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## Appeal Decision

by **Stephen Hawkins MA, MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 23<sup>rd</sup> October 2026

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### **Appeal Ref: APP/B5480/C/25/3375241**

### **Berwick Manor, Berwick Pond Road, Rainham RM13 9EL**

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
  - The appeal is made by Fimasa Limited against an enforcement notice issued by the Council of the London Borough of Havering.
  - The notice was issued on 3 October 2025.
  - The breach of planning control as alleged in the notice is without planning permission, the erection of marquees at the rear and the side of the property.
  - The requirements of the notice are: 1. Demolish/remove from the land the rear marquee as shown marked A on the plan attached to the notice. 2. Demolish/remove the side structure with associated canopy marquees, decking, plastic sheeting, fencing and roofing as shown marked B on the plan attached to the notice. 3. Remove all debris, rubbish or other materials accumulated as a result of taking step (1) and (2) above.
  - The period for compliance with the requirements is four weeks.
  - The appeal is proceeding on the grounds set out in section 174(2)(g) of the Town and Country Planning Act 1990 (as amended).
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### **Decision**

1. The appeal is dismissed and the enforcement notice is upheld.

### **Preliminary matters**

2. Since ground (a) is barred, planning merits considerations cannot form part of my deliberations.
3. The appeal can be determined without the need for a site visit, as I have been able to reach a decision based on the information already available.

### **Ground (g) appeal**

4. The ground of appeal is that the period specified for complying with the requirements of the enforcement notice falls short of what should reasonably be allowed.
5. The appeal premises contains an hotel and its associated grounds. The hotel, which is a Grade II listed building, occupies a countryside setting within the Metropolitan Green Belt. The notice attacks the erection of two marquee structures at the rear and side of the premises.
6. The appellant sought to extend the period for removing the marquees from four weeks as specified in the notice to twelve months. This it was stated would allow existing staff to find alternative employment.
7. There are clear economic and social benefits associated with maintaining the continuity of employment as far as possible. However, as the appeal is continuing solely on ground (g), the length of the compliance period is the only matter before

me. Therefore, the appellant cannot have had any reasonable expectation of the notice being quashed. By making this limited appeal, they have already delayed the date the notice will come into effect, with the full knowledge that the marquees would have to be removed. Any staff employed solely in association with use of the marquees would have had ample opportunity to seek and obtain alternative employment during the intervening period.

8. Set in the above context, there is little sound reason before me to support a further delay to the carrying out of the remedial works beyond the end of the four-week period specified in the notice. That affords ample time for the marquees, which appear capable of being dismantled fairly quickly and with relative ease, along with the associated demolition materials, to be removed from the premises.
9. Accordingly, the compliance period strikes an appropriate balance between remedying the breach as soon as practicable whilst also avoiding imposing a disproportionate burden on the appellant. Extending that period on the other hand would serve little purpose other than to perpetuate the breach.
10. The ground (g) appeal fails.

### **Conclusion**

11. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice.

*Stephen Hawkins*

INSPECTOR