

**RE: 30 Kimberley Avenue, Romford RM7 9JP**

**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. Michael David Cowley of 28 Hazel Rise, Hornchurch, Essex RM11 2AR
  4. Michael David Cowley of 30 Kimberley Avenue, Romford RM7 9JP
  5. Christine Tracy Cowley of 28 Hazel Rise, Hornchurch, Essex RM11 2AR
  6. Christine Tracy Cowley of 30 Kimberley Avenue, Romford RM7 9JP
  7. The Governor and Company of the Bank of Ireland of Bristol and West Mortgages, P.O. Box 27, One Temple Quay, Bristol BS99 7AX
  8. Bristol and West PLC of One Temple Back East, Temple Quay, Bristol BS1 6DX
  9. The Governor and Company of the Bank of Ireland of 1 Temple Back East, Bristol BS1 6DX

**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 30 Kimberley Avenue, Romford RM7 9JP (registered at the Land Registry under title no. EGL493075) and shown outlined in bold black on the attached plan ("the Property").

### 3. THE BREACH OF PLANNING CONTROL ALLEGED

Without planning permission, the siting of two metal shipping containers in the rear garden of the Property in the area shown hatched black on the attached plan ("the Shipping Containers").

### 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 Shipping Containers can be seen from the street and surrounding properties resulting in harm to the streetscene and the rear garden environment. The size, design and bulk of the Shipping Containers are considered to be an incongruous feature, out of place with their surroundings and detrimental to the visual amenity of the area.

The unauthorised siting of the Shipping Containers is contrary to policies DC6 of the Council's Local Development Framework Core Strategy and Development Control Policies Development Plan and SPD Residential Extensions and Alterations.

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 Shipping Containers from the Property.

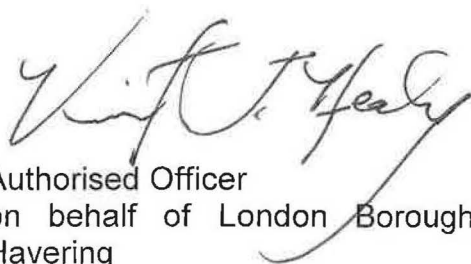
Time for compliance: 2 months from the effective date of this notice.

### 6. WHEN THIS NOTICE TAKES EFFECT

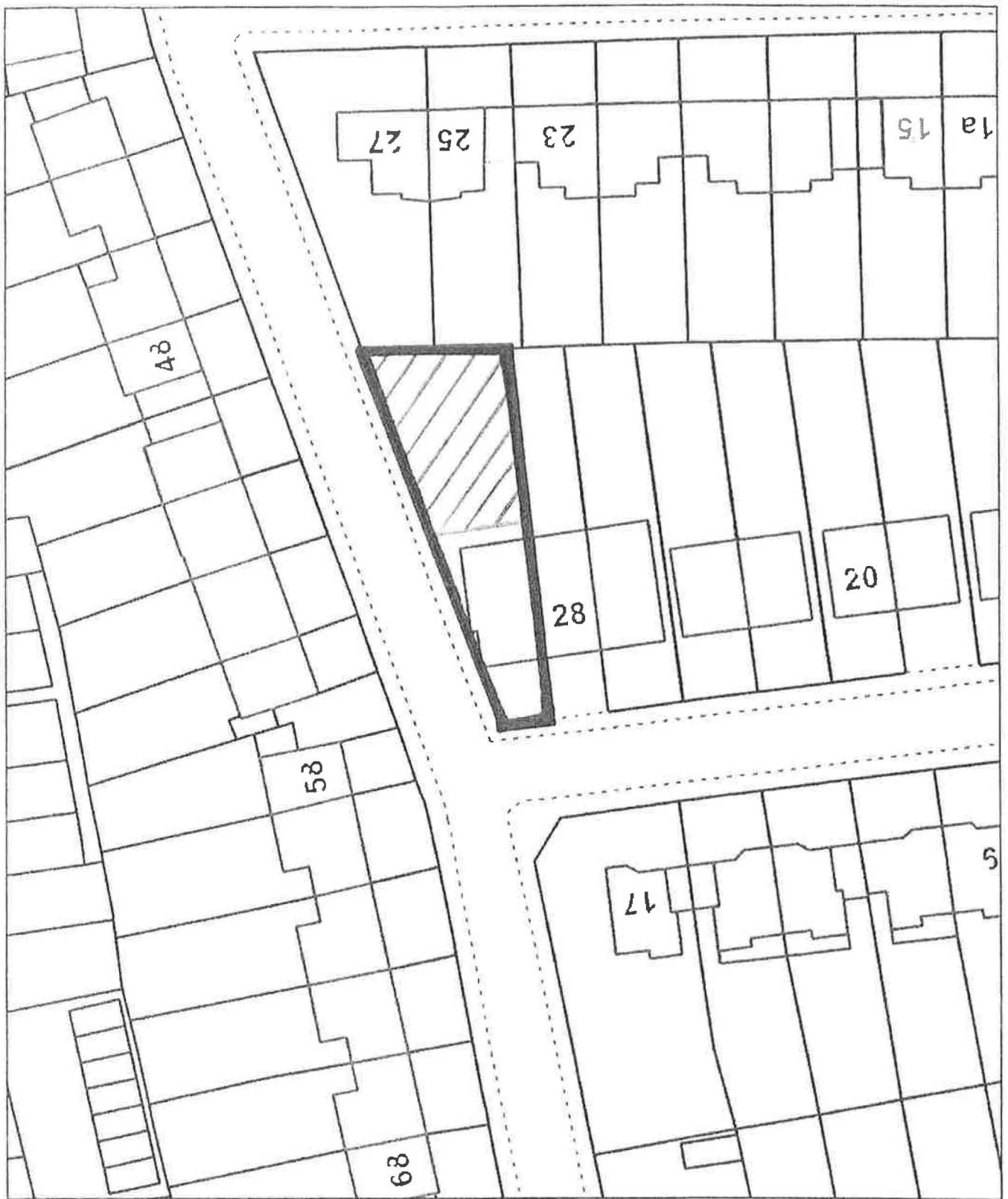
This Notice takes effect on 15 September 2014, unless an appeal is made against it beforehand

Dated: 4 August 2014

Signed:



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



30 KIMBERLEY AVENUE, ROMFORD



nlpq



Ordnance Survey  
Licensed Partner

Scale: 1:500

Date: 16 July 2014

0 5 10 15 metres



**Havering**  
LONDON BOROUGH

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

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Ordnance Survey 100024327

## **YOUR RIGHT OF APPEAL**

You can appeal against this Enforcement Notice to the Secretary of State  
By 15 September 2014. 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 15 September 2014 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 15 September 2014.

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.

### **GROUNDS 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 £344.00 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. Michael David Cowley of 28 Hazel Rise, Hornchurch, Essex RM11 2AR
4. Michael David Cowley of 30 Kimberley Avenue, Romford RM7 9JP
5. Christine Tracy Cowley of 28 Hazel Rise, Hornchurch, Essex RM11 2AR
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