

ENFORCEMENT NOTICE

RE: 173 STRAIGHT ROAD, ROMFORD, ESSEX RM3 7JJ

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 have been breaches 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. The Explanatory Notes at the end of this Notice and the Enclosures referred to therein contain important additional information.

2. THE LAND AFFECTED

The land known as **173 STRAIGHT ROAD, ROMFORD, ESSEX RM3 7JJ** shown edged in black on the attached plan and is registered under Land Registry Title Number EGL 531179.

3. THE BREACHES OF PLANNING CONTROL ALLEGED

Without the benefit of planning permission:

1. The storage of an industrial refrigeration unit in the rear garden; and
2. Erection of the outbuilding with a mezzanine floor; and
3. Storage of commercial goods in the outbuilding; and
4. Increase of land levels in the rear garden; and
5. Erection of two pergolas constructed by using plastic corrugated sheets at the front and rear of the outbuilding; and
6. Subdivision of the rear garden by erecting wooden fencing exceeding 2m in height.

4. REASONS FOR ISSUING THIS NOTICE

- 1) It appears to the Council the above breaches of planning control in respect of the material change of use of the land for storage of commercial goods in the rear garden and in the outbuilding occurred within the last TEN years and the erection of the outbuilding, pergolas and wooden fencing subdividing the rear garden commenced less than FOUR years ago and that steps should be taken to remedy the breach by Section 173 4(a) or to remedy any amenity which has been caused by the breach.
- 2) It is considered that the erection of the outbuilding with mezzanine floor, erection of two pergolas constructed by using plastic corrugated sheets,

storage of an industrial refrigeration unit, erection of fences exceeding 2m in height subdividing the rear garden and the increase in land levels have a materially harmful and detrimental impact upon the character and amenity of the rear garden environments of the nearby properties and on the occupiers in terms of bulk and massing immediately adjacent to the boundaries, in particular to users of 171 and 175 Straight Road. The development is therefore contrary to Policy DC61, the SPD3 and SPD 4 of the LDF, Policy 7.4 and 7.6 of the London Plan and is contrary to the guidance within the NPPF.

- 3) The Council does not consider that planning permission should be granted for the development because conditions attached to any consent cannot remedy the breach.

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

By this Enforcement Notice you are required, within **THREE MONTHS** of the date when this Notice takes effect to have:

1. Demolished the outbuilding with a mezzanine floor; OR
2. Carried out remedial works to the outbuilding to accord the approved planning permission ref: P0663.17; AND
3. Removed from the rear garden industrial refrigeration unit; AND
4. Ceased the use of the outbuilding for storage of commercial goods and removed all commercial goods from the outbuilding; AND
5. Removed the two pergolas constructed by using plastic corrugated sheets situated at the front and rear of the outbuilding; AND
6. Reduced land levels in the rear garden to levels before the development started; AND
7. Removed all fencing exceeding 2m in height that subdivides the rear garden; AND
8. Removed from the site all debris and materials accumulated as a result of taking the above steps.

6. **TIME FOR COMPLIANCE**

THREE MONTHS after the date when this Notice takes effect.

7. **WHEN THIS NOTICE TAKES EFFECT**

This Notice will take effect on 7th January 2019, unless an appeal is made against it beforehand.

Dated: 23rd November 2018

Signed: 
Name: David Colwill
Team Leader, Planning Enforcement and Appeals
on behalf of London Borough of Havering
5th Floor, Mercury House, Mercury Gardens, Romford RM1 3SL

YOUR RIGHT OF APPEAL

You can appeal against this Enforcement Notice to the Secretary of State before **7th January 2019**. 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 **7th January 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 this 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 **7th January 2019**.

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 **£412** is payable to the Council. 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 you 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:

1. Ludmila Nistor, 87 Gooshays Drive, Romford RM3 8PS
2. Ms Ludmila Nistor, 173 Straight Road, Romford RM3 7JJ
3. Anastasia Nistor, 173 Straight Road, Romford RM3 7JJ
4. The Owners, 173 Straight Road, Romford RM3 7JJ
5. The Occupiers, 173 Straight Road, Romford RM3 7JJ
6. One Savings Bank PLC, Trading as Kent Reliance Baking Services, Co. Reg. no. 7312896) of Reliance House, Sun Pier, Chatham Kent ME4 4ET
7. Aliona Aftanas, 173 Straight Road, Romford RM3 7JJ
8. Maricica Cosovan, 173 Straight Road, Romford RM3 7JJ
9. Mihail Cosovan, 173 Straight Road, Romford RM3 7JJ
10. Valerii Garnet, 173 Straight Road, Romford RM3 7JJ
11. Vasile Buruian, 173 Straight Road, Romford RM3 7JJ



173 Straight Road, Romford N
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	<p>Scale: 1:500 Date: 21 November 2018 Size: A4</p>
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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.