

26 PENERLEY ROAD, RAINHAM, RM13 9HD

IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

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

ENFORCEMENT REFERENCE: ENF/417/19

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 known as 26 Penerley Road, Rainham RM13 9HD shown edged in black on the attached plan and is registered under Land Registry Title Number NGL35627.

- 3. THE BREACH OF PLANNING CONTROL ALLEGED**

Without planning permission the material change of use of the garage to use for the Chiropody business.

- 4. REASONS FOR ISSUING THIS NOTICE**

- (1) 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 injury to amenity which has been caused by the breach.
- (2) The business use results in uncharacteristic comings and goings in close proximity to neighbouring residential properties and (if operated independently) to the donor property. This results in adverse impact on residential amenity through general activity, inconvenience, noise and disturbance. The development is unacceptable in principle, and when assessed against the National Planning Policy Framework 2019, and policies DC26 and DC61 of the Havering Core Strategy and Development Control Policies DPD 2008.
- (3) The business use has an unacceptable impact on parking provision for the donor property and would through parking displacement have an unacceptable impact on parking on the road, convenience for existing residents as well as highway safety. In this regard the use is unacceptable when assessed against

policies DC32, DC33, DC35 and DC61 of the Havering Core Strategy and Development Control Policies DPD 2008.

- (4) The Council does not consider that planning permission should be granted because conditions attached to any consent will not remedy the breach.

5. WHAT YOU ARE REQUIRED TO DO

- (i) Cease the use of the garage for the Chiropody business shown in the area hatched in black on the attached plan;

AND

- (ii) Remove all equipment associated with the Chiropody business from the garage;

AND

- (iii) Remove all other debris, rubbish or other materials accumulated as a result of taking steps (i) and (ii) above.

6. TIME FOR COMPLIANCE

FOUR WEEKS after the date when this Notice takes effect.

7. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on **21st June 2021**, unless an appeal is made against it beforehand

Dated: **21st May 2021**

Signed:



DAVID COLWILL

Authorised Officer on behalf of London Borough of Havering, Mercury House, Mercury Gardens, Romford, RM1 3SL

Nominated Officer to contact regarding this Notice: David Colwill

Telephone Number: 01708 432647

Email: david.colwill@haverling.gov.uk

THE RIGHT TO APPEAL

Those with a legal or equitable interest in the land or who is a relevant occupier can appeal against this Enforcement Notice to the Planning Inspectorate acting on behalf of the Secretary of State before **21st June 2021**. Further details are given in the attached explanatory note.

WHAT HAPPENS IF AN APPEAL IS NOT RECEIVED

If an appeal is not received against this Enforcement Notice, it will take effect on **21st June 2021** 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 online at <https://www.legislation.gov.uk>

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 Planning Inspectorate before **21st June 2021**.

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) 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 or use, 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.

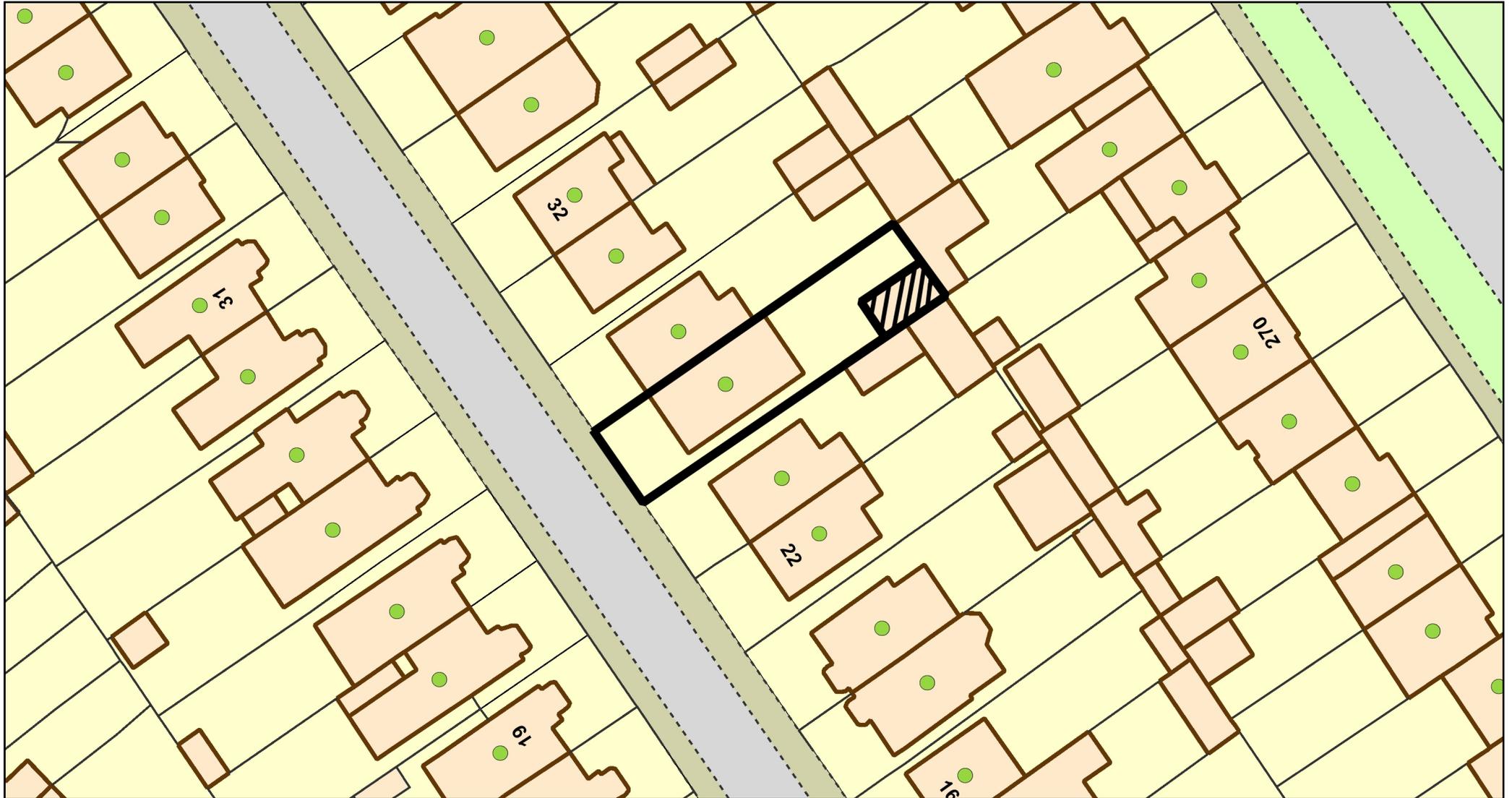
STATEMENT ON GROUNDS OF APPEAL

The grounds of appeal must be submitted to the Planning Inspectorate, either when giving notice of the appeal or within 14 days from the date on which the Planning Inspectorate sends you a notice so requiring, a statement in writing specifying the grounds on which the appeal against the Enforcement Notice is being made 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 MANIT KOHLI, 26 Penerley Road, Rainham RM13 9HD.
2. The Owner, 26 Penerley Road, Rainham RM13 9HD.
3. The Occupier, 26 Penerley Road, Rainham RM13 9HD.
4. BANK OF SCOTLAND PLC of Halifax Division, 1 Lovell Park Road, Leeds LS1 1NS.



26 Penerley Road, Rainham, RM13 9HD



Scale: 1:500
Date: 13 May 2021
Size: A4



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

© Crown copyright and database rights 2021
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.