

RE: 35a NEW ROAD, RAINHAM, RM13 8DR

IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

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

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 35a New Road, Rainham, RM13 8DR, as shown edged in black on the attached plan.

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

Without planning permission, the change of use of the premises to a place of worship.

4. **REASONS FOR ISSUING THIS NOTICE**

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 amenity or injury which has been caused by the breach.

The site is not located within an appropriate location given the poor public transport accessibility. This would be likely to encourage the use of private motor cars and discourage the use of sustainable transportation such as walking and/or cycling. The proposal would, therefore, be contrary to Policies CP8, DC26, DC32, DC34, and DC35 of the Core Strategy and Development Control Policies DPD and the guidance in the NPPF.

The site lies within an area that is allocated for residential development under Policy SSA12 (Rainham West) of the Site Specific Allocations DPD and also within the area of the Mayor of London's Rainham and Beam Reach Housing Zone (referred to as London Riverside) where the swift delivery of much needed housing for London is proposed. The proposals would be likely to hinder the delivery of these housing objectives and the proposed development would, therefore, be contrary to Policy SSA12 of the Site specific Allocations DPD and Policy 2.13 and Annex 1 (Opportunity and Intensification Areas) of the London Plan.

The shortfall in parking provision for both of the proposed uses of the building would be likely to result in overspill onto the highway in the locality which would have a significantly adverse impact on the safety and efficiency of the local highway network, as well as pedestrian safety contrary to Policies DC26 and DC33 of the Core Strategy and Development Control Policies DPD.

The Council does not consider that planning permission should be granted for the development because conditions attached to any consent would not overcome these problems.

5. WHAT YOU ARE REQUIRED TO DO

- (i). Cease the use of the property as a place of worship.

Time for compliance with step (i) above: 1 month from the effective date of this notice.

6. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on **2nd December 2016**, unless an appeal is made against it beforehand.

Dated: 28th October 2016

Signed: 

Authorised Officer

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

YOUR RIGHT OF APPEAL

You can appeal against this Enforcement Notice to the Secretary of State by the **2nd December 2016**. 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 **2nd December 2016** 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

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 **2nd December 2016**.

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

Should wish to appeal on ground (a) - that planning permission should be granted for the unauthorised development - then a fee of **£385.00** is payable both to the Secretary of State and to the Council, making the total fees payable **£770.00** If the fees are not paid then that ground of appeal will not be valid.

