

RE: 62 COLLIER ROW LANE ROMFORD RM5 3BB

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. Douglas Brian Dean
62 Collier Row Lane
Collier Row, Romford RM5 3BB
 4. Douglas Brian Dean
Fairview, Cornwall Street
Basildon, SS13 2CA
 5. Mr. Ddgan
62 Collier Row Lane
Romford, RM5 3BB
 6. The Company Secretary
National Westminster Bank PLC (Co. Regn. No. 929027) of
Nottingham Securities Centre
Impact House
8 Castle Boulevard
Nottingham NG7 1GG.

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 171B (4) (b) of the above Act, at 62 Collier Row Lane, Romford RM5 3BB. 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 and premises at 62 Collier Row Lane Romford RM5 3BB, shown edged in black on the attached plan ("the Land").

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

Without planning permission, a change of use of the Land from a retail shop use to a commercial unit for the washing and valeting of cars including storage of cleaning

materials.

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. A retrospective planning application, P0534.09, was subsequently submitted but was refused on 11th June 2009.

The reasons given were :

- a) the applicant failed to demonstrate that the unit is not viable for use within Use Classes A1, A2, A3, A4, and A5. The proposal therefore harms the vitality and viability of this minor local centre to the detriment of its retail and service function contrary to Policy DC16 of the Local Development Control Policies Development Plan Document; and
- b) the use, due to its form, layout and means of access to the Land, results in a highway safety concern for road users – particularly pedestrians using the nearby pedestrian crossing – contrary to Policies DC32 and DC34 of the Local Development Framework Development Control Policies Development Plan Document.

In making its decision to issue this notice the Council considered that the unauthorised use was contrary to the named policies as stated in the refusal of the planning permission above.

A subsequent appeal against the refusal was dismissed on 27 January 2010. The Planning Inspector did not accept the use of the Land as a car wash created highway safety concerns. However, the Council's contention that the unit was not viable for use classes A1, A2, A3, A4, and A5 was upheld by the Planning Inspector, who dismissed the appeal on this basis.

5. WHAT YOU ARE REQUIRED TO DO

- (i) Stop using the Land for the washing and valeting of vehicles.

Time for compliance: 1 month from the effective date of this notice

- (ii) Stop using the Land for storage of cleaning materials

Time for compliance: 1 month from the effective date of this notice

- (iii) Remove from the Land all machinery, equipment, apparatus, cleaning materials, vehicles, tools, scrap, waste, signage, and installations brought onto the Land to comply with requirements (i) and (ii) above.

Time for compliance: 1 month from the effective date of this notice

- (iv) Restore the premises on the Land to a condition suitable to its authorised retail use.

Time for compliance: 1 month from the effective date of this notice

6. **WHEN THIS NOTICE TAKES EFFECT**

This Notice takes effect on 19 March 2010, unless an appeal is made against it beforehand.

