

**LAND KNOWN AS SCOTCH SMOKED SALMON, UNIT B3, B12, B13 AND
B14 SUTTONS BUSINESS PARK, NEW ROAD, RAINHAM
ESSEX RM13 8DE**

IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

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

ENFORCEMENT REFERENCE: ENF/217/18

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 known as **Scotch Smoked Salmon, Units B3, B12, B13 and B14 Suttons Business Park, New Road, Rainham Essex RM13 8DE** hatched in black on the attached plan and is registered under Land Registry Title Number is EGL291559 and EGL291579.

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

Without the benefit of planning permission, the change of use of the car parking area shown hatched in black on the site plan to a primary use as B2 (General Industrial Use) and B8 (Storage and Distribution Use) and operation development in the form of:

1. Erection of 2.4 metre high metal palisade fencing bordering the area as shown hatched as (A) on the site plan;
2. Installation of air conditioning and refrigeration units on the roof of the freezer unit;
3. Siting of freezer unit shown hatched as (B);
4. Siting of metal containers;
5. Siting of waste disposal receptors, wheelie bins, skips and refuse disposal containers; and
6. Siting of goods in connection with Scotch Smoked Salmon business

4. REASONS FOR ISSUING THIS NOTICE

1. It appears to the Council that the material change of use of the land for the storage of goods in connection with the Scotch Smoked Salmon business has occurred within last 10 years whilst operational development including the installation of air conditioning and refrigeration units on the roof of freezer unit and erection of 2.4m high metal palisade fencing occurred within the last 4 years and that steps should be taken to remedy the breach by Section 173 4(a) or to remedy any injury to amenity which has been caused by the breach.
2. The uses increase on-site activities such as noise and traffic which adversely affects the amenity of adjoining commercial properties.
The material change of use of the car parking area to a primary use extending the Scotch Smoked Salmon business and associated unlawful development has a materially harmful impact on visual amenity, parking and site access and are contrary to the provisions of the National Planning Policy Framework (NPPF 2019), The Core Strategy and Development Control Policies Development Plan Document DC33 (Car Parking), DC55 (Noise), and DC61 (Urban Design) as well as being contrary to London Plan Policies, 7.4 (Local Character) and 7.6 (Architecture).
3. 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 date when this Notice takes effect to:

- i. Cease the use of the land for as a primary use as storage in connection with the Scotch Smoked Salmon business in the area as shown marked hatched on the attached plan; AND
- ii. Remove the freezer unit, metal containers, wheelie bins, refuse disposal containers, skips, goods stored in connection with the business and other stored items; AND
- iii. Remove all metal palisade fencing; AND
- iv. Remove all debris and materials accumulated as a result of taking steps ii. and iii. above.

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 16th November 2020, unless an appeal is made against it beforehand.

Dated: 15th October 2020

Signed: 

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@haverling.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 **16th November 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 **16th November 2020** 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 **16th November 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 for each Ground (a) appeal 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:

Patricia Ann Smith
Scotch Smoked Salmon Co. Ltd
Co. Reg. 02973739
C/o Tish Press & Company
Cambridge House, 27 Cambridge Park, Wanstead, London E11 2PU

Simon Patrick Wane
Scotch Smoked Salmon Co. Ltd
Co. Reg. 02973739
C/o Tish Press & Company
Cambridge House, 27 Cambridge Park, Wanstead, London E11 2PU

The Directors
Scotch Smoked Salmon Co. Ltd
Co. Reg. 02973739
C/o Tish Press & Company
Cambridge House, 27 Cambridge Park, Wanstead, London E11 2PU

Patricia Ann Smith
Scotch Smoked Salmon Co. Ltd
Co. Reg. 02973739
Units B3, B12 and B14 Sutton Business Park, New Road, Rainham,
Essex RM13 8DE

Simon Patrick Wane
Scotch Smoked Salmon Co. UK
Co. Reg. 02973739
Units B3, B12, B13 and B14 Sutton Business Park, New Road, Rainham,
Essex RM13 8DE

