



**Memo**

From Assistant Chief Executive  
Legal & Democratic Services

Date 13.07.06

My Reference VH/TP3252

Extension 2467

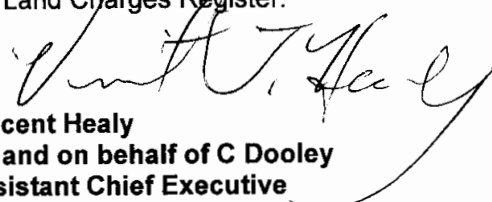
To Sandra Hattley  
Land Charges

Your Reference

Steve Lomas  
Planning Department, Mercury House

**Withdrawal of Enforcement Notice – 15 Fairholme Road**

We are exercising our power under Section 173A of the Town and Country Planning Act 1990 (as amended) to withdraw the Notice issued on 15<sup>th</sup> May 2006 in respect of the above named land. I attach a copy of the notice for ease of reference and the notice should be now withdrawn as a Land Charge. This memo should be placed on the Land Charges Register.

  
**Vincent Healy**  
for and on behalf of C Dooley  
Assistant Chief Executive  
Legal and Democratic Services

19 No 60-

RE: 15 Fairholme Avenue Gidea Park Romford RM2 5UP

**IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY**

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

**ENFORCEMENT NOTICE**

- TO:**
1. The Owner of the said land
  2. The Occupier of the said land
  3. Mr Kuldip Singh Uppal 15 Fairholme Avenue Gidea Park Romford RM2 5UP
  4. Mrs Bimla Uppal 15 Fairholme Avenue Gidea Park Romford RM2 5UP
  5. Company Secretary, Halifax PLC, of Trinity Road, Halifax, West Yorkshire HX1 2RG

**ISSUED BY:** London Borough of Havering

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 15 Fairholme Avenue Gidea Park Romford RM2 5UP shown hatched Black on the attached plan.

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

A material change of use from the authorised use as a domestic outbuilding incidental to the main dwelling to an unauthorised use for commercial purposes namely the commercial preparation and cooking of food.

4. **REASONS FOR ISSUING THIS NOTICE**

It appears to the Council that the above breach of planning control has occurred within the last ten years. The unauthorised use is not suitable for this residential area. It disturbs the neighbours through noise, traffic movement and car parking and the activity associated with the unauthorised use cause noise and disturbance not suitable for a residential area. The Council do not consider that planning permission should be

given, because planning conditions could not overcome the adverse affects on the amenities of neighbours.

In making its decision to issue this Notice the Council considered that the unauthorised use is contrary to the following policies of the Havering Unitary Development Plan: policies ENV1 as tested through refusal of planning application reference: P0228.06.

**5. WHAT YOU ARE REQUIRED TO DO**

- (i) Stop using the outbuilding for commercial purposes namely the commercial preparation and cooking of food and return it to its lawful use, incidental to the enjoyment of the main house.

Time for compliance: 3 from the effective date of this notice.

- (ii) Remove all equipment, machinery and installations brought into the outbuilding for purposes associated with the unauthorised use of the outbuilding for commercial purposes namely the commercial preparation and cooking of food.


Time for compliance: 3 from the effective date of this notice

**6. WHEN THIS NOTICE TAKES EFFECT**

This Notice takes effect on 15<sup>th</sup> June 2006, unless an appeal is made against it beforehand

Dated: 15<sup>th</sup> May 2006

Signed:



Authorised Officer

on behalf of London Borough of Havering  
Town Hall  
Main Road  
Romford RM1 3BD

**YOUR RIGHT OF APPEAL**

You can appeal against this Enforcement Notice to the Secretary of State by the 15<sup>th</sup> June 2006. 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 15<sup>th</sup> June 2006 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) 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 15<sup>th</sup> June 2006. The enclosed booklet "Enforcement Appeals - A guide to Procedure" sets out your rights. Read it carefully. If you appeal you should use the enclosed appeal forms. Two copies are for you to send to the Secretary of State if you decide to appeal. The other is for you to keep as a duplicate for your own records. You should also send the Secretary of State a copy of the Enforcement Notice.

#### **GROUND OF APPEAL**

The grounds of appeal are set out in Section 174 of the Town and Country Planning Act 1991 and are also set out on page 2 - 5 the enclosed appeal forms.

#### **PLANNING APPLICATION FEE**

Should wish to appeal on ground (a) - that planning permission should be granted for the unauthorised use - then a fee of £265.00 is payable both to the Secretary of State and 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 him a notice so requiring him, 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:

1. The Owner of the said land
2. The Occupier of the said land
3. Mr Kuldip Singh Uppal 15 Fairholme Avenue Gidea Park Romford RM2 5UP
5. Mrs Bimla Uppal 15 Fairholme Avenue Gidea Park Romford RM2 5UP
5. Company Secretary, Halifax PLC, of Trinity Road, Halifax, West Yorkshire HX1 2RG



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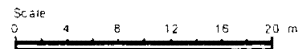
**15 Fairholme Avenue, Gidea Park, Romford. RM2 5UP**



Map Reference: TQ52895E

Date: 23/02/2006

Scale: 1:500



nlp



OS

Ordnance Survey



London Borough of Havering  
 Planning Department  
 Mercury House, Mercury Gardens  
 Romford, RM1 3SL  
 Tel: 01708 434343

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