

**176 MAWNEY ROAD, ROMFORD, RM7 8BU**

**IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY**

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

## **ENFORCEMENT NOTICE**

**Council ref: ENF/737/17**

**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 **176 MAWNEY ROAD, ROMFORD, RM7 8BU**, shown edged in black on the attached plan.

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

Without planning permission, the erection of two mechanical flues to the flank elevation of the building.

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” 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) The extraction systems and flues by reason of height, bulk and mass appear as unacceptably dominant and visually intrusive features in the streetscene and are harmful to the appearance of the surrounding area contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.
- 3) The extraction systems detract from the amenity and character of the area, by reason of excessive noise, vibration and odours, which are not subject to measured controls, contrary to Policies DC23, DC52, DC55 and DC61 of the LDF Core Strategy and Development Control Policies DPD.
- 4) The Council does not consider that planning permission should be granted for the development because conditions attached to any consent cannot remedy the breach and would not overcome those problems.

**5. WHAT YOU ARE REQUIRED TO DO**

**Within 1 month of the effective date of this Notice to:**

The Enforcement Notice requires, within 1 month of the effective date of the Notice to:

- (i) Remove in full from the property both extraction systems from the left flank elevation (as viewed from Mawney Road) of the building;

**AND**

- (ii) Remove from the land, in the area shown outlined in black on the attached plan, all materials, rubble, machinery, apparatus and Installations used in connection with or resulting from compliance with step (i).

**6. TIME FOR COMPLIANCE**

ONE MONTH after the date this Notice takes effect.

**7. WHEN THIS NOTICE TAKES EFFECT**

This Notice takes effect on **28<sup>th</sup> February 2020**, unless an appeal is made against it beforehand

Dated: 31<sup>st</sup> January 2020

Signed: 

David Colwill                      Authorised Officer

on behalf of London Borough of Havering  
Mercury House, Mercury Gardens  
Romford RM1 3SL

## **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 **28<sup>th</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 **28<sup>th</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 OF 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 **28<sup>th</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) 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 or use, 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.

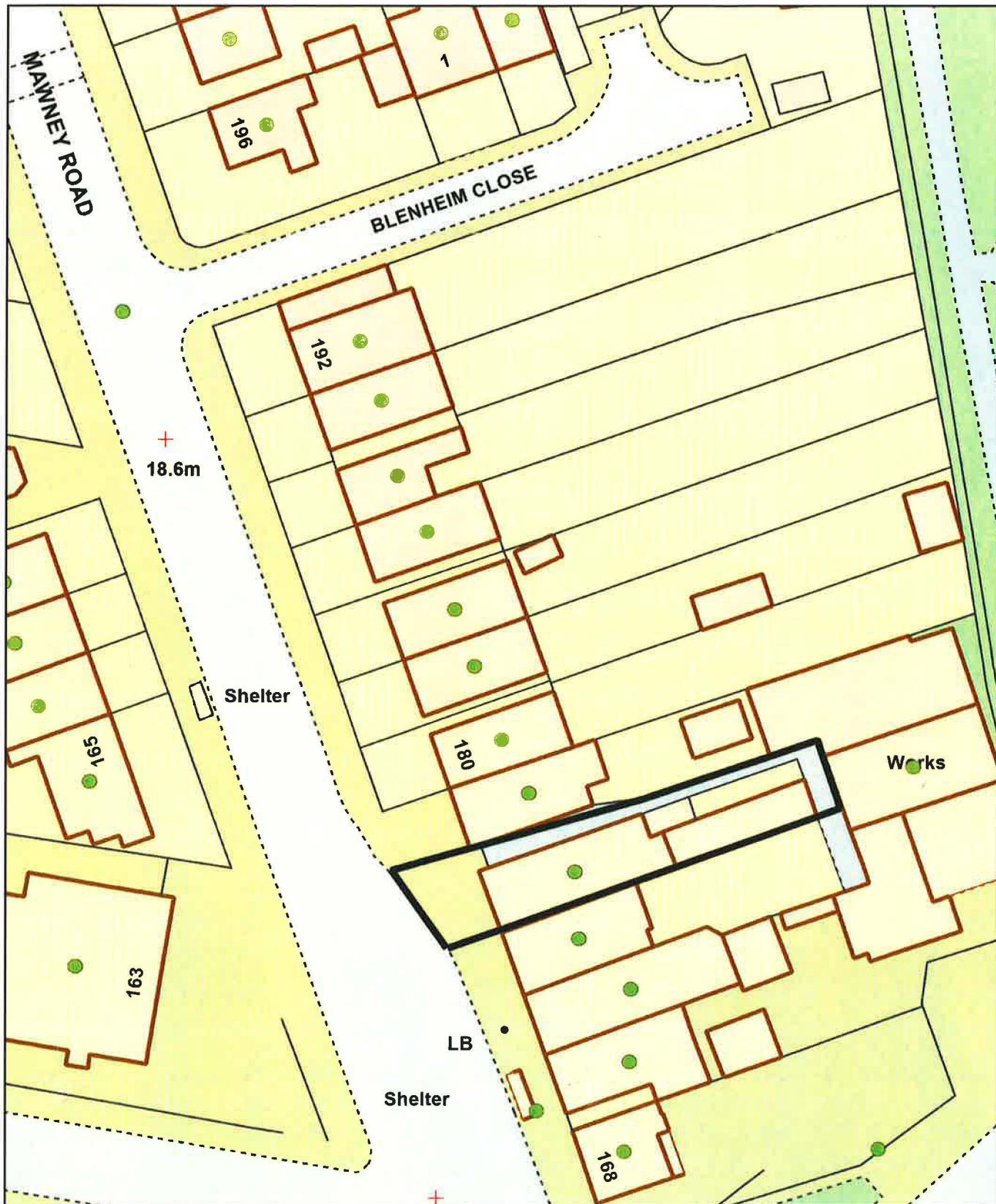
### **STATEMENT ON GROUNDS OF APPEAL**

The grounds of appeal must be submitted to the Secretary of State, either when giving notice of the 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 you propose to rely, in support of each of those grounds.

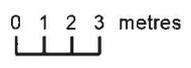
### **RECIPIENTS OF THE ENFORCEMENT NOTICE**

The names and addresses of all the persons on whom the Enforcement Notice has been served are:

1. MULLA NIYAZI, 1 The Close, Oaks Lane, Barkingside, Essex IG2 7RS
2. The Manager, Ottomans Turkish Restaurant, 176 Mawney Road, Romford RM7 8BU
3. The Owner 176 Mawney Road, Romford RM7 8BU
4. The Occupier, 176 MAWNEY Road, RM7 8BU
5. BUSINESS MORTGAGE FINANCE 7 PLC, Asticus Building, 2nd Floor, 21 Palmer Street, London SW1H 0AD



176 Mawney Road, Romford RM7 8BU (31 January 2020)	
--	---

	<b>Scale: 1:500</b> <b>Date: 29 January 2020</b> 
---	--

	London Borough of Havering Town Hall, Main Road Romford, RM1 3BD Tel: 01708 434343	© Crown copyright and database rights 2020 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](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.