

**5 DORIAN ROAD, HORNCHURCH, RM12 4AW**

**IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY**

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

**ENFORCEMENT REFERENCE: ENF/233/21**

## **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 **5 Dorian Road, Hornchurch, RM12 4AW**, shown edged in black on the attached plan, and is registered under Land Registry Title Number EGL132615.

### **3. THE BREACHES OF PLANNING CONTROL ALLEGED**

1) Without planning permission, the demolition of the building.

And

2) Without planning permission, the construction of a building.

### **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 demolition of the building has caused unknown harm and disturbance to the Archaeological Priority Area. The development is therefore contrary to the National Planning Policy Framework (July 2021), policy HC1 of the London Borough of Havering Local Development Framework Core Strategy and Development Control Policies Development Plan Document 2008.

(3) There is insufficient information in relation to what is being built out on site to determine if the new building would be acceptable in terms of: the density / site layout, internal space standards, quality of internal space, accessible design, design / impact on local character and street scene, impact on amenity, transport

and highways, trees, archaeology, sustainability, and housing delivery. Such significant amount of information cannot be readily obtained by the Local Planning Authority prior to the development being completed. In any event, section 57 of the Town and Country Planning Act 1990 (as amended), and the National Planning Policy Framework clearly sets out the expectation that this information is provided to the LPA prior to development occurring. There is insufficient information on the development occurring to determine if development complies with the National Planning Policy Framework (July 2021), policies GG1, GG2, GG3, GG4, D1, D2, D3, D4, D5, D6, D7, D8, H1, H2, H8, HC1, G5, G6, SI1, SI5, SI7, T3, T4, T5, T6, T6.1, and DF1 of the London Plan (March 2021), and policies CP17, DC1, DC3, DC4, DC32, DC33, DC35, DC49, DC51, DC52, DC59, DC61, and DC70 the London Borough of Havering Local Development Framework Core Strategy and Development Control Policies Development Plan Document 2008.

- (4) The Council does not consider that planning permission should be granted for the development currently on site. Section 57 of the Town and Country Planning Act 1990 (as amended), and the National Planning Policy Framework clearly sets out the expectation that the necessary information is provided to the LPA prior to development occurring. Consequently, conditions cannot address the concerns. Furthermore, as the development may soon be substantially complete, any impact or harm as a result of the failure to provide information (through the application process) would become more difficult to enforce.

## 5. WHAT YOU ARE REQUIRED TO DO

1. Remove all of the building(s) onsite and all associated development. This includes the walls / windows, ceiling, roof, as well as any hard-core and / or any other substrate and all other imported material within the hatched area on the attached plan;

**AND**

2. 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 **18<sup>th</sup> November 2021**, unless an appeal is made against it beforehand.

Dated: **19<sup>th</sup> October 2021**

Signed:



George Atta-Adutwum  
Deputy Team Leader

Authorised Officer on behalf of London Borough of Havering, Town Hall, Main Road, Romford, RM1 3BB

Nominated Officer to contact regarding this Notice: **Sam Cadman**

Telephone Number: 01708 433 758 Email: [sam.cadman@haverling.gov.uk](mailto:sam.cadman@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 Planning Inspectorate acting on behalf of the Secretary of State before **18<sup>th</sup> November 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 **18<sup>th</sup> November 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 **18<sup>th</sup> November 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.

## **GROUNDS 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 **£1848** 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.

