

197 ARDLEIGH GREEN ROAD, HORNCHURCH, RM11 2SD

IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

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

ENFORCEMENT REFERENCE: ENF/83/21

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 **197 ARDLEIGH GREEN ROAD, HORNCHURCH, RM11 2SD**, shown edged in black on the attached plan and is registered under Land Registry Title Numbers BGL94476, EGL98332, and EGL497422.

3. THE BREACH OF PLANNING CONTROL ALLEGED

Without planning permission, the erection of a fixed means of enclosure and decking with tables and chairs, 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) The unauthorised fixed means of enclosure and decking with tables and chairs at this section of the road where there is already a narrowing of the footpath, by virtue of its siting and design has resulted in an uncomfortable further narrowing of the footpath, which is intrusive and out of character with the surrounding open and spacious setting of the streetscene and the public realm more generally. The proposal is contrary to the objectives of Policy DC61 of the LDF Core Strategy 2008, Policies GG1, GG2, D1, D4, D5, D8 of the London Plan 2021 and Development Control Policies Development Plan Document and the provisions of the NPPF.
- (3) The unauthorised development by reason of its scale and siting has resulted in significant further reduction in the footpath, having an adverse effect on the pedestrian comfort level at this section, contrary to the Pedestrian Comfort

Guidance for London (2010) and Policy DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document 2008.

- (4) The Council does not consider that planning permission should be granted due to the adverse impact on the impact on the road, the pedestrian pavement, and the character of the area more generally. Furthermore, application P0443.21 was recently refused planning permission.

5. WHAT YOU ARE REQUIRED TO DO

- (i) Remove all of the decking, the fixed means of enclosure, as well as any and all associated development, 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 (i) above.

6. TIME FOR COMPLIANCE

1 MONTH 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 **£468** 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

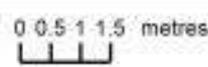
The grounds of appeal must be submitted to the Planning Inspectorate, either when giving notice of the appeal or within 14 days from the date on which the Planning Inspectorate sends you a notice so requiring, a statement in writing specifying the grounds on which the appeal against the Enforcement Notice 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; 197 Ardleigh Green Road, Hornchurch, RM11 2SD
- 2) The Occupier; 197 Ardleigh Green Road, Hornchurch, RM11 2SD
- 3) Cozy Café, 197 Ardleigh Green Road, Hornchurch, RM11 2SD
- 4) YOL Ltd, 197 Ardleigh Green Road, Hornchurch, RM11 2SD
- 5) Resul Kaygisiz, 197 Ardleigh Green Road, Hornchurch RM11 2SD
- 6) Mehmet Kilic; 197 Ardleigh Green Road, Hornchurch RM11 2SD
- 7) Ram Ghamuna Persuad Tiwari, 48 Manor Road, Romford RM1 2RD
- 8) Heidi Tiwari, 48 Manor Road, Romford RM1 2RD
- 9) Anthony Vishnu Tiwari, 48 Manor Road, Romford RM1 2RD
- 10) Selma Hussein; 197A Ardleigh Green Road, Hornchurch, Essex RM11 2SD
- 11) Resul Kaygisiz, 147 Cranbrook Road, Ilford, IG1 4PU
- 12) YOL Ltd, 147 Cranbrook Road, Ilford, IG1 4PU
- 13) Barclays Security Trustee Limited, P.O. Box 16276, One Snowhill, Snowhill Queensway, Birmingham B2 2XE
- 14) Barclays Security Trustee Limited, 1 Churchill Place, London, E14 5HP



<p>197 Ardleigh Green Road, Hornchurch, RM11 2SD</p>	
	<p>Scale: 1:500 Date: 26 July 2021</p> 
 <p>London Borough of Havering 5 Town Hall, Main Road Romford, RM1 3BD Tel: 01708 434343</p>	<p>© Crown copyright and database rights 2021 Ordnance Survey 100024327</p>