

26 MELTON GARDENS, ROMFORD, RM1 2AS

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/759/18

ISSUED BY: London Borough of Havering

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 26 Melton Gardens, Romford, RM1 2AS shown edged in black on the attached plan.

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

Without planning permission, the subdivision of the dwellinghouse into two self-contained residential units.

4. **REASONS FOR ISSUING THIS NOTICE**

(1) It appears to the Council that the above breach of planning control has occurred "within the last FOUR years" and that steps should be taken to remedy the breach by Section 173 4(a) or to remedy any amenity or injury which has been caused by the breach.

(2) The subdivision creates unacceptable units of accommodation that provide unsatisfactory living conditions for their occupiers. Accordingly, the proposal would conflict with Policy DC4 of the DPD, Policy 3.5 of The London Plan, the DFL-SPD and Policies 9 and 24 of the emerging Local Plan.

(3) The development has an adverse impact on the free flow of traffic and pedestrian and highway safety, contrary to Policies DC2, DC4, DC32 and DC33 of the DPD, Policies 9 and 24 of the emerging Local Plan and the DFL-SPD which advises that parking should not dominate or over-burden

residential areas, or inconvenience pedestrians and cyclists. The development also conflicts with Section 9 of the Framework which promotes sustainable modes of transport, seeks to minimise the scope for conflict between pedestrians, cyclists and vehicles and creates safe places that respond to local character and design standards.

- (4) The subdivision results in unacceptable harm to the living conditions of the occupiers of the adjoining and adjacent dwellings due to noise and disturbance. It would therefore conflict with Policies EDC55 and DC61 of the DPD which, amongst other things, seek to protect local residents from unacceptable levels of noise and vibration and to complement and improve the amenity and character of an area through its integration with land and buildings.
- (5) 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**

Within 2 months of the effective date of this Notice to:

1. Cease the use of the property as a two separate self-contained residential units;

AND

2. Revert the property back a single family dwelling (use class C3) in accordance with the approved plans of permission P2079.16 and remove all cooking and kitchen facilities and equipment from the first floor;

AND

3. Remove all electricity and gas meters/fuse boxes from the premises except for one which serves the whole premises;

AND

4. Remove all rubble and debris accumulated when taking steps (1), (2) and (3) 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 6th March 2020, unless an appeal is made against it beforehand

Dated: 6th February 2020

Signed: 

David Colwill Authorised Officer

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

Nominated Officer:
George Atta-Adutwum - Deputy Team leader
Telephone Number: 01708 432157
Email: 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 by 6th March 2020. Further details are given in the 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 6th March 2020 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/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 before 6th March 2020.

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 you wish to 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 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. VOLODYMYR DAVYDYAK of 30 Park Drive, Romford RM1 4LH.
2. VOLODYMYR DAVYDYAK of 26 Melton Gardens, Romford, RM1 2AS.
3. The Occupiers of 26 Melton Gardens, Romford, RM1 2AS.
4. The Occupiers of 26a Melton Gardens, Romford, RM1 2AS
5. The Owner of 26 Melton Gardens, Romford, RM1 2AS.
6. The Owners of 26a Melton Gardens, Romford, RM1 2AS
7. BANK OF SCOTLAND PLC, Wobaston Road, Wolverhampton WV9 5

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

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.

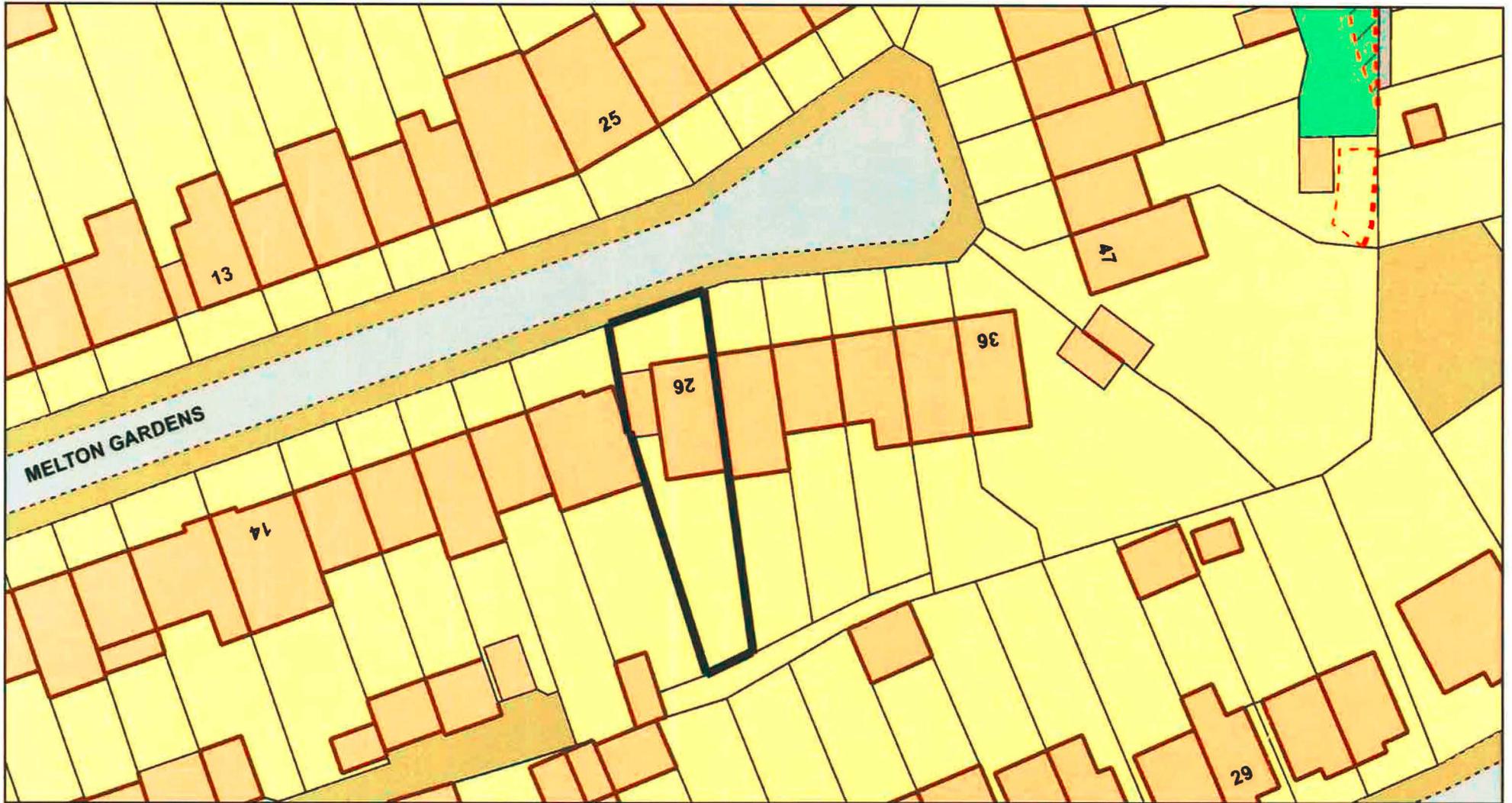
You MUST make sure that we receive your appeal before the effective date on the enforcement notice.

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.



26 Melton Gardens, Romford, RM1 2AS



Scale: 1:500
Date: 29 January 2020
Size: A4



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

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