

IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

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

ENFORCEMENT REFERENCE: ENF/612/19

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 **220 ELM PARK AVENUE, HORNCHURCH, RM12 4PQ AND 2A, B, C & D WOBURN AVENUE, HORNCHURCH, RM12 4NG**, shown edged in black on the attached plan and is registered under Land Registry Titles Number BGL125673, BGL125677, BGL130732, BGL141357 & BLG141364.

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

Without planning permission, the subdivision of the rear garden area including the insertion of a metal gate in the Woburn Avenue boundary wall, replacement of metal gates with timber gates, and the material change of use of the detached garage and forecourt for the commercial repair and storage of motor vehicles.

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" in relation to the unauthorised uses and "within the last FOUR years" for the erection of the fencing/gates 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. It is considered that the erection of fencing within the site, subdivision of the formerly open rear garden area and installation of a gate onto Woburn Avenue has a detriment impact on the amenity of existing and future occupiers of the residential flats. It is considered that the development is contrary to guidance set out in the NPPF, London Plan Policies 7.4, and 7.6, and policies CP17, DC3, DC4 and DC61 of the Havering Core Strategy and Development Control Policies as well as the Residential Design SPD 2010 and Residential extensions SPD 2011.
3. It is considered that the material change of use of the land for the repair, storage and parking of motor vehicles due to the increased noise and vehicle movements has a detrimental impact on the residential amenity of the surrounding area, and the limited turning area within the site will result in vehicles not entering and exiting it in a forward gear.

It is considered that the development is contrary to guidance set out in the NPPF, It is considered that the development is contrary to guidance set out in the NPPF, London Plan policies 6.13, 7.4, and 7.6, and policies DC33, DC36, DC55 and DC61 of the Havering Core Strategy and Development Control Policies as well as the Residential Design SPD 2010.

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

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

The Enforcement Notice requires, **within 1 month**:

- (i) Cease using the hatched area on the attached plan for the commercial storage, repair and parking of any motor vehicle;

AND

- (ii) Remove from the land, all motor vehicles, motor vehicles parts including but not exclusively, tyres, car parts, body panels, doors, any scrap metal and all hand held or fixed equipment used in connection with the unauthorised use as set out in (i) and remove all debris accumulated as a result of taking steps i and ii above.

And within 2 months:

- (iii) Remove the panel fencing shown in the approximate position (indicated with a broken arrowed line) on the plan marked as LBH1 attached to this notice.
- (iv) Remove the metal gate shown in the approximate position (indicated with an arrow and thick black line) on the plan marked as LBH2; **AND**
- (v) Brick up the opening to the height of the existing wall, left following the carrying out of step (iv) with bricks and mortar that match in colour and texture that of the existing brick wall.

AND

- (vi) Remove the wooden double gates shown in the approximate position (indicated with an arrow and thick black line) on the attached plan marked as LBH3; **AND**
- (vii) Remove all debris accumulated as a result of taking steps iii through vi above.

6. **TIME FOR COMPLIANCE**

1 MONTH for steps i and ii after the date when this Notice takes effect.

2 MONTHS for steps iii through vii after the date when this Notice takes effect.

7. **WHEN THIS NOTICE TAKES EFFECT**

This Notice takes effect on **14th APRIL 2020**, unless an appeal is made against it beforehand

Dated: **10th March 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@havering.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 **14th APRIL 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 **14th APRIL 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 **14th APRIL 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 **£924.00** 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:

The Owner 220 Elm Park Avenue, Hornchurch, RM12 4PQ.

The Occupier 220 Elm Park Avenue, Hornchurch, RM12 4PQ.

The Owner, 2A Woburn Avenue, Hornchurch, RM12 4NG.

The Occupier, 2A Woburn Avenue, Hornchurch, RM12 4NG.

The Owner, 2B Woburn Avenue, Hornchurch, RM12 4NG.

The Occupier, 2B Woburn Avenue, Hornchurch, RM12 4NG.

The Owner, 2C Woburn Avenue, Hornchurch, RM12 4NG.

The Occupier, 2C Woburn Avenue, Hornchurch, RM12 4NG.

The Owner, 2D Woburn Avenue, Hornchurch, RM12 4NG.

The Occupier, 2D Woburn Avenue, Hornchurch, RM12 4NG.

The Owner, garage and forecourt rear of 2 A-D Woburn Avenue and 220 Elm Park Avenue, Hornchurch, RM12 4NG.

The Occupier, garage and forecourt rear of 2 A-D Woburn Avenue and 220 Elm Park Avenue, Hornchurch, RM12 4NG.

