

## **ENFORCEMENT NOTICE**

**RE: 39 RAINHAM ROAD, RAINHAM, RM13 7QT**

**IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY**

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

**Council Reference: ENF/670/18**

**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 **39 RAINHAM ROAD, RAINHAM, RM13 7QT** shown edged in black on the attached plan and is registered under Land Registry Title Number NGL154596.

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

Without the benefit of planning permission, the unauthorised use of the outbuilding in the rear garden as a self-contained residential unit.

4. **REASONS FOR ISSUING THIS NOTICE**

- 1) It appears to the Council that the above breaches of planning control in respect of the use of the outbuilding as a self-contained residential unit in 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 use of the outbuilding used as a self-contained residential unit in the rear garden has 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 loss of privacy, noise, disturbance to the of occupiers, in particular to users of 37 and 41 Rainham Road. The accommodation is also considered to be poor quality with respect to internal living conditions for current and future occupiers and is therefore contrary to are contrary to Policies SPD4 - Residential Extensions & Alterations SPD, SPD09 – Residential Design SPD and LDF Policies , DC55 and DC61 and is contrary to the guidance within the NPPF (2018).

- 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 **TWO MONTHS** of the date when this Notice takes effect to:

1. Cease the residential use of the outbuilding in the rear garden; AND
2. Remove all kitchen units, beds, shower cubicle, toilet facilities and all residential paraphernalia including appliances associated with the uses; AND
3. Remove 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 **18<sup>th</sup> July 2019**, unless an appeal is made against it beforehand.

Dated: **18<sup>th</sup> June 2019**

Signed:.....

Simon Thelwell  
Authorised Manager

On behalf of London Borough of Havering  
5<sup>th</sup> Floor Mercury House, Mercury Gardens  
Romford, RM1 3SL

**Nominated Contact Officer:**

George Atta-Adutwum, Planning Enforcement & Appeals Officer  
01708 432157      [george.atta-adutwum@havering.gov.uk](mailto:george.atta-adutwum@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 Secretary of State before **18<sup>th</sup> July 2019**. 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 **18<sup>th</sup> July 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**

### **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 Secretary of State before **18<sup>th</sup> July 2019**.

If appeal against this Notice is intended, the instructions given on the information sheet from the Planning Inspectorate which accompanies this Notice should be followed.

### **GROUNDS OF APPEAL**

The grounds of appeal are set out in Section 174 of the Town and Country Planning Act 1990 (as amended) and an appeal may be made 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 an appeal on ground (a) - that planning permission should be granted for the unauthorised development be sought - then a fee of **£924** is payable to the Council when the appeal is lodged. If the fees are not paid, the planning merits of the appeal will not be considered by the Planning Inspector.

### **STATEMENT ON GROUNDS OF APPEAL**

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It must be submitted 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 the appeal against the Enforcement Notice is being made and stating briefly the facts on which it is proposed 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. ADEREMI JERRY BADERO of 39 Rainham Road, Rainham, Essex RM13 7QT.
2. The Occupiers of 39 Rainham Road, Rainham, Essex RM13 7QT.
3. The Owner of 39 Rainham Road, Rainham, Essex RM13 7QT.

CST Room 3/13  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol BS1 6PN

Direct Line 0303-444 5000  
Email [enquiries@pins.gsi.gov.uk](mailto: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.

