

**LAND NORTH SIDE OF CARLISLE ROAD, REAR OF 206 VICTORIA ROAD, ROMFORD RM1 2NP**

**IMPORTANT- THIS COMMUNICATION AFFECTS YOUR PROPERTY**

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

**ENFORCEMENT NOTICE- Council Reference: ENF/613/18**

**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 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 at North side of Carlisle Road, rear of 206 Victoria Road, Romford RM1 2NP as shown edged in black on the attached plan.

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

Without planning permission, the erection of a wooden canopy and the use of the land for vehicle repairs and storage.

**4. REASONS FOR ISSUING THIS NOTICE**

(1) It appears to the Council that the above breaches of planning control in respect of the construction of the canopy 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 appears to the Council that the above breaches of planning control in respect to the change of use of the land for vehicle repairs and storage commenced less than TEN 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.

(3) The canopy, by reason of its siting and associated levels of activity, is an unneighbourly development, harmful to the outlook for occupiers of 206 and 208 Victoria Road and has a materially adverse effect upon the amenity of adjacent residential properties due to its facilitation of the use and associated increased noise, general disturbance, smell, fumes, impacts on the rear garden environment and visual amenity contrary to Policies DC55 (Noise) and DC61 (Urban Design) of the LDF Core Strategy and Development Control Policies DPD and the National Planning Policy Framework 2019.

(4) The uses for vehicle storage and vehicle repairs by reason of the land's tight constraints and associated level of activity and comings and goings has a detrimental impact on the living conditions of the occupiers of neighboring residential properties. The use therefore conflicts with Policy DC55 (Noise) of the Core Strategy and conflicts with guidance in the NPPF 2019.

(5) The Council does not consider that planning permission should be granted for the development and the use of the garage as vehicle storage and car repairs because conditions attached to any consent cannot remedy the breach.

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

The Enforcement Notice requires, within 2 months of the effective date to:

1. Demolish the wooden canopy;

AND

2. Cease the use of the land for a vehicle repairs business;

AND

3. Cease the use of the land for the parking and storage of vehicles used in association with the vehicle repairs business;

AND

4. Permanently remove all vehicles, vehicle parts and tyres from the land which are associated with the vehicle repairs business;

AND

5. Remove all rubble and debris accumulated when taking steps (1) to (4) above.

**6. TIME FOR COMPLIANCE**

**2 MONTHS** after the date this Notice takes effect.

## **7. WHEN THIS NOTICE TAKES EFFECT**

This Notice takes effect on 26th August 2019, unless an appeal is made against it beforehand

Dated: 26th July  
2019

Signed:



David Colwill  
Authorised Officer

On behalf of London Borough of Havering  
5th 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

## **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 the 26th August 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 26th August 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 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, 1718 and 172 to 177 of the Town and Country Planning Act 1990 (as amended) can be viewed online at <https://www.legislation.gov.uk/ukpga/1990/8/contents>

## **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 on or before the **26th of August 2019**. 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) 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 wish to appeal on ground (a)- that planning permission should be granted for the unauthorised development - then a fee of **£924** 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**

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 him 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. MARTIN RUSHBROOK, Rear of 206 Victoria, Romford, RM1 2QP
2. LORRAINE RUSHBROOK Rear of 206 Victoria, Romford, RM1 2QP
3. JIMMY RUSHBROOK Rear of 206 Victoria, Romford, RM1 2QP
4. MARTIN RUSHBROOK, 20 The Crescent, Cranham, Upminster, Essex RM141JY
5. LORRAINE RUSHBROOK, 20 The Crescent, Cranham, Upminster, Essex RM14 1JY
6. The Occupiers Rear of 206 Victoria, Romford, RM1 2QP
7. The Owner Rear of 206 Victoria, Romford, RM1 2QP

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.

