

RE: 195 - 197 New Road, Rainham, Essex

**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
  2. The Occupier of the said land
  3. The Company Secretary, The Fat Management Limited, Surrey House, 52 Theley Way, Sutton, Surrey, SM1 4BF
  4. Mr S Kirk, Star Tyres, 195 New Road, Rainham, Essex
  5. Mr L R Kirk, Star Tyres, 195 New Road, Rainham, Essex
  6. Mr Peter Jones (Director), The Fat Management Limited, 31 Edmund Road, Rainham, Essex RM13 8LX

**ISSUED BY:** London Borough of Havering

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 the rear of 195 and 197 New Road, Rainham, Essex shown hatched black (the said land) on the attached plan.

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

Change of use of the said land shown hatched black on the attached plan from residential to the parking of commercial vehicles and the transfer and storage of waste products.

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. The unauthorised use is not suitable for this residential area. It disturbs the neighbours through noise, traffic

movement and car parking and is unsightly in such an area. The Council do not consider that planning permission should be given, because planning conditions could not overcome these problems.

In making its decision to issue this Notice the Council considered that the unauthorised use is contrary to the following policies of the Havering Unitary Development Plan policies.

**5. WHAT YOU ARE REQUIRED TO DO**

- (i) Stop using the land for the parking of commercial vehicles.

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

- (ii) Stop using the said land for the transfer of waste products.

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

- (iii) Stop using the said land for the storage of waste products.

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

- (iv) Remove from the land all machinery installations equipment apparatus portacabin building materials rubble brought onto the land in connection with the unauthorised uses.

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

**6. WHEN THIS NOTICE TAKES EFFECT**

This Notice takes effect on *7<sup>th</sup> May* 2004, unless an appeal is made against it beforehand

Dated: *29<sup>th</sup> March* 2004

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 *7<sup>th</sup> May* 2004. 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 2004 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 *7<sup>th</sup> May* 2004. The enclosed booklet "Enforcement Appeals - A guide to Procedure" sets out your rights. Read it carefully. If you appeal you should use the enclosed appeal forms. Two copies are for you to send to the Secretary of State if you decide to appeal. The other is for you to keep as a duplicate for your own records. You should also send the Secretary of State a copy of the Enforcement Notice.

### **GROUND OF APPEAL**

The grounds of appeal are set out in Section 174 of the Town and Country Planning Act 1990 and are also set out on pages 2 – 5 of the enclosed appeal forms.

### **PLANNING APPLICATION FEE**

Should wish to appeal on ground (a) - that planning permission should be granted for the unauthorised use - then a fee of £220.00 is payable both to the Secretary of State and 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 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
2. The Occupier of the said land

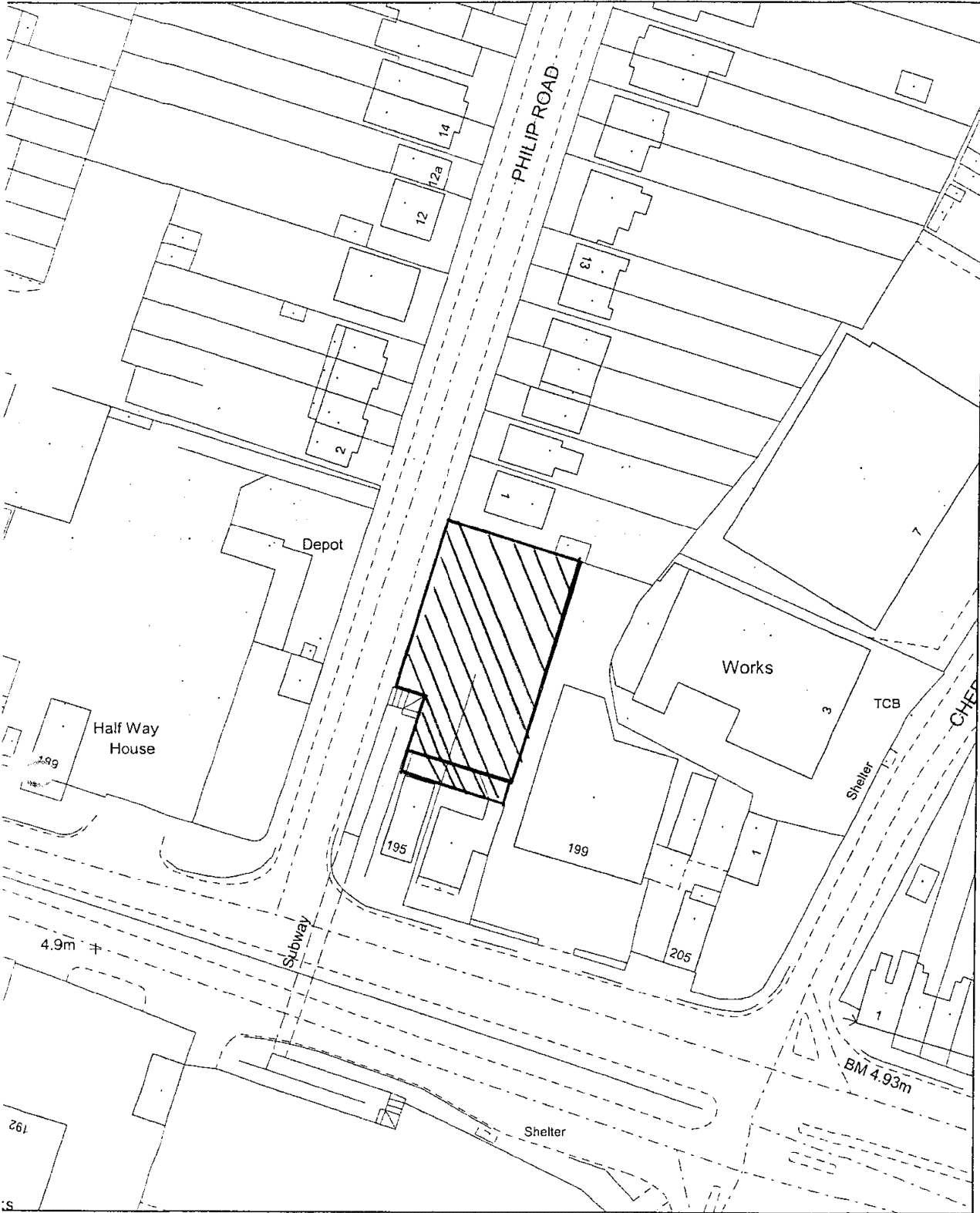
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DATE: 29/10/2003



MAP REFERENCE: TQ5182NW

Drawing No.

SCALE: 1:800