

**RE: 14 LOWER MARDYKE AVENUE, RAINHAM, RM13 8PP**

**IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY**

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

**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 at 14 Lower Mardyke Avenue, Rainham, RM13 8PP, shown edged in black on the attached plan.

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

Without planning permission, the material change of use of the property into two self contained residential units.

4. **REASONS FOR ISSUING THIS NOTICE**

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.

The material change of use of the dwellinghouse to two self-contained residential units results in the loss of a family dwelling and is considered overdevelopment of the site resulting in overcrowded and cramped living conditions for current and future occupiers and does not provide a mix of housing sizes and types. This development is therefore contrary to the "Technical Housing Standards", Policy 3.5 Quality and Design of Housing Developments and Policy 3.8 Housing Choice of the London Plan 2015, and Policies CP1, CP2, DC4, DC5 and DC61 of Havering Core Strategy.

The material change of use of the dwellinghouse to two self-contained residential units has the potential to cause harm to neighbouring amenity through; increased comings and goings, increased levels of noise and disturbance and a lack of parking and cycle provision within the site, contrary to policies 7.1 and 7.15 of the London Plan and Policies DC4, DC33 and DC35 of Havering Core Strategy and Development Control Policies DPD.

The Council does not consider that planning permission should be granted because conditions would not overcome these problems.

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

1. Cease using the property as two self-contained residential units.
2. Remove from the property;
  - i) all cooking facilities, except one kitchen,
  - ii) all bathrooms, except one bathroom (including toilet.) and one separate toilet,
  - iii) all but one of the entrances to the property (including duplicate locks and doors).
3. Remove from the Land, all materials and debris resulting from compliance with steps (1) and (2).

Time for compliance: 4 months from the effective date of this notice.

**6. WHEN THIS NOTICE TAKES EFFECT**

This Notice takes effect on **30<sup>th</sup> March 2016**, unless an appeal is made against it beforehand.

Dated: 17<sup>th</sup> February 2016

Signed:



Authorised Officer

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

## **YOUR RIGHT OF APPEAL**

You can appeal against this Enforcement Notice to the Secretary of State by the **30<sup>th</sup> March 2016**. Further details are given in the attached explanatory note.

## **WHAT HAPPENS IF YOU DO NOT APPEAL**

If you do not appeal against this Enforcement Notice, it will take effect on **30<sup>th</sup> March 2016** 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) is enclosed with this Notice.

### YOUR RIGHT OF APPEAL

You can appeal against this Notice, but 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 **30<sup>th</sup> March 2016**.

If you intend to appeal against this Notice you should follow the instructions given on the information sheet from the Planning Inspectorate which accompanies this Notice.

### 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 wish to appeal on ground (a) - that planning permission should be granted for the unauthorised development - then a fee of **£385.00** is payable both to the Secretary of State and to the Council, making the total fees payable **£770.00** If the fees are not paid then that ground of appeal will not be valid.

