

**IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY**

TOWN AND COUNTRY PLANNING ACT 1990

ENFORCEMENT NOTICE – OPERATIONAL DEVELOPMENT

ISSUED BY THE LONDON BOROUGH OF NEWHAM

1. **THIS IS A FORMAL NOTICE** issued by the Council because it appears that there has been a breach of planning control under Section 171A(1)(a) of the above Act, at the land described below. The Council considers it expedient to issue this notice, having regard to the provisions of the development plan and to other material considerations.

2. **THE LAND AFFECTED**

Land at **311-313 Barking Road, East Ham, London E6 1LA** in the London Borough of Newham shown edged red on the attached plan.

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

Without planning permission the erection of a single storey structure.

4. **REASONS FOR ISSUING THIS NOTICE**

It is the opinion of the Council that a breach of planning control has occurred within the past four years.

The current arrangement does not accord with the provisions of the:

- National Planning Policy Framework (September 2023)
- The London Plan (March 2021)
- The London Borough of Newham Local Plan (2018)

The Council will seek to return the land to its former state by reason of the following:

1. The unauthorised development results in the expansion of commercial floor space at the site, and is contrary to the Council's objectives of consolidating commercial uses to within the identified Town and Local Centres. This results in a detraction of investment from these identified Centre areas, limiting the financial vitality and viability of these areas. This is contrary to: The National Planning Policy

Framework, Policies SD6 and E9 of the London Plan; and Policies S1, S2, SP6, SP7, J1 and INF5 of the London Borough of Newham Local Plan.

2. The unauthorised development, by reason of its poor quality design, disproportionate size and discordant, substandard materials, represents un-neighbourly and piecemeal development which is visually obtrusive, and fails to respect the character and appearance of host and neighbouring properties. This is contrary to the National Planning Policy Framework, Policies D1, D4, SD6 and SD7 of the London Plan, Policies S6, SP1, SP3, SP7, SP8 and H1 of the London Borough of Newham Local Plan.
3. The unauthorised development fails to maximise the benefits of sustainable design, including the need for the development to protect and enhance the biodiversity value of the site. This is contrary to the National Planning Policy Framework, Policy G6 of the London Plan and Policies SC1 and SC4 of the London Borough of Newham Local Plan.

## 5. WHAT YOU ARE REQUIRED TO DO

Steps to be complied with:


1. Demolish the single storey structure (as shown in the approximate location edged in blue on the attached plan).
2. On completion of step 1, remove all materials and debris from the site.

Time for Compliance: **one month** from the date this notice takes effect.

## 6. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on **15 October 2023** unless an appeal is made against it beforehand.

Dated: **12 September 2023**



Signed: .....

Council's authorised officer

Address to which all communication should be sent:-

Planning Enforcement, Newham Dockside, 1000 Dockside Road, London, E16 2QU

(Attention: Conor Sheridan – Reference: 23/00419/ENFC)

## Guidance Notes for Enforcement Notice

There is a right of appeal to the Secretary of State (at The Planning Inspectorate) against the notice. Unless an appeal is made, as described below, the notice will take effect on **15 October 2023** and you must then ensure that the required steps, for which you may be held responsible, are taken within the period(s) specified in the notice.

Please see the enclosed information sheet from The Planning Inspectorate which tells you how to make an appeal.

If you decide that you want to appeal against the enforcement notice you must ensure that you send your appeal soon enough so that normally it will be delivered by post/electronic transmission to the Secretary of State (at The Planning Inspectorate) before **15 October 2023**.

Under 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 or, 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 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;
- (g) that any period specified in the notice in accordance with section 173(9) falls short of what should reasonably be allowed.

Not all of these grounds may be relevant to you.

If you decide to appeal, when you submit it, you should state in writing the ground(s) on which you are appealing against the enforcement notice and you should state briefly the facts on which you intend to rely in support of each of those grounds. If you do not do this when you make your appeal the Secretary of State will send you a notice requiring you to do so within 14 days.

If you appeal under Ground (a) of Section 174(2) of the Town and Country Planning Act 1990 this is the equivalent of applying for planning permission for the development alleged in the notice and you will have to pay a fee of **£468**. Please note that this fee is double the amount payable for a normal planning application. Joint appellants need only pay one set of fees. If you appeal under Ground (a) you must pay the associated fee to the London Borough of Newham when making your appeal. If this is not done, the planning merits and any subsequent Ground (a) appeal cannot be considered by the Inspector and the appeal will only be determined on the grounds of appeal as submitted on the appeal form.

#### **How to pay for your appeal**

Appeal payments for Ground (a) appeals can be made via our Planning 'Pay It' website:

<https://www.newham.gov.uk/pay-6>

The reference of the transaction that needs to be provided is **23/00419**

Once the payment has been made, please send a copy of the confirmation to

[planningenforcementappeals@newham.gov.uk](mailto:planningenforcementappeals@newham.gov.uk)

Article 6 of the Town & Country Planning (General Development Procedure)(Amendment)(England) Order 2010 reduces the time limit for making a planning appeal where the appeal relates to the same or substantially the same land and development as an Enforcement Notice. The amended time limit is either 28 days from the decision of the planning application or the expiry of the period giving rise to the appeal or 28 days from the service of the Enforcement Notice, but no longer than the standard time limit.

**Parties on whom the enforcement notice has been served:**

The Owner/Occupier(s), 311 Barking Road, East Ham, London, E6 1LA

The Owner/Occupier(s), 313 Barking Road, East Ham, London, E6 1LA

The Owner/Manager(s), East Ham Local Market, 311-313 Barking Road, East Ham, London, E6 1LA

Habib Ur Rahman, 63 Freshwell Avenue, Romford, Essex RM6 5DS

Shafia Faiz Rahman, 63 Freshwell Avenue, Romford, Essex RM6 5DS

**Plan relating to Enforcement Notice in respect of 311-313 Barking Road, East Ham, London E6 1LA**

