

RE: 57 NAGS HEAD LANE BRENTWOOD ESSEX CM14 5NL

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
 2. The Occupier of the said land
 - ✓ 3. Fozlul Haq Rashid of 62 Grosvenor Road Ilford Essex IG1 1LA
 4. Jahanara Begum McCready of 86 Goodmayes Lane Ilford Essex IG3 9QA
 5. Somsul Haq Rashid of 57 Nags Head Lane Brentwood Essex CM 14 5NL
 6. Somsul Haq Rashid of 10 Clovelly Close Ickenham Middlesex UB10 8PT

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 171B (4) (b) 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 and premises at 57 Nags Head Lane Brentwood Essex CM14 5NL shown black on the attached plan(hereinafter called " the Land ").

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

Without planning permission the unauthorised erection of a car port/garage extension connecting the main house to the detached garage shown hatched black on the attached plan.

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 and in any event, within four years of the last issue of an Enforcement Notice in relation to the carport extension.

The reason for issuing this notice in addition to the previous notice is that, as part of an appeal against the previous notice, Mrs McCready asserted that the breach of planning control alleged in that Notice in relation to the carport extension was not fully set out. The purpose of this notice is to ensure that the breach is addressed in its entirety.

This notice is not intended to circumvent the appeal in relation to the previous notice. To this end, if the appeal against the previous notice is allowed in respect of the carport extension, the authority intends to withdraw this notice.

The Land lies within the Metropolitan Green Belt. The unauthorised car port is physically attached to the house, the existing detached garage and the rear extension. The relevant policies are DC45 and DC61 of the Local Development Framework (Core Strategy and Development Control Policies Development Plan Document) which deal with Green Belt and Urban Design. PPG2 (Green Belts) is also a relevant material consideration. It is considered that, given the developed nature of the site, including the scale, bulk and form of residential built form, the retention of the car port/garage extension which links the house to the detached garage consolidates development and results in material harm to the character and openness of the Green Belt. The Council's adopted Green Belt planning policies have a 50% threshold and the car port enclosure results in a disproportionate increase in volume which is not considered to be in proportion with the original dwelling which has already been extended by a figure in excess of 50%

5. WHAT YOU ARE REQUIRED TO DO

- (i) Remove the car port/garage extension shown hatched black on the attached plan from the Land

Time for compliance: 9 months from the effective date of this notice

- (ii) Remove from the Land all machinery, equipment, apparatus and building materials brought onto the Land to comply with the first requirement above and remove from the Land any rubble and other materials arising from compliance with the first requirement above


Time for compliance: 9 months from the effective date of this notice

6. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on 27th November 2009, unless an appeal is made against it beforehand

Dated: 22nd October 2009

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 on 27th November 2009. Further details are given on the information sheet from the Planning Inspectorate which accompanies this Notice. The enclosed booklet "Enforcement Appeals – A guide to procedure" also sets out your rights.

WHAT HAPPENS IF YOU DO NOT APPEAL

If you do not appeal against this Enforcement Notice, it will take effect on 27th November 2009 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.

On Monday 26th October 2009 at 1500h
I sent the enforcement Notice
to
Fozdul Hage Rashid 62 Grosvenor Rd Ilford
by Recorded Delivery BR 9194 7152 AS
From Post Room LB Havering Mercury House
Romford RM1 3SC.



EXPLANATORY NOTES

STATUTORY PROVISIONS

A copy 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

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 27th November 2009.

If you intend to appeal this Notice you should follow instructions given on the information sheet from the Planning Inspectorate which accompanies this Notice.

GROUND OF APPEAL

Under section 174 of the Town and Country Planning Act 1990 (as amended) you may appeal on one or more of the following grounds :- 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 or, as the case may be, the condition or limitation concerned ought to be discharged :

- (a) that those matters have not occurred;
- (b) that those matters (if they occurred) do not constitute a breach of planning control;
- (c) 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;
- (d) that copies of the enforcement notice were not served as required by section 172;
- (e) that the 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;
- (f) 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 a fee of £ 150. 00 is payable both to the Secretary of State and to the Council, making the total fees payable £ 300.00. If the fees are not paid then that ground of appeal will not be valid.