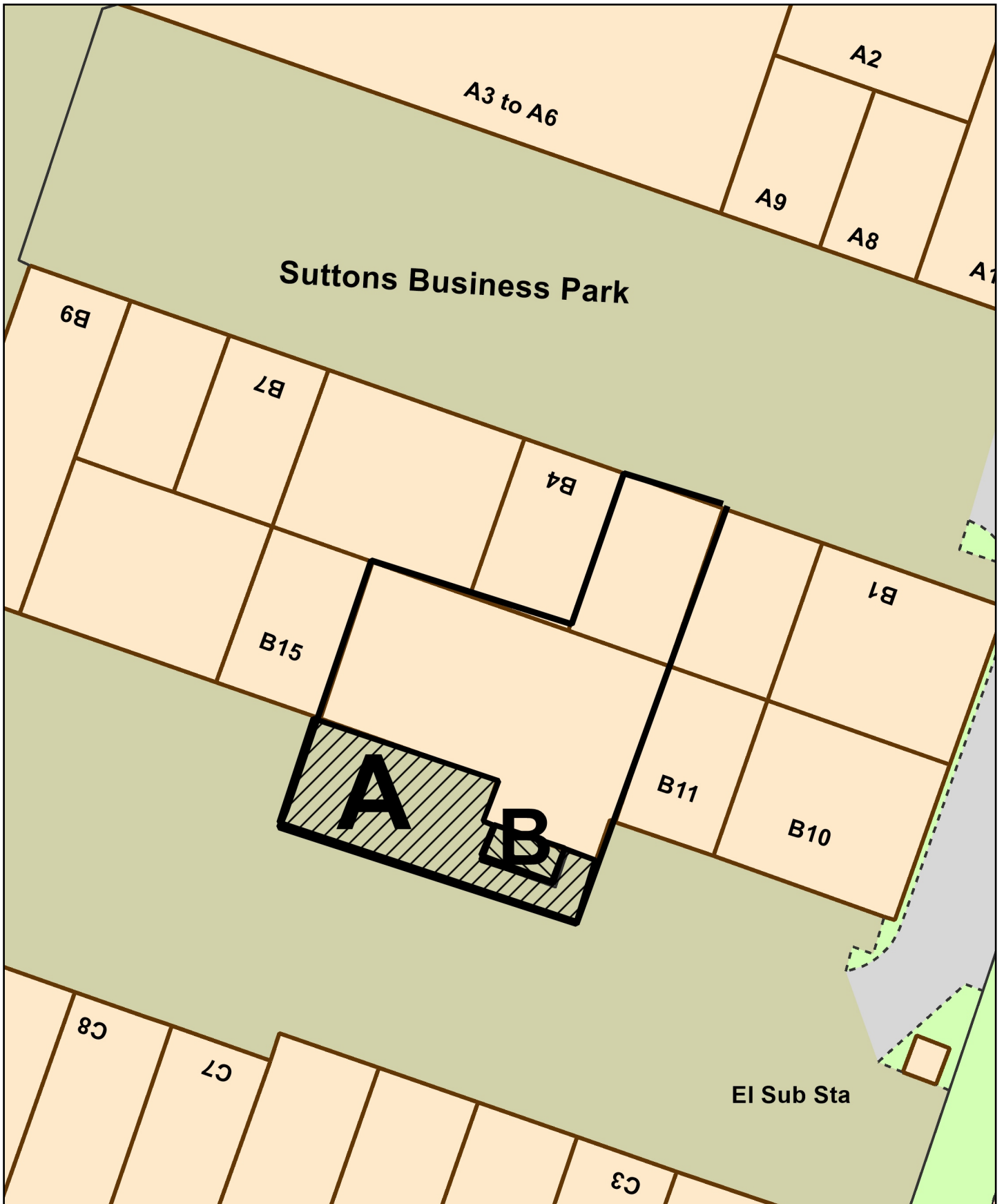
The Directors
Scotch Smoked Salmon Co. Ltd
Co. Reg. 02973739
Units B3, B12, B13 and B14 Sutton Business Park, New Road, Rainham,
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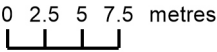

The Owners / Occupiers
Scotch Smoked Salmon Co. Ltd
Co. Reg. 02973739
Units B3, B12, B13 and B14 Sutton Business Park, New Road, Rainham,

Essex RM13 8DE

Rainham Securities Limited
(Co. Reg. No. 03839456)
Kathryn House
Manor Way
Rainham Essex RM13 8RE

HSBC UK BANK PLC (Co. Reg. No. 992412)
Of Securities Processing Centre
P O Box 6304
Coventry CV3 9JY



<p>SUTTONS BUSINESS PARK</p>	<p style="text-align: right;">N ↑</p>
<p>    </p> <p>The National Land & Property Gazetteer NATIONAL STREET GAZETTEER Licensed Partner</p>	<p> Scale: 1:400 Date: 07 September 2020 </p> <p style="text-align: right;">  </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 2020 Ordnance Survey 100024327 </p>