

319A and 319B RUSH GREEN ROAD, ROMFORD, RM7 0NJ

IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

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

ENFORCEMENT REFERENCE: ENF/399/21

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 known as **319A and 319B Rush Green Road, Romford, RM7 0NJ**, shown EDGED IN BLACK on the attached plan and is registered with HM Land Registry under title references EGL451008, BGL96999, and BGL97000.

3. THE BREACH OF PLANNING CONTROL ALLEGED

Without planning permission, the change of use of the rear of the site (as outlined in RED on the attached plan) to storage, including but not limited to the storage of vehicles and spare motor parts.

4. REASONS FOR ISSUING THIS NOTICE

1. It appears to the Council that the above breach of planning control has occurred within the last ten years and that steps should be taken to remedy the breach by Section 173 4(a) or to remedy any injury to amenity which has been caused by the breach.
2. The use of the site for storage is considered unacceptable in principle, and is contrary to: the National Planning Policy Framework (2021), Policies GG2, GG3, D3, D14, H8, and E7 of the London Plan (2021); policies DC3, DC11, DC32, DC36, DC55, DC61 and DC62 of the Havering Core Strategy and Development Control Policies Development Plan Document 2008; and Policies 10, 12, 19, 23, 26, 27 and 35 of the Havering Local Plan 2016-2031 [Proposed submission version].

3. The use of the rear of the site for storage removes the outside amenity area for the residential dwellings at 319 Rush Green Road. This is considered unacceptable when assessed against: the National Planning Policy Framework (2021); Policies GG2, GG3, D1, D3, D4, D5, H8, E7 and SI7 of the London Plan; Policies CP17, DC3, DC49, and DC61 of the Havering Core Strategy and Development Control Policies Development Plan Document 2008; Policies 10, 12, 13, 14, 19, 26 and 35 of the Havering Local Plan 2016-2031 [Proposed submission version]; and LB Havering 'Waste Management Practice Planning Guidance For Architects and Developers' SPD.
4. The use of the rear of the site for storage creates additional comings and goings, and has an unacceptable impact on noise, disturbance, and odours to the occupants on the site, and surrounding properties. The use fails to integrate into the existing site and respect the character of the area more generally. This use is unacceptable when assessed against: the National Planning Policy Framework (2021); Policies GG2, GG3, D1, D3, D4, D8, D14, E7, G5, G6, SI1 and SI7 of the London Plan; Policies CP17, DC49, DC52, DC55, DC58 and DC61 of the Havering Core Strategy and Development Control Policies Development Plan Document 2008; Policies 10, 12, 13, 14, 19, 26 and 35 of the Havering Local Plan 2016-2031 [Proposed submission version];
5. The use of the rear of the site for storage has an unacceptable impact on highway safety. This is particularly the case in this section of Rush Green Road where there are several road hazards, and would likely add to an existing hazardous road layout. The proposed development is therefore unacceptable when assessed against: the National Planning Policy Framework (2021); Policies GG2, D3, D4, D8, T2, T4, T6, T6.1, and E7 of the London Plan; Policies DC32, DC33, DC36, DC52, DC61, and DC62 of the Havering Core Strategy and Development Control Policies Development Plan Document 2008; Policies 10, 12, 19, and 23 of the Havering Local Plan 2016-2031 [Proposed submission version];
6. The Council does not consider that planning permission should be granted because planning conditions attached to any consent would not overcome the identified harm and the impact caused by the development.

5. WHAT YOU ARE REQUIRED TO DO

- (i). Cease the use of the land for the purposes of storage;

AND

- (ii). Remove from the site all vehicles, bodywork, vehicle spares and other materials stored in the rear of the site (in the approximate area HATCHED RED on the attached plan);

AND

- (iii). Remove all materials, rubble and debris from the site as a result of taking steps (i) AND (ii) above;

6. TIME FOR COMPLIANCE

1 MONTH after the date when this Notice takes effect.

7. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on **26th November 2021**, unless an appeal is made against it beforehand

Dated: 29th October 2021

Signed: 

DAVID COLWILL

Authorised Officer on behalf of London Borough of Havering, Mercury House,
Mercury Gardens, Romford, RM1 3SL

Nominated Officer to contact regarding this Notice: **Sam Cadman**

Telephone Number: **01708 433 758** Email: sam.cadman@havering.gov.uk

THE RIGHT TO APPEAL

Those with a legal or equitable interest in the land or who is a relevant occupier can appeal against this Enforcement Notice to the Planning Inspectorate acting on behalf of the Secretary of State before **26th November 2021**. Further details are given in the attached explanatory note.

WHAT HAPPENS IF AN APPEAL IS NOT RECEIVED

If an appeal is not received against this Enforcement Notice, it will take effect on **26th November 2021** 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) can be viewed online at <https://www.legislation.gov.uk>

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 Planning Inspectorate before **26th November 2021**.