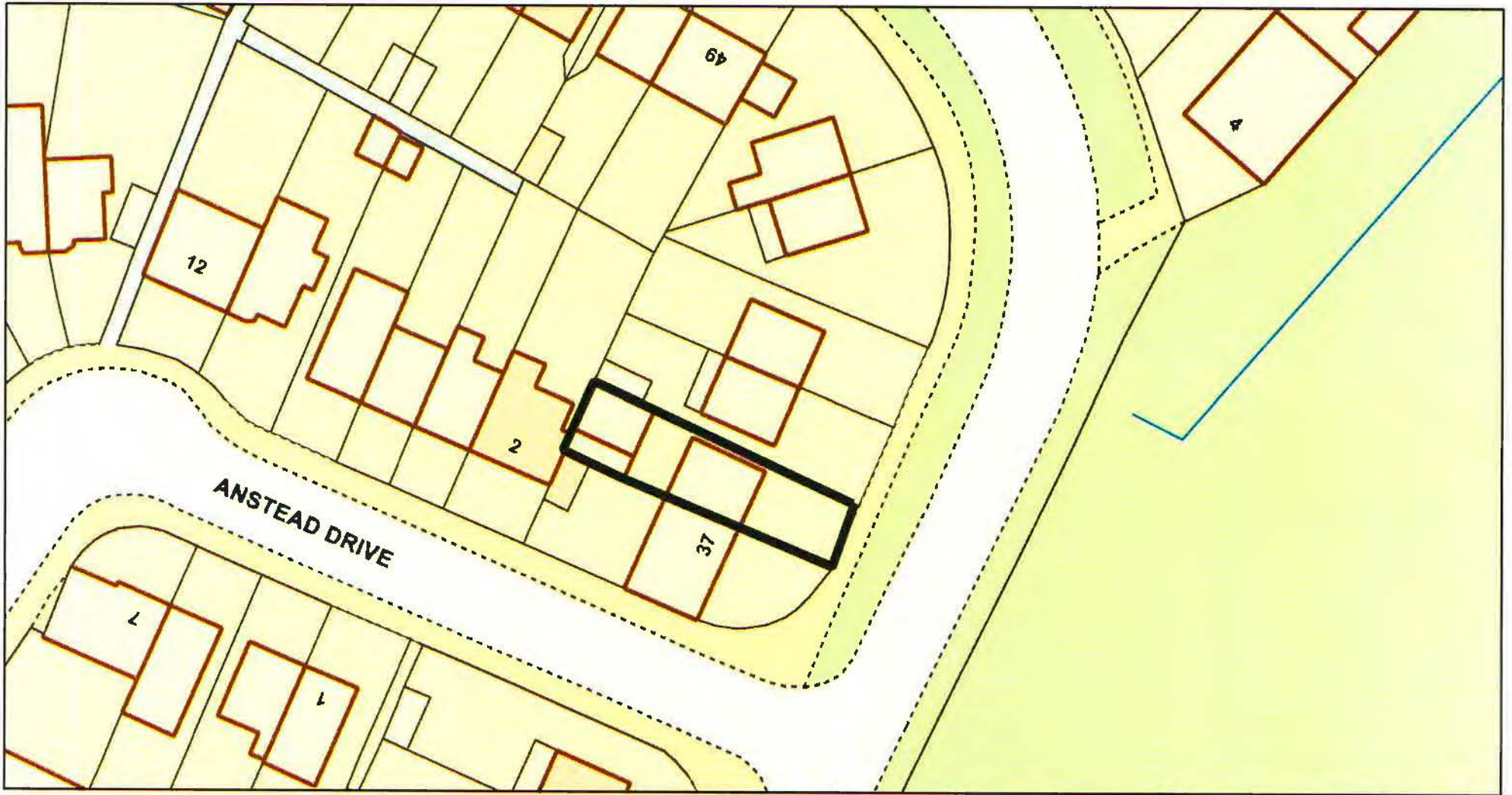
**You MUST make sure that we receive your appeal before the effective date on the enforcement notice.**

Please read the appeal guidance documents at <https://www.gov.uk/appeal-enforcement-notice/how-to-appeal>

In exceptional circumstances you may give notice of appeal by fax or letter. You should include:-

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



39 Rainham Road, Rainham, RM13 7QT



Scale: 1:500  
Date: 11 June 2019  
Size: A4



London Borough of Havering  
Town Hall, Main Road, Romford, RM1 3BD  
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