

IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

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

ENFORCEMENT NOTICE

- TO:**
1. The Owner of the said land ✓
 2. The Occupier of the said land
 3. Murat Gelman, 100 High Street, Hornchurch, RM12 4UH
 4. Murat Gelman, 9 Copthorne Avenue, Hainault, Ilford, Essex, IG6 2SG
 5. Sigbert Spitzer of 3 Richmond Terrace, Gateshead-on-Tyne, County Durham
 6. Samuel Spitzer of 37 Windermere Street, Gateshead-on-Tyne, County Durham

ISSUED BY: London Borough of Havering

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 100 High Street, Hornchurch, RM12 4UH shown outlined black on the attached plan ("the Land").

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

Without planning permission an unauthorised change of use from a retail shop falling within Class A1 of the Town and Country Planning (Use Classes) Order 1987 (as amended) to a Class A3 use as a café.

4. **REASONS FOR ISSUING THIS NOTICE**

It appears to the Council that the above breach of planning control has occurred within the last ten years.

The unauthorised use is resulting in a loss of retail floor space within the core area of the Hornchurch Major District Centre.

The Council do not consider that this harm can be overcome by the use of planning conditions.

In making its decision to issue this Notice the Council considered that the unauthorised use is contrary to the following policies of the Havering Unitary Development Plan: policies ENV1 and SHP2.

5. WHAT YOU ARE REQUIRED TO DO

- (i) Cease the unauthorised Class A3 use as a café

Time for compliance: 3 months from the effective date of this notice.

- (ii) Remove from the Land all associated equipment, tables and chairs and all other fixtures and fittings connected with the unauthorised use

Time for compliance: 3 months from the effective date of this notice.

- (iii) Returned the Land to its former retail use falling within Class A1.

Time for compliance: 3 months from the effective date of this notice.

6. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on 18 April 2007, unless an appeal is made against it beforehand

Dated: 14 March 2007

Signed:



Authorised Officer

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

Supermarket



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Map Reference: TQ5387SE
 Date: 04/01/2007

Scale: 1:500



High Street Hornchurch



London Borough of Havering
 Planning Department
 Mercury House, Mercury Gardens
 Romford, RM1 3SL
 Tel: 01708 434343

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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 him, 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 of the said land
2. The Occupier of the said land
3. Murat Gelman, 100 High Street, Hornchurch, RM12 4UH
4. Murat Gelman, 9 Copthorne Avenue, Hainault, Ilford, Essex, IG6 2SG
5. Sigbert Spitzer of 3 Richmond Terrace, Gateshead-on-Tyne, County Durham
6. Samuel Spitzer of 37 Windermere Street, Gateshead-on-Tyne, County Durham

At 1037hrs Wednesday 14th March 2007
I attended 100 High Street Hornchurch
and handed a copy of the
attached Enforcement Notice to
Mr Ali Amad who agreed to
accept it on behalf of the owner.
V B Long

YOUR RIGHT OF APPEAL

You can appeal against this Enforcement Notice to the Secretary of State by the 18 April 2007. 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 18 April 2007 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 18 April 2007. The enclosed booklet "Enforcement Appeals - A guide to Procedure" sets out your rights. Read it carefully. If you appeal you should use the enclosed appeal forms. Two copies are for you to send to the Secretary of State if you decide to appeal. The other is for you to keep as a duplicate for your own records. You should also send the Secretary of State a copy of the Enforcement Notice.

GROUND OF APPEAL

The grounds of appeal are set out in Section 174 of the Town and Country Planning Act 1991 and are also set out on page 2 - 5 the enclosed appeal forms.

PLANNING APPLICATION FEE

Should wish to appeal on ground (a) - that planning permission should be granted for the unauthorised use - then a fee of £265 is payable both to the Secretary of State and to the Council. If the fees are not paid then that ground of appeal will not be valid.