

GRANGEWOOD TRANSPORT CAFÉ, NEW ROAD, RAINHAM, RM13 9PH

IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

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

ENFORCEMENT REFERENCE: ENF/279/21

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 **Grangewood Transport Café, New Road, Rainham, RM13 9PH**, shown edged in black on the attached plan and is registered under Land Registry Title Numbers BGL79640, and BGL83688.

3. THE BREACH OF PLANNING CONTROL ALLEGED

Without planning permission, the enlargement of the cafe shop front with a canopy extension, in the approximate area hatched red on the attached plan.

4. REASONS FOR ISSUING THIS NOTICE

- (1) It appears to the Council that the above breach of planning control has occurred within the last four 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 unauthorised development is out of character with the surrounding open and spacious setting of the streetscene and the public realm more generally. Furthermore, the unauthorised development fails to integrate and respect the architectural design of the host building, and is therefore unacceptable in terms of design. The proposal is contrary to the objectives of Policy 26 of the Havering Local Plan (2016-2030), Policies GG1, GG2, D1, D4, D5 and D8 of the London Plan 2021, and the provisions of the NPPF.

- (3) The Council has previously offered the opportunity to address the breach of planning control through the submission of a planning application. However, no applications have been submitted. Upon closer assessment of the development it is not clear if planning permission would be granted for the unlawful development. Furthermore, Planning Practice Guidance states that retrospective planning permission could only be sought either through a planning application, or by way of an appeal against an Enforcement Notice (Paragraph: 013 Reference ID: 17b-013-20140306). As no planning applications have been forthcoming, it is considered necessary and expedient to serve an Enforcement Notice to address the breach of planning control.

5. WHAT YOU ARE REQUIRED TO DO

- (1) Remove all of the canopy extension and its fittings, as well as any and all associated development, in the approximate area hatched red on the attached plan;

AND

- (2) Remove all materials, rubble and debris from the site as a result of taking step (1) above.

6. TIME FOR COMPLIANCE

2 MONTHS after the date when this Notice takes effect.

7. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on **11th July 2022**, unless an appeal is made against it beforehand.

Dated: **10th June 2022**

Signed: 

DAVID COLWILL

Authorised Officer on behalf of London Borough of Havering, Mercury House, Mercury Gardens, Romford, RM1 3SL

Nominated Officer to contact regarding this Notice: Sam Cadman

Telephone Number: 01708 433 758 Email: sam.cadman@havering.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 Planning Inspectorate acting on behalf of the Secretary of State before **11th July 2022**. 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 **11th July 2022**. You must then ensure that the required steps set out section 5 of this Notice (for which you may be held responsible) are completed within the period specified in section 6 of 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) 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 Planning Inspectorate before **11th July 2022**.

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) 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 or use, then a fee of **£468** 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.

