

RE: 2A Woburn Avenue, Elm Park, Hornchurch RM12 4NG

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 and property.
 2. The Occupier of the said land and property.
 3. The Occupier of Flat A 2A Woburn Avenue, Elm Park, Hornchurch RM12 4NG.
 4. The Occupier of Flat B 2A Woburn Avenue, Elm Park, Hornchurch RM12 4NG.
 5. The Occupier of Flat C 2A Woburn Avenue, Elm Park, Hornchurch RM12 4NG.
 6. The Occupier of Flat D 2A Woburn Avenue, Elm Park, Hornchurch RM12 4NG.
 7. Mrs J Khaira of 2A Woburn Avenue, Elm Park, Hornchurch RM12 4NG.
 8. Mrs J Khaira of 218 Elm Park Avenue, Elm Park, Hornchurch RM12 4PQ.
 9. Mrs J Khaira of 220 Elm Park Avenue, Elm Park, Hornchurch RM12 4PQ.
 10. Jagtar Khaira of 220 Elm Park Avenue, Elm Park, Hornchurch RM12 4PQ.
 11. The Company Secretary, UCB Home Loans Corporation Limited of Portman House, Richmond Hill, Bournemouth BH2 6EP.
 12. The Company Secretary, UCB Home Loans Corporation Limited of Nationwide House, Pipers Way, Swindon, Wiltshire SN38 1NW.

ISSUED BY: London Borough of Havering

1. **THIS IS A FORMAL NOTICE** which is issued by the London Borough of Havering ("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. The Council considers 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 and property known as 2A Woburn Avenue, Elm Park, Hornchurch RM12 4NG shown edged in bold black on the attached plan ("the Property").

3. THE BREACH OF PLANNING CONTROL ALLEGED

Without planning permission, the unauthorised change of use of the Property from a residential building containing 2 self contained flats into a residential building containing 4 self contained flats.

4. REASONS FOR ISSUING THIS NOTICE

It appears to the Council that the above breach of planning control has occurred within the last 4 years.

The unauthorised change of use has a materially harmful impact on occupiers of adjoining properties by reason of:

- a. an increase in noise levels giving rise to disturbance;
- b. inappropriate internal layout resulting in habitable rooms within the Property adjoining bedrooms of a neighbouring dwelling;
- c. inadequate off street parking provision resulting in deficient amenity space, an increase in vehicle noise and movements, an increase in light pollution and an increase in parking congestion in the area.

The unauthorised change of use has a materially harmful impact on the occupiers of the Property. The effect of the conversion is to significantly reduce the private amenity space available for the occupiers, resulting in an unsatisfactory living environment.

The unauthorised change of use is contrary to policies DC4, DC33 and DC61 of the Council's Local Development Framework Core Strategy and Development Control Policies Development Plan.

The Council does not consider that planning permission should be given, because planning conditions could not overcome these problems.

By Decision Notice dated 3 September 2010 the Council refused a retrospective Planning Application (P0996.10) for the change of use of the Property into 4 self contained flats. A subsequent appeal against the Council's decision was dismissed by the Planning Inspectorate on 19 October 2011.

5. WHAT YOU ARE REQUIRED TO DO

- (i) Cease using the Property as 4 self contained flats.

Time for compliance: 6 months from the effective date of this notice.

- (ii) Reinstate the Property to a residential building containing 2 self contained flats in accordance with approved planning application P1189.03.

Time for compliance: 6 months from the effective date of this notice.

- (iii) Remove all those fixtures and fittings that facilitate the unauthorised use of the Property, including the removal of all those internal partitions, walls and doors installed that enable the Property to be used as 4 self contained flats.

Time for compliance: 6 months from the effective date of this notice.

- (iv) Remove all materials, machinery, apparatus, equipment and installations used in connection with or resulting from the reinstatement of the Property into 2 self contained flats house.

Time for compliance: 6 months from the effective date of this notice.

6. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on 26 December 2011, unless an appeal is made against it beforehand

Dated: 16 November 2011

Signed:



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

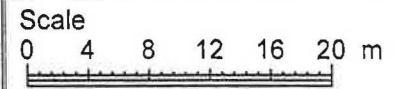


2A WOBURN AVENUE



Map Reference: TQ5285NW
Date: 14/11/2011

Scale @ A4
1:500



London Borough of Havering
Town Hall, Main Road
Romford, RM1 3BD
Tel: 01708 434343



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YOUR RIGHT OF APPEAL

You can appeal against this Enforcement Notice to the Secretary of State by 26 December 2011. 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 26 December 2011 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 26 December 2011.

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.

GROUND 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 you wish to appeal on Ground (a) - that planning permission should be granted for the unauthorised development - then a fee of £335.00 is payable both to the Secretary of State and to the Council making the total fees payable £670.00. 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 and property.
2. The Occupier of the said land and property.
3. The Occupier of Flat A 2A Woburn Avenue, Elm Park, Hornchurch RM12 4NG.
4. The Occupier of Flat B 2A Woburn Avenue, Elm Park, Hornchurch RM12 4NG.
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