

**98 ARDLEIGH GREEN ROAD, RM11 2LG**

**IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY**

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

**ENFORCEMENT NOTICE – Council Reference: ENF/104/19**

**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 at **98 Ardleigh Green Road, Hornchurch, RM11 2LG** as shown edged in black on the attached plan (EGL2722).

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

Without planning permission, the erection of a rear extension and the material change of use of the land at the rear to vehicle repairs and storage (Sui Generis).

4. **REASONS FOR ISSUING THIS NOTICE**

(1) It appears to the Council that the above breaches of planning control in respect of the construction of the rear extension commenced less than four years ago and that steps should be taken to remedy the breach by Section 173 4(a) or to remedy any amenity which has been caused by the breach.

(2) It appears to the Council that the above breaches of planning control in respect to the change of use of the land for vehicle repairs and storage commenced less than ten years ago and that steps should be taken to remedy the breach by Section 173 4(a) or to remedy any amenity which has been caused by the breach.

- (3) The wooden rear extension, by reason of its siting and associated levels of activity, is an unneighbourly development, harmful to the outlook for occupiers of No. 92, 94, 96, 100, 102 and No. 104 Ardleigh Green Road and has a materially adverse effect upon the amenity of adjacent residential properties due to its facilitation of the use and associated increased noise, general disturbance, smell, fumes, impacts on the rear garden environment and visual amenity contrary to Policies DC55 (Noise) and DC61 (Urban Design) of the LDF Core Strategy and Development Control Policies DPD and the National Planning Policy Framework (July 2021).
- (4) The uses for vehicle storage and vehicle repairs by reason of the land's tight constraints and associated level of activity and comings and goings has a detrimental impact on the living conditions of the occupiers of neighbouring residential properties and the commercial parade. The use therefore conflicts with Policy DC55 (Noise) of the Core Strategy and conflicts with guidance in the NPPF 2021.
- (5) The Council does not consider that planning permission should be granted for the development and the use of the rear wooden extension as vehicle storage and repairs because conditions attached to any consent cannot remedy the breach

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

The Enforcement Notice requires, **within 1 MONTH** of the effective date to:

1. Cease the use of the land for the repair, parking and storage of vehicles;

AND

Within **2 MONTHS** of the effective date:

2. Demolish the rear wooden extension;

AND

3. Permanently remove all vehicles, vehicle parts and tyres from the land;

AND

4. Remove all rubble and debris accumulated when taking steps (1) to (3) above.

## 6. **TIME FOR COMPLIANCE**

**ONE MONTH** for Step 1 and **TWO MONTHS** for Steps 2, 3 and 4 after the date when this Notice takes effect.

## 7. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on **23<sup>rd</sup> August 2021**, unless an appeal is made against it beforehand

Dated: **21<sup>st</sup> July 2021**



Signed:

George Atta-Adutwum – Deputy Team Leader Planning Enforcement and Appeals  
Authorised Officer on behalf of London Borough of Havering, Mercury House, Mercury  
Gardens, Romford, RM1 3SL

Nominated Officer to contact regarding this Notice: George Atta-Adutwum  
Telephone Number: 01708 432157  
Email: [George.Atta-Adutwum@havering.gov.uk](mailto:George.Atta-Adutwum@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 **23<sup>rd</sup> 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 **23<sup>rd</sup> 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 **23<sup>rd</sup> 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 **£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.

