

IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

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

ENFORCEMENT REFERENCE: ENF/242/19

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 SOUTH EAST SIDE OF WILLOUGHBY DRIVE, RAINHAM ESSEX RM13 7SX**, shown edged in black on the attached plan, registered under Land Registry Title Numbers BGL 90043.

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

Without the benefit of planning permission, the material change of use of the land within Green Belt to residential use, and for use for the storage of metal containers and motor vehicle parts.

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 for the 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 residential use of the site has a greater visual impact on the openness of the Green Belt than the previous uses of the site. The retention of the residential use at the site would result in substantial harm to the openness and permanence of the Green Belt. The use 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) The unauthorised material change of use of the land for residential purposes and for use for storage of metal containers and motor vehicle parts has an adverse impact on the openness of the Green Belt and prejudices the purposes of the land in the Green Belt and is therefore contrary Policy DC8 of the London Borough of Havering LDF Core Strategy and Development Control Policies DPD 2008. The emerging Local Plan has not identified this site as appropriate as a traveller site.

(4) 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, within **TWO MONTHS** of the effective date of the Notice to:

- i. Cease the use of the land shown edged in black on the attached plan for residential use; AND
- ii. Cease the use of the land shown edged in black on the attached plan for use for storage of containers; AND
- iii. Cease the use of the land shown edged in black on the attached plan for use for storage of motor vehicle parts; AND
- iv. Remove from the land all mobile homes and caravans; AND
- v. Remove from the land all metal containers and motor vehicle parts; AND
- vi. Remove from the land all debris, rubble and other materials accumulated as a result of taking the above steps; AND
- vii. Return the land back to the condition before the unauthorised uses commenced.

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** 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 **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

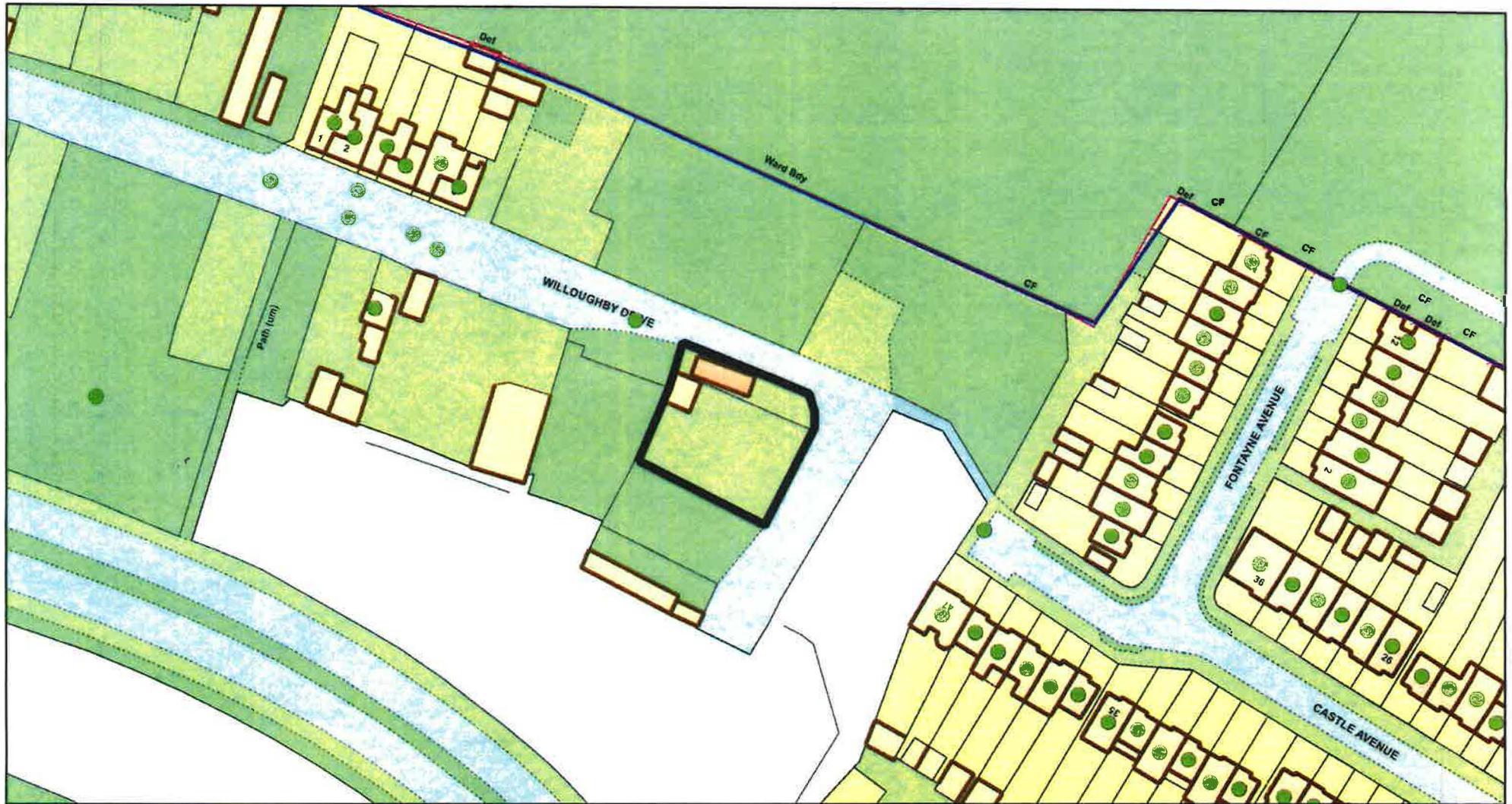
The names and addresses of all the persons on whom the Enforcement Notice has been served are:

Bradley Chambers
6a Willoughby Drive
Rainham
Essex RM13 7SX

Bradley Chambers
Land to South East of Willoughby Drive, Rainham, RM13 7SX

The Occupiers (copy served on each mobile home),
Land to South East of Willoughby Drive, Rainham, RM13 7SX

The Owners,
Land to South East of Willoughby Drive, Rainham, RM13 7SX



	
	<p>Scale: 1:1000 Date: 23 December 2019 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.