

9 and 9A FERNDEN WAY, ROMFORD, RM7 9PJ

IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

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

ENFORCEMENT NOTICE - ENF/712/18

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 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 9 Fernden Way, and as 9A Fernden Way, Romford, RM7 9PJ shown edged in black on the attached plan and is registered under Land Registry Title Number NGL109816.

3. THE BREACHES OF PLANNING CONTROL ALLEGED

Without the benefit of planning permission, the change of use of a single dwelling house into two self-contained residential units.

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 injury to amenity which has been caused by the breach.

(2) The change of use of the dwelling into two self-contained flats has a poor standard of internal layout that is considered to lead to unacceptable noise and general disturbance to the attached neighbouring property at 11 Fernden Way through noise transmission. The use is therefore contrary to Policies DC61 of the London Borough of Havering's LDF Core Strategy and Development Control Policies DPD, DCLG Technical Housing Standards March 2015, the Housing Standards Minor Alterations to the London Plan, Policy 3.5 of the London Plan and the Housing SPG 2016.

(3) The use of the premises as two self-contained flats is, by reason of the inadequate provision of amenity space for both flats, contrary to Policy DC61 of the London Borough of Havering's LDF Core Strategy and Development Control Policies DPD 2008, and the Residential Design Supplementary Planning Document.

- (4) The change of use of the existing dwelling into two self-contained flats, by reason of the insufficient provision of car parking would give rise to significant parking congestion in the locality to the detriment of residential amenity and highway safety and contrary to Policies DC33 and DC35 of the London Borough of Havering's LDF Core Strategy and Development Control Policies DPD 2008.
- (5) The Council does not consider that planning permission should be granted because conditions attached to any consent would not overcome these problems and has already been refused planning permission.

5. WHAT YOU ARE REQUIRED TO DO

The Enforcement Notice requires **within 3 months** of the date of the Notice to:

- (i) Cease the use of the property as two self-contained residential flats;

AND

within 4 months of the date of the Notice to:

- (ii) Revert the property back a single family dwelling (use class C3) and remove all cooking facilities including kitchen equipment associated with the unlawful use on the first floor and second floor;

AND

- (iii) Remove all utility meters from the first floor and from the loft floor and ensure all supplies are connected via a single supply only to the main dwelling house;

AND

- (iv) Remove all internal dividing walls and doors which separate the building into two self contained flats;

AND

- (v) Remove all rubble and debris accumulated when taking steps 1, 2, 3 and 4 above.

6. TIME FOR COMPLIANCE

THREE MONTHS after the date when this Notice takes effect for Step (i) and **FOUR MONTHS** after the date when this Notice takes effect for Steps (ii), (iii), (iv) and (v).

7. WHEN THIS NOTICE TAKES EFFECT

This Notice will take effect on **14th August 2020**, unless an appeal is made against it beforehand.

Dated: 3rd July 2020

Signed: 

Name: David Colwill
Team Leader, Planning Enforcement
on behalf of London Borough of Havering
5th Floor, Mercury House, Mercury Gardens, Romford RM1 3SL

Nominated Officer: George Atta-Adutwum Telephone Number: 01708 42157
Email: 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 **14th August 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 August 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>

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 **14th August 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. PANICOS PANGRATIOU, No 2, 9 Appollonos, Ayia Thekla, Sotera 5391, Cyprus
2. MARY CONSTANTINOY, No 2, 9 Appollonos, Ayia Thekla, Sotera 5391, Cyprus
3. PANICOS PANGRATIOU, 9 Fernden Way, Romford, RM7 9PJ

4. MARY CONSTANTINOU, 9 Fernden Way, Romford, RM7 9PJ
5. The Occupiers, 9A Fernden Way, Romford, RM7 9PJ
6. The Owner, 9A Fernden Way, Romford, RM7 9PJ
7. The Occupiers, 9 Fernden Way, Romford, RM7 9PJ
8. The Owner, 9 Fernden Way, Romford, RM7 9PJ
9. BANK OF SCOTLAND PLC of Halifax Division, 1 Lovell Park Road, Leeds LS1 1NS.

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.

