

**RE: 5a and 5b Salamons Way, Rainham, Essex RM13 9UL**

**IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY**

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

**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 **5a and 5b Salamons Way, Rainham, Essex RM13 9UL**, shown edged in black on the attached plan.

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

- (i) Without planning permission, the unauthorised change of use of 5a and 5b Salamons Way, Rainham, Essex from Use Class B8 to car breakers yard, storage of containers, storage and selling of motor vehicles including carrying out of motor vehicle repairs in the enclosed area shown edged in black in the attached plan. (Use Class: Sui Generis)

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 in relation to the use of the land that steps should be taken to remedy the breach by Section 173 4(a) or to remedy any amenity or injury which has been caused by the breach.
- (2) The unauthorised uses, activities and development of the Land are inappropriate and therefore, in principle harmful to the character, and amenity of the local area. Significant harm is also caused through physical impact arising from dismantling motor vehicles, selling and repairing motor vehicles under covered and open areas including storage of motor vehicles in open space on hard surfaced area in connection with unauthorised change of use resulting in increases in noise, smells, traffic and associated activities in connection with car dismantling and repairing business.
- (3) Material harm is being caused to area by reason of the adverse effects is the activities are having on the character, visual amenity, and increase in noise, smells and traffic within the area which adversely affects commercial amenity.

The activities are contrary to the following Policies LDF:

CP11 (Sustainable Waste Management)  
DC9 (Strategic Industrial Locations)  
DC32 (The Road Network)  
DC48 (Flood Risk)  
DC52 (Air Quality)  
DC53 (Contaminated Land)  
DC55 (Noise)  
DC61 (Urban Design)  
Joint Waste Development Plan Document ("the Waste DPD")  
W1 (Sustainable Waste Management)  
W2 (Waste Management Capacity, Apportionment and Site Allocation)  
W5 (General Considerations With Regard to Waste Proposals)  
The London Plan  
Policy 5.16 (Waste Self-Sufficiency)  
Relevant national planning guidance:  
The National Planning Policy Framework  
PPS10 (Planning for Sustainable Waste Management)

The Council does not consider that planning permission should be granted because conditions attached to any consent would not overcome these problems.

## 5. WHAT YOU ARE REQUIRED TO DO

The Enforcement Notices to require, within **THREE MONTHS**:

1. Cease using the Land shown edged in black on the attached plan for dismantling of motoring vehicles, selling and storage of motor vehicles including carrying out motor vehicle repairs in enclosed area edged in black in the attached plan; and
2. Remove from the land all motor vehicles, storage containers, porta cabins and equipment associated with unauthorised use; and
3. Remove all waste materials, scrap metal, tyres, and car parts including equipment associated with unauthorised use.

## 6. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on <sup>27<sup>th</sup></sup> February 2017, unless an appeal is made against it beforehand

Dated: <sup>16<sup>th</sup></sup> January 2017

Signed: *David Colwill*

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

## **YOUR RIGHT OF APPEAL**

You can appeal against this Enforcement Notice to the Secretary of State before ~~27<sup>th</sup>~~ February 2017. 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 ~~27<sup>th</sup>~~ February 2017 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) 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 ~~27<sup>th</sup>~~ February 2017.

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 **£770** is payable to the Council. 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, 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:

Carol Ann Chalkey  
2 Links View, Dartford DA1 2TR

Ronal John Walker  
86 South Street, Tillingham Southminster CN0 7TH

RJ Walker  
Steel and Alloys Ltd  
7 Salamons Way, Rainham RM13 9UL

Company Secretary  
Car Breakers (Int.) Ltd  
5a and 5b Salamons Way, Rainham RM13 9UL

Occupiers  
5a and 5b Salamons Way, Rainham RM13 9UL

Maimouna Balde  
5a and 5b Salamons Way, Rainham RM13 9UL

Mainouna Balde  
12 Richmond House  
58 Blackheath Hill, London SE10 8FF



<b>5a and 5b Salamons Way, Rainham</b>	
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	<b>Scale: 1:1000</b> <b>Date: 11 January 2017</b>	0 2.5 5 7.5 metres 
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	London Borough of Havering Town Hall, Main Road Romford, RM1 3BD Tel: 01708 434343	© Crown copyright and database rights 2017 Ordnance Survey 100024327
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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.