Tejpal Singh Rathor, 2A Woburn Avenue, Hornchurch, RM12 4NG.

Tejpal Singh Rathor, 345 Clayhall Avenue, Ilford, IG5 0SJ.

Tejpal Singh Rathor, 27 South Park Drive, Ilford, IG3 9AA.

Sunil Kandukuri, 2B Woburn Avenue, Hornchurch, RM12 4NG.

Viren Vadgama, 220 Elm Park Avenue, Hornchurch, RM12 4PQ.

Jazz Singh, 220 Elm Park Avenue, Hornchurch, RM12 4PQ.

Kirren Kaur Vadgama, 220 Elm Park Avenue, Hornchurch, RM12 4PQ.

Bank of Scotland PLC (Scot. Co. Regn. No. SC327000) Halifax Division, 1 Lovell Park Road, Leeds, LS1 1NS.

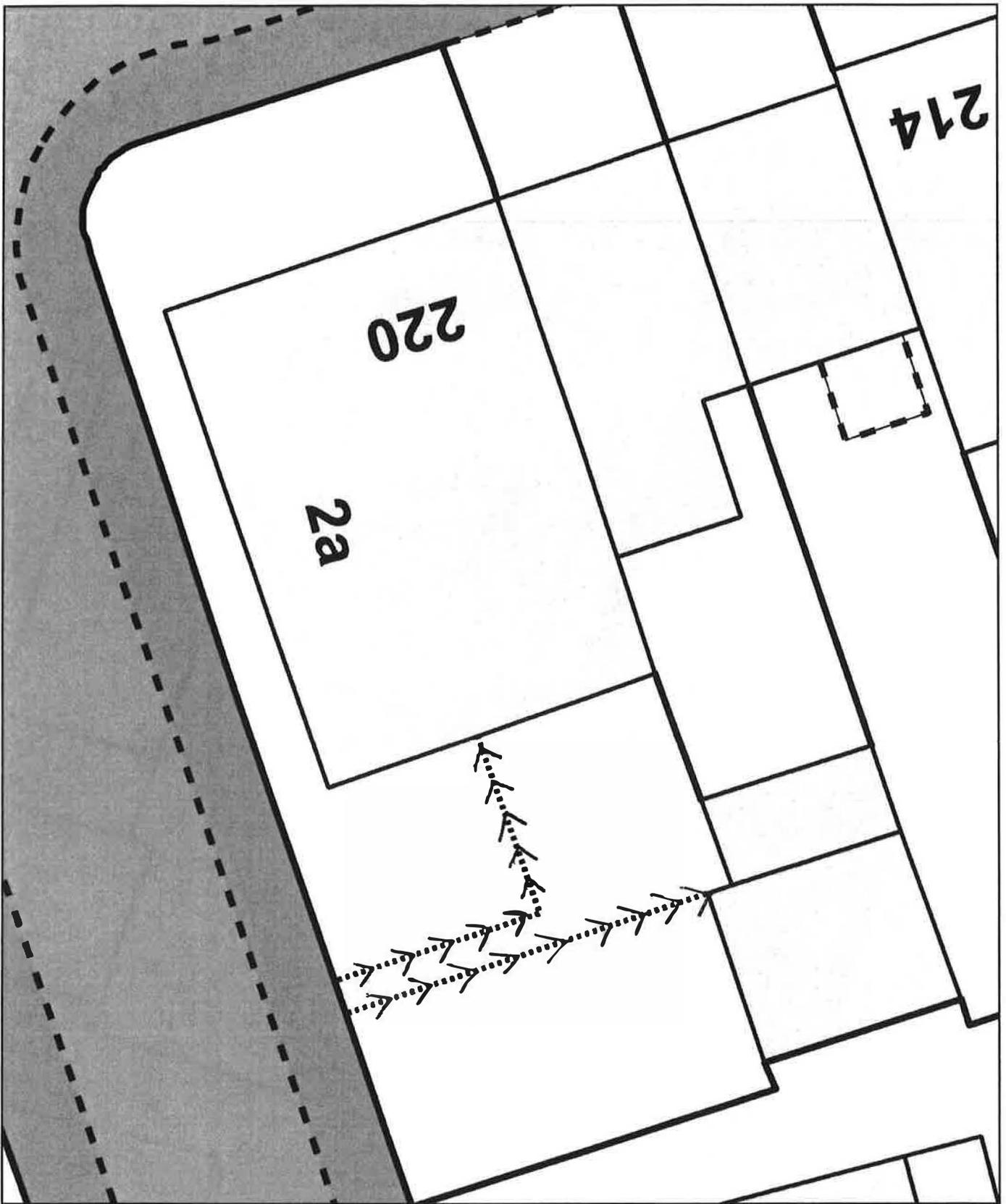
B. M. Samuels Finance Group PLC (Co. Regn. No. 01055337), 314 Regents Park Road, London, N3 2JX.



