



**Havering**  
LONDON BOROUGH

**RE: 2 Berther Road, Hornchurch RM11 3HS**

**IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY**

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

**ENFORCEMENT NOTICE**

- TO:**
1. The Owner of the said land and property
  2. The Occupier of the said land and property
  3. Gananath Ellango, 2 Berther Road, Hornchurch, RM11 3HS
  4. Gananath Ellango, 277 Eton Road, Ilford, IG1 2UL
  5. Santander UK PLC, 2 Triton Square, Regents Place, London NW1 3AN
  6. Bilal Nadir Gul, 2 Berther Road, Hornchurch, RM11 3HS
  7. Dimitrios Andreas Kyriacou, 2 Berther Road, Hornchurch, RM11 3HS

**ISSUED BY:** London Borough of Havering

1. **THIS IS A FORMAL NOTICE** which is issued by the London Borough of Havering ("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. The Council considers 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 and property known as 2 Berther Road, Hornchurch RM11 3HS (registered at the Land Registry under title no. EGL542276) and shown outlined in bold black on the attached plan ("the Property").

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

Without planning permission, erection of a shelter structure to the front of the existing restaurant in the position shown hatched black on the attached plan ("the Development").

#### 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.

The Development by reason of its position forward of the building line and design appears as incongruous feature in the street scene and detracts from the character and visual appearance of the area. The covered area facilitates a more intensive use of the restaurant and outdoor seating areas, resulting in increased noise and disturbance to nearby residential occupiers and increased demand for parking spaces in streets already subject to parking stress.

The Development is contrary to Policies DC32, DC33, DC55, DC61 and DC69 of the Local Development Framework.

The Council do not consider that planning permission should be given because planning conditions could not overcome these problems.

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

- (i) Remove the shelter structure and all associated fittings and fixtures from the site

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

#### 6. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on 23 October 2015, unless an appeal is made against it beforehand

Dated: 22 September 2015

Signed:



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  
By 21 October 2015. 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 21 October 2015 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 21 October 2015.

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**

If you intend to appeal against the notice on ground (a) - that planning permission should be granted for the unauthorised development - then a fee of £390.00 is payable to the Council. If the fee is not paid then that ground of appeal will not be valid.

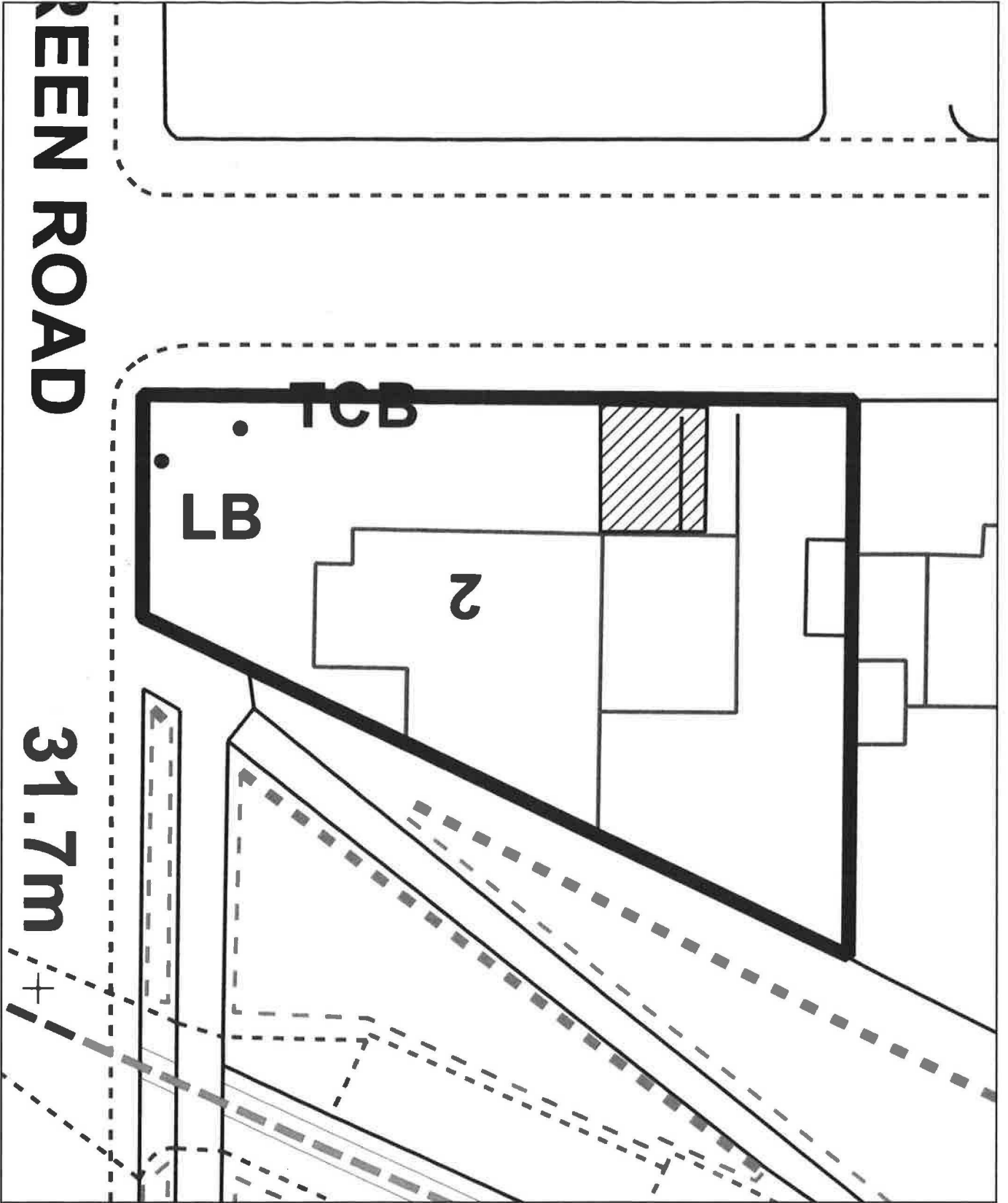
## **STATEMENT ON GROUNDS OF APPEAL**

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 him, 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 of the said land and property.
2. The Occupier of the said land and property.
3. Gananath Ellango, 2 Berther Road, Hornchurch, RM11 3HS
4. Gananath Ellango, 277 Eton Road, Ilford, IG1 2UL
5. Santander UK PLC, 2 Triton Square, Regents Place, London NW1 3AN
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Enforcement Notice - 2 Berther Road	ENF/451/15/ 
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  	<b>Scale: 1:250</b> <b>Date: 15 September 2015</b> 
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