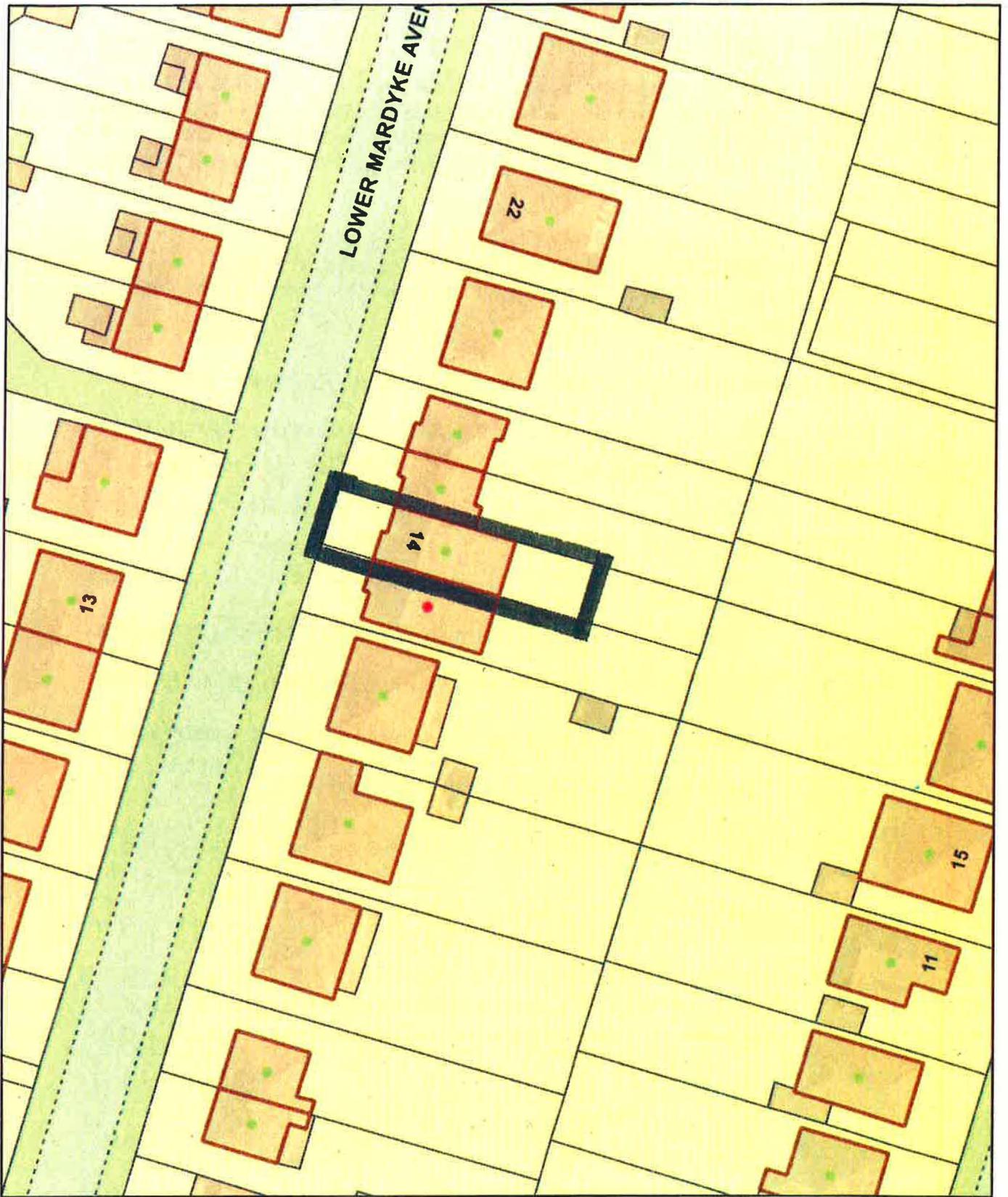
## **STATEMENT ON GROUNDS OF APPEAL**

You must submit 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 you are appealing against the Enforcement Notice 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; 14 Lower Mardyke Avenue, Rainham, RM13 8PP
2. The Owner / Occupier; Ground floor flat, 14 Lower Mardyke Avenue, Rainham, RM13 8PP
3. The Owner / Occupier; First floor flat, 14 Lower Mardyke Avenue, Rainham, RM13 8PP
4. Elizabeth Nortsoo Ofori; 14a Lower Mardyke Avenue, Rainham, RM13 8PP
5. Elizabeth Nortsoo Ofori; 14 Lower Mardyke Avenue, Rainham, RM13 8PP
6. Mr Emmanuel Ofori; 14 Lower Mardyke Avenue, Rainham, RM13 8PP
7. Bank of Scotland PLC; Halifax Division, 1 Lovell Park Road, Leeds, LS1 1NS
8. Bank of Scotland PLC; The Mound, Edinburgh, EH1 1YZ



14 Lower Mardyke Avenue, Rainham, RM13 8PP



Scale: 1:500

Date: 28 January 2016

Size: A4

0 25 5 75 metres



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

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