

ENFORCEMENT NOTICE

RE: 11 BURNTWOOD AVENUE, HORNCHURCH, RM11 3JD

IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

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

Council Reference: ENF/527/19

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 **11 BURNTWOOD AVENUE, HORNCHURCH, RM11 3JD** shown edged in black on the attached plan and is registered under Land Registry Title Number EGL100735 and EGL181981.

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

Without planning permission, the change of use of the two single storey outbuildings at the rear (shown as 11a and 11b on the attached plan) into two self-contained residential units.

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 outbuildings as self-contained residential units 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 outbuildings used as two self-contained residential units in the rear garden have a materially harmful and detrimental impact upon the character and amenity of the Emerson Park Area generally, the rear garden environment in particular. The outbuildings have no dedicated parking spaces harmful to the character of the area. The comings and goings associated with the separate occupation of the units is out of character and has an adverse impact on the occupiers nearby properties in terms of loss of privacy, noise and disturbance. The development is contrary to Policies DC4, DC33, DC55 and DC61 of the Havering LDF, Supplementary Planning Documents 4 - Residential Extensions & Alterations SPD, and 5 - Emerson Park Policy Area and is contrary to the policy within the NPPF (2019).

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:

1. Cease the residential use of the two separate outbuildings in the rear garden (11a and 11b Burntwood); 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 **30th October 2020**, unless an appeal is made against it beforehand.

Dated: 30th September 2020

Signed: 

Name: Simon Thewell
Head of Strategic Development

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 **30th October 2020**. 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 **30th October 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 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 **30th October 2020**.

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.

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. PAVNEET KATARIA of 11 Burntwood Avenue, Emerson Park, Hornchurch, Essex RM11 3JD.
2. HERJIT KATARIA of 11 Burntwood Avenue, Emerson Park, Hornchurch, Essex RM11 3JD.
3. The Occupiers of 11 Burntwood Avenue, Emerson Park, Hornchurch, Essex RM11 3JD.
4. The Owner of 11 Burntwood Avenue, Emerson Park, Hornchurch, Essex RM11 3JD.
5. HERJIT KATARIA 11a Burntwood Avenue, Emerson Park, Hornchurch, Essex RM11 3JD
6. PAVNEET KATARIA of 11a Burntwood Avenue, Emerson Park, Hornchurch, Essex RM11 3JD
7. The Occupiers of 11a Burntwood Avenue, Emerson Park, Hornchurch, Essex RM11 3JD.
8. The Owner of 11a Burntwood Avenue, Emerson Park, Hornchurch, Essex RM11 3JD

9. PAVNEET KATARIA of 11b Burntwood Avenue, Emerson Park, Hornchurch, Essex RM11 3JD
10. HERJIT KATARIA of 11b Burntwood Avenue, Emerson Park, Hornchurch, Essex RM11 3JD
11. The Occupiers of 11b Burntwood Avenue, Emerson Park, Hornchurch, Essex RM11 3JD.
12. The Owner of 11b Burntwood Avenue, Emerson Park, Hornchurch, Essex RM11 3JD.
13. BARCLAYS BANK UK PLC of Standard Life Mortgages, Mortgages Department, P.O. Box 23966, Edinburgh EH3 1BF.

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.

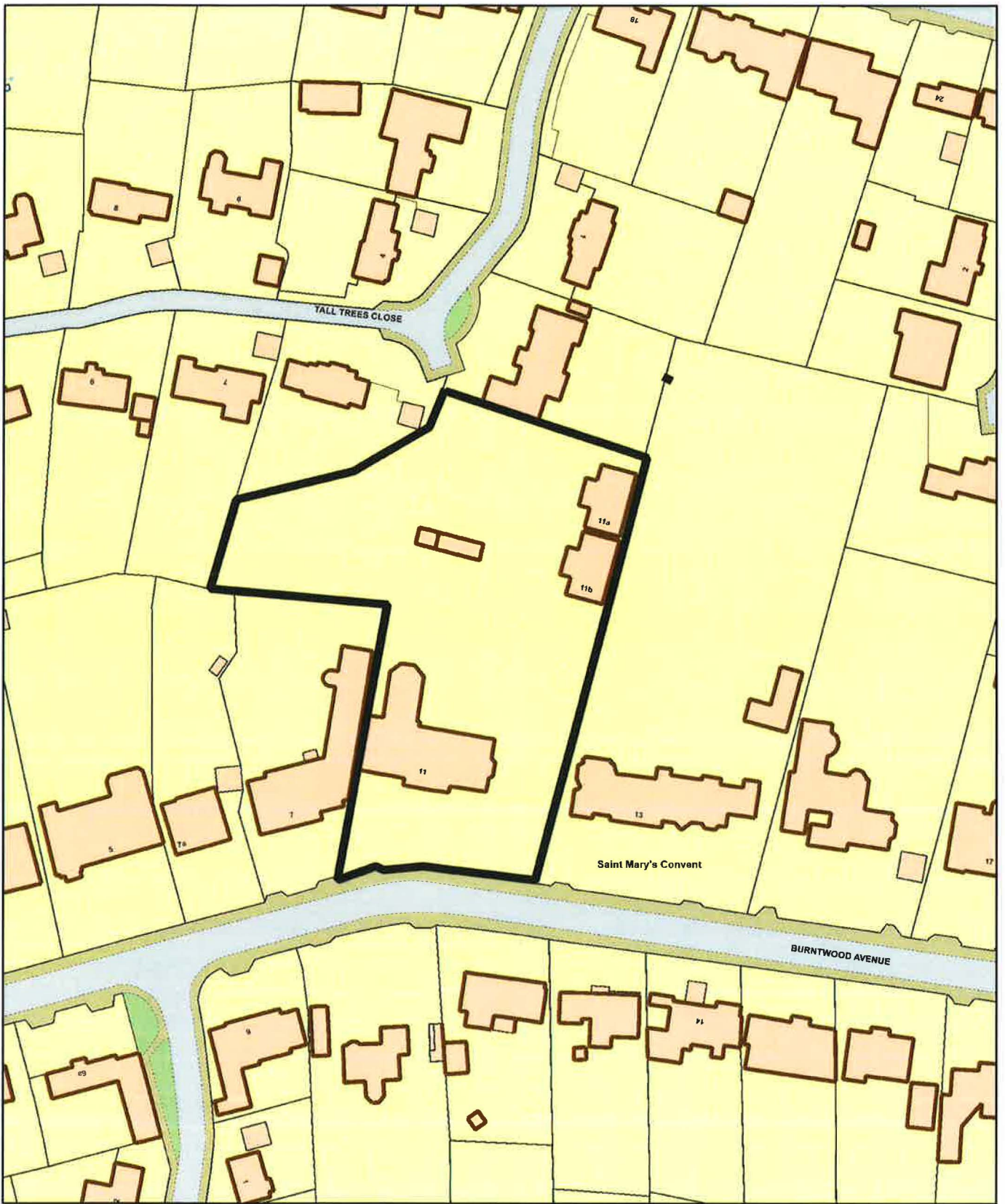
You MUST make sure that we receive your appeal before the effective date on the enforcement notice.

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.

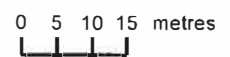
We MUST receive this BEFORE the effective date on the enforcement notice. This should **immediately** be followed by your completed appeal forms.



11 Burntwood Avenue, Hornchurch, RM11 3JD



Scale: 1:1250
Date: 04 June 2020



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

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Ordnance Survey 100024327