

LAND NORTH OF WILLOUGHBY DRIVE, RAINHAM
RM13 7BW

IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

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

ENFORCEMENT REFERENCE: ENF/818/16

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 **LAND NORTH OF WILLOUGHBY DRIVE, RAINHAM RM13 7BW**, shown hatched in black on the attached plan and is registered under Land Registry Title Numbers are EGL816, EGL425403, EGL417801 and EGL207211.

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

Without the benefit of planning permission:

1. The material change of use of the land identified hatched in black in the attached site plan to commercial uses in connection with a waste recycling business including, offices, storage of skips and metal containers, porta bins, machinery and equipment, creation of Heavy Goods Vehicle and car parking area, Parking of Heavy Goods Vehicles and cars; and
2. Unauthorised development in the form of:
 - i. Erection of 2 storey and single storey modular buildings, and metal palisade fencing and walls exceeding 2m in height;
 - ii. Creation of hard standing.

4. **REASONS FOR ISSUING THIS NOTICE**

(1) It appears to the Council that the above breaches of planning control have occurred within the last FOUR years for all operational development and within 10 YEARS for change of use of the land and that steps should be taken to remedy the breaches in accordance with the purposes stipulated in Section 173 (4) (a) of the above Act.

(2) The comprehensive use of the site has a greater visual impact on the openness of the Green Belt than the previous uses of the site. The uses at the site result in substantial harm to the openness and permanence of the Green Belt. The uses are therefore considered contrary to Policy DC45 of the London Borough of Havering LDF Core Strategy and Development Control Policies DPD 2008, Policy 7.16 of the London Plan 2016 and the National Planning Policy Framework 2019. Further, the uses do not constitute very special circumstances which would outweigh all relevant planning harm.

(3) In the absence of noise evidence, the uses are considered to materially impact upon the reasonable residential amenities of existing residential occupiers. The uses are therefore considered contrary to the implementation of Policy DC55 of the London Borough of Havering LDF Core Strategy and Development Control Policies DPD 2008 and relevant paragraphs contained in the National Planning Policy Framework 2019.

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 Notice requires, within **THREE MONTHS**:

- i. Cease the use of the land shown hatched on the attached plan for office use, storage of skips, metal containers, porta bins, storage of machinery and equipment in connection with the unauthorised uses; AND
- ii. Cease the use of the land shown hatched on the attached plan for parking, storage of motor vehicles including Heavy Goods Vehicles; AND
- iii. Remove two storey and single storey modular buildings, and metal palisade fencing and walls exceeding 2m in height; AND
- iv. Remove all skips, metal containers, porta bins, storage of machinery and equipment used in connection with the unauthorised uses; AND
- v. Remove all hardstanding; AND
- vi. Remove from the land all debris, rubble and other materials accumulated as a result of taking the above steps; AND
- vii. Return the land back to the condition before the unauthorised use started.

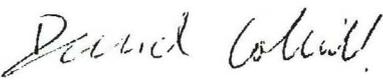
6. **TIME FOR COMPLIANCE**

THREE MONTHS after the date when this Notice takes effect.

7. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on **6th September 2019**, unless an appeal is made against it beforehand

Dated: 26th July 2019

Signed: 

David Colwill
Team Leader, Planning Enforcement and Appeals
on behalf of London Borough of Havering
5th Floor, Mercury House, Mercury Gardens, Romford RM1 3SL

Nominated Officer: Onkar Bhogal
Email: Onkar.Bhogal@havering.gov.uk

Telephone Number: 01708 431587

THE RIGHT TO APPEAL

Those with a legal or equitable interest in the land of who is a relevant occupier can appeal against this Enforcement Notice to the Secretary of State before the **6th September 2019**. Further details are given in the attached explanatory note.

WHAT HAPPENS IF AN APPEAL IS NOT RECEIVED

If an appeal is not against this Enforcement Notice, it will take effect on **6th September 2019** 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 at <http://www.legislation.gov.uk/ukpga/1990/8/contents>

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 Secretary of State before **6th September 2019**.

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) and an appeal may be made 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 an appeal on ground (a) - that planning permission should be granted for the unauthorised development be sought - 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 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 the appeal against the Enforcement Notice is to be made and stating briefly the facts on which it is proposed 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 Directors
Kilnbridge Construction Ltd
York Road, Rainham RM13 7BW

The Owners
Kilnbridge Construction Ltd
York Road, Rainham RM13 7BW

The Occupiers
Kilnbridge Construction Ltd
York Road, Rainham RM13 7BW

Dermott James McDermott
Mcdermott House,
9b South Crescent
Cody Road Business Park, London E16 4TL

The Directors,
Kilnbridge Construction Ltd
Mcdermott House,
9b South Crescent Cody Road Business Park, London E16 4TL

Monika Mary McDermott
Mcdermott House,
9b South Crescent Cody Road Business Park, London E16 4TL

Harry James McDermott
Mcdermott House,
9b South Crescent, Cody Road Business Park, London E16 4TL

SLT Trustees Limited
(Co. Reg. no. 01299864)
Of M W House
1 Penway Way, Grove Park, Enderby, Leicester LE19 1SY



Kilnbridge - land to north of Willoughy Drive



Scale: 1:750
 Date: 09 November 2018
 Size: A4



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.