scaffolding equipment and storage of scaffolding equipment including poles & boards; AND
2. Remove from the land the shed with corrugated roof measuring approximately 20 metres wide X 23 metres deep and 5 metres high; AND
3. Remove from the land: storage racks, scaffolding poles and boards, scaffolding equipment and debris associated with the unauthorised businesses; AND
4. Return the land back to the condition before the unauthorised use started.

6. TIME FOR COMPLIANCE

TWO MONTHS after the date when this Notice takes effect.

7. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on **7th April 2020**, unless an appeal is made against it beforehand

Dated: **5th March 2020**

Signed: *David Colwill*

David Colwill
Team Leader, Planning Enforcement
on behalf of London Borough of Havering
5th Floor, Mercury House, Mercury Gardens, Romford RM1 3SL

Nominated Officer: Onkar Bhogal
Email: Onkar.Bhogal@havering.gov.uk

Telephone Number: 01708 431587

THE RIGHT TO APPEAL

Those with a legal or equitable interest in the land of who is a relevant occupier can appeal against this Enforcement Notice to the Secretary of State before the **7th April 2020**. Further details are given in the attached explanatory note.

WHAT HAPPENS IF AN APPEAL IS NOT RECEIVED

If an appeal is not against this Enforcement Notice, it will take effect on **7th April 2020** 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) can be viewed online at <https://www.legislation.gov.uk>

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 **7th April 2020**.

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.

GROUNDINGS 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

The grounds of appeal 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 him a notice so requiring, a statement in writing specifying the grounds on which the appeal against the Enforcement Notice is to be 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:

Thomas Ely Hedges (Owners)
C/o Fern Cottage
Beacon Road
St Agnes
Cornwall TR5 0NF

The Occupiers
Scaffolders Yard
Land on Southside of Willoughby Drive east of Yard 5 by Castle Avenue,
Rainham, RM13 8JP

The Owners
Land on Southside of Willoughby Drive east of Yard 5 by Castle Avenue,
Rainham, RM13 8JP



Land East of Yard 5, Willoughby Drive



Scale: 1:600
 Date: 11 February 2020
 Size: A4



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