

RE: 59 / 61 Warwick Road, Rainham RM13 9XU

**IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY**

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

**ENFORCEMENT NOTICE**

- TO:**
1. The Owner of the said land.
  2. The Occupier of the said land.
  3. The Company Secretary, Arion Investments Holdings Limited (incorporated in British Virgin Islands) care of Williamson and Soden 54 Stratford Road, Shirley, Solihull B90 3LS.
  4. The Company Secretary, Arion Investments Holdings Limited (incorporated in British Virgin Islands) care of Gold Management Limited of 8 – 10 Queensway, Gibraltar.
  5. Keith Gilbert of 15 Links Avenue, Romford RM2 6NB.
  6. The Company Secretary, Maydring Properties Limited of 24 Atlantic Square, Station Road, Witham CM8 2TL.
  7. The Company Secretary, Maydring Properties Limited (incorporated in British Virgin Islands) care of Williamson and Soden 54 Stratford Road, Shirley, Solihull B90 3LS.
  8. National Westminster Bank PLC of Abbey Gardens, 3 Abbey Street, Reading, Berkshire RG1 3BA.
  9. National Westminster Bank PLC of 135 Bishopsgate, London EC2M 3UR.

**ISSUED BY:** London Borough of Havering

1. **THIS IS A FORMAL NOTICE** which is issued by 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)(a) 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**

The land and property known as 59 / 61 Warwick Road, Rainham RM13 9XU shown outlined in bold black on the attached plan ("the Land").

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

Without planning permission, the material change of use of the Land from Class B1 (c) (Light Industrial) use as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended) ("the 1987 Order"), to Class B2 (General Industrial) use as defined in the 1987 Order.

### **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 change of use by reason of:

- a. inadequate on-site car parking provision; and
- b. inadequate servicing arrangements;

results in:

- a. unacceptable vehicular overspill onto Warwick Road; and
- b. the undermining of highway safety.

The unauthorised change of use by reason of:

- a. the introduction of noise creating activity giving rise to disturbance; and
- b. irregular and uncontrolled hours of operation; and
- c. parking disturbance in close proximity to residential properties;

results in unacceptable loss of amenity of occupiers of Warwick Road.

The unauthorised change of use is contrary to Policies DC33, DC36, DC55 and DC61 of the Local Development Framework Core Strategy and Development Control Policy (Development Plan Documents)

The Council does not consider that planning permission should be given, because planning conditions could not overcome these problems.

The Council has previously refused an application for planning permission, application reference P0164.11, for the change of use of the Land from Class B1 (c) (Light Industrial) use as defined in the 1987 Order to Class B2 (General Industrial) use as defined in the 1987 Order. The Council refused the application for the reasons aforesaid.

**5. WHAT YOU ARE REQUIRED TO DO**

- (i) Cease using the Land for Class B2 (General Industrial) purposes as defined in the 1987 Order.

Time for compliance: 2 months from the effective date of this notice.

- (ii) Remove all vehicles, machinery, tools and equipment associated with Class B2 use from the Land.

Time for compliance: 2 months from the effective date of this notice.

