

**15 - 17 HAINAULT ROAD, ROMFORD, RM5 3AA**

**IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY**

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

**ENFORCEMENT NOTICE – Council Reference: ENF/576/18**

**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 **15 – 17 Hainault Road, Romford, RM5 3AA** as shown edged in black on the attached plan.

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

Without planning permission, the change of use of ground floor rooms ancillary to a commercial unit to a self-contained residential unit.

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 change of use creates an unacceptable unit of residential accommodation which does not meet Nationally Described Space Standards, has insufficient outdoor amenity space and provides poor quality natural light within the main living room/kitchen contrary to Policies CP17, DC03, DC04 and, DC61 of the LDF Core Strategy and is contrary to the NPPF - National Planning Policy Framework (2019) Chapter 12, in particular Paragraph 127 which relates to achieving well designed places.
- (3) The change of use creates an unacceptable living environment for current and future occupants, through a combination of poor setting and poor living conditions and an undersized, cramped and unacceptable layout which also fails to provide any cycle store and as such the accommodation is an overdevelopment of the site, detrimental to the amenity of current and future occupiers. The use is therefore contrary to Policies DC35 and DC61 of the LDF Core Strategy and Development Control Policies DPD, the Residential Design SPD and Policy 3.5 of the London Plan. There would

also be conflict with paragraph 127 of the NPPF which seeks to ensure a high standard of amenity for future users of development.

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**

**Within 3 months of the effective date of this Notice to:**

1. Cease the use of the flat known as (Ground Floor, 15A Hainault Road, Romford RM5 3AA) as residential accommodation;

AND

2. Revert back internally to the layout as granted under the 2015 permission ref: P1230.15.

OR

3. Demolish the side/rear extension;

AND

4. Remove all rubble, debris accumulated when taking steps (1), (2) or step (3) above.

6. **TIME FOR COMPLIANCE**

**3 MONTHS** after the date this Notice takes effect.

7. **WHEN THIS NOTICE TAKES EFFECT**

This Notice takes effect on **3<sup>rd</sup> February 2020**, unless an appeal is made against it beforehand

Dated: **3<sup>rd</sup> January 2020**

Signed: .....



David Colwill  
Authorised Officer

On behalf of London Borough of Havering  
5<sup>th</sup> Floor Mercury House, Mercury Gardens  
Romford, RM1 3SL

**Nominated Contact Officer:**

George Atta-Adutwum, Planning Enforcement & Appeals Officer  
01708 432157      [george.atta-adutwum@haverling.gov.uk](mailto:george.atta-adutwum@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 the **3<sup>rd</sup> February 2020**. 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 **3<sup>rd</sup> February 2020** 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) can be viewed online at <http://www.legislation.gov.uk/ukpga/1990/8/contents>

## **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 on or before the **3<sup>rd</sup> February 2020**. If an appeal against this Notice is intended, the instructions given on the information sheet from the Planning Inspectorate which accompanies this Notice should be followed.

## **GROUND 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 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 when the appeal is lodged. If this fee is 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 him 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. RAJALINGAM EASWARALINGAM of 15 and 17 Hainault Road, Romford RM5 3AA.
2. SHANTHINY EASWARALINGAM of 15 and 17 Hainault Road, Romford RM5 3AA.
3. The Occupiers of 15 and 17 Hainault Road, Romford RM5 3AA.
4. The Occupiers of 15a Hainault Road, Romford, RM5 3AA.
5. The Owner of 15 and 17 Hainault Road, Romford RM5 3AA.
6. BARCLAYS BANK UK PLC (Co. Regn. No. 9740322) of P.O. Box 187, Leeds LS11 1AN
7. RAJALINGAM EASWARALINGAM of 108 Ashurst Drive, Ilford, Essex IG6 1AQ.
8. SHANTHINY EASWARALINGAM of 108 Ashurst Drive, Ilford, Essex IG6 1AQ.

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.