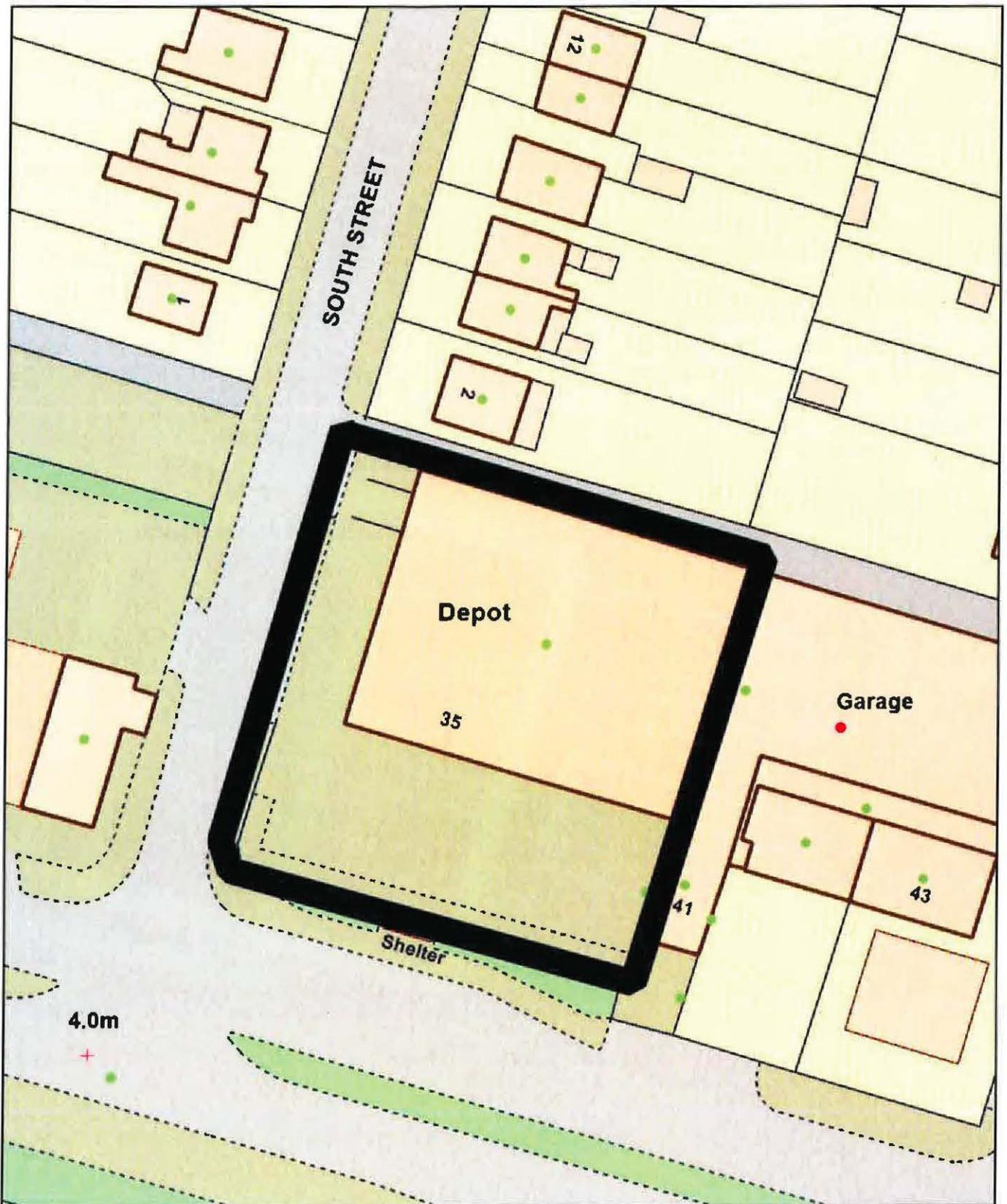
STATEMENT ON GROUNDS OF APPEAL

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 you a notice so requiring, 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 / Occupier; 35a New Road, Rainham, RM13 8DR
- 2) The Redeemed Christian Church; 35a New Road, Rainham, RM13 8DR
- 3) Mr Aloysius Peter; 35a New Road, Rainham, RM13 8DR
- 4) Mr Christian Enaboifo; 35a New Road, Rainham, RM13 8DR
- 5) Pastor Temitope Adeniyi Adesanya; 35a New Road, Rainham, RM13 8DR
- 6) Mr Esan Emmanuel Edovbiye; 35a New Road, Rainham, RM13 8DR
- 7) Mr Chijioke Celestine Ubah; 36 Blake Close, Rainham, RM13 8BE
- 8) Pastor Aloysius Peter; 36 Blake Close, Rainham, RM13 8BE
- 9) Mohammad Rafi Chaudhry; of 126 Ballards Road, Dagenham, RM10 9AB
- 10) Mohammad Rafi Chaudhry; 35 New Road, Rainham RM13 8DR.
- 11) Best Commercial Properties Limited; 88-98 College Road, Harrow HA1 1RA.
- 12) Best Commercial Properties Limited; 166 College Road, Harrow, Middlesex, England, HA1 1RA
- 13) HSBC Bank PLC (Co. Regn. No. 14259) 40-54-47; Securities Processing Centre, P.O. Box 6304, Coventry CV3 9JY.
- 14) HSBC Bank PLC; 8 Canada Square, London, E14 5HQ



35a New Road, Rainham, RM13 8DR N
↑





Scale: 1:500 0 5 10 15 metres
Date: 21 October 2016


London Borough of Havering
Town Hall, Main Road
Romford, RM1 3BD
Tel: 01708 434343
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Ordnance Survey 100024327



Appeal Decision

by **Ken McEntee**

a person appointed by the Secretary of State for Communities and Local Government

Decision date: 11.05.2017

Appeal ref: APP/B5480/C/16/3164364

Land at 35 New Road, Rainham, Essex, RM13 8DR

- The appeal is made under section 174 of the Town and Country Planning Act 1990, as amended by the Planning and Compensation Act 1991.
- The appeal is brought by Mr Peter Aloysius against an enforcement notice issued by the London Borough of Havering.
- The notice was issued on 28 October 2016.
- The breach of planning control as alleged in the notice is "Without planning permission, the change of use of the premises to a place of worship".
- The requirements of the notice are "(i). Cease the use of the property as a place of worship"
- The period for compliance with the requirements of the notice is "1 month from the effective date of this notice".
- The appeal is proceeding on the ground set out in section 174(2)(g) of the Town and Country Planning Act 1990 as amended.

Summary of decision: The appeal is dismissed and the enforcement notice is upheld without variation.

Reasons for the decision

1. The Inspectorate's letter of 1 March 2017 confirmed that because the fee was not paid within the specified period, the deemed application for planning permission had lapsed. The planning merits of the development cannot therefore be considered. I shall accordingly deal only with the appeal on ground (g).
2. The appellant requests that the period of compliance with the notice be extended to 6 months in order to allow more time to seek out alternative premises. Jon Cruddas MP submitted representations in support of the appellant's case as he was concerned that the closure of the premises would result in the closure of the foodbank which is run by the church. However, while I appreciate these concerns, I am mindful that some 5 months have elapsed since the appeal was submitted, with enforcement action suspended. As the compliance period will begin again from the date of this decision, the appellant will effectively have had the 6 months he desires in which to find alternative premises and comply with the requirements of the notice.
3. In these circumstances, I see no good reason to justify extending the compliance period further and consider 1 month to be sufficient time to comply with the notice. The ground (g) appeal fails accordingly.

Formal decision

4. For the reasons given above, the appeal is dismissed and the enforcement notice is upheld.

K McEntee