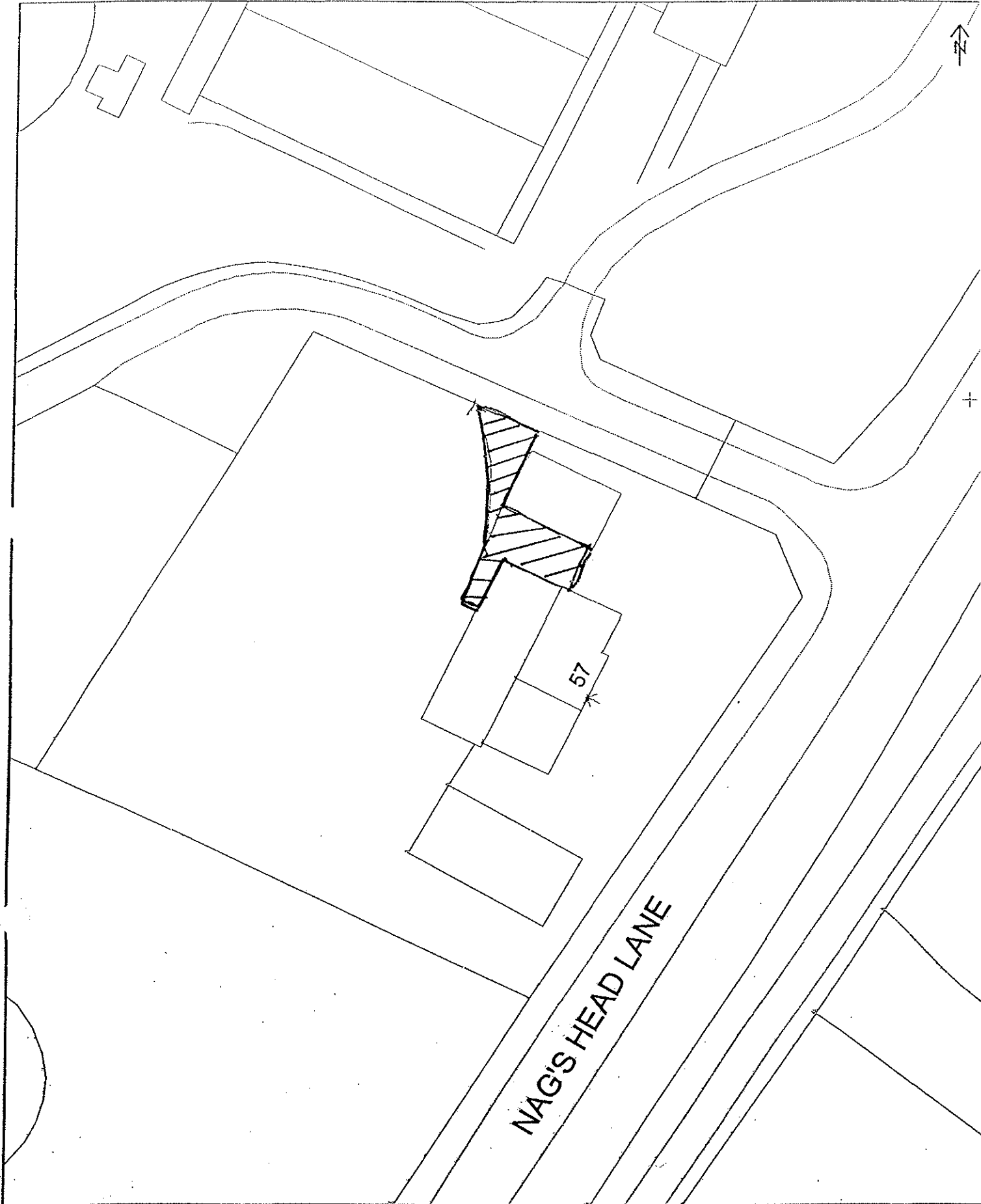
STATEMENT ON GROUNDS OF APPEAL

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 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 of the said land
2. The Occupier of the said land
3. Fozlul Haq Rashid of 62 Grosvenor Road Ilford Essex IG1 1LA
4. Jahanara Begum McCready of 86 Goodmayes Lane Ilford Essex IG3 9QA
5. Somsul Haq Rashid of 57 Nags Head Lane Brentwood Essex CM14 5NL
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Scale @ A4 1:500



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

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