

**73 CROSS ROAD, ROMFORD, ESSEX, RM8 8DX**

**IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY**

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

**ENFORCEMENT REFERENCE: ENF/506/18**

**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 **73 CROSS ROAD, ROMFORD, ESSEX, RM8 8DX**, outlined in black on the attached plan and is registered under Land Registry Title Numbers EGL472395

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

The material change of use of residential curtilage to commercial use comprising the storage of vehicles for hire.

**4. REASONS FOR ISSUING THIS NOTICE**

(1) It appears to the Council that the above breach of planning control has occurred within the last TEN years for the change of use of the land to commercial and that steps should be taken to remedy the breach in accordance with the purposes stipulated in Section 173 (4) (a) of the above Act.

(2) It appears to the Council, the above breach of planning control in respect of the material change of use of the land in the rear garden for commercial uses comprising the storage of vehicles and plant machinery for hire is harmful and has a detrimental impact upon the character and amenity of the rear garden environments of nearby properties and on the occupiers immediately adjacent to the boundaries, in particular the users of 71, 73a, 75, and 77 Cross Road. The development is therefore contrary to Policies DC55, DC61, SPD3 and SPD4 of the LDF, Policy 7.4 of the London Plan and contrary to the guidance within the NPPF.

(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**

The Enforcement Notice requires, within **TWO MONTHS** to:

1. Cease the commercial use of the land shown hatched on the attached plan for

AND

2. Remove all vehicles and equipment for sale and hire from the land

AND

3. Remove all building materials, rubble, rubbish and detritus from the land when Taking steps 1 and 2 above.

**6. TIME FOR COMPLIANCE**

**TWO MONTHS** after the date when this Notice takes effect.

**7. WHEN THIS NOTICE TAKES EFFECT**

This Notice takes effect on **11<sup>th</sup> December 2019**, unless an appeal is made against it beforehand

Dated: 30<sup>th</sup> October 2019

Signed: 

David Colwill  
Team Leader, Planning Enforcement  
on behalf of London Borough of Havering  
5<sup>th</sup> Floor, Mercury House, Mercury Gardens, Romford RM1 3SL

Officer to contact: David Allen  
Email: [david.callen@haverling.gov.uk](mailto:david.callen@haverling.gov.uk)

Telephone Number: 01708 434526

## **THE RIGHT TO APPEAL**

Those with a legal or equitable interest in the land of who is a relevant occupier can appeal against this Enforcement Notice to the Secretary of State before the **11<sup>th</sup> December 2019**. Further details are given in the attached explanatory note.

## **WHAT HAPPENS IF AN APPEAL IS NOT RECEIVED**

If an appeal is not against this Enforcement Notice, it will take effect on **11<sup>th</sup> December 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**

A summary of Sections 171 A, 171 B and 172 to 177 of the Town and Country Planning Act 1990 (as amended) can be viewed online at <https://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 **11th December 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.

### **GROUNDINGS 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 **£924** 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**




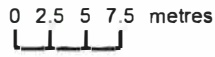

The grounds of appeal must be submitted to the Secretary of State, either when giving notice of appeal or within 14 days from the date on which the Secretary of State sends him a notice so requiring, a statement in writing specifying the grounds on which the appeal against the Enforcement Notice is to be 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. JASON JAMES EDWARD MOULL, 73 CROSS ROAD, ROMFORD, ESSEX, RM7 8DX.
2. COLIN IAN MOULL, 73 CROSS ROAD, ROMFORD, ESSEX, RM7 8DX
3. THE COMPANY DIRECTOR, HAVERING DIGGER HIRE LIMITED, (COMPANY 11796272) MICHAEL J WILKINSON & CO LTD, MOOR HOUSE, UPMINSTER ENGLAND, RM14 1HE.
4. HSBC UK BANK PLC MORTGAGE SERVICE CENTRE, P.O BOX 6308, CONVENTRY, CV3 9LB.
5. THE OWNER, 73 CROSS ROAD, ROMFORD, ESSEX, RM7 8DX
6. THE OCCUPIER, 73 CROSS ROAD, ROMFORD, ESSEX, RM7 8DX.



<p>73 Cross Road, Romford RM8 8DX</p>	<p style="text-align: right;">N ↑</p>
<p>    </p>	<p> <b>Scale: 1:500</b>  <b>Date: 25 October 2019</b> </p> <p style="text-align: right;">  </p>
<p>  </p>	<p>             London Borough of Havering              Town Hall, Main Road              Romford, RM1 3BD              Tel: 01708 434343         </p> <p>             © Crown copyright and database rights 2019              Ordnance Survey 100024327         </p>

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](mailto: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.