

RE: Land to rear of 195 and 197 New Road, Rainham RM13 8SJ

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 and property
 2. The Occupier of the said land and property
 3. The Owner of 195 New Road, Rainham RM13 8SJ
 4. The Occupier of 195 New Road, Rainham RM13 8SJ
 5. The Owner of 197 New Road, Rainham RM13 8SJ
 6. The Occupier of 197 New Road, Rainham RM13 8SJ
 7. Lois Ash of 195 New Road, Rainham RM13 8SJ
 8. Lois Ash of 197 New Road, Rainham RM13 8SJ
 9. Lois Ash of The Old Rectory, 18 The Street, Belaugh, Norwich NR12 8XA
 10. Paul Terence Hendy of 195 New Road, Rainham RM13 8SJ
 11. Paul Terence Hendy of 17 Crystal Avenue, Hornchurch, Essex RM12 6AB
 12. Star Tyre Service Limited of 195 New Road, Rainham, Essex RM13 8SJ
 13. Star Tyre Service Limited of Manor Place, Albert Road, Braintree, Essex CM7 3JE
 14. Michelle Puffett of 5 Wymondley Close, Hitchin, Herts SG4 9W
 15. Mr Irfan Akram, 115 Ley Street, Ilford, Essex IG1 4BH

ISSUED BY: London Borough of Havering

1. **THIS IS A FORMAL NOTICE** which is issued by the London Borough of Havering ("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. The Council considers 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 and property known as **Land to rear of 195 and 197 New Road, Rainham RM13 8SJ** (registered under title Nos. BGL81850 and BGL85149) and shown outlined in bold black on the attached plan ("the Land").

3. THE BREACH OF PLANNING CONTROL ALLEGED

Without planning permission:

- (a) the material change of use of the Land for the unauthorised purpose of vehicle repairs, sale of vehicles and sale of car parts, dismantling of vehicles, the storage of vehicle parts, storage of vehicle accessories, storage of tyres and storage of containers ("Use"); and
- (b) the construction of a timber and metal vehicle repair structure on the Land ("Structure")

4. REASONS FOR ISSUING THIS NOTICE

It appears to the Council that the above breaches of planning control have occurred on the Land within the last four years in relation to the Structure and within the last ten years in relation to the Use.

The Land is located within the Rainham West Specific Allocation area. Policy SSA12 states that 'residential and ancillary community, retail, recreation, educational and leisure uses, and appropriate employment uses will be allowed within the Rainham West site.' Given the location of the Land being in close proximity to residential properties it is considered that the unauthorised Use, including the use of power tools and hydraulic equipment, results in unacceptable levels of noise and disturbance which is harmful to the amenities of neighbouring occupiers.

The unauthorised Use of the site is such that there is inadequate off-street vehicle parking resulting in the overspill of vehicles onto the public highway. This has a detrimental impact on parking in the area and on highways safety. In addition the un-surfaced nature of the Land results in debris being tracked onto the public highway, particularly during wet weather conditions.

The Structure owing to its siting, scale and design has an unsightly appearance, which is harmful to the character of the area and results in overshadowing and loss of outlook within the rear garden environment, adversely affecting the amenity of neighbouring occupiers.

The Use and Structure are contrary to policies DC33 (Car Parking) & DC61 (Urban Design) of the Core Strategy and Development Control Policies DPD, Policy SSA12 (West Rainham) of the Site Specific Allocation DPD.

The Council do not consider that planning permission should be given because planning conditions could not overcome these problems.

The Council has previously refused an application for planning permission, application reference P0214.14, for the change of use of the Land to a vehicle repairing facility together with the erection of a structure. The Council refused the application for the reasons aforesaid.

5. WHAT YOU ARE REQUIRED TO DO

- (i) Cease the Use of the Land for the unauthorised purpose of vehicle repairs, sale of vehicles and sale of car parts, dismantling of vehicles, the storage of vehicle parts, storage of vehicle accessories, storage of tyres and storage of containers

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

- (ii) Remove the dismantled vehicles, vehicle parts, vehicle accessories, tyres and containers from the Land

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

- (iii) Remove all equipment used in connection with vehicle repairs and dismantling of vehicles from the Land

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

- (iv) Remove the timber and metal vehicle repair Structure from the Land.

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

- (v) Remove all rubbish, rubble and associated material from the Land and Building arising from compliance with requirements (ii), (iii) and (iv) above.

