

ENFORCEMENT NOTICE

RE: 37 ROSEWOOD AVENUE, ELM PARK, HORNCHURCH RM12 5LH

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 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 37 Rosewood Avenue, Elm Park, Hornchurch Essex RM12 5LH shown edged in black on the attached plan and is registered under Land Registry Title Number NGL167751.

3. THE BREACHES OF PLANNING CONTROL ALLEGED

Without the benefit of planning permission, the conversion of a single dwelling house 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 material change of use of the dwelling house to two self-contained residential units is considered overdevelopment of the site, resulting in overcrowded and cramped living conditions for current and future occupiers with no private external amenity space for the upper level flat and does not provide a mix of housing sizes and types, contrary to Policy 3.5 Quality and Design of Housing Developments and National Space standards 1 October 2015, and Policies CP1, CP2, DC4, DC5 and DC61 of Havering Core Strategy and Development Control Policies DPD.

(3) The material change of use of the single dwelling house 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 lack of parking and cycle provision within the site,

contrary to policy 3.8 of the London Plan and Policies DC4, DC5, and DC61 of Havering Core Strategy and Development Control Policies DPD.

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

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 have:

1. Cease the use of the property as two self-contained residential flats; and
2. Remove all cooking facilities including kitchen equipment associated with unlawful use on the first floor and second floor ; and
3. Remove all utility meters from the flat on the first floor and from the loft the loft and ensure all supplies are connected via a single supply only to the main dwelling house.
4. Remove all rubble, debris accumulated when taking steps 2 and 3 above.

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 8th March 2018, unless an appeal is made against it beforehand.

Dated: 31st January 2018

Signed: 

Name: David Colwill

Team Leader, Planning Enforcement and Appeals

on behalf of London Borough of Havering

5th Floor, Mercury House, Mercury Gardens, Romford RM1 3SL

Nominated Officer: Onkar Bhogal

Telephone Number: 01708 43158

Email: Onkar.Bhogal@haverling.gov.uk

YOUR RIGHT OF APPEAL

You can appeal against this Enforcement Notice to the Secretary of State before 8th March 2018. 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 8th March 2018 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

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 8th March 2018.

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 you 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. If the fees are not paid then that ground of appeal will not be valid.

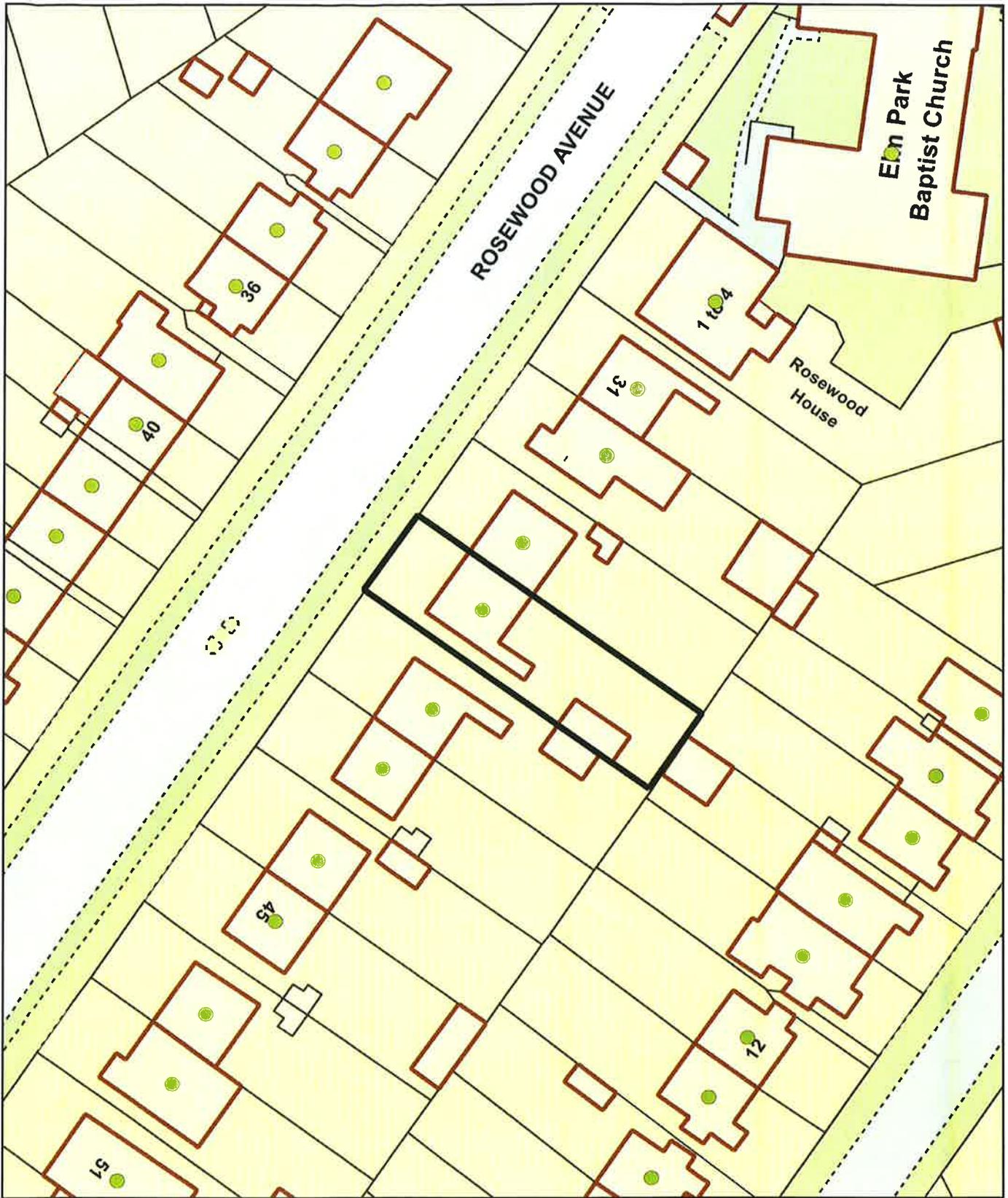
STATEMENT ON GROUNDS OF APPEAL

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 you 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. David Michael Christof
37 Rosewood Avenue
Elm Park, Hornchurch RM12 5LH
2. David Michael Christof
63 Green Lane
Ilford Essex IG1 1XJ
3. The Owners
37 Rosewood Avenue
Elm Park, Hornchurch RM12 5LH
4. The Occupiers
37 Rosewood Avenue
Elm Park, Hornchurch RM12 5LH
5. The Occupiers
First floor and loft flat
37 Rosewood Avenue
Elm Park, Hornchurch RM12 5LH
6. Capital Home Loans Ltd
Company reg. no. 2174236 of Admiral House
Harlington Way, Fleet
Hants GU51 4YA



<p>37 ROSEWOOD AVENUE</p>	<p style="text-align: right;">N ↑</p>
<p>    </p>	<p> Scale: 1:500 Date: 18 January 2018 </p> <p style="text-align: right;">  </p>
<p>  </p> <p> London Borough of Havering Town Hall, Main Road Romford, RM1 3BD Tel: 01708 434343 </p>	<p> © Crown copyright and database rights 2017 Ordnance Survey 100024327 </p>

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.