220 Elm Park Avenue, RM12 4PQ AND 2A, B, C & D Woburn Avenue, RM12 4NG.	ENF/612/19.
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	Scale: 1:600 0 5 10 15 metres Date: 06 March 2020
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220 Elm Park Avenue, RM12 4PQ AND 2A, B, C & D
Woburn Avenue, RM12 4NG.

LBH 1



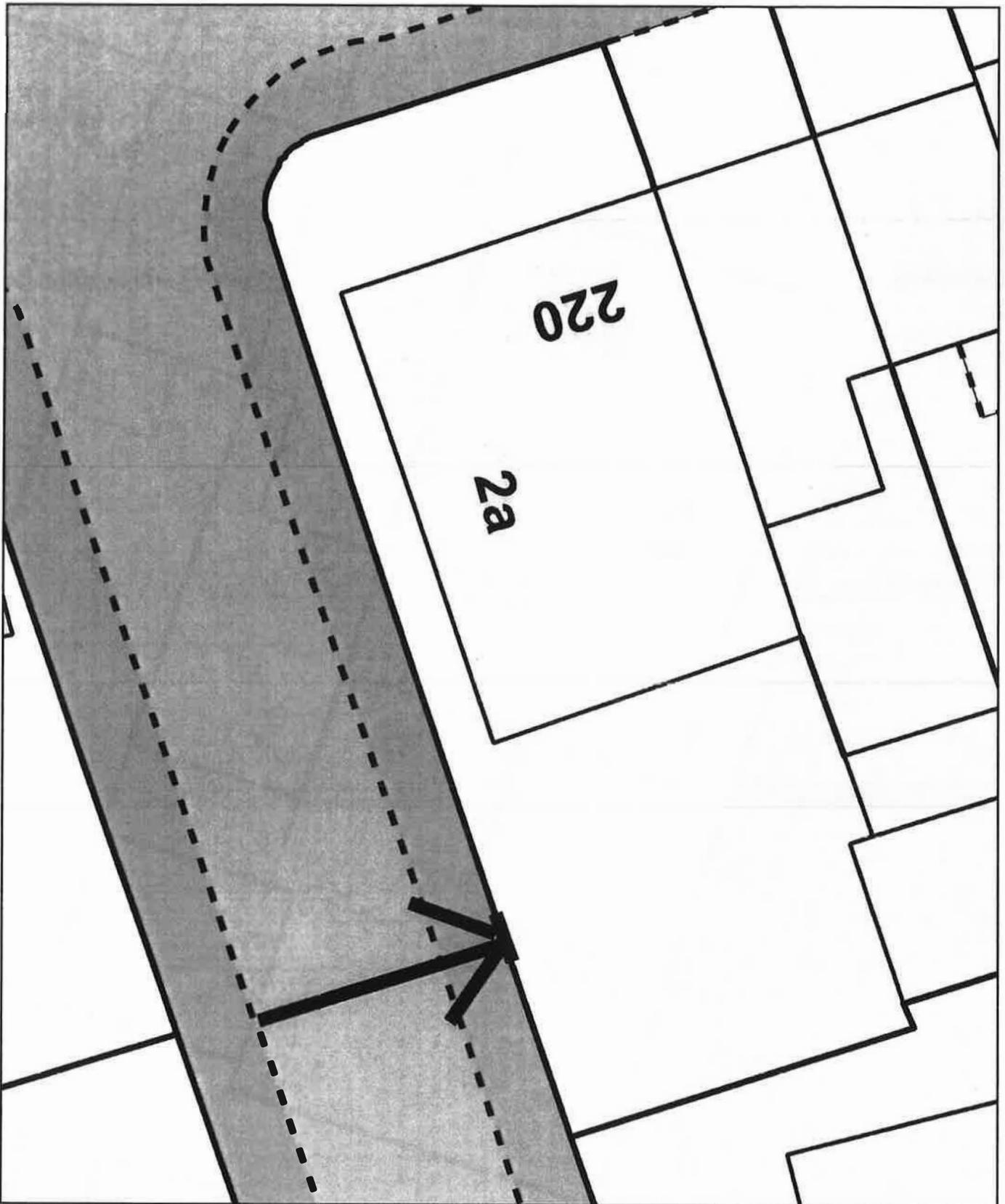
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Date: 06 March 2020

0 5 10 15 metres



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220 ELm Park Avenue, RM12 4PQ, AND 2A, B, C & D
Woburn Avenue, RM12 4NG.

