

**LAND ON THE NORTH-WEST SIDE OF WILLOUGHBY DRIVE (SOUTH PLOT),
RAINHAM, RM13 8JP**

IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

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

ENFORCEMENT REFERENCE: ENF/243/19

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 **Land On The North-West Side Of Willoughby Drive (South Plot), Rainham, RM13 8JP** shown edged in black on the attached plan and is registered under Land Registry Title Numbers are BGL77474 and EGL466942

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

Without the benefit of planning permission:

1. The material change of use of the land edged in black in the attached site plan in Green Belt to motor vehicle storage and repair yard and use for the storage of metal containers; AND
2. Unauthorised development through the erection of a shed with corrugated roof measuring approximately 6 metres wide by 4 metres deep and 5 metres high.

4. **REASONS FOR ISSUING THIS NOTICE**

(1) It appears to the Council that the above breaches of planning control have occurred within the last FOUR years for all operational development and within 10 YEARS for changes of use of the land 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 uses of the site have a greater visual impact on the openness of the Green Belt than the previous uses of site. The continuation of the uses at the site would result in substantial harm to the openness and permanence of the Green Belt. The proposal is therefore considered contrary to Policy DC45 of the London Borough of Havering LDF Core Strategy and

Development Control Policies DPD 2008, Policy 7.16 of the current London Plan and the National Planning Policy Framework 2019. Further, the proposal would not constitute very special circumstances which would outweigh all relevant planning harm.

- (3) In the absence of noise evidence, the uses are considered to materially impact upon the reasonable residential amenities of nearby residential occupiers. The proposal is considered contrary to the implementation of Policy DC55 of the London Borough of Havering LDF Core Strategy and Development Control Policies DPD 2008 and relevant paragraphs contained in the National Planning Policy Framework 2019.
- (4) Given the nature of the uses and the location of the uses in close proximity to neighbouring residential properties, the uses are considered to have a significant adverse impact on the amenity on nearby houses in contravention of Policy DC61.
- (5) The use is contrary to the principles of Policy DC32 as it is considered that the intensification of the site, and use, would give rise to additional HGV movements on unsuitable local infrastructure. The increase in traffic would impact on pedestrian safety and also the safety of other road users.
- (6) The Council does not consider that planning permission should be granted because conditions attached to any consent would not overcome the planning issues raised in the reasons for issuing the notice.

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

The Enforcement Notice requires, within **TWO MONTHS** of the effective date of the Notice to:

1. Cease the use of the land edged in black in the attached site plan in Green Belt for repairing of motor vehicles and storage of motor vehicle parts; AND
2. Remove the shed with corrugated roof measuring approximately 6 metres wide by 4 metres deep and 5 metres high; AND
3. Remove all metal containers; AND
4. Clear the land of scrap metals, equipment and debris associated with the unauthorised use; AND
5. 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 **7th April 2020**, unless an appeal is made against it beforehand

Dated: 5th March 2020

Signed: .....

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

Nominated Officer: Onkar Bhogal
Email: Onkar.Bhogal@havering.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 **7th April 2020**. 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 **7th April 2020** 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 **7th April 2020**.

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 be 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 be 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:

Michelle Ann Landers
28 New Zealand Way
Rainham, Essex RM13 8JP

The Owners

Land on Southside Of Willoughby Drive By Castle Avenue (South Plot),
Rainham, RM13 8JP

