

**CAR PARK AT LENNARDS PUBLIC HOUSE,
NEW ROAD, RAINHAM RM13 9EB**

IMPORTANT- THIS COMMUNICATION AFFECTS YOUR PROPERTY

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

ENFORCEMENT REFERENCE: ENF/607/16

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 at Car Park at Lennards Public House, New Road, Rainham RM13 9EB, shown hatched in black on the attached plan and is registered under Land Registry Title Numbers EX20430.

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

3.1 Without the benefit of planning permission, the material change of use of the land shown hatched in black on the attached plan from a car parking area to:

- I. Use as a commercial yard, office and training site; and
- II. Use for the storage of building materials, timber and storage racks in the car parking area; and
- III. Residential use facilitated through the parking of a caravan;
And
- IV. Park1ng of Heavy Goods Vehicles; and

3.2 Without the benefit of planning permission, unlawful development in the form of:

- V. Placement of metal containers in connection with storage of building materials, ladders and tools; and
- VI. Placement of roll on / roll off skips; and
- VII. Erection of permanent buildings for office uses, training Centre and for storage of goods in connection with unauthorised uses; and
- VIII. Erection of site hut; and
- IX. Erection of metal racks for storage purposes in the car park

4. REASONS FOR ISSUING THIS NOTICE

1. It appears to the Council that the above breaches of planning control have occurred within the last TEN years in relation to the change of use of the land as a commercial yard and residential use 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. It appears to the Council that the above breaches of planning control have occurred within the last FOUR YEARS for the development breaches including the erection of permanent and temporary buildings, , placement of metal containers, placement of racks to store building materials 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.
3. The proposed material change of the car parking area for commercial and residential uses is detrimental to the openness of the Green Belt and would conflict 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 resulting landscaping and visual harms, the proposal is considered to be contrary to the guidance contained in the National Planning Policy Framework and policies DC45 and DC67 of the Core Strategy and Development Control Policies DPD.
4. The development, comprising the erection of permanent buildings for office uses, a training centre, placement of roll on / roll off skips, erection of site hut and erection of metal racks for storage purposes in the car park has resulted in a visually intrusive form of development, which is detrimental to the open character of the Green Belt. The proposal is therefore contrary to Policies DC45 of the LDF Core Strategy and Development Control Policies Development Plan Document, as well as the provisions of the National Planning Policy Framework 2019.
5. The retention of the use and the proposed building by reason of its siting, inappropriate manner of use, cluttering of the site, and the movement of commercial vehicles has significantly harmed the setting of the heritage asset in the form of a Grade II listed building and the rural character of the area, contrary to the local plan policies and the advice given in NPPF 2019.
6. The site falls within flood-risk zone 3, and no assessment is available regarding flood risk issues so that the use could be fully assessed. It therefore conflicts with the advice contained within the National Planning Policy Framework 2019.

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 TWO MONTHS of the when this notice takes effect to:**

1. Cease the use of the land shown hatched in black on the attached plan for the storage of metal containers, storage of a caravan used for residential purposes, storage of building materials including rubble, storage of metal racks and any other plant equipment stored associated with the unlawful use;
2. Remove from the land all structures including permanent and temporary buildings, metal containers, storage racks, sheds erected using corrugated sheets; and
3. Remove all building materials, rubble and debris and any plant machinery associated with taking steps 1, and 2 above and return the land back to the condition before the unauthorised use started.

6. TIME FOR COMPLIANCE

TWO MONTHS after the date when this Notice takes effect.

7. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on 4th **December 2019**, unless an appeal is made against it beforehand

Dated: 1st November 2019

Signed: *David Colwill*

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
Email: Onkar.Bhogal@haverling.gov.uk

Telephone Number: 01708 431587

THE RIGHT TO APPEAL

Those with a legal or equitable interest in the land of who is a relevant occupier can appeal against this Enforcement Notice to the Secretary of State before the 4th **December 2019**. Further details are given in the attached explanatory note.

WHAT HAPPENS IF AN APPEAL IS NOT RECEIVED

If an appeal is not against this Enforcement Notice, it will take effect on 4th **December 2019** 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.

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 Secretary of State before 4th **December 2019**.

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.

GROUND OF APPEAL

The grounds of appeal are set out in Section 174 of the Town and Country Planning Act 1990 (as amended) and an appeal may be made 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 an appeal on ground (a)- that planning permission should be granted for the unauthorised development be sought - then a fee of **£924** is payable to the Council when the appeal is lodged. If this fee is not paid, the planning merits of the appeal will not considered by the Planning Inspector.

