

RE: 9 QUEENS GARDENS, RAINHAM, RM13 8EB.

IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

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

ENFORCEMENT REFERENCE: ENF/681/16.

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 **9 QUEENS GARDENS, RAINHAM, RM13 8EB**, shown edged in black on the attached plan.

3. THE BREACH OF PLANNING CONTROL ALLEGED

Without planning permission, the material change of use of a dwellinghouse (class C3) to a House in Multiple Occupation (HMO) (class C4).

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 material change of use of a dwellinghouse (class C3) to a House in Multiple Occupation (HMO) by reason of the intensification of use will generate high levels of activity and result in unacceptable impact on neighbouring residential occupiers in terms of noise and disturbance, both within the property and within the front and rear gardens. It is also considered that the size of the property fails to meet the minimum space standards for the use as a HMO use. The development is therefore contrary to the NPPF, Policies DC4, DC5 and DC61 of the London Borough of Havering LDF Core Strategy and Development Control Policies DPD 2008, and Policy 8 of the emerging Havering Local Plan 2016-2031, and is considered contrary to established guidance contained within the HMO East London Guidance 2009.
3. The material change of use of a dwellinghouse (class C3) to a House in Multiple Occupation (HMO) by reason size of the property and the internal layout is such that there is limited bedroom space for occupants of rooms 3, 4,

5, and 6 and that the lack of outdoor amenity would not provide acceptable living conditions for the current and future occupants. The development is therefore contrary to the NPPF, Policies CD61 of the London Borough of Havering LDF Core Strategy and Development Control Policies DPD 2008.

4. The Council does not consider that planning permission should be granted because planning conditions would not overcome these problems.

5. WHAT YOU ARE REQUIRED TO DO

- (i) Cease using the property as a House in Multiple Occupation (HMO);

AND

- (ii) Remove all kitchen and cooking facilities except for one kitchen on the ground floor, and remove all washing/shower facilities on the ground floor and all electricity meters/fuse boxes from the premises except for one which serves the whole premises;

AND

- (iii) Remove all debris associated with steps 1 and 2 above, from the site.

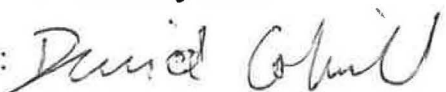
6. TIME FOR COMPLAINT

3 MONTHS after the date when this Notice takes effect.

7. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on **11th March 2020**, unless an appeal is made against it beforehand

Dated: **29th January 2020**

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 OF 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 before **11th March 2020**. Further details are given in the attached explanatory note.

WHAT HAPPENS IF AN APPEAL IS NOT RECEIVED

If an appeal is not received against this Enforcement Notice, it will take effect on **11th March 2020** 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) can be viewed online at <http://www.legislation.gov.uk/ukpga/1990/8/contents> .

THE RIGHT OF 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 **11th March 2020**.

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.

GROUNDINGS 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 or use, then a fee of **£924.00** 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 the 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 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:

