

53 ERNEST ROAD, HORNCHURCH, RM11 3JN

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 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 **53 Ernest Road, Hornchurch, RM11 3 JN** as shown edged in BLACK on the attached plan.

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

Without planning permission, the material change of use of outbuildings to a separate dwelling unit (C3).

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 that steps should be taken to remedy the breach by Section 173 4(a) or to remedy any amenity which has been caused by the breach.

The retention of the container would, by reason of its 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.

The retention of the container 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 of the LDF Core Strategy and Development Control Policies DPD and the NPPF.

The Council does not consider that planning permission should be granted for the development because conditions attached to any consent cannot remedy the breach.

5. WHAT YOU ARE REQUIRED TO DO

This Enforcement Notices requires within **TWO MONTHS** from the effective date of this Notice to:

(i) Cease the use of the outbuildings as residential accommodation;

And

(ii) Remove all fixtures and fittings, and cooking facilities from the outbuildings;

And

(iii) Remove all materials and debris resulting from step (i) and (ii) from the site.

6. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on **23rd November 2018**, unless an appeal is made against it beforehand.

Dated: 19th October 2018

Signed: 

Authorised Officer

David Colwill – Team Leader Planning Enforcement & Appeals
on behalf of London Borough of Havering
Town Hall
Main Road
Romford RM1 3BD

Nominated Officer: Sager Perwez
Email: sager.perwez@havering.gov.uk

Telephone Number: 01708 434194

YOUR RIGHT OF APPEAL

You can appeal against this Enforcement Notice to the Secretary of State by the **23rd November 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 **23rd November 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 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 **23rd November 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.

GROUNDINGS 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 wish to appeal on ground (a) - that planning permission should be granted for the unauthorised development - then a fee of **£462** is payable both to the Secretary of State and to the Council, making the total fees payable **£924** 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:

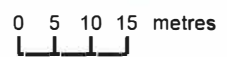
- (1) The Owner, 53 Ernest Road, Hornchurch, RM11 3JN
- (2) The Occupier, 53 Ernest Road, Hornchurch, RM11 3JN
- (3) The Occupier, Outbuilding rear of 53 Ernest Road, Hornchurch, RM11 3JN
- (4) Stewart Charles Roberts, 53 Ernest Road, Hornchurch, RM11 3JN
- (5) Julia Roberts, 53 Ernest Road, Hornchurch, RM11 3JN
- (6) Barclays Bank UK PLC (Co. Regn. No. 9740322), 1 Churchill Place, London, England, E14 5HP
- (7) Prestige Finance Limited (Co. Regn. No. 1080632), Reliance House, Sun Pier, Chatham, England, ME4 4ET



53 Ernest Road, Hornchurch, RM11 3JN



Scale: 1:1000
Date: 19 October 2018



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

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Ordnance Survey 100024327

Customer Support Team
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

Direct Line 0303-444 5000
Email enquiries@pins.gsi.gov.uk

THIS IS IMPORTANT

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

- on-line at the Appeals Casework Portal <https://acp.planninginspectorate.gov.uk/> or
- sending us enforcement appeal forms, which can be obtained by contacting us on the details above.

You MUST make sure that we RECEIVE your appeal BEFORE the effective date on the enforcement notice.

Please read the appeal guidance documents at <https://www.gov.uk/appeal-enforcement-notice/how-to-appeal>

In exceptional circumstances you may give written notice of appeal by letter or email. You should include the name and contact details of the appellant(s) and either attach a copy of the Enforcement notice that you wish to appeal or state the following:

- the name of the local planning authority;
- the site 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.