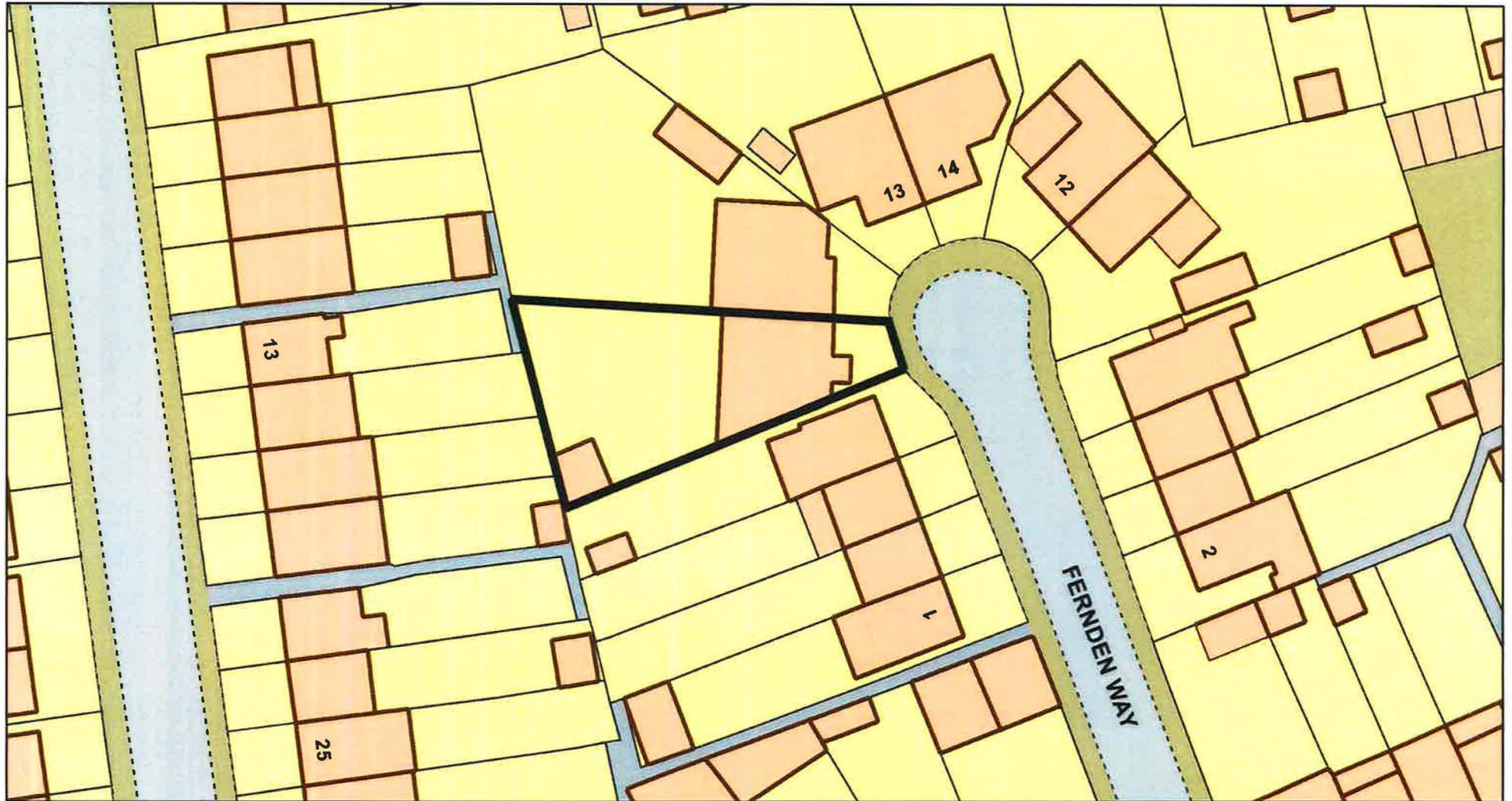
You MUST make sure that we receive your appeal before the effective date on the enforcement notice.

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.



9 Fernden Way, Romford, RM7 9PJ



Scale: 1:500
Date: 29 June 2020
Size: A4



London Borough of Havering
Town Hall, Main Road, Romford, RM1 3BD
Tel: 01708 434343

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