

## **ENFORCEMENT NOTICE**

**AT: 49-51 GAYNES PARK ROAD, UPMINSTER, ESSEX RM14 2HL**

**IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY**

**TOWN AND COUNTRY PLANNING ACT 1990  
(as amended by the Planning and Compensation Act 1991)**

## **ENFORCEMENT NOTICE**

**ISSUED BY:** London Borough of Havering (herein after referred to as "the Council")

1. **THIS IS A FORMAL NOTICE** which is issued by the Council because it appears to the Council that there have been breaches 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. The Explanatory Notes at the end of this Notice and the Enclosures referred to therein contain important additional information.

### **2. THE LAND AFFECTED**

The land known as **49-51 GAYNES PARK ROAD, UPMINSTER, ESSEX, RM14 2HL** shown edged in black on the attached plan and is registered under Land Registry Title Number EX29018.

### **3. THE BREACHES OF PLANNING CONTROL ALLEGED**

Without the benefit of planning permission, operational development comprising the placement of three metal storage containers at the rear of the land and erection of a canopy attached to the rear extension of the end of terrace building.

### **4. REASONS FOR ISSUING THIS NOTICE**

- (1) It appears to the Council that the above breach of planning control has occurred "within the last FOUR years" and that steps should be taken to remedy the breach by Section 173 4(b) to remedy the injury to amenity which has been caused by the breach.
- (2) The retention of the containers and canopies would, by reason of their position and proximity to neighbouring residential properties, form a visually intrusive element which would have an adverse effect on the living conditions of adjacent occupiers, contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD, London Plan Policy 7.4 and the NPPF.
- (3) The retention of the containers and canopies results in an intensification of commercial activity on the site and causes noise and other disturbance which has an adverse effect on the living conditions of adjacent occupiers,

contrary to Policies DC55 (Noise) and DC61 (Urban Design) of the LDF Core Strategy and Development Control Policies DPD and the NPPF.

- (4) The Council does not consider that planning permission should be granted because conditions attached to any consent would not overcome these problems.

## 5. WHAT YOU ARE REQUIRED TO DO

The Enforcement Notice requires within **THREE MONTHS** of the date when this Notice takes effect to:

1. Remove all storage containers from the rear of the property and remove the canopy attached to the rear extension and any canopy attached to the containers;

AND

2. Remove all building materials and debris from the site associated with complying with step 1 above.

## 6. TIME FOR COMPLIANCE

THREE MONTHS after the date when this Notice takes effect.

## 7. WHEN THIS NOTICE TAKES EFFECT

This Notice will take effect on 15<sup>th</sup> October 2018, unless an appeal is made against it beforehand.

Dated: 3<sup>rd</sup> September 2018

Signed: 

Name: David Colwill

Team Leader, Planning Enforcement and Appeals

on behalf of London Borough of Havering

5<sup>th</sup> Floor, Mercury House, Mercury Gardens, Romford RM1 3SL

Nominated Officer: David Colwill

Telephone Number: 01708 432647 / Email: david.colwill@haverling.gov.uk

## YOUR RIGHT OF APPEAL

You can appeal against this Enforcement Notice to the Secretary of State before **15<sup>th</sup> October 2018**. 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 **15<sup>th</sup> October 2018** 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 this 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 **15<sup>th</sup> October 2018**.

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 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 **£924** is payable to the Council (being the fee for planning permission of £462 which is payable both to the Council and the Planning Inspectorate). 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:

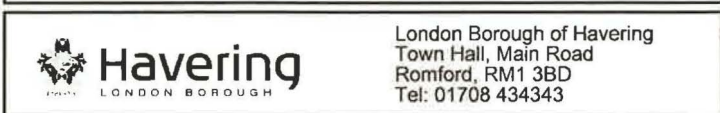
- (1) DARSHAN ASHIER, 49-51 Gaynes Park Road, Upminster, Essex RM14 2HL
- (2) DIVYAKANT ASHIER, 49-51 Gaynes Park Road, Upminster, Essex RM14 2HL
- (3) NALINABEN ASHIER, 49-51 Gaynes Park Road, Upminster, Essex RM14 2HL
- (4) VANDAN ASHIER, 49-51 Gaynes Park Road, Upminster, Essex RM14 2HL
- (5) BANK OF SCOTLAND PLC (Scot. Co. Regn. No. SC327000) of Bank of Scotland Corporate, Security for Advances, Citymark, 150 Fountainbridge, Edinburgh EH3 9PE.
- (6) The Owner, 49-51 Gaynes Park Road, 'Nisa Local', Upminster, Essex RM14 2HL
- (7) The Occupier / Operator, 49-51 Gaynes Park Road, 'Nisa Local', Upminster, Essex RM14 2HL



49-51 Gaynes Park Road, Upminster, Essex RM14 2HL



Scale: 1:750  
Date: 31 August 2018



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Town Hall, Main Road  
Romford, RM1 3BD  
Tel: 01708 434343

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Ordnance Survey 100024327



CST Room 3/13  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol BS1 6PN

Direct Line 0303-444 5000

Fax No 0117-372 8782

## THIS IS IMPORTANT

If you want to appeal against this enforcement notice you can do it:-

- on-line at the Planning Casework Service area of the Planning Portal ([www.planningportal.gov.uk/pcs](http://www.planningportal.gov.uk/pcs)) or;
- by getting enforcement appeal forms by phoning us on 0303 444 5000 or by emailing us at [enquiries@pins.gsi.gov.uk](mailto:enquiries@pins.gsi.gov.uk)

**You MUST make sure that we receive your appeal before the effective date on the enforcement notice.**

In exceptional circumstances you may give notice of appeal by fax or letter. You should include:-

- the name of the local planning authority;
- the site address;
- your address; and
- the effective date of the enforcement notice.

We MUST receive this before the effective date on the enforcement notice. This should **immediately** be followed by your completed appeal forms.