

11 VICARAGE ROAD, HORNCHURCH, RM12 4AS

IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

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

ENFORCEMENT REFERENCE: ENF/540/20

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 known as **11 VICARAGE ROAD, HORNCHURCH, RM12 4AS**, shown edged in black on the attached plan and is registered under Land Registry Title Number NGL128752.

3. THE BREACH OF PLANNING CONTROL ALLEGED

Without planning permission, the erection of a building with a climbing frame and raised platforms in the rear garden, in the approximate area hatched red on the attached plan.

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. It is considered that the building, climbing frame and raised platforms, by reason of its height, the introduction of a raised platform, and the proximity and location next to the boundary with No13 Vicarage Road, has an unacceptable and harmful impact on neighbouring amenity, specifically in relation to privacy, both perceived and actual overlooking, as well as an increased sense of enclosure and the overbearing nature of the development. Consequently, the development is contrary to the National Planning Policy Framework (July 2021), Policies GG3, D1, and D4 of the London Plan (March 2021), and Policies CP17 and DC61 of the London Borough of Havering Local Development Framework Core Strategy and Development Control Policies Development Plan Document 2008, and the Residential Extensions and Alterations SPD.

3. The Council does not consider that planning permission should be granted due to the adverse impact on the amenity of the adjacent property, being No13 Vicarage Road, Hornchurch, RM12 4AS.

5. WHAT YOU ARE REQUIRED TO DO

- (i) Remove / demolish the building, climbing frame and raised platforms as well as any and all associated development, including any flags, ropes, slides or other attached paraphernalia to the structure within the area hatched RED on the attached plan;

AND

- (ii) Remove all materials, rubble and debris from the site as a result of taking step (1) above.

6. TIME FOR COMPLIANCE

2 MONTHS after the date when this Notice takes effect.

7. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on **24th August 2021**, unless an appeal is made against it beforehand.

Dated: **27th July 2021**

Signed: 

DAVID COLWILL

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

Nominated Officer to contact regarding this Notice: Sam Cadman

Telephone Number: 01708 433 758 Email: sam.cadman@havering.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 Planning Inspectorate acting on behalf of the Secretary of State before **24th August 2021**. 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 **24th August 2021** 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>

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 Planning Inspectorate before **24th August 2021**.

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 **£412** 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.

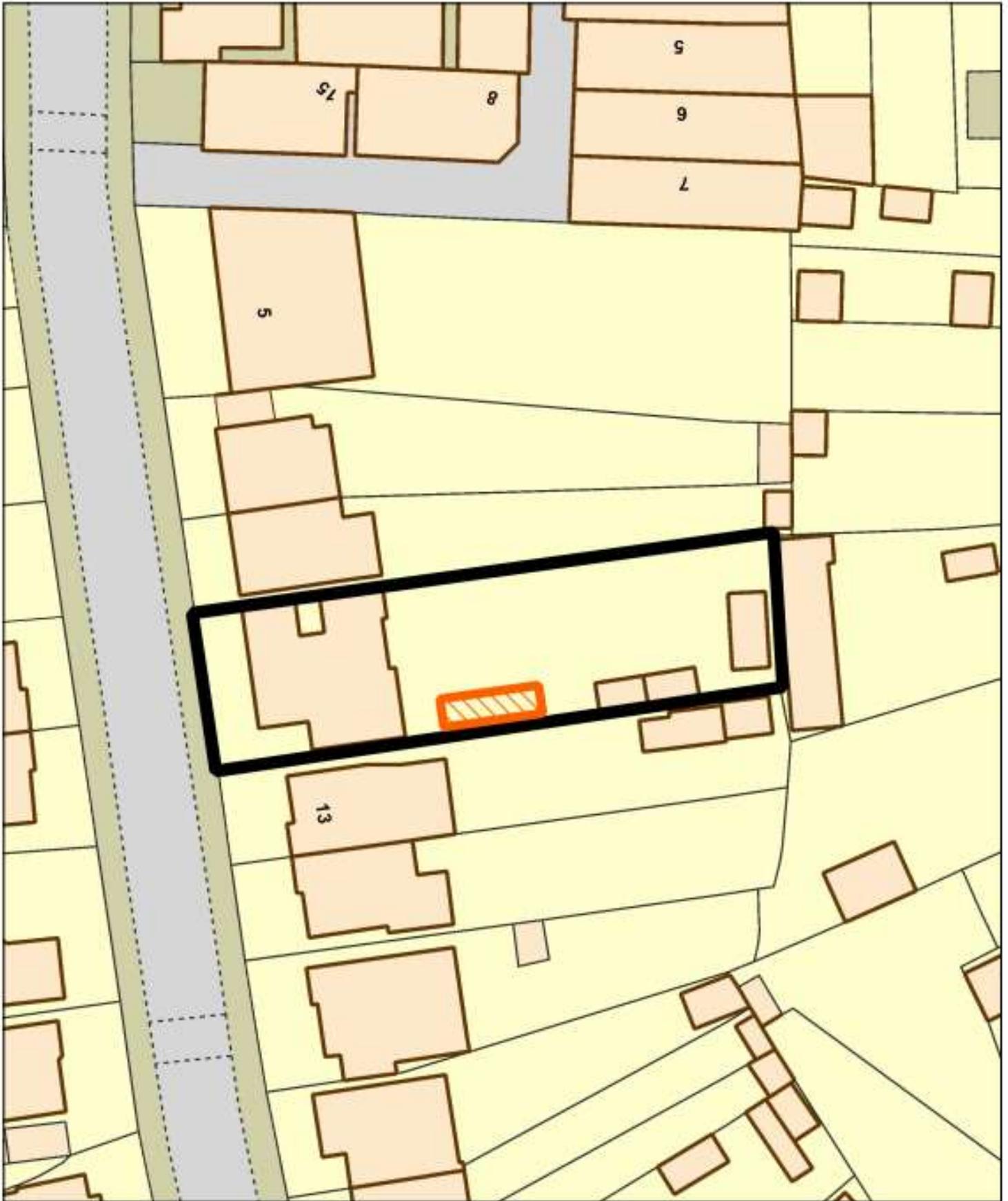
STATEMENT ON GROUNDS OF APPEAL

The grounds of appeal must be submitted to the Planning Inspectorate, either when giving notice of the appeal or within 14 days from the date on which the Planning Inspectorate 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.

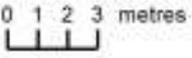
RECIPIENTS OF THE ENFORCEMENT NOTICE

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

- 1) The Owner; 11 Vicarage Road, Hornchurch, RM12 4AS
- 2) The Occupier; 11 Vicarage Road, Hornchurch, RM12 4AS
- 3) Peter James Howes; 11 Vicarage Road, Hornchurch, RM12 4AS
- 4) Judith Dorothy Howes; 11 Vicarage Road, Hornchurch, RM12 4AS
- 5) Santander UK PLC; Deeds Services, 101 Midsummer Boulevard, Milton Keynes MK9 1AA.
- 6) Santander UK PLC; 2 Triton Square, Regent's Place, London, NW1 3AN



11 Vicarage Road, Hornchurch, RM12 4AS	ENF/540/20 
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  	Scale: 1:500 Date: 22 July 2021 
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