

ENFORCEMENT NOTICE

RE: 30 BERWICK ROAD, RAINHAM RM13 9QU

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 **30 BERWICK ROAD, RAINHAM RM13 9QU** shown edged in black on the attached plan and is registered under Land Registry Title Number EGL 98234.

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

Without the benefit of planning permission:

- i. The erection of mono-pitched canopies each measuring 9 metres in length, 4 metres deep (shown as ‘A’) on the attached site plan and 4 metres in length, 4 metres deep (shown as ‘B’) on the attached site plan supported on wheels covering part of the front curtilage of the property which creates an enclosure within the front and side boundaries. The canopies are constructed with polycarbonate sheets (now covered with black plastic sheets) for the roof and metal frame supports and are supported on wheels running along the wall plates along the front of the dwellinghouse and on metal runners mounted on the front boundary wall. The canopies are moved using heavy duty cables on an electric winch; and
- ii. Within the enclosure on the northern part of the front curtilage a shed/workshop (shown as ‘C’) on the attached site plan measuring approximately 6 metres long x 4 metres deep and exceeding 2 metres in height has been built. The shed is secured by two metal double doors which run perpendicular to the front elevation ground floor windows; and
- iii. The erection of a permanent mono-pitched canopy (shown as ‘D’) on the attached site plan measuring approximately 1 metre in width and 4m deep using polycarbonate sheets on the roof supported on a wooden frame on the front boundary wall fronting Jordans Way.

4. **REASONS FOR ISSUING THIS NOTICE**

- (1) It appears to the Council that the above breaches of planning control have 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 excessive bulk, height, incongruous materials and undue prominence creates a visually harmful and intrusive feature which harms the character of the dwellinghouse, the wider streetscene and harms the amenity of the neighbouring occupier at No. 32 Berwick Road. As a result, the development creates an overbearing impact and unacceptable sense of enclosure to this neighbour, contrary to national and local planning policies. Local Development Framework Core Strategy and Development Control Policies Development Plan Document (2008) Policies CP17: Design DC61: Urban Design; London Plan Policy 7.4 (Local Character) and Policy 7.6 (Architecture).
- (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**

By this Enforcement Notice you are required, within **TWO MONTHS** of the date when this Notice takes effect to:

1. Remove the canopy identified as ‘A’ on the attached site plan supported on wheels; AND
2. Remove the canopy identified as ‘B’ on the attached site plan supported on wheels; AND
3. Remove the shed / garage identified as ‘C’ on the attached site plan; and supported on wheels all metal and wooden supporting structures in the front enclosure; AND
4. Remove the canopy identified as ‘D’ on the attached site plan; AND
5. Remove all materials and debris accumulated as a result of taking steps 1, 2, 3 and 4 above.

6. **TIME FOR COMPLIANCE**

TWO MONTHS after the date when this Notice takes effect.

7. **WHEN THIS NOTICE TAKES EFFECT**

This Notice will take effect on **26th April 2019**, unless an appeal is made against it beforehand.

Dated: 25th March 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 43158

Email: Onkar.Bhogal@haverling.gov.uk

YOUR RIGHT OF APPEAL

You can appeal against this Enforcement Notice to the Secretary of State before **26th April 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 **26th 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 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 **26th April 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.

GROUNDS 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 **£412** 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:

Maurice A Crompton
30 Berwick Road, Rainham RM13 9QU

The Owners
30 Berwick Road, Rainham RM13 9QU

The Occupiers
30 Berwick Road, Rainham RM13 9QU

National Westminster Bank PLC
(Co reg. no. 929027)
Of Nottingham Securities Centre
Impact House, 8 Castle Boulevard, Nottingham NG7 1GG



30 BERWICK ROAD N
↑



Scale: 1:400
Date: 14 March 2019
Size: A4




The Planning Inspectorate

CST Room 3/13
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

Direct Line 0303-444 5000

Fax No 0117-372 8782

THIS IS IMPORTANT

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

- on-line at the Planning Casework Service area of the Planning Portal (www.planningportal.gov.uk/pcs); or
- by getting enforcement appeal forms by phoning us on 0303 444 5000 or by emailing us at enquiries@pins.gsi.gov.uk

You MUST make sure that we receive your appeal before the effective date on the enforcement notice.

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;
- your 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.