

RE: 9 Shakespeare Road, Romford RM1 2QD

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. Yiding Wang of 9 Shakespeare Road, Romford RM1 2QD
 4. Ying Zhang of 9 Shakespeare Road, Romford RM1 2QD
 5. Santander UK PLC of Mortgage Customer Services, Customer Services Centre, Narborough, Leicester LE19 0AL
 6. Santander UK PLC of 2 Triton Square, Regent's Place, London NW1 3AN

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 9 Shakespeare Road, Romford RM1 2QD (registered under title No EGL493453) and shown outlined in bold black on the attached plan ("the Land").

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

Without planning permission, the laying of a non-porous hard surface in the area shown hatched black on the attached plan ("the Hard surface").

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.

Article 3 and Class F of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 as amended ("GPDO") provides that, within the curtilage of a dwellinghouse, the provision of a hard surface for any purpose incidental to the enjoyment of the dwelling is permitted development. However, this is subject to the following condition: if the area of the hard surface exceeds 5m², and if it lies between the dwelling and the public highway, the hard surface must be made of porous materials, or provision must be made to direct run-off water from the hard surface to a permeable or porous area within the curtilage of the dwellinghouse.

The Hard surface fails to comply with the GPDO as it exceeds 5m², lies between a dwelling house and the public highway, has been constructed of non-porous material and lacks provision for water run-off from the Hard surface to a permeable or porous area within the curtilage of the dwelling house.

The main planning issue in this case is the strain on the main drainage system due to the front garden area of the dwellinghouse being paved. The Government introduced new planning legislation on October 2008 in order to ease the problem of surface run-off water to the highway.

Paragraph 103 of the National Planning Policy Framework states that when determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere.

Policy DC48 of the Council's Local Development Frameworks states that development should not increase the risk of flooding elsewhere. Whilst the Hard standing, in itself, is unlikely to result in direct flooding, the Hard surface slopes toward the highway and none of the water run-off would be attenuated on the Land.

As a result, the likelihood of flooding through surface water run-off is increased and it is considered that the Hard surface this is considered to be contrary to Planning Policy.

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) Carry out the remedial works required to bring the Hard surface within the criteria of the GPO by relaying the Hard surface with porous materials; or
- (ii) Providing and installing a soak away or making provision for direct run-off water from the Hard to a permeable or porous area or surface on the Land; or
- (iii) Remove the Hard surface.

Time for compliance: 3 months from the effective date of this notice.

- (iv) Remove from the Land all materials, rubble, machinery, apparatus and installations used in connection with or resulting from compliance with (i), (ii) or (iii) above.

Time for compliance: 3 months from the effective date of this notice.

