

7 & 9 HIGH STREET, HORNCHURCH, RM11 1TP

IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

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

ENFORCEMENT REFERENCE: ENF/282/18

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 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 known as **7 & 9 High Street, Hornchurch, RM11 1TP**, and is outlined in BLACK on the attached plan. The land is registered with HM Land Registry under reference numbers EGL148223, EGL157058, and BGL91566.

3. THE BREACH OF PLANNING CONTROL ALLEGED

Without planning permission, the erection of an enlargement to the rear of No.9 and No.7 High Street, Hornchurch.

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 injury to amenity which has been caused by the breach.
- (2) The enlargement to the rear of No.9 and No.7 has a detrimental impact on the safe, unobstructed, and unimpeded operation of the businesses at No.9 and No.7. This is due to the overdevelopment of the site and the restriction of access to the rear of No.7, as well as the inability to manage waste effectively. Furthermore, the development results in difficult and convoluted access to the rear of No.7, and hinders the safe access to the rear of No.7, including access for persons with different physical needs. This is considered unacceptable when assessed against: the National Planning Policy Framework (July 2021);

policies GG2, GG3, D1, D3, D4, D5, E9 and SI7 of the London Plan 2021; policies CP17, DC49, DC61, and DC62 of the Havering Core Strategy and Development Control Policies Development Plan Document 2008; policies 10, 12, 13, 14, 19, 26, 35 and 36 of the Havering Local Plan 2016-2031; and LB Havering 'Waste Management Practice Planning Guidance For Architects and Developers' SPD.

- (3) The enlargement to the rear of No.9 and No.7 is causing harm to neighbouring amenity in terms of natural light, outlook, the sense of enclosure, and is unacceptably overbearing. This is due to the overdevelopment of the site, as well as the design, height and proximity of the development to the rear of the adjacent buildings. Consequently, the development is unacceptable when assessed against: the National Planning Policy Framework (July 2021); policies D3, D4 and E9 of the London Plan 2021; policy DC61 of Havering Core Strategy and Development Control Policies Development Plan Document 2008; and policy 10, and 26 of the Havering Local Plan 2016-2031; as well as the BRE guidance on daylight, sunlight and outlook -"Site Layout Planning for Daylight and Sunlight - A guide to good practice [second edition]" by Paul Littlefair.
- (4) The enlargement to the rear of No.9 and No.7 would, by reason of its size, bulk, position and inappropriate design and poor quality, fail to integrate well into the existing site and the area more generally. Furthermore, the development fails to integrate sustainable design into, and due to the poor quality of the building work and the materials, is also unacceptable in terms of design more generally. Consequently, the development is unacceptable when assessed against: National Planning Policy Framework (July 2021); policies GG2, GG3, D1, D3, D4, D5, E9 and SI7 of the London Plan 2021; policies CP17, DC49, DC61, and DC62 of the Havering Core Strategy and Development Control Policies Development Plan Document 2008; policies 10, 12, 13, 14, 19, 26, 35 and 36 of the Havering Local Plan 2016-2031;
- (5) The Council does not consider that planning permission should be granted because planning conditions attached to any consent would not overcome the identified harm and the impact caused by the development.

5. WHAT YOU ARE REQUIRED TO DO

- (i). Demolish the enlargement to the rear of the no.7 and No.9, located in the approximate area HATCHED RED in the attached plan. This includes any walls / windows, ceiling, roof, and is the non-brick built enlargement to the rear of No.9.

AND

- (ii). Remove all materials, rubble and debris from the site as a result of taking step (i) above;

6. TIME FOR COMPLIANCE

2 MONTHS after the date when this Notice takes effect.

7. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on **2nd December 2021**, unless an appeal is made against it beforehand.

Dated: **4th November 2021**

Signed: 

George Atta-Adutwum
Authorised Officer on behalf of London Borough of Havering, Town Hall, Main Road,
Romford, RM1 3BB

Nominated Officer to contact regarding this Notice: **Sam Cadman**
Telephone Number: 01708 433 758 Email: sam.cadman@haverling.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 Planning Inspectorate acting on behalf of the Secretary of State before **2nd December 2021**. 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 **2nd December 2021** 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>

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 Planning Inspectorate before **2nd December 2021**.

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) 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 or use, then a fee of **£468** 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

The grounds of appeal must be submitted to the Planning Inspectorate, either when giving notice of the appeal or within 14 days from the date on which the Planning Inspectorate 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 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) The Owner / Occupier; Chop Sticks Chinese Restaurant, 9 High Street, Hornchurch, RM11 1TP
- (2) Huihong Lu; 9 High Street, Hornchurch, RM11 1TP
- (3) Huihong Lu; 9a High Street, Hornchurch, RM11 1TP
- (4) Huihong Lu; issued via e-mail.
- (5) Xinda Limited; 9 High Street, Hornchurch, RM11 1TP
- (6) Hock Ban Fang; 7 High Street, Hornchurch, RM11 1TP
- (7) Carolyn Rosalie Fang; 7 High Street, Hornchurch, RM11
- (8) Carolyn Rosalie Fang; 38 Oak Lodge Avenue, Chigwell, Essex IG7 5HZ
- (9) Hock Ban Fang; 38 Oak Lodge Avenue, Chigwell, Essex IG7 5HZ
- (10) Huihong Lu; 2 Butterley Mews, Romford, RM3 8FP
- (11) Barclays Security Trustee Limited; P.O. Box 16276, One Snowhill, Snowhill Queensway, Birmingham, B2 2XE
- (12) Barclays Security Trustee Limited; 1 Churchill Place, London, E14 5HP
- (13) Mr J Belda; Hornchurch Fine Art, 7 High Street, Hornchurch, RM11 1TP
- (14) The Owner / Occupier; 7a High Street, Hornchurch, RM11 1TP
- (15) The Owner / Occupier; Hornchurch Fine Art, 7 High Street, Hornchurch, RM11 1TP



7 & 9 High Street, Hornchurch, RM11 1TP



Scale: 1:500
Date: 26 October 2021



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

Enforcement appeal: information sheet for local planning authorities

Customer Support Team
Temple Quay House
2 The Square
Temple Quay
Bristol BS1
6PN

Direct Line: 0303 444 5000

Email: enquiries@planninginspectorate.gov.uk

1. THIS IS IMPORTANT

If you want to appeal against this enforcement notice you can do it:-

- online at the [Appeals Casework Portal](#); 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.