

RE: 179 NEW ROAD, RAINHAM, ESSEX RM13 8H

IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

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

ENFORCEMENT NOTICE B

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 **179 New Road, Rainham, Essex RM13 8SH**, shown edged in black on the attached plan.

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

- (i) Without planning permission, the unauthorised change of use of the land and buildings at 179 New Road, Rainham, Essex RM13 8SH to a place of worship and assembly shown edged in black in the attached plan. (Use Class: D1)

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 in relation to the use of the land 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.
- (2) The surrounding area is served by poor public transport accessibility; therefore the site does not fall within a sustainable location for use as a place of worship and assembly. The use encourages the use of private motor cars and discourages the use of sustainable transportation such as walking or cycling. The use is therefore contrary to Policies CP8, DC26, DC32, DC34, and DC35 of LBH's 'Development Plan Document' 2008 and the guidance in the 'NPPF' 2012.
- (3) The site lies within an area that is allocated for residential development under Policy SSA12 of the Site Specific Allocations DPD and also within the area of the Mayor of London's Rainham and Beam Reach Housing Zone where the swift delivery of much needed housing for London is proposed. The use as a place of worship and assembly hinders the delivery of these housing objectives and the use is therefore contrary to Policy SSA12 from the

'Rainham and Beam Park Planning Framework' 2016 and Policy 2.13 and Annex 1 (Opportunity and Intensification Areas) of the 'London Plan' 2016.

- (4) The use as a place of worship and assembly by virtue of its parking arrangement and layout delivers a shortfall in parking provision for the use of the building which would be likely to result in overspill parking onto the highway 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 LBH's 'Development Plan Document' 2008.
- (5) The use as a place of worship and assembly has failed to demonstrate acceptable noise mitigation measures and hours of operation in the interest of protecting the amenity of nearby neighbouring residential properties contrary to Policy 7.15 from the 'London Plan' 2016; and Policies DC55, DC61 and CP15 of the LBH's 'Development Plan Document' 2008; and paragraphs 109 and 123 from the "NPPF" 2012.

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 Notices to require, within **ONE MONTH** to:

1. Cease using the Land shown edged in black on the attached plan as a place of worship and assembly;
2. Remove from the land all equipment including seating, audio and amplified equipment and musical instruments associated with the unauthorised use; and
3. Remove all waste materials and equipment associated with the unauthorised use.

6. **WHEN THIS NOTICE TAKES EFFECT**

This Notice takes effect on 28th August 2018, unless an appeal is made against it beforehand

Dated: 24th July 2018

Signed: 
Name: Simon Thelwell
Planning Control Manager

on behalf of London Borough of Havering
5th Floor, Mercury House, Mercury Gardens, Romford RM1 3SL

YOUR RIGHT OF APPEAL

You can appeal against this Enforcement Notice to the Secretary of State before 24 August 2018. 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 **24 August 2018** 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 **24 August 2018**.

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.

GROUNDS 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 - then a fee of **£924** is payable to the Council. 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 him 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:

The Company Secretary / Director
BEST COMMERCIAL HOLDINGS LTD
Wyldecrest House
857 London Road
Grays
RM20 3AT

Shelfside (Holdings) Limited
Trading as: Wyldecrest Parks (Management) Ltd
166 College Road
Charter House
Harrow, Middlesex
England
HA1 1RA

