

**RE: 50 SPENCER ROAD, RAINHAM, RM13 8HB**

**IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY**

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

**ENFORCEMENT NOTICE – Council Reference: ENF/666/18**

**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 **RE: 50 Spencer Road, Rainham RM13 8HB**, shown edged in black on the attached plan.

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

Without planning permission, the construction of single storey rear and side extensions.

4. **REASONS FOR ISSUING THIS NOTICE**

(1) It appears to the Council that the above breaches of planning control in respect of the construction of a single storey rear and side extension commenced less than **FOUR** years ago 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) The single storey rear and side extensions, by reason of its excessive depth, height and position close to the boundaries of the site, are an intrusive and unneighbourly development and has an adverse impact on the amenities of the adjacent occupier at number 52 Spencer Road, Rainham contrary to Policy DC61 of the London Borough of Havering's Core Strategy and Development Control Policies Development Plan Document 2008, the Adopted Borough Residential Extensions and Alterations Supplementary Planning Document 2011, Policy 7.4 of the London Plan 2016 and guidance within the Revised NPPF July 2018.

(3) 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

**Within 2 months of the effective date of this Notice to:**

- (1) Demolish the single storey rear and side extensions; AND
- (2) Remove all rubble, debris accumulated when taking steps (1) above.

## 6. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on **27<sup>th</sup> February 2019**, unless an appeal is made against it beforehand

Dated: 23<sup>rd</sup> January 2019

Signed:



David Colwill Authorised Officer

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

## YOUR RIGHT OF APPEAL

You can appeal against this Enforcement Notice to the Secretary of State before the **27<sup>th</sup> 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 **27<sup>th</sup> 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 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 on or before the **27<sup>th</sup> 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 wish to appeal on ground (a) - that planning permission should be granted for the unauthorised development - then a fee of **£206** is payable both to the Secretary of State and to the Council, making the total fees payable **£412** 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, 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. Santoshi Francis Patel  
50 Spencer Road,  
Rainham  
RM13 8HB.
2. Dominic Savio Joseph  
50 Spencer Road,  
Rainham  
RM13 8HB
3. The Occupier  
50 Spencer Road,  
Rainham  
RM13 8HB
4. The Owner  
50 Spencer Road,  
Rainham  
RM13 8HB
5. NATIONAL WESTMINSTER BANK PLC  
Mortgage Centre,  
P.O. Box 123,  
Greenock  
PA15 1EF.
6. OPTIMUM CREDIT LIMITED  
Haywood House South,  
Dumfries Place,  
Cardiff  
CF10 3GA





50 Spencer Road, Rainham, RM13 8HB

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	<p><b>Scale: 1:500</b></p> <p><b>Date: 08 January 2019</b></p>	
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<p><b>Havering</b> LONDON BOROUGH</p>	<p>London Borough of Havering Town Hall, Main Road Romford, RM1 3BD Tel: 01708 434343</p>	<p>© Crown copyright and database rights 2019 Ordnance Survey 100024327</p>
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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](mailto: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.