

RE: 15 KENSINGTON ROAD, ROMFORD, ESSEX RM7 9DA

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. Asif Ali Malik of 15 Kensington Road, Romford, Essex RM7 9DA.
 4. Asif Ali Malik of 33a Craven Gardens, Ilford IG6 1PG.
 5. Mohammad Akeel AKhtar of 141 Essex Road, London E12 6QR.
 6. Mario Dos Santos of 15 Kensington Road, Romford, Essex RM7 9DA.
 7. Mortgage Express of P.O. Box 88, Croft Road, Crossflatts, Bingley, West Yorks BD16 2UA and of Bingley Operations Centre, Main Street, Bingley, West Yorks BD16 2LW.
 8. Handf Finance Limited of Handf House, 3 Decima Street, Tower Bridge Road, London SE1 4QR.

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 15 Kensington Road, Romford, Essex RM7 9DA shown edged in black on the attached plan ("the Property").

3. THE BREACH OF PLANNING CONTROL ALLEGED

Without planning permission the unauthorised change of use of the Property from a single dwelling to two self-contained flats.

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 unauthorised change in use of the Property has a materially harmful impact on occupiers of adjoining properties by reason of noise and disturbance; highway safety; and the free flow of traffic. Further, insufficient amenity space, within converted Property, provides a poor living environment for the occupiers of the self contained flats.

The unauthorised change of use is contrary to Policies DC2, DC4, DC33 and DC61 and Annex 6 of the adopted Local Development Framework Development Control Policies DPD and Supplementary Planning Guidance for Residential Amenity Space.

The unauthorised change of use does not constitute permitted development under the General Permitted Development Order 1995 (as amended).

The Council does not consider that planning permission should be given, because planning conditions could not overcome these problems.

5. WHAT YOU ARE REQUIRED TO DO

- (i) Cease the use of the Property as two self contained flats.

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

- (ii) Reinstate the use of the Property as a single dwelling house.

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

- (iii) Remove all materials, machinery, apparatus, equipment and installations used in connection with or resulting from the reinstatement of the Property into a single dwelling house.

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

6. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on 17 April 2009, unless an appeal is made against it beforehand

Dated: *6th March* 2009

Signed:



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

Land Registry Official copy of title plan

Title number EGL59494
Ordnance Survey map reference TQ5088SW
Scale 1:1250
Administrative area HAVERING



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YOUR RIGHT OF APPEAL

You can appeal against this Enforcement Notice to the Secretary of State by 17 April 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 17 April 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.

EXPLANATORY NOTES

STATUTORY PROVISIONS

A copy of Sections 171A, 171B and 172 to 177 of the Town and Country Planning Act 1990 (as amended) accompanies 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 17 April 2009.

If you intend to appeal this Notice you should follow the 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:-

(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 making the total fees payable £670.00. If the fees are not paid then that ground of appeal will not be valid.

STATEMENT ON GROUNDS OF APPEAL

If you decide to appeal you should 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 property.
2. The Occupier of the said property.
3. Asif Ali Malik of 15 Kensington Road, Romford, Essex RM7 9DA.
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