

**47 LOUISE GARDENS, RAINHAM RM13 8LH**

**IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY**

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

**ENFORCEMENT REFERENCE: ENF/442/24**

## **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 known as **47 LOUISE GARDENS, RAINHAM RM13 8LH**, shown edged in black on the attached plan.

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

Without planning permission, the material change of use of a dwelling (C3) to a house in multiple occupation (C4).

**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 and that steps should be taken to remedy the breach by Section 173 4(a) or to remedy any injury to amenity which has been caused by the breach.
2. The HMO use has resulted in an intensification of the site and results in significant harm to residential amenity from noise, disturbance and activity associated with the use, contrary to Policies 7, 8 and 34 of the Havering Local Plan 2016 - 2031 and contrary to the National Planning Policy Framework (2024).
3. The kitchen and dining area fails to provide adequate communal living space for the occupiers of the HMO, resulting in a poor quality living environment harmful to the amenity of existing and future occupiers, contrary to Policies 7 and 8 of the Havering Local Plan, contrary to the HMO East London Guidance and contrary to the National Planning Policy Framework 2024.

4. The use failed to demonstrate adequate levels of off street parking. The nature of the HMO use by unrelated occupants combined with the level of occupancy is considered likely to lead to increased vehicle ownership and overspill which would contribute unacceptably to existing levels of parking stress and limited on-street spaces within the locality to the detriment of the amenity of surrounding occupiers. The absence of any compelling evidence otherwise, such as a parking stress survey, means that it has not been demonstrated that there would not be conflict with Policy 8 of the Havering Local Plan 2016 – 2031 and contrary to London Plan T6 and Paragraph 115 of the National Planning Policy Framework 2024.
5. The use fails to make adequate provision for the amenity of all occupants through the limited floor area of the second floor rear-facing bedrooms (5 and 6). The limited size of these rooms represents a substandard arrangement which would not comply with the East London HMO Guidance, thereby conflicting with the requirements of Havering Local Plan 2016 - 2031 Policy 8(vii).
6. The Council does not consider that planning permission should be granted because planning conditions attached to any consent would not overcome these problems and because permission has already been refused under application P0003.25.

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

- (i) CEASE the use of the property as a house in multiple occupation;

**AND**

- (ii) Remove all debris, rubbish or other materials accumulated as a result of taking step (i) above.

**6. TIME FOR COMPLIANCE**

**THREE MONTHS** after the date when this Notice takes effect;

**7. WHEN THIS NOTICE TAKES EFFECT**

This Notice takes effect on **25<sup>th</sup> April 2025**, unless an appeal is made against it beforehand

Dated: **26<sup>th</sup> March 2025**

Signed: 

DAVID COLWILL

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

Nominated Officer to contact regarding this Notice: **David Colwill**

Telephone Number: **01708 432647**

Email: [david.colwill@havering.gov.uk](mailto:david.colwill@havering.gov.uk)

## **THE RIGHT TO APPEAL**

Those with a legal or equitable interest in the land or who is a relevant occupier can appeal against this Enforcement Notice to the Planning Inspectorate acting on behalf of the Secretary of State **before 25<sup>th</sup> April 2025**. Further details are given in the attached explanatory note.

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

If an appeal is not received against this Enforcement Notice, it will take effect on **25<sup>th</sup> April 2025** 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) can be viewed online at <https://www.legislation.gov.uk>

### **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 Planning Inspectorate **before 25<sup>th</sup> April 2025**.

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.

### **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 or use, then a fee of **£1,156** 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 Planning Inspectorate, either when giving notice of the appeal or within 14 days from the date on which the Planning Inspectorate sends you a notice so requiring, a statement in writing specifying the grounds on which the appeal against the Enforcement Notice is being made 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. TUFAL AHMED, 47 Louise Gardens, Rainham RM13 8LH
2. AHMED ESTEKAB, 47 Louise Gardens, Rainham RM13 8LH
3. The Owner(s), 47 Louise Gardens, Rainham RM13 8LH
4. The Occupiers, 47 Louise Gardens, Rainham RM13 8LH
5. Coventry Building Society, Economic House, P.O. Box 9, High Street, Coventry CV1 5QN




**47 Louise Gardens, Rainham RM13 8LH (OS Plan to ENF Notice)**

**TQ5123882925**




**Scale: 1:750**  
**Date: 21 March 2025**

**Havering**  
LONDON BOROUGH

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

© Crown copyright and database rights 2024  
 Ordnance Survey AC0000815231

# Enforcement appeal: information sheet for local planning authorities

Customer Support Team  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol BS1  
6PN

Direct Line: 0303 444 5000

Email: [enquiries@planninginspectorate.gov.uk](mailto:enquiries@planninginspectorate.gov.uk)

## 1. THIS IS IMPORTANT

If you want to appeal against this enforcement notice you can do it:-

- online at the [Appeals Casework Portal](#); 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.