**6. WHEN THIS NOTICE TAKES EFFECT**

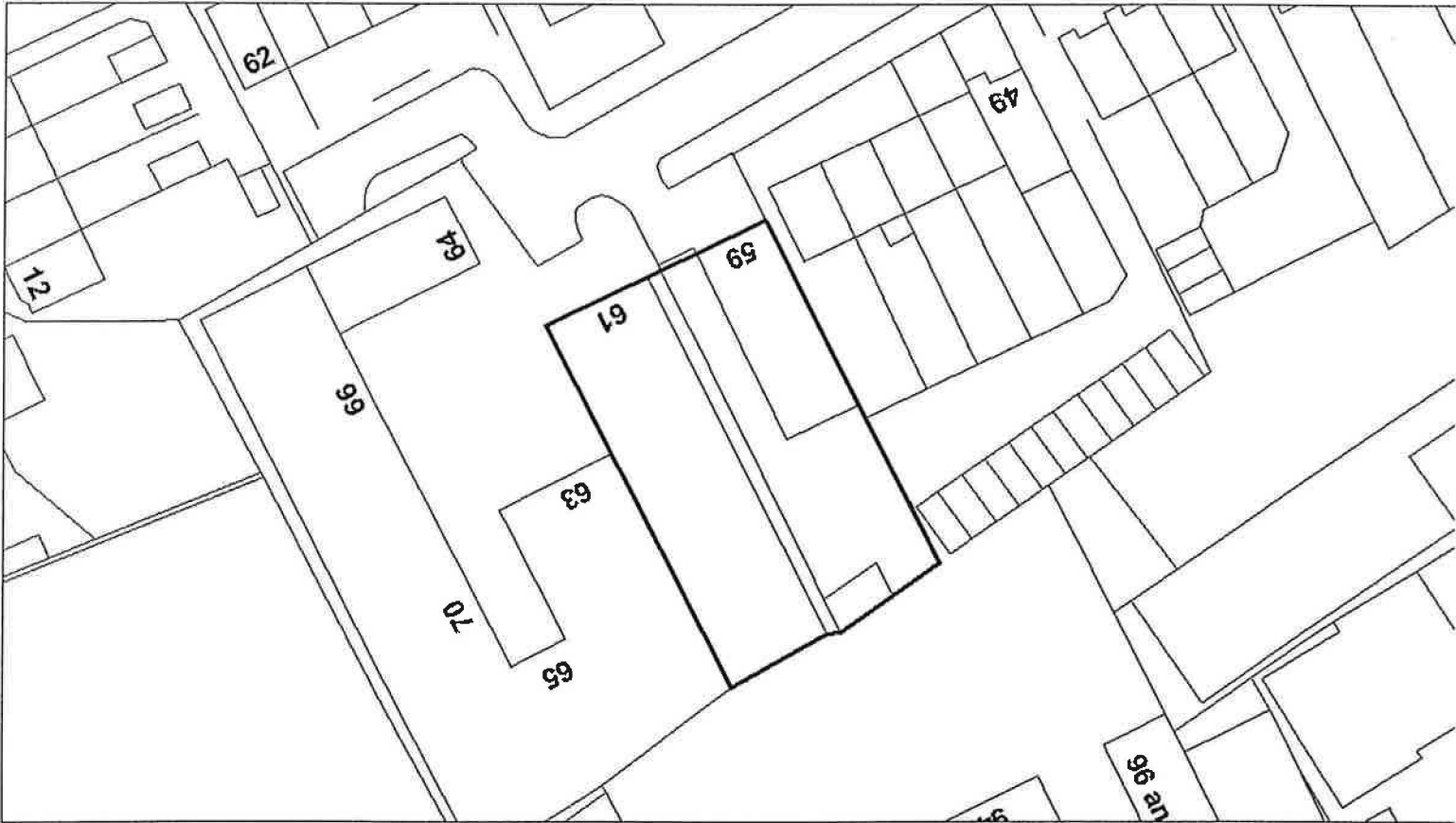
This Notice takes effect on 23 September 2011, unless an appeal is made against it beforehand

Dated: 19 August 2011

Signed:



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



59/61 Warwick Road Rainham



Map Reference: TQ53B2SW  
Date: 05/08/2011

Scale @ A4  
1:500

Scale  
0 4 8 12 16 20 m



London Borough of Havering  
Town Hall, Main Road  
Romford, RM1 3BD  
Tel: 01708 434343



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## **YOUR RIGHT OF APPEAL**

You can appeal against this Enforcement Notice to the Secretary of State by 23 September 2011. 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 23 September 2011 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 23 September 2011.

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 £335.00 is payable both to the Secretary of State and to the Council making the total fees payable £670.00. 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 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, Arion Investments Holdings Limited (incorporated in British Virgin Islands) care of Williamson and Soden 54 Stratford Road, Shirley, Solihull B90 3LS.
4. The Company Secretary, Arion Investments Holdings Limited (incorporated in British Virgin Islands) care of Gold Management Limited of 8 – 10 Queensway, Gibraltar.
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