

14a LOWER MARDYKE AVENUE, RAINHAM, RM13 8PP.

IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

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

ENFORCEMENT REFERENCE: ENF/840/18.

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 **14a LOWER MARDYKE AVENUE, RAINHAM, RM13 8PP**, shown edged in black on the attached plan and is registered under Land Registry Titles Number EX85106 & EGL92576.

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

Without planning permission, the material change of use of a dwellinghouse (class C3) to a House in Multiple Occupation (HMO) (sui generis).

4. **REASONS FOR ISSUING THIS NOTICE**

1. It appears to the Council that the above breach of planning control has occurred “within the last TEN 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 material change of use of a dwellinghouse (class C3) to a House in Multiple Occupation (HMO) by reason of the increased amounts of activity specifically comings and goings and general associated activity, both within the building and outdoor areas, together with an intensification of the residential use in close proximity to neighbouring properties, would result in unacceptable levels of noise and disturbance to the detriment of residential amenity. The development is therefore contrary to the NPPF and Policies DC4, DC5 and DC61 of the Core Strategy and Development Control Policies DPD, and Policy 8 of the emerging Havering Local Plan 2016-2031 and guidance contained within the HMO East London Guidance 2009.
3. The material change of use of a dwellinghouse (class C3) to a House in Multiple Occupation (HMO) by reason of the lack of kitchen facilities within

one floor of the residential lettings and that the layout of the property does not include either a dining room or living area, large enough for all the dwelling's occupants to use simultaneously, would not provide acceptable living conditions for all the current and future occupants to the detriment of residential amenity. The development is therefore contrary to the NPPF, Policy DC61 of the Core Strategy and Development Control Policies DPD and Policy 8 of the emerging Havering Local Plan 2016-2031 and guidance contained within the HMO East London Guidance 2009.

4. The Council does not consider that planning permission should be granted because planning conditions would not overcome these problems.

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

- (i) Cease using the property as a House in Multiple Occupation (HMO).

6. **TIME FOR COMPLAINT**

3 MONTHS after the date when this Notice takes effect.

7. **WHEN THIS NOTICE TAKES EFFECT**

This Notice takes effect on **20th March 2020**, unless an appeal is made against it beforehand

Dated: **7th February 2020**

Signed:



DAVID COLWILL

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

Nominated Officer: Phillip Jones

Telephone Number: 01708 431439

Email: Phillip.jones@haverling.gov.uk

THE RIGHT OF 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 **20th March 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 **20th March 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

<https://www.legislation.gov.uk/ukpga/1990/B/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 **20th March 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 wish to appeal on ground (a) - that planning permission should be granted for the unauthorised development or use, then a fee of **£924.00** 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. The Owner, 14a Lower Mardyke Avenue, Rainham, RM13 8PP.
2. The Occupier, 14a Lower Mardyke Avenue, Rainham, RM13 8PP.
3. Herjit Singh Kataria, 11 Burntwood Avenue, Hornchurch, RM11 3JD.
4. Herjit Singh Kataria, The Property & Mortgage Co, 148 Cranbrook Road, Ilford, LG1 4LZ.
5. TIC Finance Limited (Co. Regn. No. 06288152), 148 Cranbrook Road, Ilford, LG1 4LZ.
6. Onesavings bank PLC (Co. Regn. No. 7312896) Reliance House, Sun Pier, Chatham, Kent, ME4 4ET.
7. Kent Reliance, PO Box 600, Chatham, ME4 9DW.
8. Mr Zubair Seth, NACCS Ltd., 190a High Street, London, E15 2NE.
9. ZFA Ltd., 969 Romford Road, London, E12 5JR.



14a Lower Mardyke Avenue, Rainham RM138PP

ENF/840/18

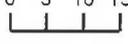
N
↑

nlpg    Ordnance Survey
The National Land & Property Information Licensed Partner
NATIONAL STREET GAZETTEER

Scale: 1:1250

Date: 06 February 2020

0 5 10 15 metres



 **Havering**
LONDON BOROUGH

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

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.