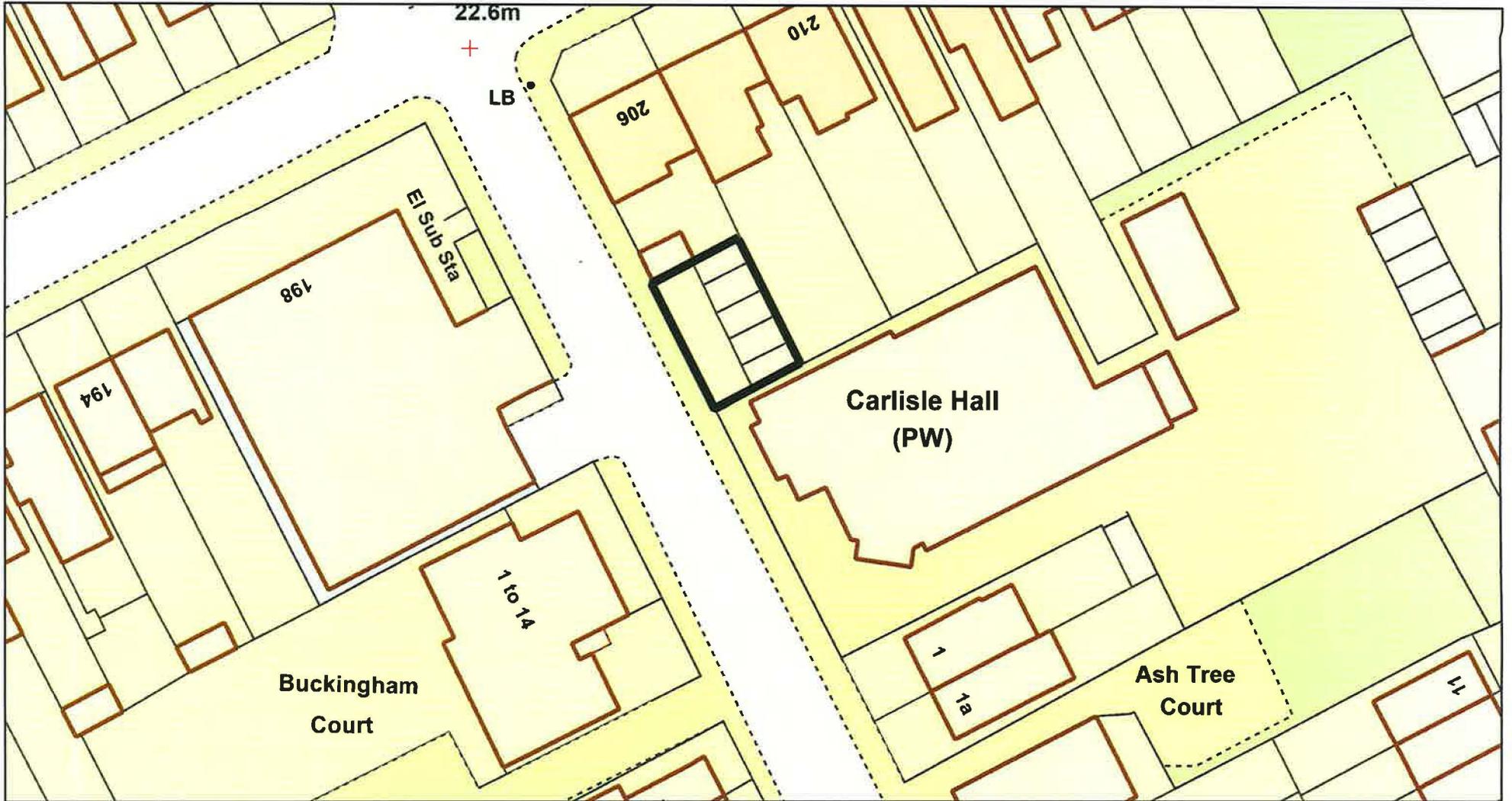
**You MUST make sure that we receive your appeal before the effective date on the enforcement notice.**

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.



Rear of 206 Victoria Road, Romford, RM1 2QP N  
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**Scale: 1:500**  
**Date: 22 July 2019**  
**Size: A4**
