

RE: Land at Roneo Corner, Hornchurch Road, Hornchurch, Essex

IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

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

ENFORCEMENT NOTICE B

- TO:**
1. The Owner of the said land
 2. The Occupier of the said land
 3. The Company Secretary, B & Q PLC (Roneo Corner), Hornchurch Road, Hornchurch RM11 1PY
 4. The Company Secretary B & Q PLC, Head Office, Chestnut House, Chestnut Avenue, Chandlers Ford, Eastleigh, Hampshire SO53 3LE
 5. The Company Secretary, Phoenix Life Limited (Co. Regn. 101269), Wythall Green Way, Wythall Birmingham B47 4WG

ISSUED BY: London Borough of Havering

1. **THIS IS A FORMAL NOTICE** which is issued by the Council of the London Borough of Havering ("the Council") because it appears to the Council that there has been a breach of planning control, under Section 171A(1)(b) of the above Act, at the land described below. The Council considers 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**

Land at Roneo Corner, Hornchurch Road, Hornchurch, Essex shown hatched black on the attached plan.

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

Planning Permission was granted on 8th February 2001 under Planning Reference P0936.00 to the demolition of existing industrial and petrol filling station structures, the erection of Class A1 retail warehousing and relocated petrol filling station, and the alterations to existing access and internal car parking, landscaping, and associated services. There have been the following breaches of planning conditions:-

- (i) Under planning condition 3 : " Before the building(s) hereby permitted is first occupied, the area set aside for car parking shall be laid out and surfaced to the satisfaction of the Local Planning Authority and retained permanently thereafter for the accommodation of vehicles visiting the site and shall not be used for any other purpose ".

Planning Condition 3 is being breached by the change of use of the car park at the eastern end of the store for the purposes of external storage of goods and materials

- (ii) Under planning condition 11 : " Other than within the garden centre and petrol filling station identified on the plans hereby approved, no goods or materials shall be stored in the open ".

Planning condition 11 is being breached in that goods and materials are being stored in the open at the eastern end of the store in the place reserved for car parking.

4. REASONS FOR ISSUING THIS NOTICE

It appears to the Council that the above breach of planning control has occurred within the last ten years. The unauthorised uses are not suitable for this area close to residential properties. The unauthorised uses disturb the neighbours through noise and traffic movement and are unsightly in such an area. The use of this area for storage purposes results in a loss of car park spaces which may cause overspill parking in surrounding residential roads. The Council do not consider that planning permission should be given because planning conditions could not overcome these problems. In making its decision to issue this Notice the Council considered that the unauthorised use is contrary to the following policies of the Local Development Framework: policies DC61, DC33 and DC55.

5. WHAT YOU ARE REQUIRED TO DO

- (i) Stop using the land for the purposes of storage of goods and materials

Time for compliance: 3 months from the effective date of this notice.

- (ii) Restore the land to its authorised use for the purposes of car parking.

Time for compliance: 3 months from the effective date of this notice

- (iii) Remove from the land all goods, materials, machinery, apparatus, equipment brought onto the land in association with the unauthorised use and in association with the compliance with (i) and (ii) above.

Time for compliance: 3 months from the effective date of this notice

6. **WHEN THIS NOTICE TAKES EFFECT**

This Notice takes effect on 4 February 2009, unless an appeal is made against it beforehand

Dated: 22 December 2008

Signed:



Authorised Officer

on behalf of London Borough of Havering
Town Hall
Main Road
Romford RM1 3BD



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**B&Q (Roneo Corner) Hornchurch Road, Hornchurch.
 RM11 1PY**



Map Reference: TQ5187NE

Date: 06/10/2008

Scale: 1:1250



London Borough of Havering
 Planning Department
 Mercury House, Mercury Gardens
 Romford, RM1 3SL
 Tel: 01708 434343

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 London Borough of Havering 10002.

YOUR RIGHT OF APPEAL

You can appeal against this Notice, but any appeal must be received, or posted in time to be received, by the Secretary of State before 4 February 2009. The enclosed booklet "Enforcement Appeals - A guide to Procedure" sets out your rights. Read it carefully. You may use the enclosed appeal forms. One is for you to send to the Secretary of State if you decide to appeal. The other is for you to keep as a duplicate for your own records. You should also send the Secretary of State the spare copy of this Enforcement Notice which is enclosed.

WHAT HAPPENS IF YOU DO NOT APPEAL

If you do not appeal against this Enforcement Notice, it will take effect on 4 February 2009 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 4 February 2009. The enclosed booklet "Enforcement Appeals - A guide to Procedure" sets out your rights. Read it carefully. If you appeal you should use the enclosed appeal forms. Two copies are for you to send to the Secretary of State if you decide to appeal. The other is for you to keep as a duplicate for your own records. You should also send the Secretary of State a copy of the Enforcement Notice.

GROUNDINGS OF APPEAL

The grounds of appeal are set out in Section 174 of the Town and Country Planning Act 1990 and are also set out on page 2-5 of the enclosed appeal forms.

PLANNING APPLICATION FEE

Should wish to appeal on ground (a) - that planning permission should be granted for the unauthorised development - then a fee of £ 335.00 is payable both to the Secretary of State and to the Council. If the fees are not paid then that ground of appeal will not be valid.

STATEMENT ON GROUNDINGS 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 him, 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:

1. The Owner of the said land:
2. The Occupier of the said land:
3. The Company Secretary, B & Q PLC (Roneo Corner), Hornhurch Road,
Hornchurch RM11 1PY
4. The Company Secretary, B & Q PLC, Head Office, Chestnut House,
Chestnut Avenue, Chandlers Ford, Eastleigh, Hampshire SO53 3LE
5. The Company Secretary, Phoenix Life Limited (Co. Regn. 101269),
Wythall Green Way, Wythall, Birmingham B47 4WG.