LBH 2



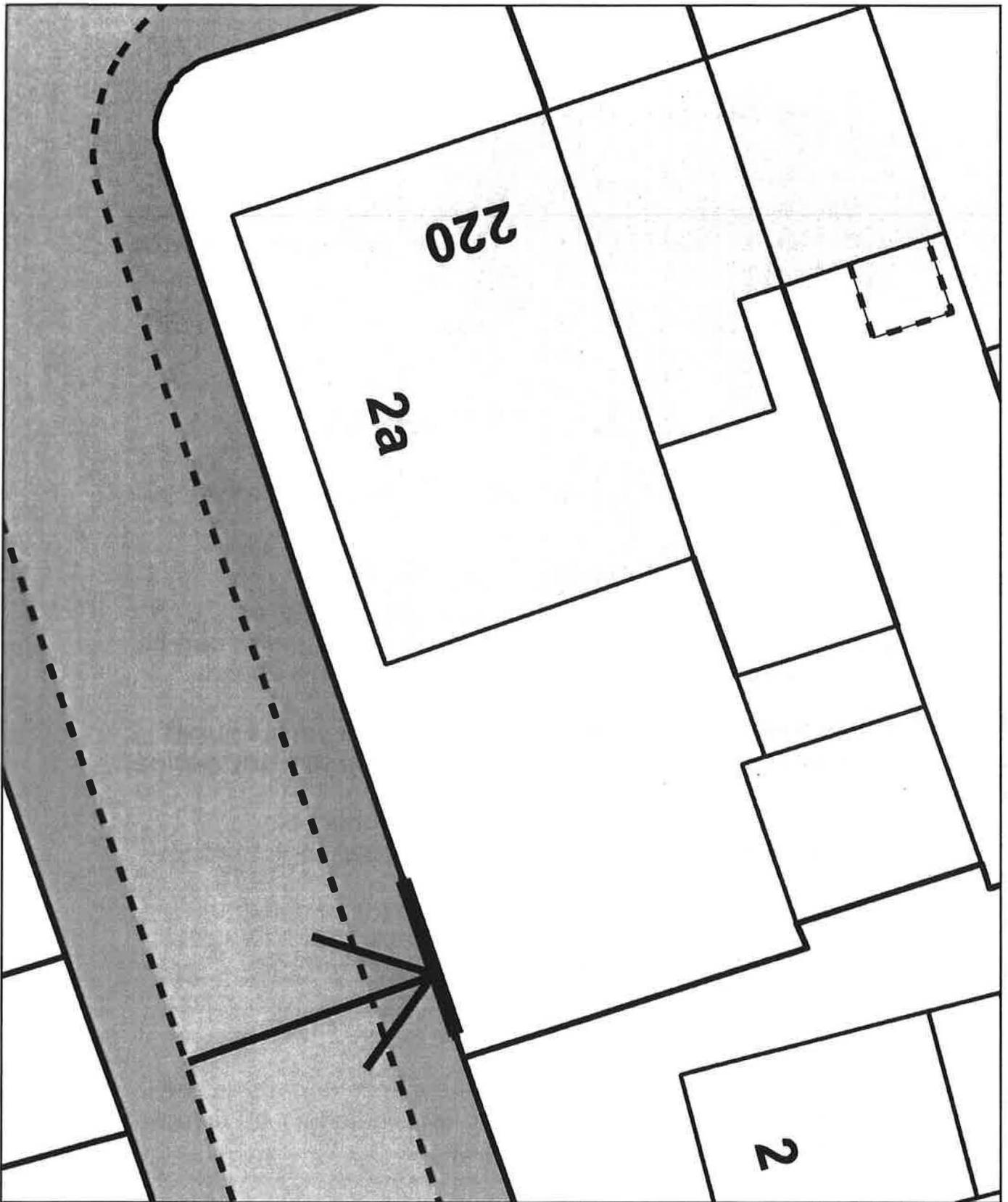
Scale: 1:170
Date: 10 March 2020

0 5 10 15 metres



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<p>220 Elm Park Avenue, RM12 4PQ AND 2A, B, C & D Woburn Avenue, RM12 4NG.</p>	<p>LBH 3. </p>
<p>    </p>	<p> Scale: 1:170 0 5 10 15 metres Date: 10 March 2020  </p>
<p>  Havering <small>LONDON BOROUGH</small> </p>	<p> London Borough of Havering Town Hall, Main Road Romford, RM1 3BD Tel: 01708 434343 </p> <p> © Crown copyright and database rights 2020 Ordnance Survey 100024327 </p>

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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.