

ENFORCEMENT NOTICE

RE: East Hall Farm, East Hall Lane, Wennington, Rainham RM13 9DS

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. The Explanatory Notes at the end of this Notice and the Enclosures referred to therein contain important additional information.

2. **THE LAND AFFECTED**

The site identified edged in black on the attached (**Site Plan 1**) is located on the northern side of East Hall Lane in Wennington, Rainham.

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

- (i) Without the benefit of planning permission, the erection of a car valeting area measuring approximately 8m x 3m x 2.8m high **shown hatched on Site Plan 2 as A**.
- (ii) Without the benefit of planning permission, the erection of a Temporary Sales office **shown hatched on Site Plan 2 as B** at the front of the main building fronting East Hall Lane.
- (iii) Without the benefit of planning permission, the use of the building measuring approximately 20m X 9m X 5.5m high **shown hatched on Site Plan 2 as C** for storage of motor vehicles and repair of motor vehicles.
- (iv) Without the benefit of planning permission, the erection of a building measuring approximately 47m X 6m X 2.3m rising to 3m high **shown hatched on Site Plan 2 as D** for the storage and repair of motor vehicles.

4. **REASONS FOR ISSUING THIS NOTICE**

To issue an enforcement notice to cease the use of land hatched in black in the attached plan for change of use of display and sales of motor vehicles and erection of temporary sales office shown cross hatched in the attached plan.

Reasons

To issue an enforcement notice to cease the use of land edged in black in the attached Site Plan 2 for the use, display, storage, sales of motor vehicles, valeting of motor vehicles including repairs of motor vehicles and to remove sales office, car valeting building A, motor vehicle repair workshops C and D shown hatched on the attached Site plan 2.

- (1) It appears to the Council that the above breaches of planning control have occurred within the last TEN years in relation to the display, storage, valeting and repairing of motor vehicles including sale of motor vehicles and within 4 years in relation to the erection of the car valeting building, temporary Sales office and buildings for car repairs / storage and that steps should be taken to remedy the breaches in accordance with the purposes stipulated in Section 173 (4) (a) of the above Act.
- (2) The material change of use and erection of a sales office building, a car valeting building, and building for car repairs is development that is detrimental to the openness of the Green Belt and conflicts with the purposes of including land in the Green Belt. The proposal constitutes inappropriate Green Belt development, and in the absence of very special circumstances that clearly outweigh the harm to the Green Belt, by reason of inappropriateness, and other identified harms, the proposal is considered to be contrary to the guidance contained in the National Planning Policy Framework.
- (3) The proposed use, by reason of the proposed hours of operation, noise and nuisance resulting, would be detrimental to the amenities of the occupiers of nearby residential properties contrary to policies DC52, DC55, DC56 and DC61 of the Core Strategy and Development Control Policies DPD.
- (4) The proposed use, by reason of the number of vehicle movements associated, would put added strain on local infrastructure and adversely impact on the safety of road users. The development is not consistent with the Council's road hierarchy and is considered contrary to the principles of policy DC32 of the Core Strategy and Development Control Policies DPD.

The development is therefore considered to be contrary to the following Local Development Framework ("LDF") Policies listed in the reasons for refusal in the planning application ref: P0483.17 and has a harmful impact on the Green Belt.

LDF

CP03 - Employment
CP10 - Sustainable Transport
CP14 - Green Belt
CP15 - Environmental Management

6 TIME FOR COMPLIANCE

THREE MONTHS after the date when this Notice takes effect

7. WHEN THIS NOTICE TAKES EFFECT

This Notice will take effect on 20th June 2018, unless an appeal is made against it beforehand

Dated: 9th May 2018

Signed: 

David Colwill
Team Leader, Planning Enforcement and Appeals
on behalf of London Borough of Havering
5th Floor, Mercury House, Mercury Gardens, Romford RM1 3SL

Nominated Officer: Onkar Bhogal Telephone Number: 01708 431587
Email: Onkar.bhogal@haverling.gov.uk

YOUR RIGHT OF APPEAL

You can appeal against this Enforcement Notice to the Secretary of State before 20th June 2018. 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 20th June 2018 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.

CP17 - Design
DC32 - The Road Network
DC33 - Car Parking
DC45 - Appropriate Development in the Green Belt
DC48 - Flood Risk
DC51 - Water Supply, Drainage and Quality
DC55 - Noise
DC56 - Light
DC61 - Urban Design
OTHER
LONDON PLAN - 4.4 - Managing industrial land and premises
LONDON PLAN - 5.12 - Flood risk management
LONDON PLAN - 5.13 - Sustainable drainage
LONDON PLAN - 6.13 - Parking
LONDON PLAN - 7.14 - Improving air quality
LONDON PLAN - 7.15 - Reducing noise and enhancing soundscapes
LONDON PLAN - 7.16 - Green Belt
LONDON PLAN - 7.4 - Local character
LONDON PLAN - 8.3 - Community infrastructure Levy
NPPF - National Planning Policy Framework

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 Notice requires you to **within THREE MONTHS** of the date when this Notice takes effect to have:

1. Ceased use of the land shown edged in black on the attached plan site plan 2 for the storage, display and sale of motor vehicles, valeting and repairing of motor vehicles; and
2. Removed the car valeting building shown as A hatched in the attached site plan 2; and
3. Removed the Sales Office used in connection with car sales and other activities shown as B hatched in the attached site plan 2; and
4. Removed from the land all motor vehicles, temporary structures and any other plant machinery and equipment associated with the unlawful use; and
5. Ceased the use of storage of motor vehicles from building shown hatched as C in the attached Site Plan 2; and
6. Removed the building used for motor vehicle repairs workshop shown hatched as D in the attached Site Plan 2; and
7. Removed all building materials, rubble and debris associated with taking steps 1, 2, 3, 4, 5 and 6 above and return the land back to the condition before the unauthorised uses started.