STATEMENT ON GROUNDS OF APPEAL

The grounds of appeal must be submitted 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, a statement in writing specifying the grounds on which the appeal against the Enforcement Notice is to being made and stating briefly the facts on which it is proposed 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 Directors
Blara Group Limited
Unit 1 Lennards
New Road, Rainham RM13 9EB

Mr Walter William Walter
Blara Group Limited
Unit 1 Lennards
New Road, Rainham RM13 9EB

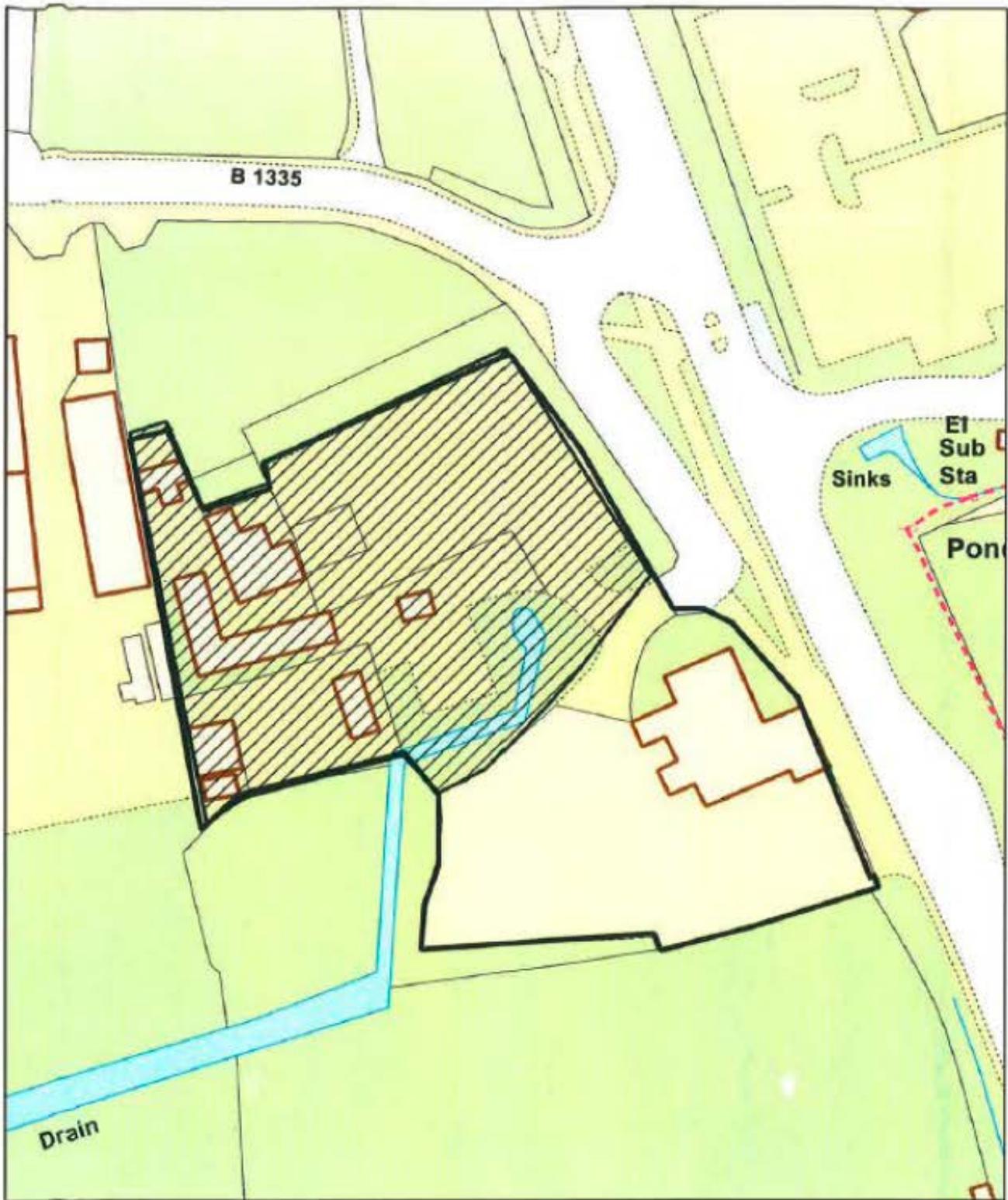
Mr Walter William Walter
Lennards Arms Public House
New Road, Rainham RM13 9EB

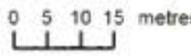
The Owners or Occupiers
Lennards Arms Public House
New Road, Rainham RM13 9EB

Barbara Kahan
1a Arcade House
Finchley Road, London NW11 7TL

The Directors
Molson Coors Brewing Company (UK) Limited (Co. Reg. No. 26018)
137 High Street
Burton on Trent, Staffs DE14 1JZ

AIB Group (UK)
PLC St Helen's
1 Undershaft
London EC3A
8AB



<p>Site Plan for Lennards Car Park</p>	<p style="text-align: right;">N ↑</p>
<p>    </p>	<p> Scale: 1:800 Date: 30 October 2019 </p> <p style="text-align: right;">  </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 2019 Ordnance Survey 100024327 </p>

CST Room 3/13
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

Direct Line 0303-444 5000
Email enquiries@pins.gsi.gov.uk

THIS IS IMPORTANT

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

- on-line at the Appeals Casework Portal <https://acp.planninginspectorate.gov.uk/> 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 notice of appeal by fax or letter. You should include:-

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