

RE: 15 KINGSHILL AVENUE, COLLIER ROW, RM5 2SD.

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 **15 Kingshill Avenue, Collier Row, RM5 2SD**, 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).

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” 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, contrary to Policy 3.5 Quality and Design of Housing Developments and National Space standards 1 October 2015 and Policy 3.8 Housing Choice of the London Plan 2015, and Policies CP1, 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, contrary to policies 7.1 and 7.15 of the London Plan 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.

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

6. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on **12 January 2017**, unless an appeal is made against it beforehand

Dated: 1 December 2016

Signed:

A handwritten signature in blue ink, appearing to read 'Simon Thelwell', is written over a horizontal line.

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

Authorised Officer

YOUR RIGHT OF APPEAL

You can appeal against this Enforcement Notice to the Secretary of State by the **12 January 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 **12 January 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 before **12 January 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.

GROUNDINGS 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 - 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, 15 Kingshill Avenue, Collier Row, RM5 2SD.
2. The Occupier. 15 Kingshill Avenue, Collier Row, RM5 2SD.
3. Poubarlen Ramsamy, 101 Heath Road, Romford, RM6 6LH.
4. Devika Seewooruttun, 101 Heath Road, Romford, RM6 6LH.
5. Santander UK PLC (Co Regn No 2294747). Mortgage and Loan Operations, Santander, Bridle Road, L30 4GB.
6. Woodland Property Management Limited, FAO The Company Secretary. 548 Ley Street, Newbury Park, Ilford, Essex IG2 7DB.

For information only:

Clearsprings Ready Homes Limited (Co Regn No 07921508). FAO The Company Secretary. 26 Brook Road, Brook Road Business Park, Rayleigh, Essex, SS6 7XJ.

Home Office. Direct Communications Unit, 2 Marsham Street, London, SW1P 4DP.



15 Kingshill Avenue, Collier Row, RM5 2SD.



Scale: 1:1250

Date: 01 December 2016



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

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