

ENFORCEMENT NOTICE

RE: 107 & 107A DAGENHAM ROAD, ROMFORD RM7 0DD

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 **107 & 107A DAGENHAM ROAD, ROMFORD RM7 0DD** shown edged in black on the attached plan and is registered under Land Registry Title Number EGL 576246.

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

Without the benefit of planning permission:

Without the benefit of planning permission, the material change of use of rear gardens of the residential properties Nos. 107 and 107a Dagenham Road (shown hatched on the site plan) for storage of motor vehicles and storage of building materials.

4. **REASONS FOR ISSUING THIS NOTICE**

- 1) It appears to the Council that the above breaches of planning control have occurred within the last TEN years with regard to storage of motor vehicles and the storage of building materials 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.
- 2) It is considered that the material change of use of land for storage of motor vehicles including storage of building materials within the curtilages do not preserve the residential character of the area, and is therefore inappropriate use. The use creates a visually intrusive feature which is visible from adjoining properties and combined with the material change of use of the land, the breach of planning control is an unacceptable use in a residential area harmful to the amenity, appearance and character of the area, contrary to guidance within the NPPF, London Plan policies 7.4 and 7.6, Policies DC33 and DC61

of the Havering Core Strategy and Development Control Policies DPD, as well as Havering Council's Landscaping SPD 2011.

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

5. WHAT YOU ARE REQUIRED TO DO

By this Enforcement Notice you are required, within **ONE MONTH** of the date when this Notice takes effect to have:

- i. Ceased using the curtilages of 107 and 107a Dagenham Road for storage of any motor vehicles;
- ii. Removed all vehicles stored within the curtilage of 107 Dagenham Road and 107a Dagenham Road; and
- iii. Removed all building materials and debris.

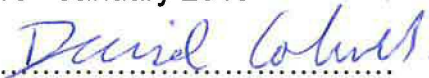
6. TIME FOR COMPLIANCE

ONE MONTH after the date when this Notice takes effect.

7. WHEN THIS NOTICE TAKES EFFECT

This Notice will take effect on 14th February 2019, unless an appeal is made against it beforehand.

Dated: 10th January 2019

Signed: 

Name: David Colwill

Team Leader, Planning Enforcement and Appeals
on behalf of London Borough of Havering

5th Floor, Mercury House, Mercury Gardens, Romford RM1 3SL

Nominated Officer: Onkar Bhogal

Telephone Number: 01708 431587

Email: Onkar.Bhogal@haverling.gov.uk

YOUR RIGHT OF APPEAL

You can appeal against this Enforcement Notice to the Secretary of State before **14th February 2019**. 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 **14th February 2019** 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 **14th February 2019**.

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. 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) Amir Hanif, 64 Harold Road, Leytonstone E11 4QY
- (2) Amir Hanif, 107a Dagenham Road, Romford RM7 0DD
- (3) Julie Maddison, 107a Dagenham Road, Romford RM7 0DD
- (4) The Owners / Occupiers, 107a Dagenham Road, Romford RM7 0DD
- (5) Danny Stuart Brookes, 107 Dagenham Road, Romford RM7 0DD
- (6) The Owners / Occupiers, 107 Dagenham Road, Romford RM7 0DD
- (7) Amir Hanif, Land at rear of 107 Dagenham Road and 107a Dagenham Road Romford RM7 0DD
- (8) The Owners/ Occupiers, Land at rear of 107 Dagenham Road and 107a Dagenham Road, Romford RM7 0DD
- (9) Marian Minga, Land at rear of 107 Dagenham Road and 107a Dagenham Road, Romford RM7 0DD
- (10) Marian Minga, 110 Henley Road Ilford IG1 2TX



107 and 107a Dagenham Road



Scale: 1:300
 Date: 07 January 2019
 Size: A4



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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
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 notice of appeal by fax or letter. You should include:-

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