

**2 BERTHER ROAD (SHISH MEZE), HORNCHURCH RM11 3HS**

**IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY**

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

**ENFORCEMENT REFERENCE: ENF/454/18**

## **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 **2 BERTHER ROAD (SHISH MEZE), HORNCHURCH RM11 3HS**, shown edged in black on the attached plan and is registered under Land Registry Title Numbers EGL542276 (Freehold) and BGL161582 (Leasehold).

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

Without planning permission, operational development in the form of:

1. The erection of a front extension, a pergola and enclosure of additional seating area facing Berther Road;
2. The erection of a single storey side extension; and
3. The erection of 4 air source heat pump external housing units on the flank elevation of the building facing No. 2a Berther Road at first floor level.

### **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 and injury to amenity which has been caused by the breach.
- 2) It is considered that the front and side extensions, by reason of their size and prominent location, creates a development which is visually conspicuous and unsightly and has an adverse effect on the street scene and character of the local

area. The development is therefore contrary to the NPPF, SPD12, Policies, DC61, and DC16 of the Havering Core Strategy and Development Control Policies DPD.

- 3) It is considered that the full use of the forecourt as a seating area has resulted in the complete loss of parking on site and an increase in the level of noise and disturbance emanating from the site, which is harmful to neighbouring amenities and has resulted in the competition for the limited parking spaces available on Berther Road thereby contrary to Policies DC33, DC16 and DC61 and the LDF.
- 4) It is considered that the additional external seating area has brought about significant levels of activity from inside to outside the premises and has encouraged people to congregate outside, which has exacerbated the existing impacts of the premises, particularly with respect to levels of noise, disturbance and anti-social behaviour and has intensified the use and adverse impacts of the site, which is materially harmful to the amenity of adjacent occupiers contrary to Policy DC61 of the LDF.
- 5) It is considered that the air conditioning units at the side of the property has created a visual and unsightly effect on the street scene and has significantly increased the level of noise contrary Policies DC55 and DC61 of Havering Core Strategy and Development Control Policies DPD.
- 6) The Council does not consider that planning permission should be granted for the development because conditions attached to any consent would not overcome these problems.

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

- (i) Demolish to ground level the front extension facing Berther Road and the unauthorised pergola and remove all additional unauthorised development which makes up the seating area facing Berther Road as shown hatched in blue on the attached plan;

**AND**

- (ii) Demolish the unauthorised side extension as shown hatched in red on the attached plan;

**AND**

- (iii) Remove all 4 of the air source heat pump external housing units on the flank elevation of the building facing No. 2a Berther Road at first floor level;

**AND**

- (iv) Remove all debris, rubbish or other materials accumulated as a result of taking steps (i) to (iii) above.

## 6. TIME FOR COMPLIANCE

**TWO MONTHS** after the date when this Notice takes effect.

## 7. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on **12<sup>th</sup> November 2021** unless an appeal is made against it beforehand

Dated: **14<sup>th</sup> October 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: **Patricia Adesina**

Telephone Number: 01708 433959 Email: [patricia.adesina@havering.gov.uk](mailto:patricia.adesina@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 **12<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 **12<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 **12<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.

