

RE: 28a Wilfred Avenue, Rainham, RM13 9TX

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
 4. Daljit Kalar, 28a Wilfred Avenue, Rainham, RM13 9TX
 5. Mr J Singh, 28a Wilfred Avenue, Rainham, RM13 9TX

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**

28a Wilfred Avenue, Rainham, RM13 9TX shown edged black on the attached plan ("the Land").

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

Without planning permission, the construction of an extensive wooden decking structure.

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 construction of the decking structure to the rear of the dwelling house causes harm by its intrusive size, height and design and causes unacceptable loss of amenity through overlooking, noise and increased activity contrary to policy ENV1 of the London Borough of Havering Unitary Development Plan.

Furthermore Condition 8 of the planning permission granting the construction of 28a Wilfred Avenue (P0324.03) has been breached, this provides that "there shall be no enlargement, improvement or other alterations to the dwelling house, no addition or alteration to its roof, no external porches, no building or enclosures created within the

curtilage or provision for storage of oil for domestic heating, without the prior consent in writing of the Local Planning Authority”.

In spite of advisory letters from the Planning Service, the owner has not made contact to seek to discuss a remedy for the situation or submitted a valid planning application seeking to remedy the breach.

5. WHAT YOU ARE REQUIRED TO DO

- (i) Remove the decking structure and return the Land to its original use as a garden.

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

- (ii) Remove all materials brought on to the Land in connection with the unauthorised decking structure and all materials, equipment and rubble arising from compliance with (i) above.

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

6. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on 25 August 2005, unless an appeal is made against it beforehand

Dated: 21 July 2005

Signed:

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



Authorised Officer

YOUR RIGHT OF APPEAL

You can appeal against this Enforcement Notice to the Secretary of State by 25 August 2005. 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 25 August 2005 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 25 August 2005. 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

The grounds of appeal are set out in Section 174 of the Town and Country Planning Act 1991 and are also set out on pages 2-5 of the enclosed appeal forms.

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 £135 is payable both to the Secretary of State and to the Council. 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:

1. The Owner of the said property
2. The Occupier of the said property
3. Daljit Kalar, 28a Wilfred Avenue, Rainham, RM13 9TX
4. Mr J Singh, 28a Wilfred Avenue, Rainham, RM13 9TX



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