

139 PARK LANE, HORNCHURCH RM11 1EQ

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 **139 PARK LANE, HORNCHURCH RM11 1EQ**, showed edged in BLACK on the attached plan.

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

Without planning permission:

1. Without planning permission, the erection of over height fencing fronting Park Lane and part of fencing fronting Trustons Gardens
2. Without planning permission, the material change of use of the curtilage of the property as commercial vehicle storage / parking.

4. **REASONS FOR ISSUING THIS NOTICE**

- 1) It appears to the Council that the above breaches of planning control have occurred “within the last FOUR years with regard to erection of fencing” and “within the last TEN years with regard to storage/ parking of commercial vehicles” and that steps should be taken to remedy the breach by Section 173 4(a) or to remedy any amenity which has been caused by the breach.
- 2) It is considered that the fencing exceeding 1m in height within the curtilage are by reason of its design, height, bulk and mass appear are an unacceptably dominant and visually intrusive feature in the streetscene harmful to the appearance and character of the surrounding area, contrary to guidance within the NPPF, London Plan policies 7.4, 7.5 and 7.6, Policies DC34 and DC61 of the Havering Core Strategy and Development Control Policies DPD, as well as Havering Council’s Residential Extensions and Alterations SPD 2011 SPD and the Landscaping SPD 2011.

- 3) It is considered that the material change of use of land for storage /parking of commercial vehicles within the curtilage does not preserve the openness of the area, and is therefore inappropriate development. The development appears visually intrusive feature and combined with material change of use of the land, the breach of planning control is an unacceptably dominant and visually intrusive feature in the streetscene harmful to the appearance and character of the surrounding area, contrary to guidance within the NPPF, London Plan policies 7.4, 7.5 and 7.6, Policies DC33 and DC61 of the Havering Core Strategy and Development Control Policies DPD, as well as Havering Council's Residential Extensions and Alterations SPD 2011 SPD and the Landscaping SPD 2011.

The Council does not consider that planning permission should be granted for the development because conditions attached to any consent will not remedy the breach.

5. WHAT YOU ARE REQUIRED TO DO

This Enforcement Notice requires within **ONE MONTH** from the effective date of this Notice to:

(i) Remove the fencing fronting 139 Park Lane, Hornchurch and part of fencing fronting Trustons Gardens identified in red on the attached site plan; or

(ii) Reduce the fencing fronting 139 Park Lane, Hornchurch and part of fencing fronting Trustons Gardens identified in red on the attached site plan to a maximum height of 1 metre; and

(iii) Cease using the curtilage for storage and parking of all commercial vehicles and remove all commercial vehicles stored / parked within the curtilage of 139 Park Lane, Hornchurch.

and

(iv) Remove all materials and debris resulting from step (i), (ii) or step (iii) from the site.

6. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on **22nd October 2018**, unless an appeal is made against it beforehand.

Dated: 24th September 2018

Signed:  Authorised Officer

David Colwill – Team Leader Planning Enforcement & Appeals
on behalf of London Borough of Havering
Town Hall
Main Road
Romford RM1 3BD

Nominated Officer: Onkar Bhogal
Email: Onkar.bhogal@haverling.gov.uk

Telephone Number: 01708 431587

YOUR RIGHT OF APPEAL

You can appeal against this Enforcement Notice to the Secretary of State by the **22nd October 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 **22nd October 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 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 **22nd October 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 wish to appeal on ground (a) - that planning permission should be granted for the unauthorised development - then a fee of **£206** is payable both to the Secretary of State and to the Council, making the total fees payable **£412** If the fees are not paid then that ground of appeal will not be valid.