### **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** 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.

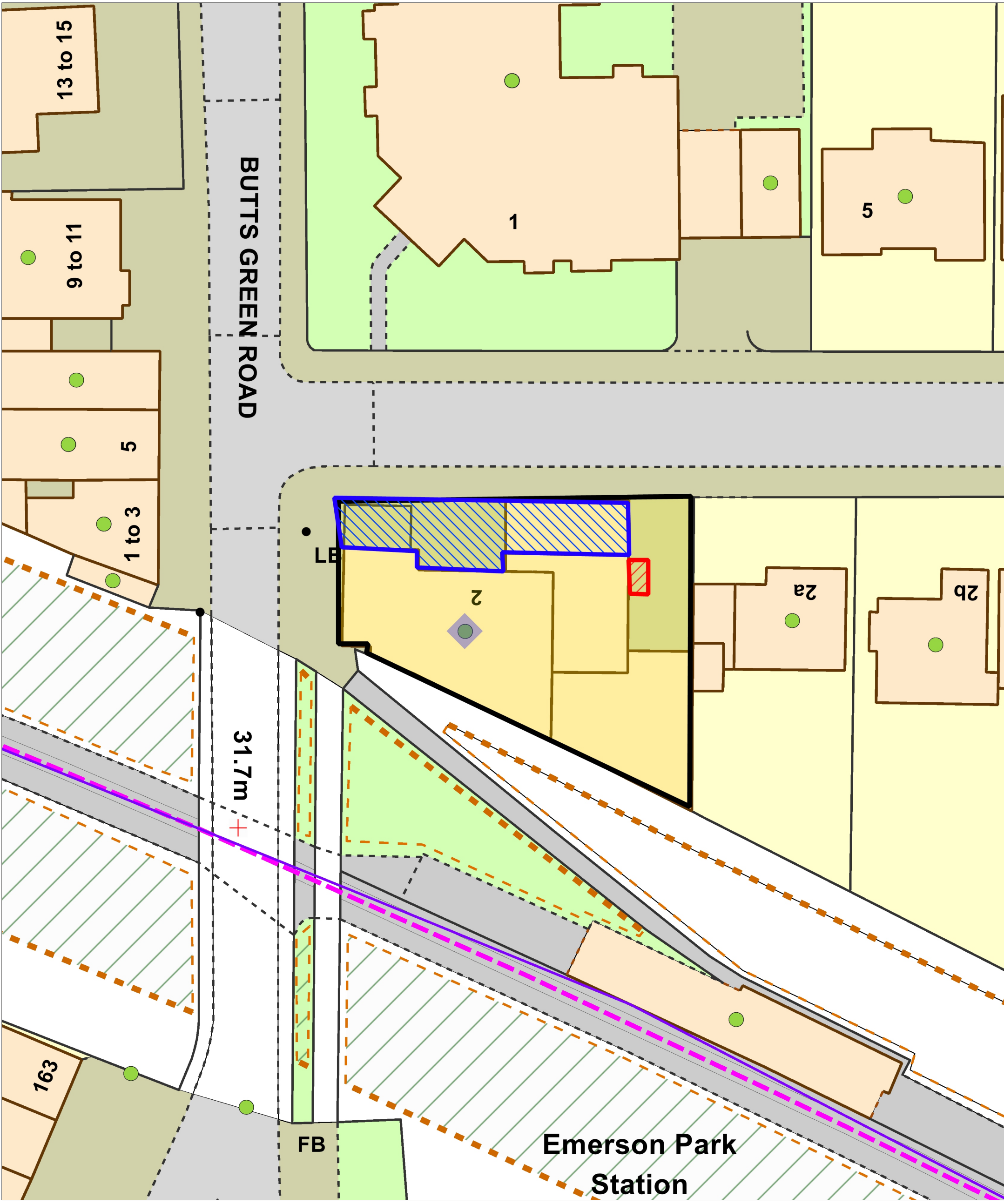
## **STATEMENT ON GROUNDS OF APPEAL**

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. PARSEL LTD (Co. Regn. No. 11036063) of 285  
Fore Street, London N9 0PD.
2. Shish Meze Limited 2 Berther Road, Hornchurch  
RM11 3HS.
3. Bahadir Kuytu, Ground Floor, 285 Fore Street, London, United Kingdom, N9 0PD
4. Bilal Nadir GUL, 2 Berther Road, Hornchurch, England, RM11 3HS
5. Bilal Nadir Gul 18 Market Place, Abridge, Essex, England, RM4 1UA
6. THE OWNER 2 Berther Road, Hornchurch  
RM11 3HS
7. The Occupier 2 Berther Road, Hornchurch  
RM11 3HS.



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Scale: 1:300  
 Date: 12 October 2021

London Borough of Havering  
 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.