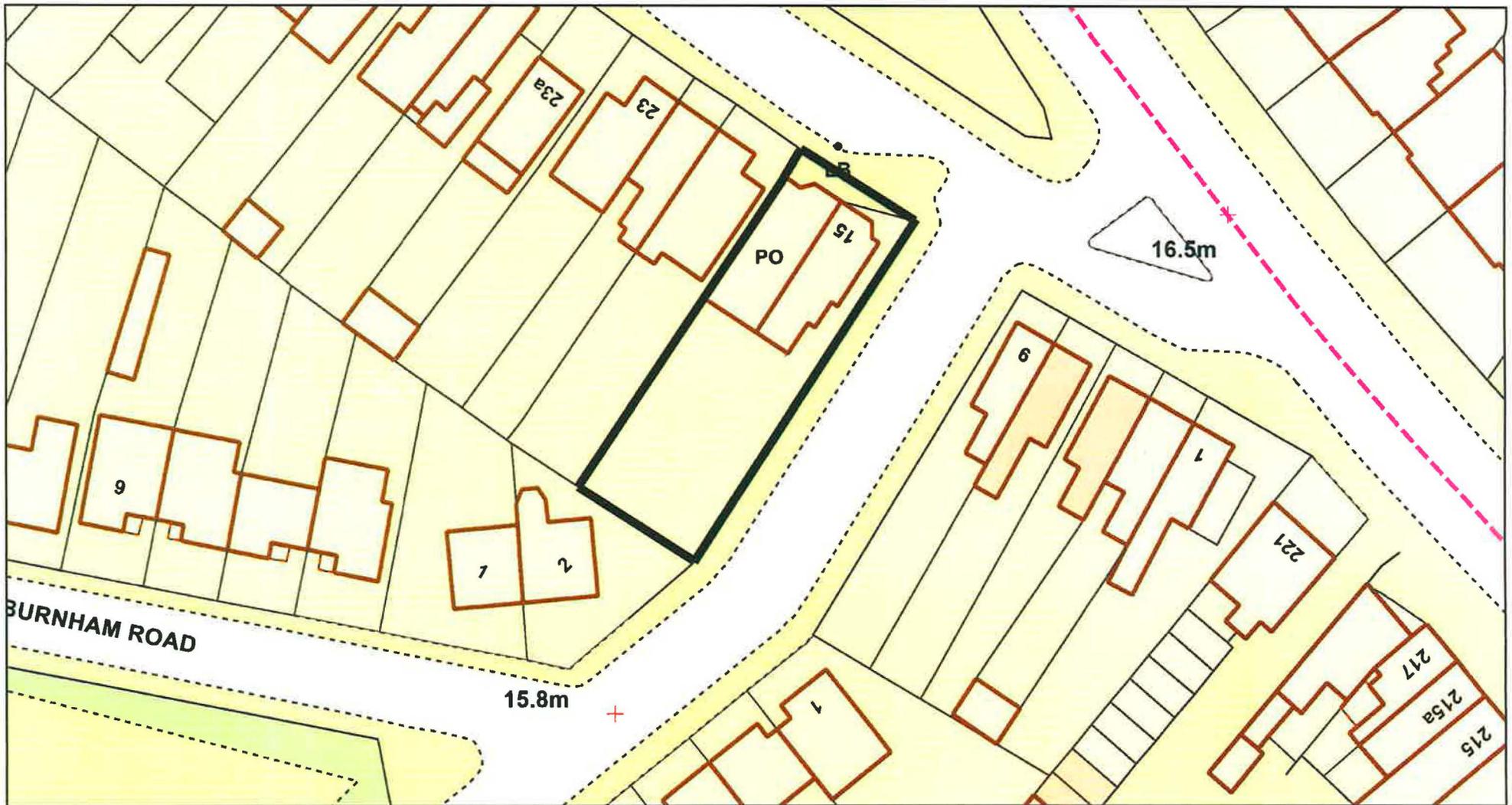
**You MUST make sure that we receive your appeal before the effective date on the enforcement notice.**

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.



15-17 Hainaul Road, Romford, RM5 3AA

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Scale: 1:500  
 Date: 03 January 2020  
 Size: A4