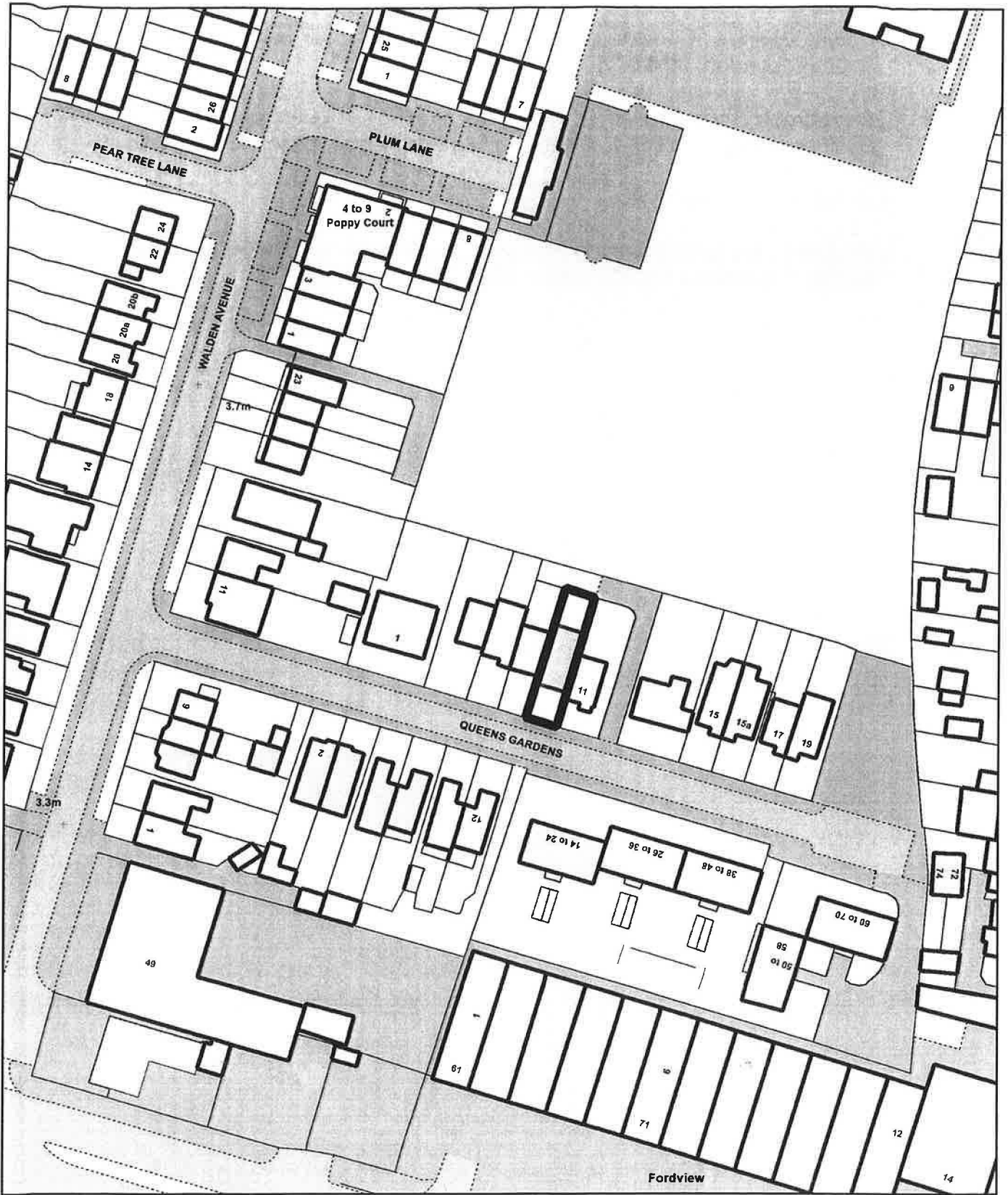
1. The Owner 9 Queens Gardens, Rainham, RM13 8EB.
2. The Occupier 9 Queens Gardens, Rainham, RM13 8EB.
3. The Occupier Room 1, 9 Queens Gardens, Rainham, RM13 8EB.
4. The Occupier Room 2, 9 Queens Gardens, Rainham, RM13 8EB.
5. The Occupier Room 3, 9 Queens Gardens, Rainham, RM13 8EB.
6. The Occupier Room 4, 9 Queens Gardens, Rainham, RM13 8EB.
7. The Occupier Room 5, 9 Queens Gardens, Rainham, RM13 8EB.
8. The Occupier Room 6, 9 Queens Gardens, Rainham, RM13 8EB.
9. Ambassador HP Limited (Co Reg No 09294737) 137 Wargrave Avenue, London, N15 6TX.

10. Chaim Reiner, Company Director Ambassador HP Ltd., 137 Wargrave Avenue, London, N15 6TX

11. Shawbrook Bank Limited (Co Reg No 388466) of Lutea House, Warley Hill Business Park, The Drive, Great Warley, Brentwood, Essex, CM13 3BE.

For Information only served on:

Mr Joel Stern, Sam Planning Services Limited. Unit 9b, The High Cross Centre, Fountayne Road, London, N15 4QL.




ENF/681/16
 9 Queens Gardens, RM13 8EB







Scale: 1:1000
Date: 17 January 2020
 0 5 10 15 metres


 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.