

## **ENFORCEMENT NOTICE**

**RE: 66 HILLCREST ROAD, HORNCHURCH RM11 1EB**

**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 66 HILLCREST ROAD, HORNCHURCH RM11 1EB shown edged in black on the attached plan and is registered under Land Registry Title Number NGL156852.

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

Without the benefit of planning permission, the erection of unauthorised decking and over height boundary fences adjoining the decking at the rear of the property.

### 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 unauthorised development by reason of its excessive bulk, height and undue prominence, represents an unduly bulky, disproportionate intrusive form of development that harms the character of the dwelling house and the amenity of neighbouring occupiers at Nos. 64 and 68 Hillcrest Road. As a result, the development creates an overbearing impact and unacceptable sense of enclosure to these neighbours, and loss of privacy, contrary to national and local planning policies. Local Development Framework Core Strategy and Development Control Policies Development Plan Document (2008) Policies CP17: Design (CP) DC61: Urban Design (DC); London Plan Policy 7.4 (Local character) and Policy 7.6 (Architecture).

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 **TWO MONTHS** of the date when this Notice takes effect to have:

1. Removed the unauthorised rear decking and adjoining over height fencing; or
2. Reduced the height of the rear decking to no greater than 300mm above ground level at any point and reduce of the adjoining fencing to no greater than 2m high at any point.
3. Removed all materials and debris accumulated as a result of taking steps 1 and 2 above.

**6. TIME FOR COMPLIANCE**

TWO MONTHS after the date when this Notice takes effect.

**7. WHEN THIS NOTICE TAKES EFFECT**

This Notice will take effect on 12<sup>th</sup> March 2018, unless an appeal is made against it beforehand.

Dated: 29<sup>th</sup> January 2018

Signed: .....

Name: David Colwill

Team Leader, Planning Enforcement and Appeals

on behalf of London Borough of Havering

5<sup>th</sup> 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 12<sup>th</sup> 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 12<sup>th</sup> 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 12<sup>th</sup> 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 **£412** 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:

Stuart Anthony Stanley  
66 Hillcrest Road  
Hornchurch RM11 1EB

Claire Louis Stanley  
66 Hillcrest Road  
Hornchurch RM11 1EB

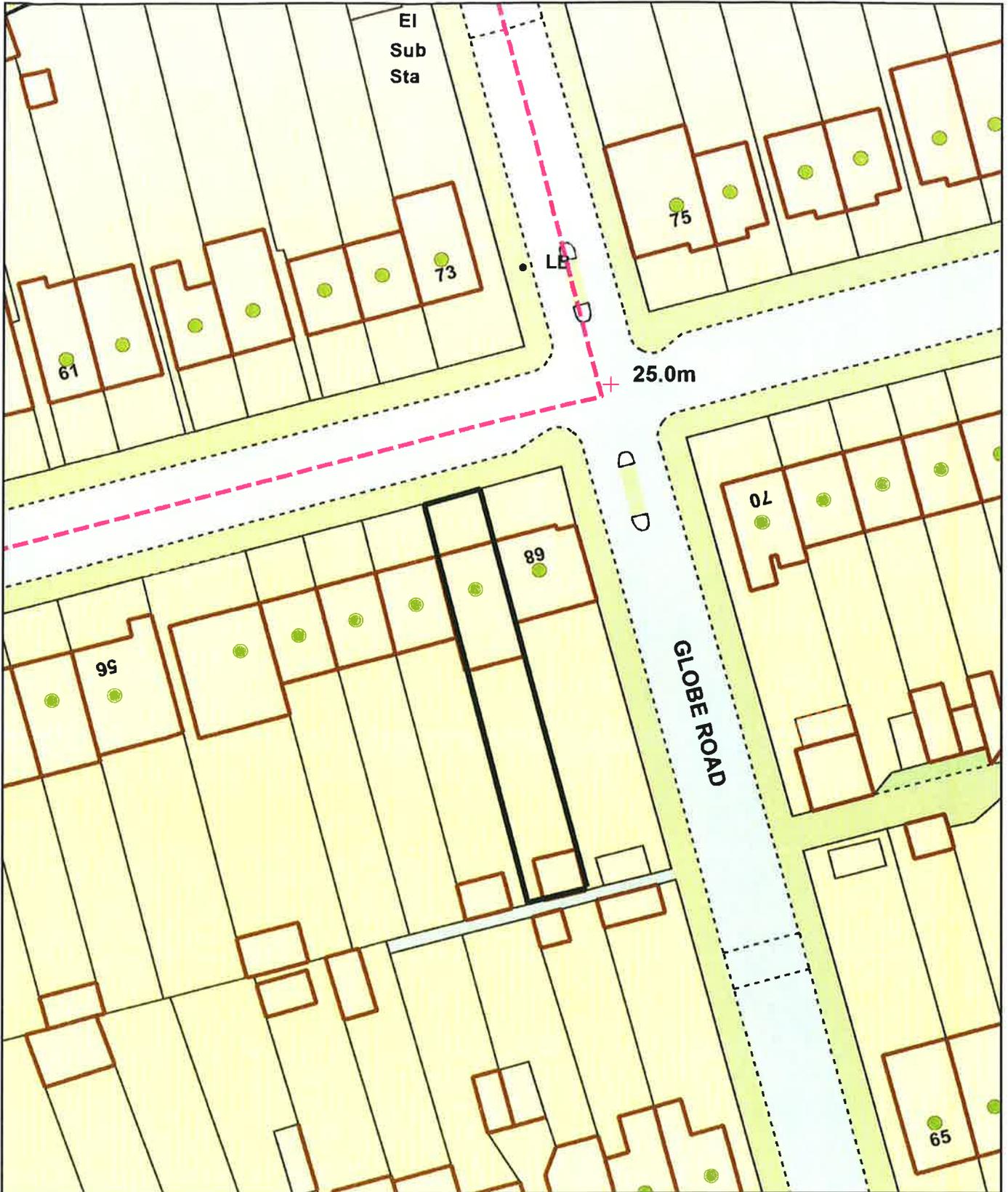
Claire Louise Warren  
66 Hillcrest Road  
Hornchurch RM11 1EB

The Owners  
66 Hillcrest Road  
Hornchurch RM11 1EB

The Occupiers  
66 Hillcrest Road  
Hornchurch RM11 1EB

Nationwide Building Society  
Nationwide House  
Pipers Way  
Swindon SN38 1NW

Nucleus Commercial Finance Ltd  
(Co. reg. no. 08564200)  
Greener House  
66 – 68 Haymarket  
London SW1Y 4RF



66 Hillcrest Road N  
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	<b>Scale: 1:500</b> <b>Date: 25 January 2018</b>	
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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](mailto: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.