

83 ABBS CROSS LANE, RM12 4XW- Council ref: ENF/532/18.

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 83 Abbs Cross Lane, Hornchurch, RM12 4XW as shown edged in BLACK on the attached plan.

3. THE BREACH OF PLANNING CONTROL ALLEGED

Without planning permission, the erection of a front boundary wall, pillars, railings and gate to the front curtilage facing the highways of Abbs Cross Lane, and Bruce Avenue, Hornchurch to heights in excess of 1 metre.

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) It is considered that the walls, railings, gate and pillars, by reason of their size design, height, bulk and mass appear as an unacceptably dominant and visually intrusive feature in the streetscene harmful to the appearance and character of the surrounding area and create a visually intrusive feature in the streetscene, harmful to the appearance and character of the local area. The development is therefore contrary to the NPPF, London Plan Policies 7.4, 7.5 and 7.6, Policy DC61 of the Havering Core Strategy and Development Control Policies DPD, as well as Havering Council's Residential Extensions and Alterations SPD 2011 SPD and the Landscaping SPD 2011.

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

5. WHAT YOU ARE REQUIRED TO DO

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

- (i) Remove the wall, pillars, railings and gate from the front curtilage of the dwelling;

OR

- (ii) Reduce the height of any wall, pillar, railing or gate from the front curtilage of the dwelling to no more than 1 metre in height;

AND

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

6. TIME FOR COMPLIANCE

TWO MONTHS after the date when this Notice takes effect.

7. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on 22th **April 2019**, unless an appeal is made against it beforehand.

Dated 25th March 2019

Signed: *David Colwill*

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: George Atta-Adutwum
Telephone Number: 01708 432157
Email: George.Atta-Adutwum@havering.gov.uk.

THE RIGHT TO APPEAL

Those with a legal or equitable interest in the land or who is a relevant occupier can appeal against this Enforcement Notice to the Secretary of State by the 22nd April 2019. Further details are given in the attached explanatory note.

WHAT HAPPENS IF YOU DO NOT APPEAL

If an appeal is not received against this Enforcement Notice, it will take effect on 22nd 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, 1718 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 22nd 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 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

It 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 you a notice so requiring, a statement in writing specifying the grounds on which the appeal against the Enforcement Notice is being 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) SHAH UDDIN ZAMAN of 83 Abbs Cross Lane, Hornchurch, Essex RM12 4XW
- (2) NAZAHA ZAMAN of 83 Abbs Cross Lane, Hornchurch, Essex RM12 4XW
- (3) The Owner of 83 Abbs Cross Lane, Hornchurch, Essex RM12 4XW
- (4) The Occupier, of 83 Abbs Cross Lane, Hornchurch, Essex RM12 4XW
- (5) Proprietor: BARCLAYS BANK UK PLC (Co. Regn. No. 9740322) of P.O. Box 187, Leeds LS111AN.



83 Abbs Cross Lane, Hornchurch, RM12 4XW



Scale: 1:500
Date: 21 March 2019



London Borough of Havering
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.