

ENFORCEMENT NOTICE

RE: FRONT PORCH AT 5 NEWMARKET WAY, HORNCHURCH, RM12 6DR.

IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

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

ENFORCEMENT REFERENCE: ENF/387/17

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 **5 NEWMARKET WAY, HORNCHURCH, RM12 6DR**, the front porch, the subject of this Notice is marked with a black dot and the site is edged in black on the attached plan.

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

Without planning permission, the erection of a front porch

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(a) or to remedy any amenity or injury which has been caused by the breach.
2. The unauthorised development by reason of its design, bulk, size, materials and position is out of keeping with the character and appearance of the original house and has the effect of unbalancing the terrace of properties to the detrimental of the street scene and character of the local area. The development is therefore contrary to the NPPF, and London Plan Policies 7.4 and 7.6, and Policy DC61 of the Core Strategy and Development Control Policies Development Plan Document and is contrary to the principles of good design as set out in the Residential Extensions and Alterations Supplementary Planning Document and the Residential Design Supplementary Planning Document.

3. 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

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

- (i) Remove the unauthorised front porch;

And
- (ii) All materials and debris associated with step 1 above shall be totally removed from the site.

6. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on **12th April 2019**, unless an appeal is made against it beforehand

Dated: **8th March 2019**

Signed:



DAVID COLWILL
Authorised Officer on behalf of London Borough of Havering
Town Hall
Main Road
Romford RM1 3BD

Nominated Officer: Phillip Jones
Telephone number: 01708-431439
Email: phillip.jones@haverling.gov.uk

THE RIGHT TO APPEAL

Those with a legal or equitable interest in the land of who is a relevant occupier can appeal against this Enforcement Notice to the Secretary of State before the **12th April 2019**. Further details are given in the attached explanatory note.

WHAT HAPPENS IF YOU DO NOT APPEAL

If an appeal is not against this Enforcement Notice, it will take effect on **12th April 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.

THE RIGHT TO APPEAL

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 **12th April 2019**.

If an appeal against this Notice is intended, the instructions given on the information sheet from the Planning Inspectorate which accompanies this Notice should be followed.

GROUND OF APPEAL

The grounds of appeal are set out in Section 174 of the Town and Country Planning Act 1990 (as amended) and an appeal may be made 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 an appeal on ground (a) - that planning permission should be granted for the unauthorised development be sought - then a fee of **£412.00** is payable to the Council when the appeal is lodged. If this fee is not paid, the planning merits of the appeal will not be considered by the Planning Inspector.

STATEMENT ON GROUNDS OF APPEAL

The grounds of appeal must be submitted 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 the appeal against the Enforcement Notice is to be made and stating briefly the facts on which it is proposed to rely, in support of each of those grounds.

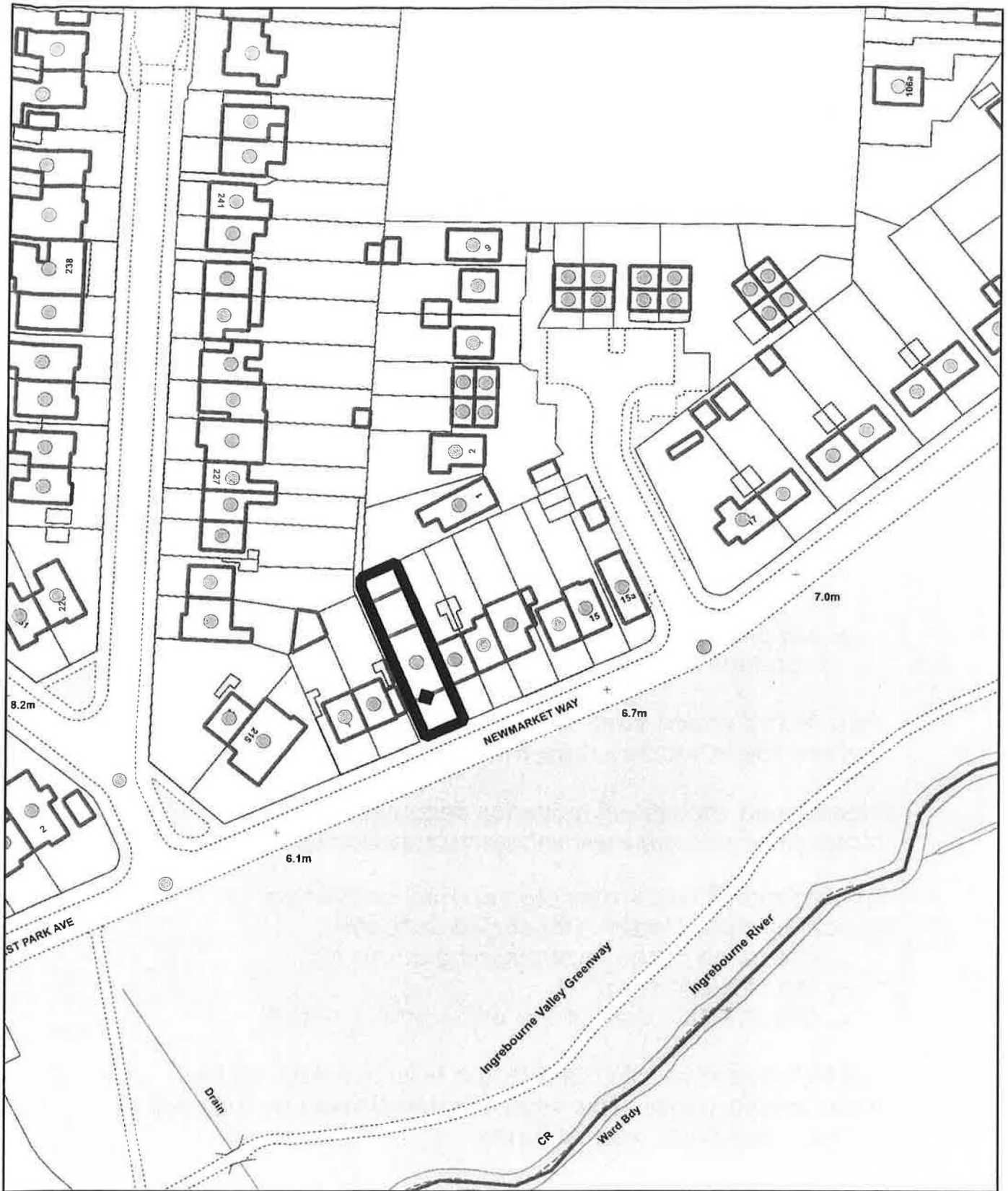
RECIPIENTS OF THE ENFORCEMENT NOTICE

The names and addresses of all the persons on whom the Enforcement Notice has been served are:

1. The Owner, 5 Newmarket Way, Hornchurch, RM12 6DR.
2. The Occupier, 5 Newmarket Way, Hornchurch, RM12 6DR.
3. Mahmoud Ayoubi, 5 Newmarket Way, Hornchurch, RM12 6DR.
4. Bank of Scotland PLC (Scot. Co Regn. No. SC327000) of Halifax Division, 1 Lovell Park Road, Leeds, LS1 1NS.
5. London & Quadrant Housing Trust (Registered Society No 30441R), 29-35 West Ham Lane, London, E15 4PH.

For Information only served on:

Mr Dedarally Divi-Design Ltd. By Email.



ENF/387/17 - 5 Newmarket Way, RM12 6DR, N
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	<p>Scale: 1:1000 Date: 07 March 2019</p>	<p>0 5 10 15 metres</p>
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	<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

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.