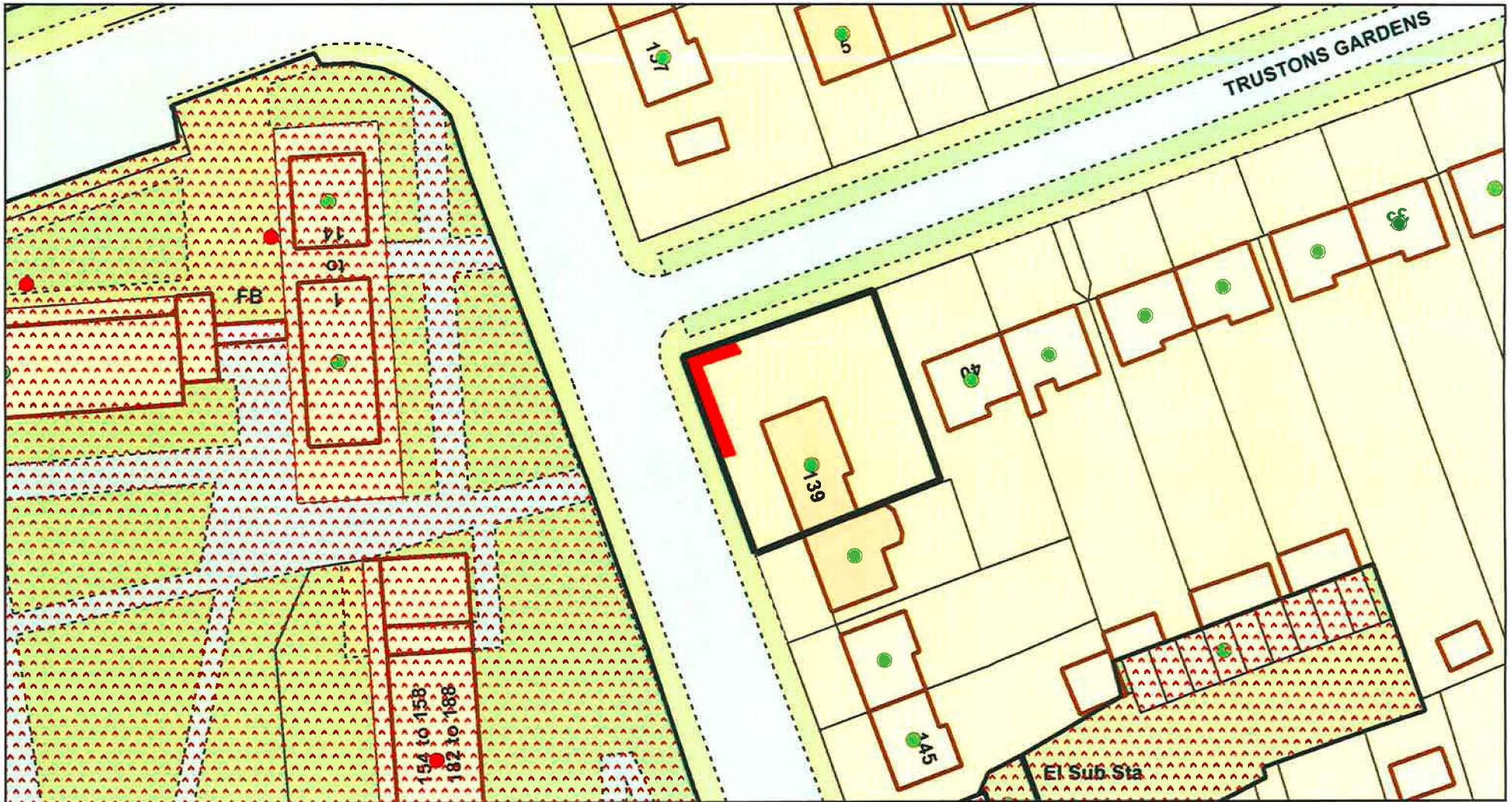
STATEMENT ON GROUNDS OF APPEAL

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) Patrick Charles Maguire, 139 Park Lane, Hornchurch, RM11 1EQ
- (2) The Owners, 139 Park Lane, Hornchurch, RM11 1EQ
- (3) The Occupiers, 139 Park Lane, Hornchurch, RM11 1EQ



139 Park Lane, Hornchurch



Scale: 1:500
 Date: 14 September 2018
 Size: A4



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 Town Hall, Main Road, Romford, RM1 3BD
 Tel: 01708 434343

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 Ordnance Survey 100024327

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.