6. **WHEN THIS NOTICE TAKES EFFECT**

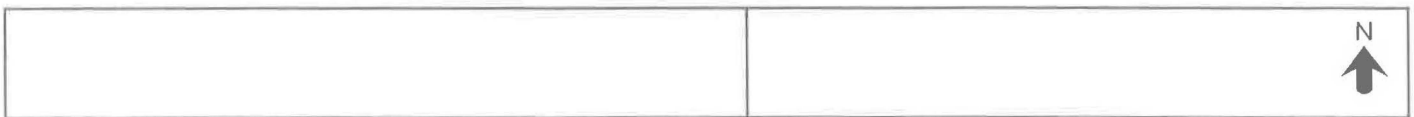
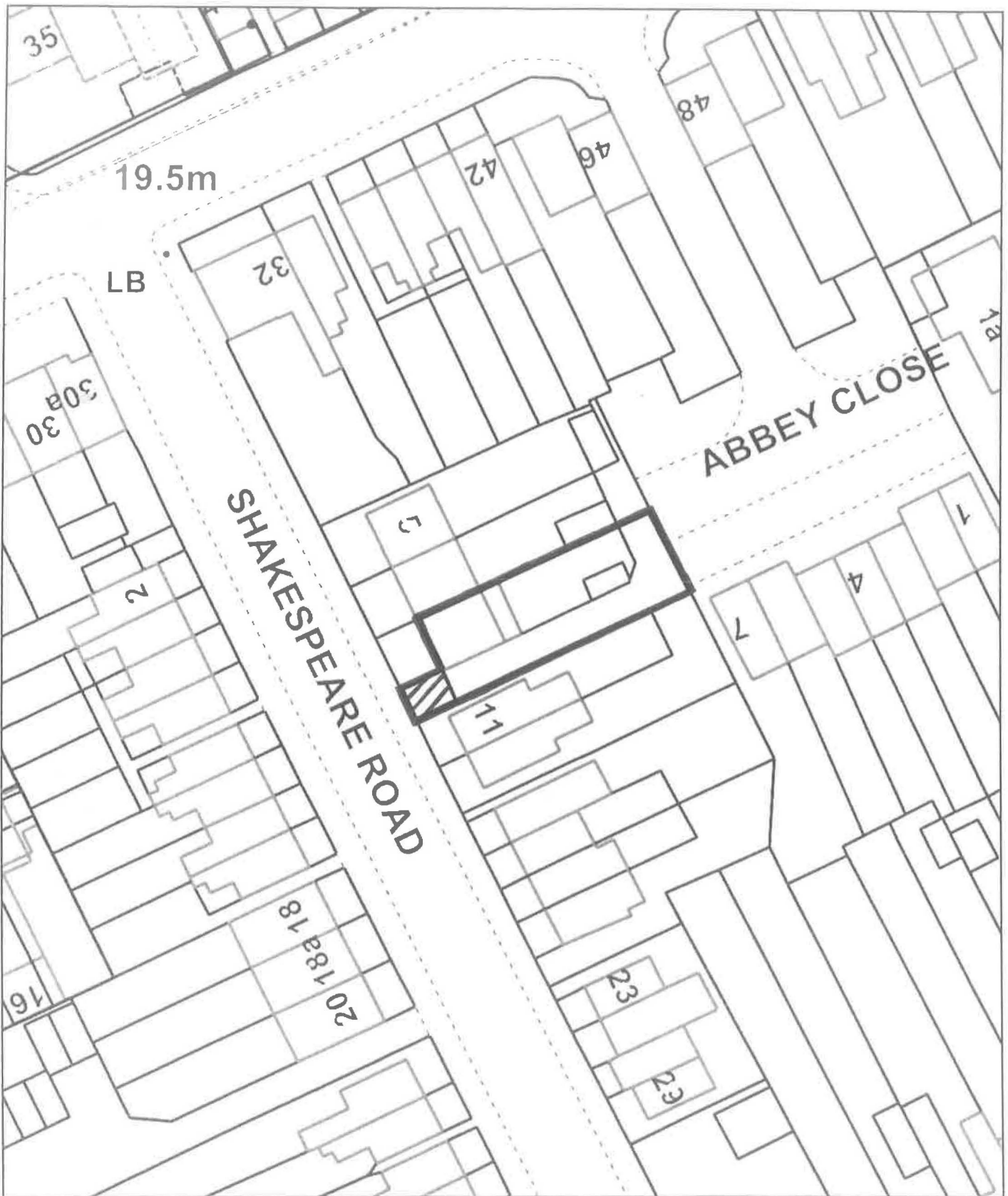
This Notice takes effect on 24 November 2014, unless an appeal is made against it beforehand

Dated: 13 October 2014

Signed:

A handwritten signature in blue ink, appearing to read 'Vincent J. Healy', is written over the printed name 'Vincent J. Healy'.

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






 Ordnance Survey
 Licensed Partner

Scale: 1:500
 Date: 09 October 2014


Havering
 LONDON BOROUGH

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

© Crown copyright and database rights 2014
 Ordnance Survey 100024327

YOUR RIGHT OF APPEAL

You can appeal against this Enforcement Notice to the Secretary of State
By 24 November 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 24 November 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 24 November 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.

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 £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. Yiding Wang of 9 Shakespeare Road, Romford RM1 2QD
4. Ying Zhang of 9 Shakespeare Road, Romford RM1 2QD
5. Santander UK PLC of Mortgage Customer Services, Customer Services Centre, Narborough, Leicester LE19 0AL
6. Santander UK PLC of 2 Triton Square, Regent's Place, London NW1 3AN