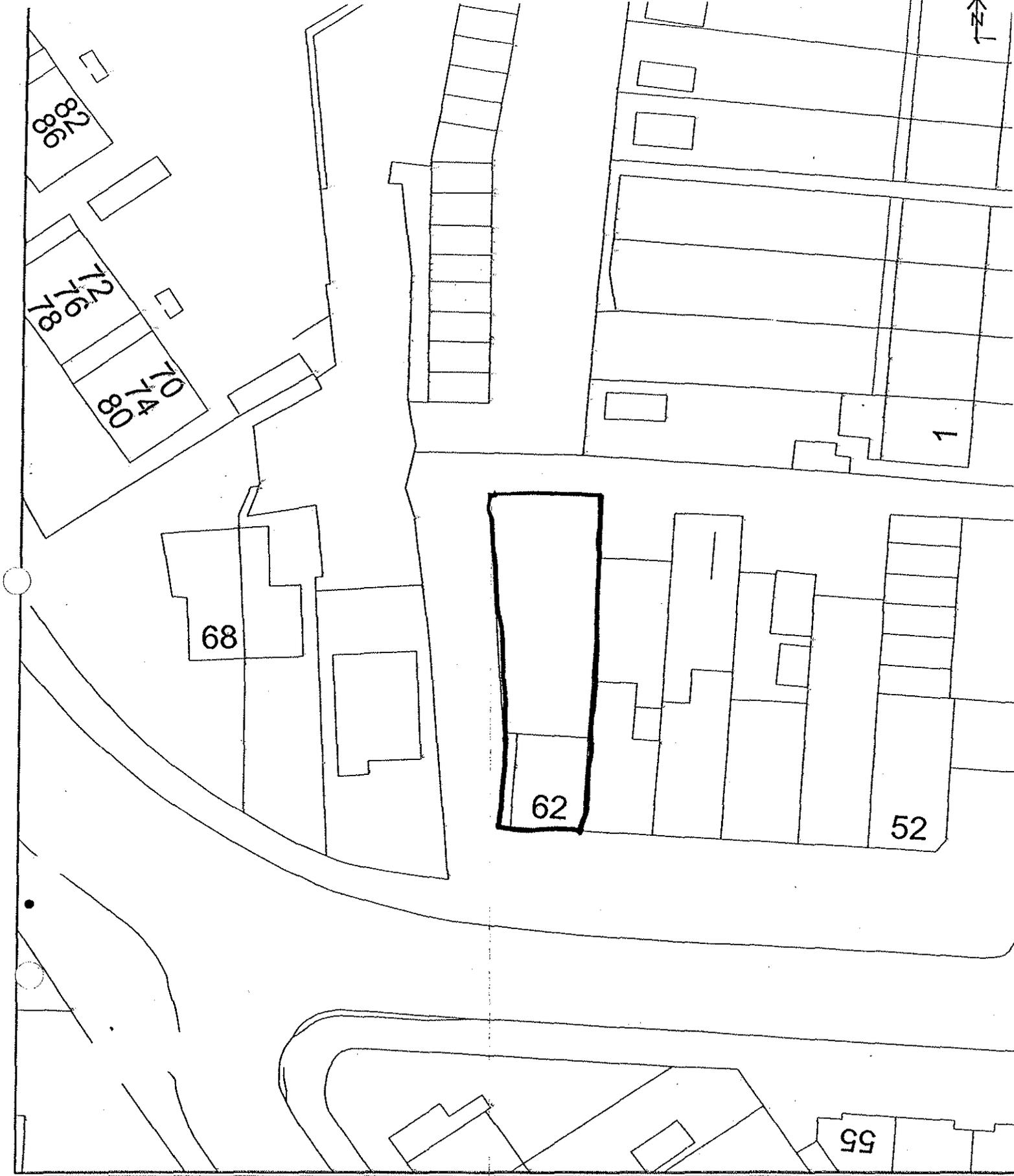
Dated: 5 February 2010

Signed:

A handwritten signature in black ink, appearing to read 'Wendy J. Kelly', written over a horizontal dotted line.

Authorised Officer

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



collier row lane



Scale @ A4 1:429

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 19 March 2010. Further details are given on the information sheet from the Planning Inspectorate which accompanies this Notice. The enclosed booklet "Enforcement Appeals – A guide to procedure" also sets out your rights.

WHAT HAPPENS IF YOU DO NOT APPEAL

If you do not appeal against this Enforcement Notice, it will take effect on 19 March 2010 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 copy 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

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 by 19 March 2010.

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

GROUND OF APPEAL

Under section 174 of the Town and Country Planning Act 1990 (as amended) you may appeal on one or more of the following grounds :- 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 or, as the case may be, the condition or limitation concerned ought to be discharged:

- (a) that those matters have not occurred;
- (b) that those matters (if they occurred) do not constitute a breach of planning control;
- (c) 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;
- (d) that copies of the enforcement notice were not served as required by section 172;
- (e) that the 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;
- (f) 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 £ 335.00 is payable both to the Secretary of State and to the Council, making the total fees payable £670.00. 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 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 of the said land
2. The Occupier of the said land
3. Douglas Brian Dean
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Romford RM5 3BB
4. Douglas Brian Dean
Fairview
Cornwall Street Basildon, SS13 2CA
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2 Collier Row Lane
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