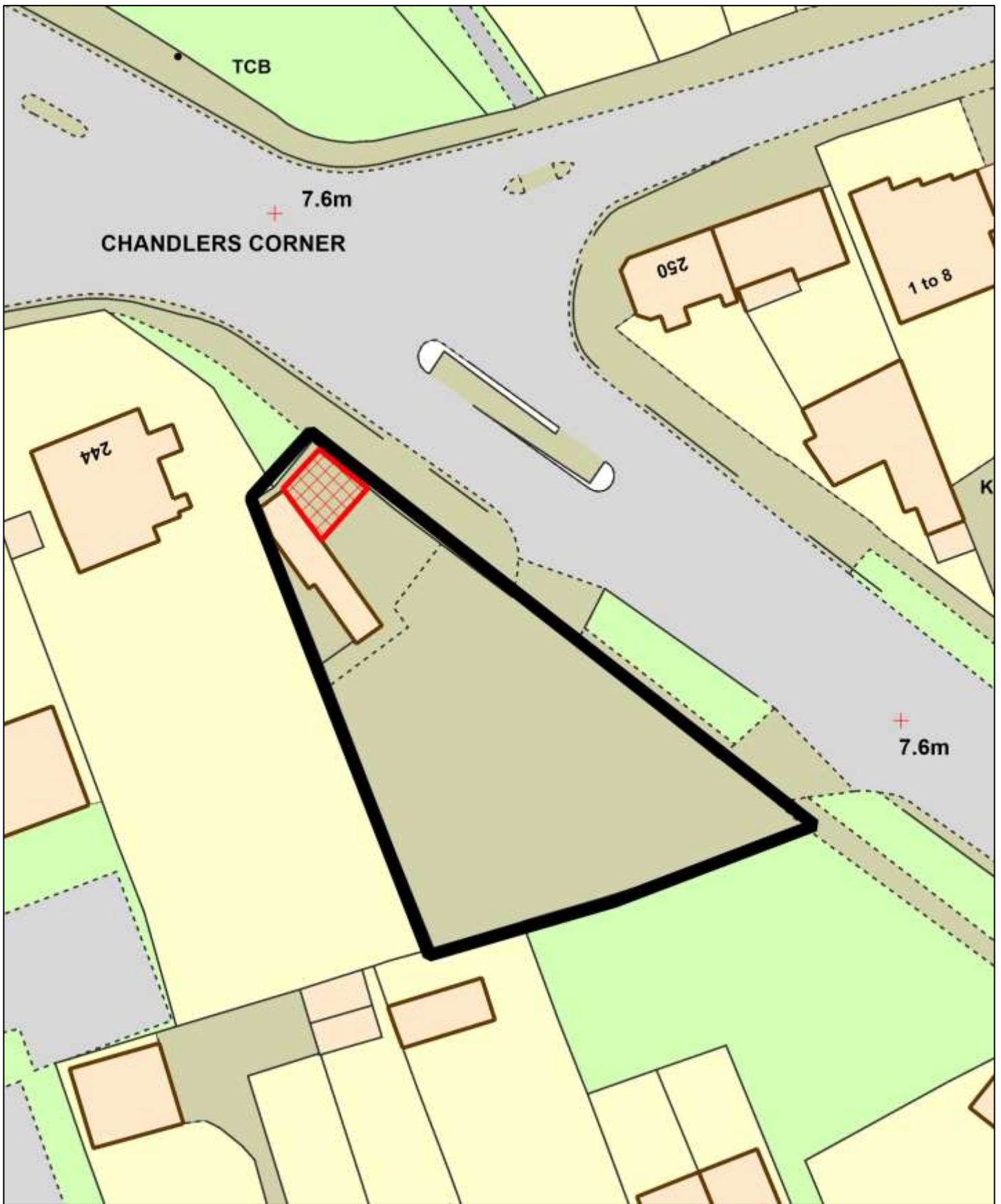
STATEMENT ON GROUNDS OF APPEAL

The grounds of appeal must be submitted to the Planning Inspectorate, either when giving notice of the appeal or within 14 days from the date on which the Planning Inspectorate 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 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; Grangewood Transport Café, New Road, Rainham, RM13 9PH
- 2) The Occupier: Grangewood Transport Café, New Road, Rainham, RM13 9PH
- 3) Lauren Michelle Williams; Grangewood Transport Café, New Road, Rainham, RM13 9PH
- 4) Edith Charlotte Lovett; 244 Upminster Road South, Rainham, RM13 9BH
- 5) Lenios Sophocleous; 16 Birchdale Gardens, Chadwell Heath, Romford, RM6 4DT
- 6) Theodora Sophocleous; 16 Birchdale Gardens, Chadwell Heath, Romford, RM6 4DT



<p>Grangewood Transport Café, New Road, Rainham, RM13 9PH</p>	<p>Scale: 1:500 Date: 31 May 2022</p>	<p>0 1 2 3 metres </p>
<p> Havering <small>LONDON BOROUGH</small></p> <p>London Borough of Havering Town Hall, Main Road Romford, RM1 3BD Tel: 01708 434343</p>	<p>© Crown copyright and database rights 2022 Ordnance Survey 100024327</p>	<p> </p>

Enforcement appeal: information sheet for local planning authorities

Customer Support Team
Temple Quay House
2 The Square
Temple Quay
Bristol BS1
6PN

Direct Line: 0303 444 5000

Email: enquiries@planninginspectorate.gov.uk

1. THIS IS IMPORTANT

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

- online at the [Appeals Casework Portal](#); 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 written notice of appeal by letter or email. You should include the name and contact details of the appellant(s) and either attach a copy of the Enforcement notice that you wish to appeal or state the following:

- the name of the local planning authority;
- the site address; and
- 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.