

RE: Land and Garages on the south east side of Ferndale Road, Collier Row, Romford (also known as 1 and 2 Nolands Close, Romford RM5 3FD)

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 Owner of 1 Nolands Close, Romford RM5 3FD.
 4. The Occupier of 1 Nolands Close, Romford RM5 3FD.
 5. The Owner of 2 Nolands Close, Romford RM5 3FD.
 6. The Occupier of 2 Nolands Close, Romford RM5 3FD.
 7. Nolans Properties Limited of 34 / 36 Ridgdale Street, Bow, London E3 2TW.
 8. Nolans Properties Limited of Hollymeade, Clydesdale Road, Braintree, Essex CM7 2NX.
 9. Mr D Nolan of 34 Ridgdale Street, London E3 2TW.

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)(b) 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 Land and Garages on the south east side of Ferndale Road, Collier Row, Romford (also known as 1 and 2 Nolands Close, Romford RM5 3FD (registered at the Land Registry under title Nos. EGL60429, EGL456259 and EX67462) and shown outlined and hatched in bold black on the attached plan ("the Land").

3. THE BREACH OF PLANNING CONTROL ALLEGED

Failure to implement planning conditions 4 and 9 of planning permission reference P1734.03 as granted on appeal and detailed in the decision notice of the Planning Inspectorate dated 21 July 2004 ("the Planning Permission").

Condition 4 of the Planning Permission states–

'The site shall be landscaped and planted with trees and shrubs in accordance with a comprehensive scheme which shall be submitted to and approved in writing by the local planning authority ("the approved scheme") before the development is commenced. The approved scheme shall be completed prior to the occupation of either of the dwellings hereby approved or in accordance with a timetable agreed in writing by the local planning authority. Any trees or shrubs that are removed, die, become severely damaged or seriously diseased within five years of planting shall be replaced by trees and shrubs of similar size and species to those originally required to be planted or other species as may be agreed.'

Condition 9 of the Planning Permission states–

'Neither of the dwellings hereby approved shall be occupied until the access road and the area of land shown hatched black on the approved plan has been constructed and marked out in accordance with a details submitted to and approved in writing by the local planning authority. Thereafter the area of land shall remain available at all times for the turning and manoeuvring of motor vehicles.'

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.

Condition 4 of the Planning Permission has not been complied with as there is insufficient landscaping at the site. There is no landscaping to the boundary with the residential dwellings on Ferndale Road. This area has been hard-surfaced with brick paving and presents an unsatisfactory stark appearance. Condition 4 of the Planning Permission is required to ensure that the development satisfactorily assimilates into its setting.

Condition 9 of the Planning Permission has not been complied with. The condition is required to ensure that the access road and turning circle in the development should remain available for those uses at all times so as to facilitate the continued use of the garages at the rear of the existing properties and to ensure that all vehicles can enter and leave the site in forward gear. Reversing into or out of the site would be difficult and could create highway safety risks at the point where the access road joins and public highway.

The tarmac surface currently on site is insufficient in size and requires enlargement. Some of the block paving needs to be removed and all parking areas need to be correctly marked. This would enable: (a) visitors on to the site to easily identify the difference between parking areas and the turning circle; and (b) those residents of

Ferndale Road requiring access to the site to access their rear garages which requires removal of some of the block paving.

The failure to comply with planning conditions 4 and 9 of the Planning Permission is contrary to the Council's Local Development Framework Core Strategy and Development Control Policies DPD, DC32, DC33, DC61 and the SPD's for Residential Design and Landscaping. Other material considerations include NPPF and the London Plan (2011).

5. WHAT YOU ARE REQUIRED TO DO

- (i) Cease the residential occupation of the dwellings approved under the Planning Permission until the approved landscaping scheme as detailed on drawing No. 1865/2, submitted to the Council in discharge of condition 4 of the Planning Permission, has been fully implemented.

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

- (ii) Cease the residential occupation of the dwellings approved under the Planning Permission until the approved scheme relating to the access road and turning area as detailed on drawing No. 1865/2, submitted to the Council in discharge of condition 9 of the Planning Permission, has been fully implemented.

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

- (iii) Remove from the Land all materials, associated spoils, paving and rubble resulting from compliance with (i) and (ii) above.

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

6. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on 18 September 2013, unless an appeal is made against it beforehand

Dated: 31 July 2013

Signed:



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

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 18 September 2013.

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

If you intend to appeal against the notice on ground (a) - that planning permission should be granted for the unauthorised development - then a fee of £390.00 is payable to the Council. If the fee is not paid then that ground of appeal will not be valid.

STATEMENT ON GROUNDS OF APPEAL

YOUR RIGHT OF APPEAL

You can appeal against this Enforcement Notice to the Secretary of State by 18 September 2013. 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 18 September 2013 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.

