

6 BEVERLEY GARDENS, HORNCHURCH, RM11 3PA

IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

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

London Borough of Havering Reference: ENF/372/19

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 **6 BEVERLEY GARDENS, HORNCHURCH, RM11 3PA**, showed edged in black on the attached plan.
3. **THE BREACH OF PLANNING CONTROL ALLEGED**

Without the benefit of planning permission, the construction of a raised deck around the rear garden pool.
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 injury to amenity which has been caused by the breach.
 - (2) It is considered that the raised decking adjacent to the swimming pool at the bottom of the garden, by reason of its, height, position and proximity to neighbouring properties is considered to give rise to overlooking and loss of privacy which would have a serious and adverse effect on the living conditions of adjacent occupiers. The development is therefore considered to be contrary to the Residential Extension and Alteration Supplementary Planning Document and Policy DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document.
 - (3) Planning permission was sought to retain the raised deck platform under planning application reference P0992.19 which was refused and later dismissed at appeal. A second application which varied from the original has also been refused under application reference P0975.20. Accordingly it is not considered that the development is acceptable.

5. WHAT YOU ARE REQUIRED TO DO

The Enforcement Notice requires, **within 1 month after the effective date of the Notice to:**

1. Demolish the raised deck area around the pool in the rear garden;
AND
2. Remove all building materials and debris from the site as a result of taking step 1.

6. TIME FOR COMPLIANCE

1 month after the date this Notice takes effect.

7. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on **16th October 2020**, unless an appeal is made against it beforehand

Dated: **16th September 2020**

Signed: 

David Colwill – Team Leader Planning Enforcement
Authorised Officer On behalf of London Borough of Havering
5th Floor Mercury House, Mercury Gardens, Romford, RM1 3SL

Nominated Contact Officer:

Peter Miller, Planning Enforcement Officer
01708 433635 peter.miller@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 before the **16th October 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 **16th October 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>

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 on or before the **16th October 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.

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 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 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 him 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. Mr Michael Edwards, 6 Beverly Gardens, Hornchurch, RM11 3PA
2. The Owners, 6 Beverly Gardens, Hornchurch, RM11 3PA
3. The Occupiers, 6 Beverly Gardens, Hornchurch, RM11 3PA
4. BARCLAYS BANK UK PLC P.O. Box 187, Leeds LS11 1AN.



6 Beverley Gardens, Hornchurch RM11 3PA



Scale: 1:750
Date: 14 September 2020



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.