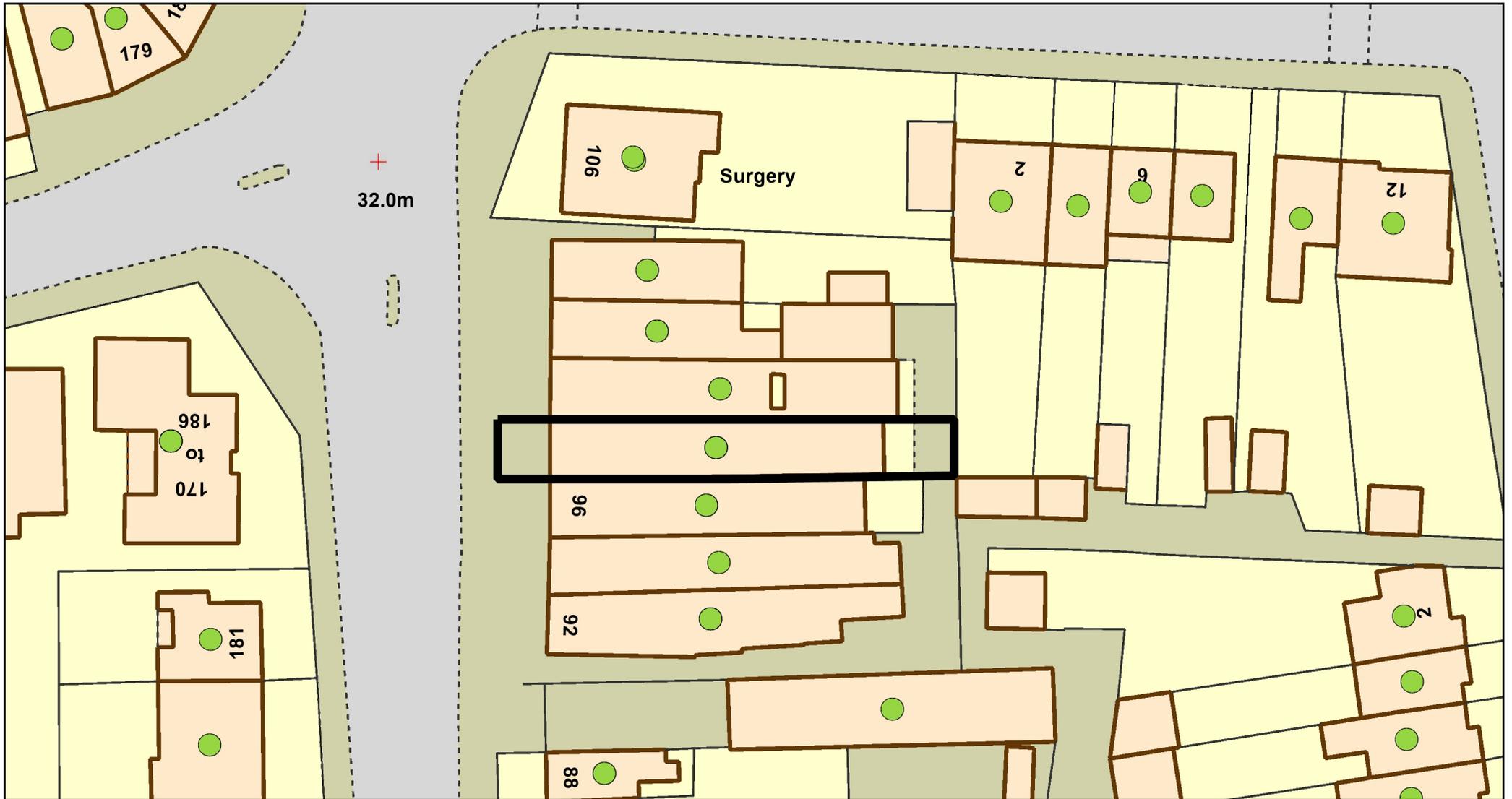
## **STATEMENT ON GROUNDS OF APPEAL**

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. JASVIR KAUR BHOGAL 5 Ernest Road, Hornchurch RM11 3JE
2. Jasvir Kaur Bhogal, 98 Ardleigh Green Road, Hornchurch, RM11 2LG
3. Kuljit Bhogal by email to: [bmscarparts@gmail.com](mailto:bmscarparts@gmail.com)
4. The Occupiers, 98 Ardleigh Green Road, Hornchurch, RM11 2LG
5. The Owner, 98 Ardleigh Green Road, Hornchurch, RM11 2LG
6. The occupiers, 98A Ardleigh Green Road, Hornchurch, RM11 2LG
7. The Owners, 98A Ardleigh Green Road, Hornchurch, RM11 2LG
8. The Company Director / Secretary, BMS Car Parts, 98 Ardleigh Green Road, Hornchurch, RM11 2LG
9. The Occupiers, Unit 2, 98 Ardleigh Green Road, Hornchurch, RM11 2LG
10. The Owner, Unit 2, 98 Ardleigh Green Road, Hornchurch, RM11 2LG



98 Ardleigh Green Road, Hornchurch, RM11 2LG



Scale: 1:500  
Date: 16 July 2021  
Size: A4



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.