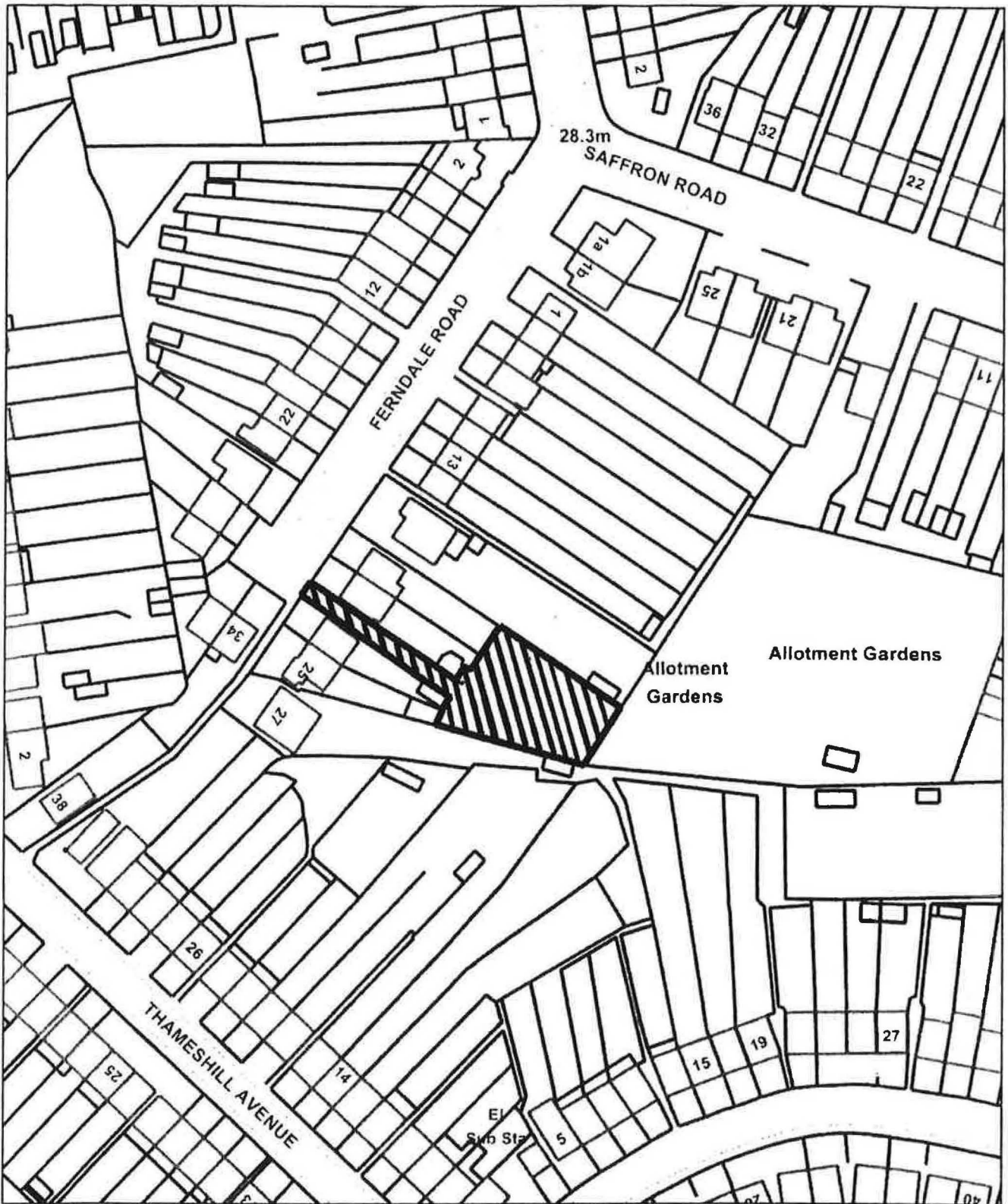
FAILURE TO COMPLY WITH AN ENFORCEMENT NOTICE WHICH HAS TAKEN EFFECT CAN RESULT IN PROSECUTION AND/OR REMEDIAL ACTION BY THE COUNCIL.

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 Owner of 1 Nolands Close, Romford RM5 3FD.
4. The Occupier of 1 Nolands Close, Romford RM5 3FD.
5. The Owner of 2 Nolands Close, Romford RM5 3FD.
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8. Nolans Properties Limited of Hollymeade, Clydesdale Road, Braintree, Essex CM7 2NX.
9. Mr D Nolan of 34 Ridgdale Street, London E3 2TW.



nlpg
 NATIONAL STREET GAZETTEER
 Ordnance Survey
 Licensed Partner

Scale: 1:1000
 Date: 29 July 2013
 Size: A4



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

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