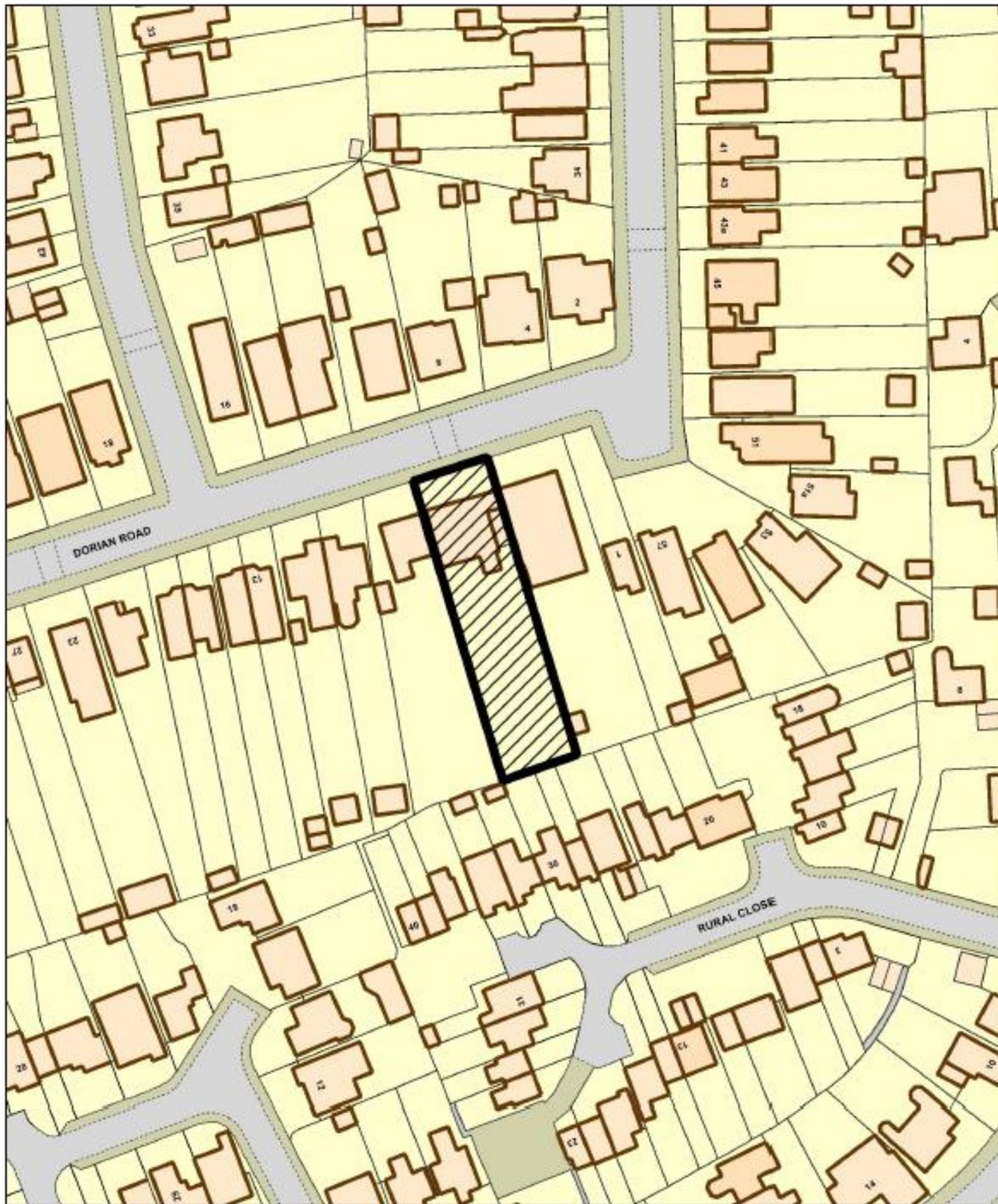
### **STATEMENT ON GROUNDS OF APPEAL**

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 / Occupier; 5 Dorian Road, Hornchurch, RM12 4AW
- 2) Mohamed Ashfak Bharadia, 5 Dorian Road, Hornchurch, RM12 4AW
- 3) Mohamed Ashfak Bharadia; 4 High View Road, London, E18 2HJ
- 4) Mubina Mohamed Bharadia of 4 High View Road, London, E18 2HJ
- 5) Mohamed Ashfak Bharadia; issued via e-mail



5 Dorian Road, Hornchurch, RM12 4AW



Scale: 1:1000

0 2.5 5 7.5 metres



London Borough of Havering 5  
 Town Hall, Main Road  
 Romford, RM1 3BD  
 Tel: 01708 434343

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 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](mailto: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.