The Occupiers

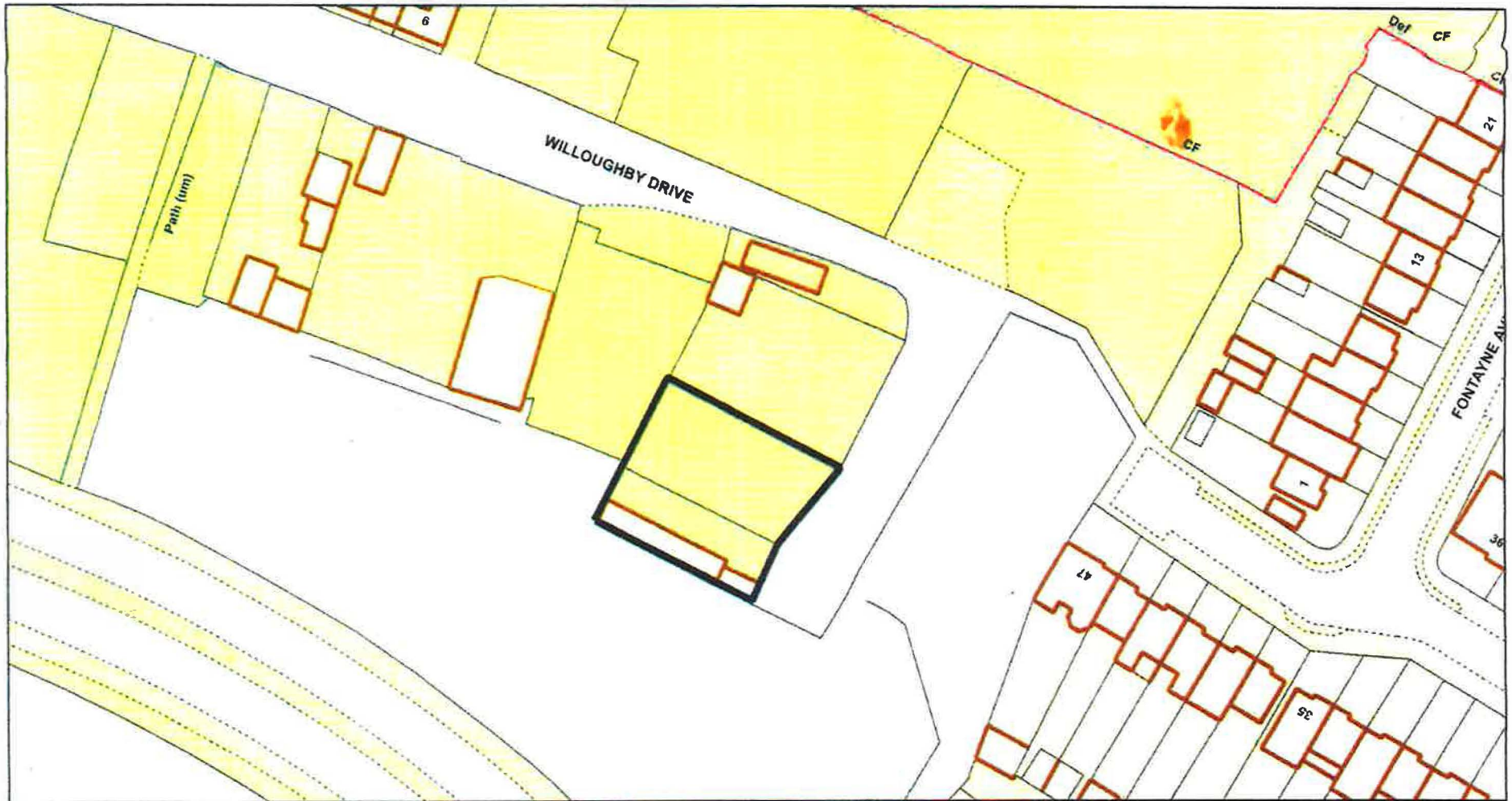
Land on Southside Of Willoughby Drive By Castle Avenue (South Plot),
Rainham, RM13 8JP

The Mayor and Burgess of the London Borough of Havering

(FOR INFORMATION ONLY)

Town Hall

Main Road, Romford Essex RM1 3BD



<p>Willoughby Drive</p>	<p style="text-align: right;">N ↑</p>
<p> </p>	<p> Scale: 1:750 Date: 13 January 2020 Size: A4 </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.