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) 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 or use, 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

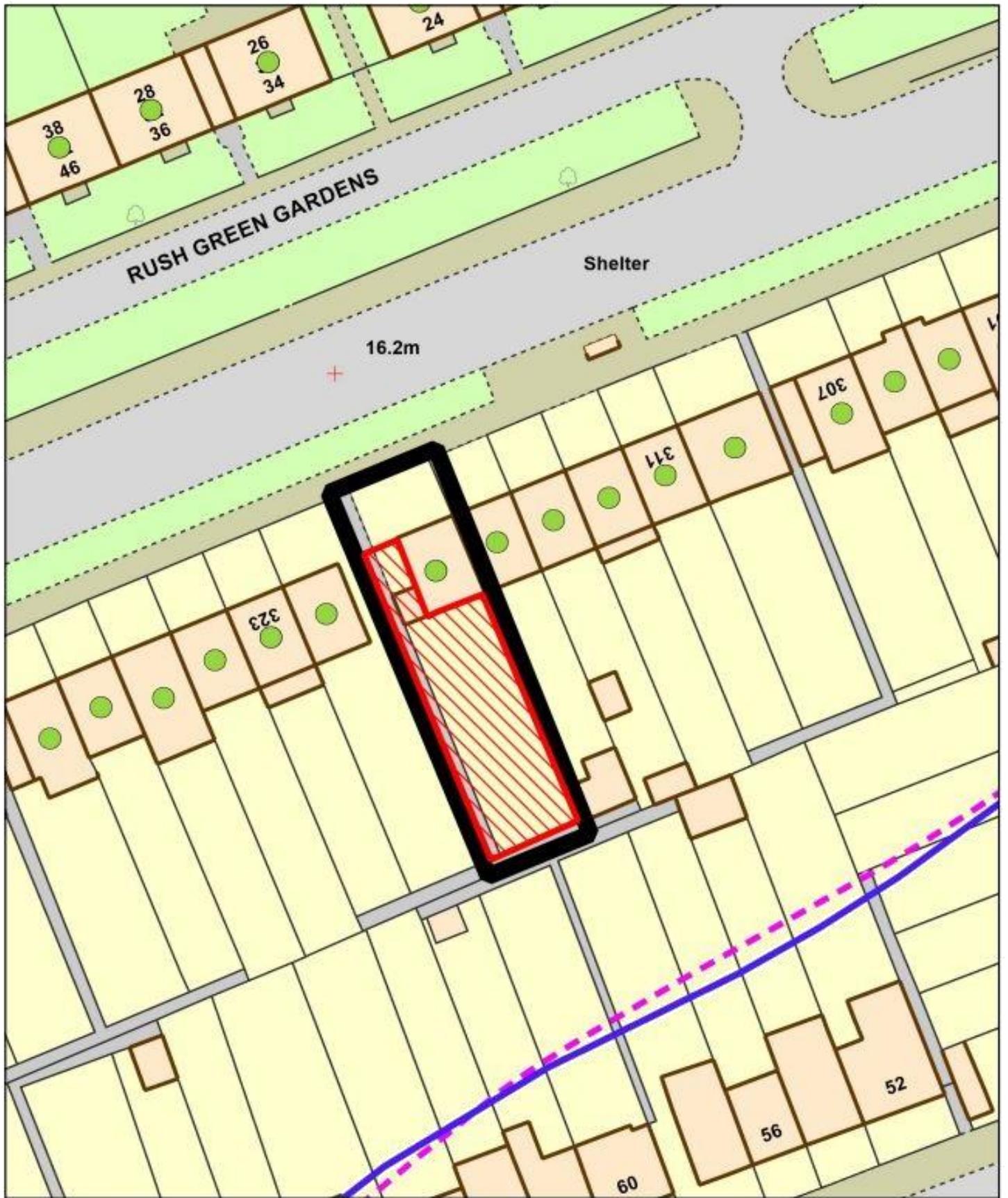
The grounds of appeal must be submitted to the Planning Inspectorate, either when giving notice of the appeal or within 14 days from the date on which the Planning Inspectorate

sends you a notice so requiring, a statement in writing specifying the grounds on which the appeal against the Enforcement Notice is being made 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 / Occupier; 319 Rush Green Road, Romford, RM7 0NJ
2. The Owner / Occupier; 319a Rush Green Road, Romford, RM7 0NJ
3. The Owner / Occupier; 319b Rush Green Road, Romford, RM7 0NJ
4. Mrs Anjitha Chandran; 319a Rush Green Road, Romford, RM7 0NJ
5. Mrs Anjitha Chandran; issued via e-mail.
6. Mr Ibrahim Adam; 7 Queens Road, Fulwood, Preston, PR2 3EA
7. Ibrahim Adam; 319 Rush Green Road, Romford, RM7 0NJ
8. Tasneem Adam; 7 Queens Road, Fulwood, Preston, PR2 3EA
9. Mr Ibrahim Adam, Hills Estate, 209-211 Cranbrook Road, Ilford, IG1 4TD
10. Bank Of Scotland PLC, Birmingham Midshires Division, Pendeford Business Park, Wobaston Road, Wolverhampton, WV9 5HZ.
11. Bank Of Scotland PLC; The Mound, Edinburgh, EH1 1YZ
12. Bank of Scotland PLC; Halifax Division, 1 Lovell Park Road, Leeds LS1 1NS
13. Birmingham Midshires; Retail Legal, Lovell Park Road, Leeds, LS1 1NS
14. Bank of Scotland t/a Birmingham Midshires of c/o Walker Morris, Kings Court, 12 King Street, Leeds LS1 2HL
15. Salma Khattan Chand; 23 Goodshaw Avenue, Blackburn, BB1 8PF



319A and 319B Rush Green Road, Romford, RM7 0NJ



Scale: 1:500
Date: 27 October 2021



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LONDON BOROUGH

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

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.