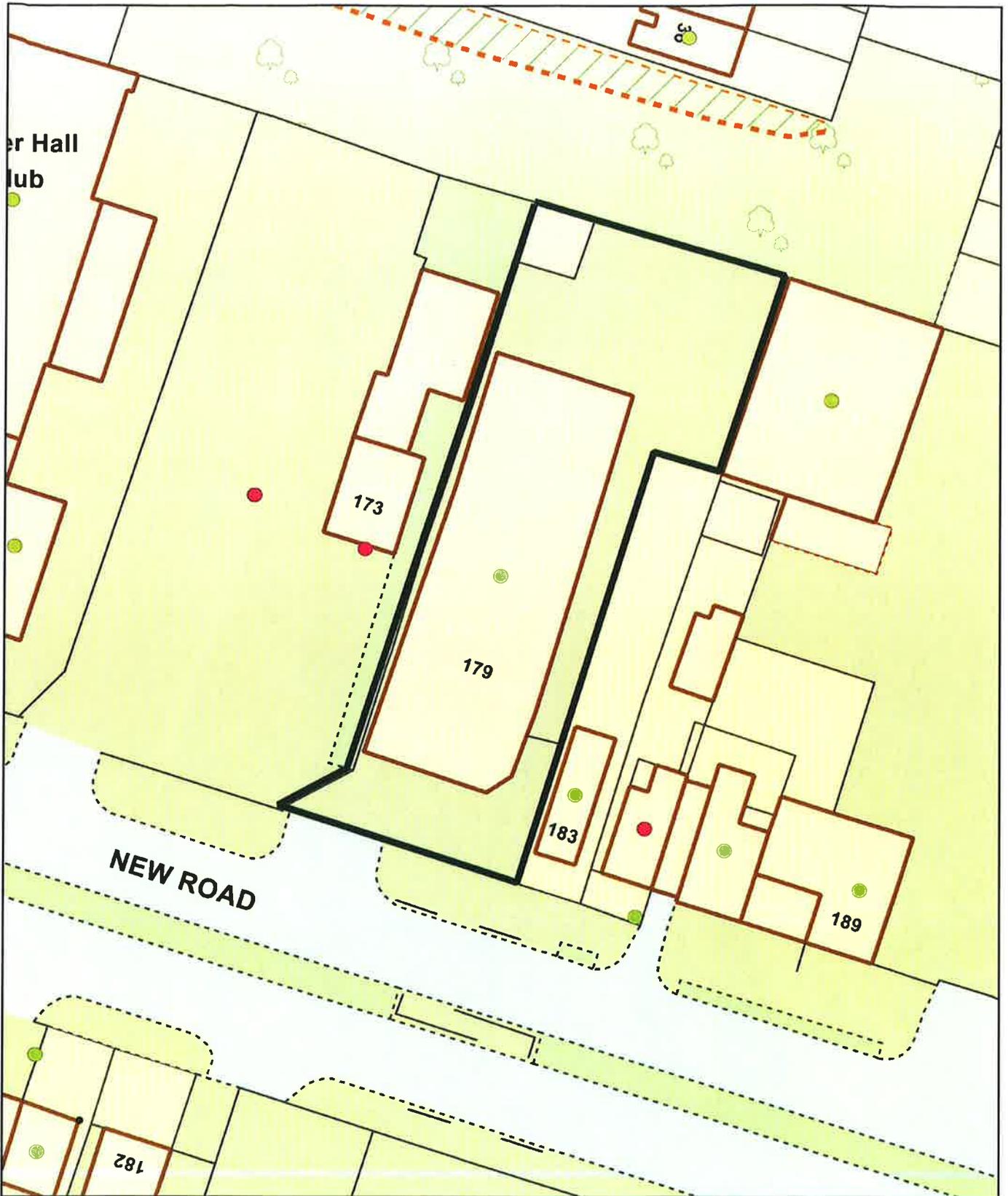
The Company Secretary / Director
BEST COMMERCIAL HOLDINGS LTD
166 College Road
Charter House
Harrow, Middlesex
England
HA1 1RA

LAF Centre / Latif Foundation
179 New Road
Rainham
Essex
RM13 8SH

Mr Olumide Deyaolu
179 New Road
Rainham
Essex
RM13 8SH

Mr Olumide Deyaolu
23 Upminster Road South
Rainham
RM13 9YS

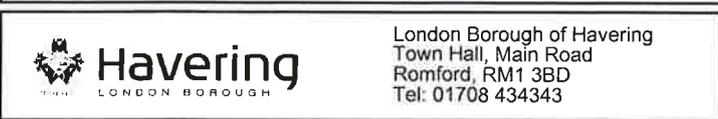
The Occupiers
179 New Road
Rainham
Essex
RM13 8SH



179 New Road, Rainham, Essex RM13 8SH



Scale: 1:500
Date: 18 July 2018



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

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Ordnance Survey 100024327

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.