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 20th June 2018

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 **£ 924** 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 you 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:

The Company Secretary
Binning Property Corporation Ltd
(Co. reg. No. 10087427)
38 High Road
South Woodford, London E18 2QL

Manjinder Singh Binning
Director
38 High Road
South Woodford London E18 2QL

Mandeep Singh Binning
840a-842a High Road
Leyton
London E10 6AE

The Manager / Occupiers
Auto Channel Car Sales
East Hall Farm
East Hall Lane, Wennington Rainham RM13 9DS

The Owners
East Hall Farm
East Hall Lane
Wennington Rainham RM13 9DS

The Occupiers
East Hall Farm
East Hall Lane
Wennington Rainham RM13 9DS

The Company Secretary
Concrete Singh Ltd
Co. Reg. 09259174
East Hall Farm
East Hall Lane
Wennington Rainham RM13 9DS

The Company Secretary
Concrete Singh Ltd
Co. Reg. 09259174
38 High Road
South Woodford, London E18 2QL

Manjinder Singh Binning
Mandeep Singh Binning
East Hall Farm
East Hall Lane
Wennington Rainham RM13 9DS

Rikos Ltd
(Co Reg. No. 04602657)
91 Vicarage Road
London E10 5EQ

Manjinder Singh Binning
2 Mordon Road,
Ilford IG3 8QR

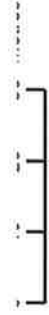


SITE PLAN 1

EAST HALL FARM



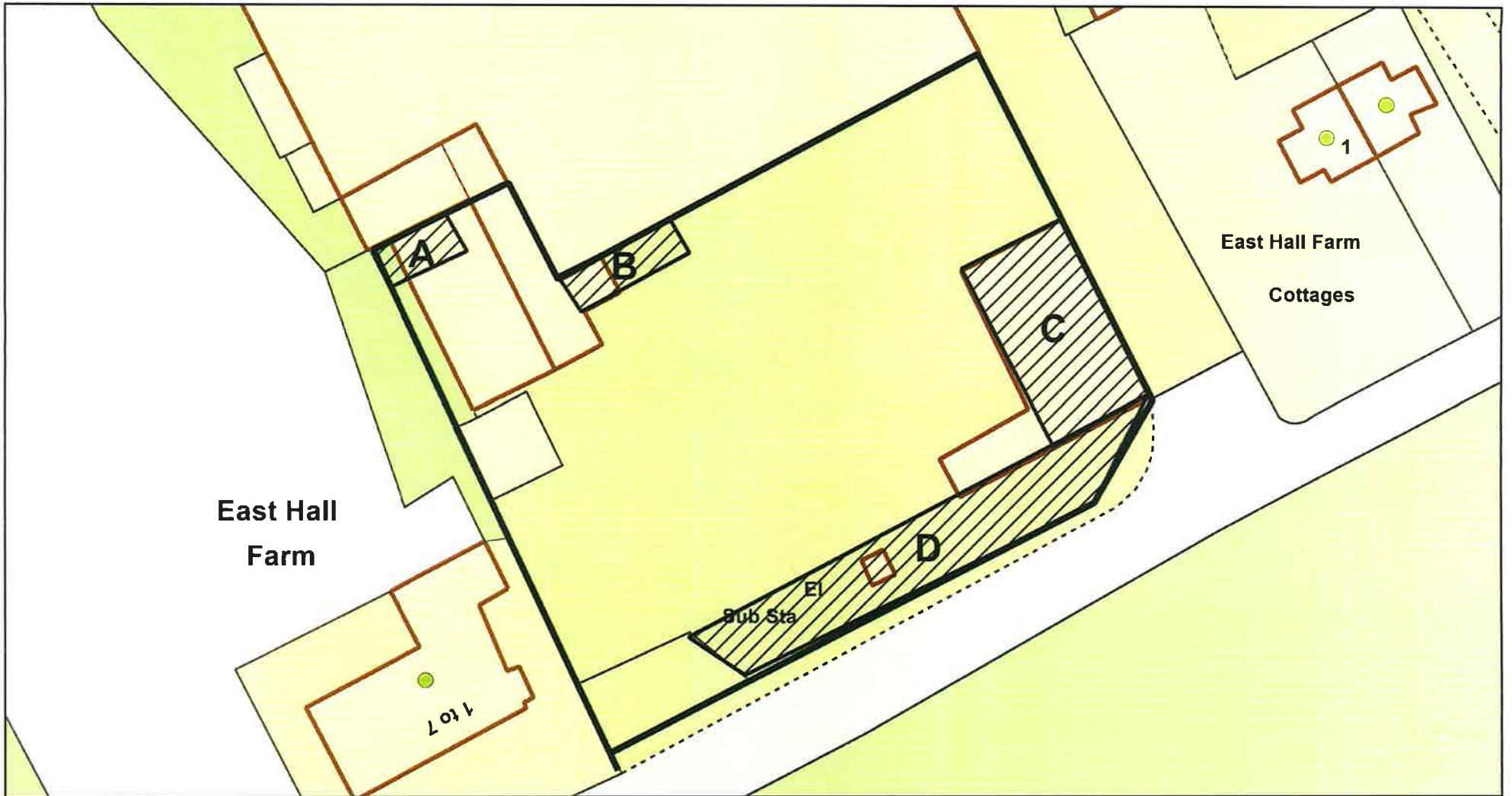
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 Date: 30 April 2018
 Size: A4



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

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 Ordnance Survey 100024327





SITE PLAN 2	EAST HALL FARM CAR SALES AREA
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