

RE: 39 BENETS ROAD, HORNCHURCH, ESSEX RM11 3PT

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 property
  2. The Occupier of the said property
  3. Abdul Karim  
39 Benets Road  
Hornchurch, Essex RM11 3PT
  4. Mr Roger Karin  
39 Benets Road  
Hornchurch, Essex RM11 3PT
  5. The Company Secretary  
Bank of Scotland PLC (Scot. Co. Regn. No. SC327000)  
Attention: Legal Department  
Birmingham Midshires Division  
Pendeford Business Park  
Wobaston Road  
Wolverhampton WV9 5HZ

**ISSUED BY:** London Borough of Havering

**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 house and land at 39 Benets Road, Hornchurch, Essex RM11 3PT ("the Property") as shown edged black on the attached plan.

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

The change of use of the Property from a single family dwelling to two separate residential units without planning permission.

**4. REASONS FOR ISSUING THIS NOTICE**

It appears to the Council that the above breach of planning control has occurred within the last 4 years.

The change of use of the Property from a single family dwelling to two separate residential units leads to an unacceptable harm to the character of the local area.

The unauthorised change of use is detrimental to the amenity enjoyed by surrounding residential occupiers by reason of increased noise, disturbance and general activity and is therefore contrary to policies CP1, CP2, CP17, DC2, DC3, DC11, DC33, DC36, DC61 and DC63 of the adopted Local Development Framework.

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

- (i) Cease using the Property as two separate residential units.

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

- (ii) Return the use of the Property to that of a single family dwelling.

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

- (iii) Remove all materials (including building materials), equipment, installations and constructions (including internal partitions and additional kitchens) brought on to the Property in connection with the unauthorised use of the Property from a single family dwelling to two separate residential units.

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

- (iv) Remove all rubble, apparatus and machinery brought onto the land in connection with complying with paragraphs (i), (ii) and (iii) above.

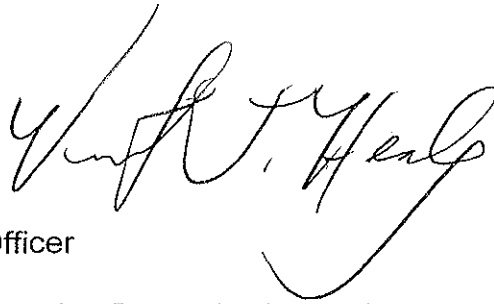
Time for compliance: 3 months from the effective date of this notice.

## **6. WHEN THIS NOTICE TAKES EFFECT**

This Notice takes effect on 13 January 2011, unless an appeal is made against it beforehand.

Dated: 29 November 2010

Signed:



Authorised Officer

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

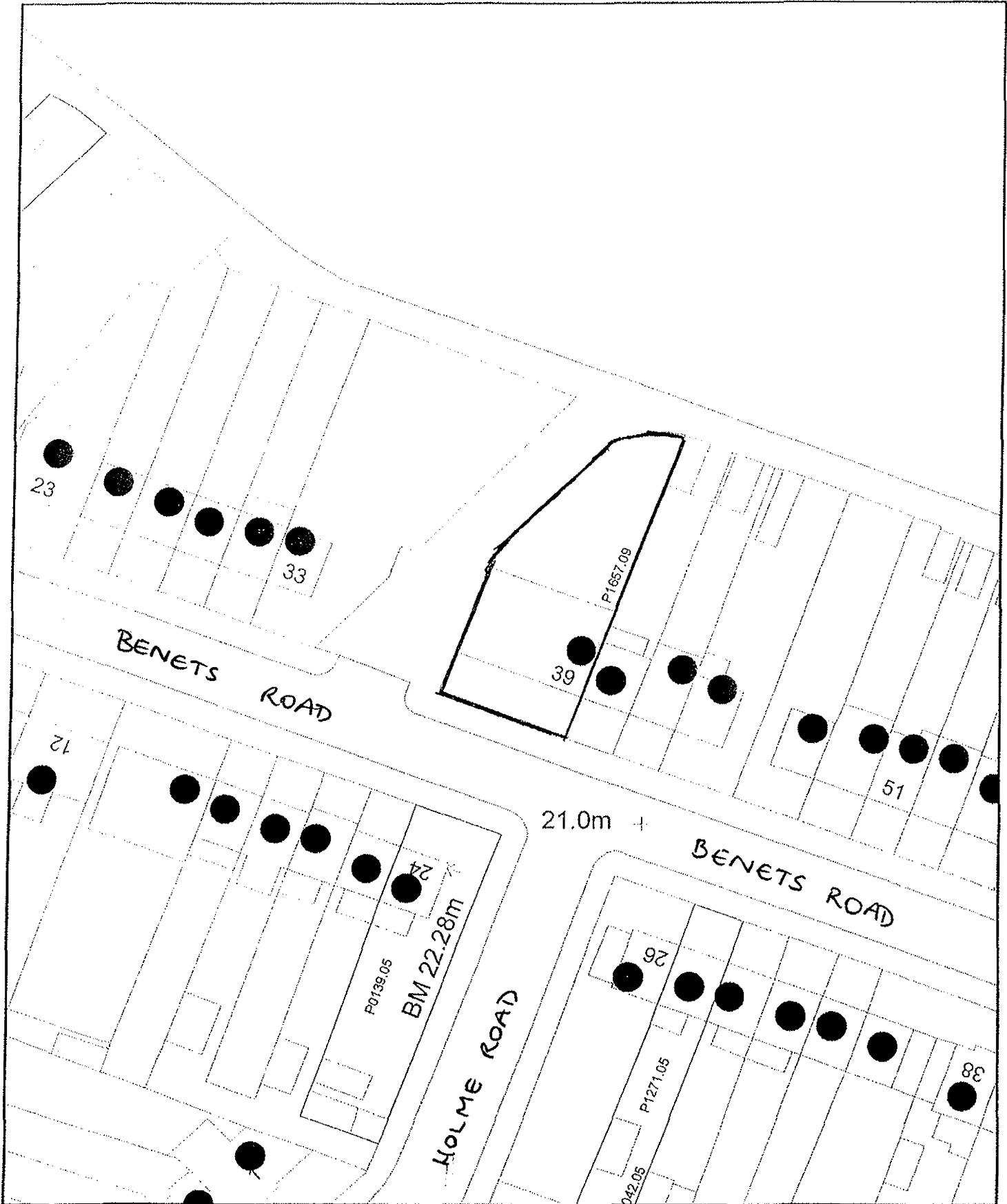
### **YOUR RIGHT OF APPEAL**

You can appeal against this Enforcement Notice to the Secretary of State by 13 January 2011. Further details are given on the information sheet from the Planning Inspectorate which accompanies this Notice.

### **WHAT HAPPENS IF YOU DO NOT APPEAL**

If you do not appeal against this Enforcement Notice, it will take effect on 13 January 2011 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.

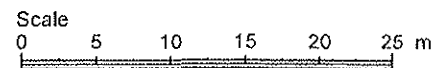
**FAILURE TO COMPLY WITH AN ENFORCEMENT NOTICE WHICH HAS TAKEN EFFECT CAN RESULT IN PROSECUTION AND/OR REMEDIAL ACTION BY THE COUNCIL.**



Map Reference: TQ5587SW



Scale @ A4 1:500  
Date: 18/08/2010



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

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## 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 13 January 2011.

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 of 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 use - then a fee of £335 is payable both to the Secretary of State and to the Council, making the total fees payable £670. If the fees are 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 you 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:

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