

ENFORCEMENT NOTICE

RE: 74 PARKSTONE AVENUE, HORNCHURCH, ESSEX RM11 3LS

IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

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

ENFORCEMENT REFERENCE: ENF/434/15/

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 **74 PARKSTONE AVENUE, HORNCHURCH, ESSEX RM11 3LS** shown edged in black on the attached plan and is registered under Land Registry Title Number EGL 91426.

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

Without the benefit of planning permission:

The erection of a building (shown hatched on Plan A) comprising a swimming pool enclosure measuring approximately 20m X 13.2m X 3.35m high attached to single storey rear extension.

4. **REASONS FOR ISSUING THIS NOTICE**

- 1) It appears to the Council that the above breaches of planning control in respect of the erection of the single storey rear extension comprising a swimming pool enclosure attached to the single storey rear extension commenced less than FOUR years ago 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 erection of the single storey rear extension comprising a swimming pool enclosure has a materially harmful and detrimental impact upon the character and amenity of the rear garden environments of the nearby properties and on neighbouring occupiers in terms of bulk and massing immediately adjacent to the boundaries, in particular to users of 72 and 76 Parkstone Avenue. The development is therefore contrary to Policy DC61, the SPD05 and SPD 4 of the LDF, Policy 7.4 and 7.6 of the London Plan and is contrary to the guidance within the NPPF.

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

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:

1. Remove the single storey rear extension comprising a swimming pool enclosure attached to the single storey rear extension; AND
2. Remove from the site all debris and materials accumulated as a result of taking the above steps.

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 **30th April 2019**, unless an appeal is made against it beforehand.

Dated: 27th March 2019

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 431587

Email: Onkar.Bhogal@haverling.gov.uk

THE RIGHT TO APPEAL

Those with a legal or equitable interest in the land or who is a relevant occupier can appeal against this Enforcement Notice to the Secretary of State before **30th April 2019**. Further details are given in the attached explanatory note.

WHAT HAPPENS IF AN APPEAL IS NOT RECEIVED

If an appeal is not received against this Enforcement Notice, it will take effect on **30th April 2019** 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.

THE RIGHT TO APPEAL

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 **30th April 2019**.

If appeal against this Notice is intended, the instructions given on the information sheet from the Planning Inspectorate which accompanies this Notice should be followed.

GROUNDINGS OF APPEAL

The grounds of appeal are set out in Section 174 of the Town and Country Planning Act 1990 (as amended) and an appeal may be made 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 an appeal on ground (a) - that planning permission should be granted for the unauthorised development be sought - then a fee of **£412** is payable to the Council when the appeal is lodged. If the fees are not paid, the planning merits of the appeal will not be considered by the Planning Inspector.

STATEMENT ON GROUNDS OF APPEAL

It must be submitted 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 the appeal against the Enforcement Notice is being made and stating briefly the facts on which it is proposed 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. Mr Pritpal Singh Gill, 74 Parkstone Avenue, Hornchurch, RM11 3LS
2. Mr Raj Gill 74 Parkstone Avenue, Hornchurch, RM11 3LS
3. J K Gill, 74 Parkstone Avenue, Hornchurch, RM11 3LS
4. Ms Terry D Derbridge, 74 Parkstone Avenue, Hornchurch, RM11 3LS
5. The Owners, 74 Parkstone Avenue, Hornchurch, RM11 3LS
6. The Occupiers, 74 Parkstone Avenue, Hornchurch, RM11 3LS
7. Proprio Investments Estates Limited, (Co. Reg. 11632320) 601 International House, 233 Regent Street, Mayfair, London W1B 2QD
8. Harman Singh Bhangu, Director, Proprio Investments Estates Limited, 601 International House, 233 Regent Street, Mayfair, London W1B 2QD
9. Enilo International Limited, (Co. Reg. no.09261226) Griffins Wood House, Copped Hall Estate, Epping, Essex CM16 5HT.
10. Jasdip Singh Hare, Director, Enilo International Limited, (Co. Reg. no.09261226) 12 Helmet Row, London EC1V 3QJ
11. Enilo International Limited (incorporated in Marshall Island) care of Interis AG, Lowenstrasse 20, Zurich, Switzerland **and care of Rainer Hughes, 186 Hutton Road, Shenfield, Brentwood CM15 8NR.**
12. Vitality Estates Limited, (Co. Reg. 11024653), 601 International House, 233 Regent Street, Mayfair, London W1B 2QD
13. Harman Singh Bhangu, Director, Vitality Estates Limited, 601 International House, 233 Regent Street, Mayfair, London W1B 2QD
14. Pavanveer S Bachra, 14 Sparelease Loughton IG10 1BT
15. Rainer & Hughes Solicitors, (Your ref: SSP/AP/P003290004/), 186 Hutton Road, Shenfield, Brentwood CM15 8NR



74 Parkstone Avenue	
----------------------------	---

	Scale: 1:500 Date: 17 January 2019
---	---

	London Borough of Havering Town Hall, Main Road Romford, RM1 3BD Tel: 01708 434343	© Crown copyright and database rights 2019 Ordnance Survey 100024327
---	---	---



CST Room 3/13
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

Direct Line 0303-444 5000

Fax No 0117-372 8782

THIS IS IMPORTANT

If you want to appeal against this enforcement notice you can do it:-

- on-line at the Planning Casework Service area of the Planning Portal (www.planningportal.gov.uk/pcs); or
- by getting enforcement appeal forms by phoning us on 0303 444 5000 or by emailing us at enquiries@pins.gsi.gov.uk

You MUST make sure that we receive your appeal before the effective date on the enforcement notice.

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;
- your address; and
- 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.