

**RE: 15 SOUTH STREET, ROMFORD, RM1 1NJ.
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 **15 SOUTH STREET, ROMFORD, RM1 1NJ**, shown edged in black on the attached plan.

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

Without planning permission, the material change of use from a retail unit (Class A1), at first floor, to use as a House in Multiple Occupation (HMO).

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” 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.

The material change of use to a House in Multiple Occupation (HMO), is considered not to provide adequate or healthy living conditions for existing and future occupiers due to the internal layout, lack of natural light to individual rooms and a lack of amenity space within the site. The use is therefore contrary to the NPPF, London Plan Policies 3.5, 3.8 and 7.1, Local Development Framework policies DC2, DC3, DC4, DC61 Section 9 of the Residential Design SPD.

The material change of use to a House in Multiple Occupation (HMO), is considered unacceptable due to the restricted access to the first floor, via a metal staircase to the rear of the building, prejudices the access to the property to the detriment of the existing and future occupiers. The increased comings and goings and the changes in the pattern of movement could result in increased noise and disturbance to the detriment of the general amenity of the area. The use is therefore contrary to the NPPF, London Plan Policies 3.5, 3.8, 7.1 and 7.15, Local Development Framework policies DC2, DC3, DC4 DC36 and Section 6 of the Residential Design SPD.

The material change of use to a House in Multiple Occupation (HMO) is considered, due to the lack of direct access onto adjoining streets, and poor pedestrian access to the rear, via a metal staircase, will hinder the storage and collection of domestic refuse and the provision of cycle storage within the site. The use is therefore be contrary to the NPPF, London Plan 3.5, 6.9 and 7.15, Local Development Framework policies DC3, DC4, DC7, DC35, DC36, DC40, and DC61 and Section 11 of the Residential Design SPD.

The Council does not consider that planning permission should be granted because conditions attached to any consent would not overcome the planning issues raised in reasons for issuing the notice.

5. WHAT YOU ARE REQUIRED TO DO

- (i) Cease using the first floor as a House in Multiple Occupation (HMO).
AND
- (ii) Remove from the first floor the two shower rooms and the fitted kitchen (marked with an **X** on the attached Plan: PAJ1) and any other fixtures and fittings that allow the first floor to be used as a House in Multiple Occupation (HMO).
AND
- (iii) Remove from the first floor the new internal partitions (marked with a **black line** on the attached plan: PAJ2) which facilitates the use of the first floor as a House in Multiple Occupation (HMO).
AND
- (iv) All materials and debris associated with steps i, ii, & iii above, shall be totally removed from the site.

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

6. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on **28th December 2018**, unless an appeal is made against it beforehand

Dated: **23rd November 2018**

Signed:



DAVID COLWILL
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 before the **28th December 2018**. 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 **28th December 2018** 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 **28th December 2018**.

If you intend to appeal against this Notice you should follow the instructions given on the information sheet from the Planning Inspectorate which accompanies this Notice.

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 - then a fee of **£924.00** is payable the Council. This fee should be paid to the London Borough of Havering when you lodge your appeal. If you do not pay this fee, the planning merits of your appeal may not be considered by the Planning Inspector.

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, 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:

THE OWNER, 15 South Street, Romford, RM1 1NJ.

THE OCCUPIER, 15 South Street, Romford, RM1 1NJ.

THE OCCUPIER, First Floor, 15 South Street, Romford, RM1 1NJ.

THE OWNER, First Floor, 15 South Street, Romford, RM1 1NJ.

ALI BARBERS (Romford) Limited, (Co Regn. No 09294475), FAO The Company Secretary, 15 South Street, Romford, RM1 1NJ.

ALI MELIN (Company Director), ALI BARBERS (Romford) Limited (Co. Regn. No. 09294475), 15 South Street, Romford, RM1 1NJ.

DORABELLE PROPERTIES Limited (Co. Regn. No. 9977448), FAO The Company Secretary, 49 Welbeck Street, London, W1G 9XN.

EUROPA MEZZANINE FINANCE S.A.R.L (incorporated in Luxembourg) of 52, Avenue Jf Kennedy, Kirchberg, L-1855, Luxembourg and care of Europa Capital Mezzanine Limited, 67-68 Grosvenor Street, London, W1K 3JN.

HSBC BANK PLC (Co. Regn. No. 00014259), FAO The Company Secretary, 8-14 Canada Square, London, E14 5HQ.

Cash Generator Limited (Co. Regn. No.2258951), FAO The Company Secretary, CG House, Express Trading Estate, Stone Hill Road, Farnworth, Bolton, BL4 9TP.

For information only.

Darren Patmore. Derrick Wade Waters, Chartered Surveyors and Property Consultants. (By email).

Gerry Wade. Derrick Wade Waters, Chartered Surveyors and Property Consultants. (By email).



15 South Street, Romford, RM1 1NJ	ENF/545/17
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Customer Support Team
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 written notice of appeal by letter or email. You should include the name and contact details of the appellant(s) and either attach a copy of the Enforcement notice that you wish to appeal or state the following:

- the name of the local planning authority;
- the site address; and
- 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.