

RE: 111 ALBANY ROAD, HORNCHURCH, ESSEX

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. Mr John David Madden, 11 Kent Drive, Hornchurch, RM12 6TD
 4. J&R Builders, 11 Kent Drive, Hornchurch, RM12 6TD
 5. Mr Ronald Powell, 103 Pettits Lane, Romford, Essex
 6. Mr Ronald Powell, 11 Kent Drive, Hornchurch, RM12 6TD
 7. Company Secretary, National Westminster Bank PLC, 47 High street, Braintree, Essex CM7 7JT

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 land at 111 Albany Road, Hornchurch shown edged black on the attached plan ("the Land").

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

Without planning permission a change of use from a dwelling house to a house in multiple occupation.

4. **REASONS FOR ISSUING THIS NOTICE**

It appears to the Council that the above breach of planning control has occurred within the last ten years. The unauthorised use has a material harmful impact on

occupiers of adjoining properties by reason of noise and disturbance and on highway safety by the lack of sufficient off-street parking.

The Council does not consider that planning permission should be given because planning conditions could not overcome these problems. In making its decision to issue this Notice the Council considered that the unauthorised use is contrary to policies DC4, DC5, DC33 and DC61 of the Havering Adopted Core Strategy and Development Control Policies Development Plan Document.

5. WHAT YOU ARE REQUIRED TO DO

- (i) Stop using the property on the land as a house in multiple occupation.

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

- (ii) Restore the property on the Land to a condition that would enable its use as a single dwellinghouse.

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

- (iii) Remove from the land all rubble (including building materials), resulting from compliance with (ii) above and all apparatus, equipment and machinery brought on to the Land to achieve compliance with (ii) above.

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

6. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on 2nd February 2010, unless an appeal is made against it beforehand

Dated: 22nd December 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 by the 2nd February 2010. 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.



Scale
0 4 8 12 16 20 m

Scale @ A4 1:429



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

Based upon the Ordnance Survey Mapping with the permission of the Controller of Her Majesty's Stationery Office. Crown © copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. London Borough of Havering.100024327

WHAT HAPPENS IF YOU DO NOT APPEAL

If you do not appeal against this Enforcement Notice, it will take effect on 2nd February 2010 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 2nd February 2010. The enclosed booklet "Enforcement Appeals - A guide to Procedure" sets out your rights. Read it carefully. If you appeal you should use the enclosed appeal forms. Two copies are for you to send to the Secretary of State if you decide to appeal. The other is for you to keep as a duplicate for your own records. You should also send the Secretary of State a copy of the Enforcement 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:-

- (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 or, 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 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;
- (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 development - then a fee of £335.00 is payable both to the Secretary of State and to the Council, the total fees payable would be £670.00. 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 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:

- TO:**
1. The Owner of the said land
 2. The Occupier of the said land
 3. Mr John David Madden, 11 Kent Drive, Hornchurch, RM12 6TD
 4. J&R Builders, 11 Kent Drive, Hornchurch, RM12 6TD
 5. Mr Ronald Powell, 103 Pettits Lane, Romford, Essex
 6. Mr Ronald Powell, 11 Kent Drive, Hornchurch, RM12 6TD
 7. Company Secretary, National Westminster Bank PLC, 47 High street, Braintree, Essex CM7 7JT