

11 NELMES WAY, HORNCHURCH RM11 2QY – Council ref: ENF/479/18

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 **11 Nelmès Way, Hornchurch, RM11 2QY** as shown edged in BLACK on the attached plan.

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

Without planning permission, the erection of a side boundary fence to a height 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 fence by reason of its height, appears as an unacceptably dominant and visually intrusive feature in the streetscene harmful to the appearance and character of the surrounding area, contrary to Policies DC61 and DC69 of the Havering Core Strategy and Development Control Policies DPD, contrary to Havering Council’s Residential Extensions and Alterations SPD 2011 and the Landscaping SPD 2011 and contrary to guidance within the NPPF and London Plan Policies 7.4 and 7.6.

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 **ONE MONTH** from the effective date of this Notice to:

- (i) Remove the fence from the side curtilage of the dwelling which faces Banyards;

OR

- (ii) Reduce the height of the fence from the side curtilage which faces Banyards to no more than 1 metre in height.

AND

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

6. TIME FOR COMPLIANCE

ONE MONTH after the date when this Notice takes effect.

7. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on **16th August 2019**, unless an appeal is made against it beforehand.

Dated 16th July 2019

Signed:



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: David Colwill
Telephone Number: 01708 432647
Email: david.colwill@haverling.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 **16th of August 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 **16 August 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

Sections 171A, 171B and 172 to 177 of the Town and Country Planning Act 1990 (as amended) can be viewed at <http://www.legislation.gov.uk/ukpga/1990/8/contents>

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 **16 August 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.

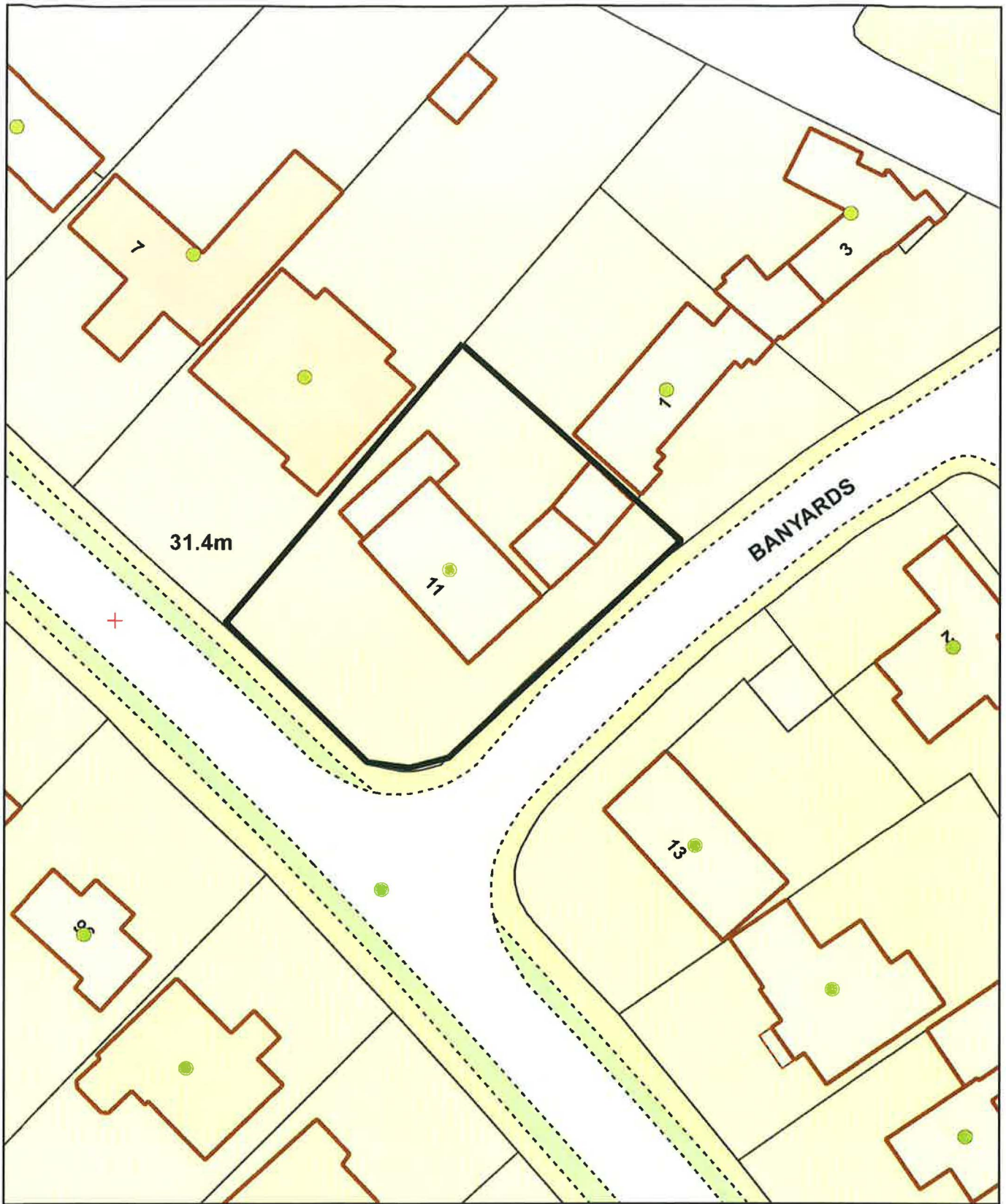
STATEMENT ON GROUNDS OF APPEAL

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) DAVID KIT FAI MAN, 11 Nelmes Way, Hornchurch, Essex RM11 2QY
- (2) VYONE WAI SUEN MAN, 11 Nelmes Way, Hornchurch, Essex RM11 2QY
- (3) The Owner, 11 Nelmes Way, Hornchurch, Essex RM11 2QY
- (4) The Occupier, 11 Nelmes Way, Hornchurch, Essex RM11 2QY
- (5) Proprietor: BARCLAYS BANK UK PLC (Co. Regn. No. 9740322) of P.O. Box 187, Leeds LS11 1AN.



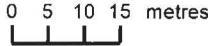
11 NELMES WAY, HORNCURCH RM11 2QY








Scale: 1:500
Date: 15 July 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.