

RE: Unit 1, Rear of 35 New Road, Rainham, Essex, RM13 8DR

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. Mr Trevor Crowley, Unit 11 Fordview Industrial Estate, New Road,
Rainham, Essex, RM13 8ET

ISSUED BY: London Borough of Havering

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 to the rear of 35 New Road, Rainham Essex, RM13 8DR shown edged in black on the attached plan.

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

Without planning permission, the unauthorised change of use from business/storage use to an industrial use including cutting of metals as part of a manufacturing process and the spraying/repair of motor vehicles which fall outside Classes B1 and B8 of Town and Country Planning (Use Classes) Order 1987 (as amended).

It appears to the Council that the above breach of planning control has occurred within the last 10 years.

4. **REASONS FOR ISSUING THIS NOTICE**

The change of use has been undertaken without planning permission. In spite of advisory letters from the Planning Service, the owners have not submitted a valid planning application to seek to remedy the breach.

It is considered that the unauthorised use, which is in close proximity to residential properties, is harmful to residential amenity by reason of noise disturbance, fumes and smells contrary to Policy ENV1 of the Havering Unitary Development Plan. The continued activity also conflicts with the requirements of Policy EMP7 and the Supplementary Planning Guidance thereto.

The Council do not consider that this harm can be overcome by the use of planning conditions.

5. WHAT YOU ARE REQUIRED TO DO

- (1) The industrial use (including the cutting of metals as part of a manufacturing process and the repair/spraying of motor vehicles) ceases.

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

- (2) all machinery, equipment, apparatus and vehicles brought on to the site in connection with the unauthorised use be removed.

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

- (3) The site be used for no other use other than that falling within classes B1 and B8 of the Town and Country Planning (Use Classes) Order 1987 (as amended) without planning permission

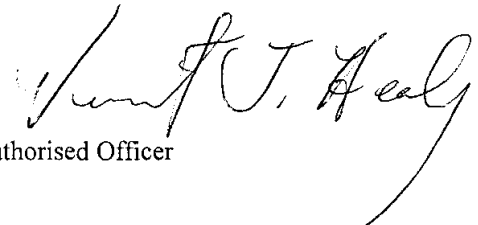
Time for compliance: 3 months from the effective date of this notice.

6. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on 6 July 2005, unless an appeal is made against it beforehand

Dated: 1 June 2005

Signed:


Authorised Officer

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

YOUR RIGHT OF APPEAL

You can appeal against this Enforcement Notice to the Secretary of State by the 6 July 2005. 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 6 July 2005 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 6 July 2005. 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.

GROUND OF APPEAL

The grounds of appeal are set out in Section 174 of the Town and Country Planning Act 1991 and are also set out on pages 2 - 5 the enclosed appeal forms.

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 £265 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 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.

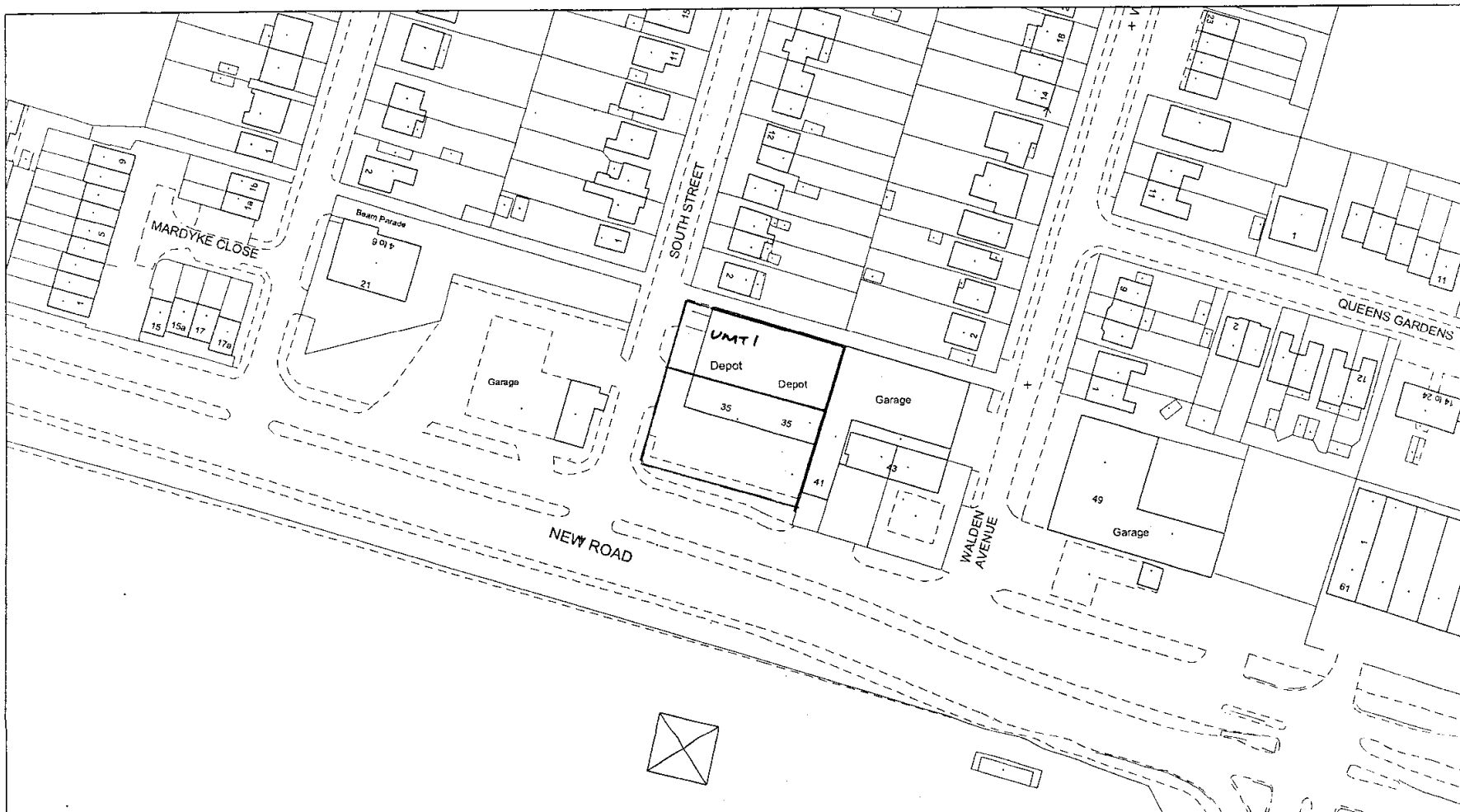
RECIPIENTS OF THE ENFORCEMENT NOTICE

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. Mr Trevor Crowley, Unit 11 Fordview Industrial Estate, New Road,
Rainham, Essex, RM13 8ET



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Map Reference: TQ5083SW
Drawing No.:

Date: 27/04/2005

Scale: 1:1250

