

RE: 32 LINGFIELD AVENUE, UPMINSTER, RM14 2PE.

IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

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

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 **32 LINGFIELD AVENUE, UPMINSTER, RM14 2PE**, shown edged in black on the attached plan.

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

Without planning permission, the material change of use of a dwellinghouse (Class C3) to a House in Multiple Occupation (class C4) (HMO).

4. **REASONS FOR ISSUING THIS NOTICE**

It appears to the Council that the above breach of planning control has occurred “within the last FOUR years” and that steps should be taken to remedy the breach by Section 173 4(a) or to remedy any amenity or injury which has been caused by the breach.

The material change of use of a dwellinghouse (class C3) to a House in Multiple Occupation (class C4), results in the loss of a family dwelling and is considered overdevelopment of the site, resulting in overcrowded and cramped living conditions for current and future occupiers, and does not provide a mix of housing sizes and types. The development is therefore contrary to the NPPF, London Plan Policy 3.5 Quality and Design of Housing Developments and Policy 3.8 Housing Choice, and Policies CP2, DC4 and DC61 of Havering Core Strategy and Development Control Policies DPD.

The material change of use of a dwellinghouse (class C3) to a House in Multiple Occupation (class C4), has the potential to cause harm to neighbouring amenity through; increased comings and goings, increased levels of noise and disturbance and a lack of parking and cycle provision within the site. The development is therefore contrary to the NPPF, London

Plan policies 7.1 and 7.15 and Policies DC4, DC33 and DC35 of Havering Core Strategy and Development Control Policies DPD.

The Council does not consider that planning permission should be granted because planning conditions would not overcome these problems.

5. **WHAT YOU ARE REQUIRED TO DO**

- (i) Cease using the property as a House in Multiple Occupation (HMO).

Time for compliance: **2 months** from the effective date of this notice.

6. **WHEN THIS NOTICE TAKES EFFECT**

This Notice takes effect on **2nd August 2017**, unless an appeal is made against it beforehand

Dated: 21th June 2017

Signed: 

SIMON THELWELL Authorised Officer

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

YOUR RIGHT OF APPEAL

You can appeal against this Enforcement Notice to the Secretary of State to be received on or before the **2nd August 2017**. Further details are given in the attached explanatory note.

WHAT HAPPENS IF YOU DO NOT APPEAL

If you do not appeal against this Enforcement Notice, it will take effect on **2 August 2017** 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) is enclosed with this Notice.

YOUR RIGHT OF APPEAL

You can appeal against this Notice, but 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 on or before **2nd August 2017**.

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

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 wish to appeal on ground (a) - that planning permission should be granted for the unauthorised development - then **no fee** is payable as the permitted change granted under Part 3, Class L, of The Town and Country Planning (General Permitted Development) (England) Order 2015, has been removed by an Article 4 direction.

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 him 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, 32 Lingfield Avenue, Upminster, RM14 2PE.
2. The Occupier, 32 Lingfield Avenue, Upminster, RM14 2PE.
3. John James McNutt, 32 Lingfield Avenue, Upminster, RM14 2PE.
4. John James McNutt, 20B Park Road, Kent, BR1 3HP.
5. Serife Annelie Saunders, 32 Lingfield Avenue, Upminster, RM14 2PE.
6. Serife Annelie Saunders, 20B Park Road, Kent, BR1 3HP.
7. National Westminster Bank PLC (Co Regn No. 929027) of Mortgage Centre, P. O. Box 12201, 7 Brindley Place, Birmingham, B2 2NA.

For Information only served on:

Colin Coward Planning and Development Consultancy by Email.



32 Lingfield Avenue, Upminster, RM14 2PE.



Scale: 1:1250
Date: 19 June 2017



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

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Ordnance Survey 100024327

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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.