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

6. **WHEN THIS NOTICE TAKES EFFECT**

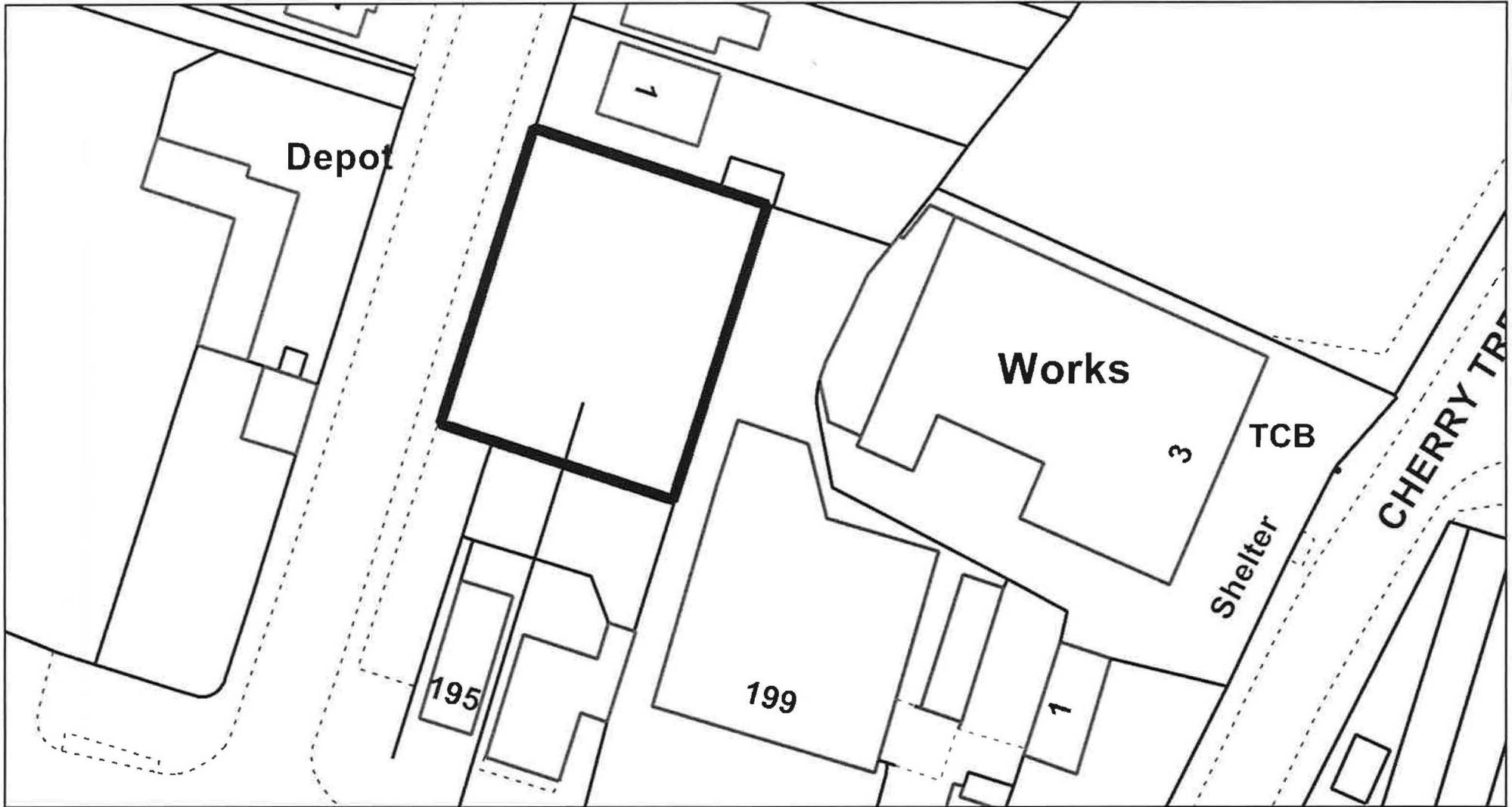
This Notice takes effect on 8 October 2014, unless an appeal is made against it beforehand

Dated: 26 August 2014

Signed:

A handwritten signature in blue ink, appearing to read 'Y. V. Healy', is written over the printed text of the signature block.

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



LAND TO REAR OF 195-197 NEW ROAD, RAINHAM



Scale: 1:512
 Date: 20 August 2014
 Size: A4

 **Havering**
 LONDON BOROUGH

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

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YOUR RIGHT OF APPEAL

You can appeal against this Enforcement Notice to the Secretary of State
By 8 October 2014. 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 8 October 2014 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 8 October 2014.

If you intend to appeal against this Notice you should follow the instructions given on the information sheet from the Planning Inspectorate which accompanies this Notice.

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

If you intend to appeal against the notice on ground (a) - that planning permission should be granted for the unauthorised development - then a fee of £770.00 is payable to the Council. If the fee is 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 and property.
2. The Occupier of the said land and property.
3. The Owner of 195 New Road, Rainham RM13 8SJ
4. The Occupier of 195 New Road, Rainham RM13 8SJ
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