

**23 MONTGOMERY CRESCENT, ROMFORD, RM3 7UH**

**IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY**

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

**ENFORCEMENT REFERENCE: ENF/387/21**

## **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 **23 MONTGOMERY CRESCENT, ROMFORD, RM3 7UH**, shown edged in black on the attached plan and is registered under Land Registry Title Number NGL173237.

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

Without planning permission, the material change of use of the land from a dwellinghouse to a house in multiple occupation.

### **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 use of the property as an HMO in a two storey end of terrace property and by reason of the intensification of the site, causes significant harm to residential amenity from noise, disturbance and activity contrary to Policies DC4, DC5 and DC61 of the London Borough of Havering Local Development Framework Core Strategy and Development Control Policies Development Plan Document 2008 and Policy 8 of the emerging Havering Local Plan 2016-2031.
3. The unauthorised use of the property as a HMO has a gross internal floor area of approximately 115 square metres, which fails to meet the standard of 120 square

metres as per Policy 8 of the emerging Havering Local Plan 2016-2031 and results in the loss of a family dwelling for which there is a need.

4. The unauthorised use of the property as a HMO and specifically units 2 and 3 have a floor area of 7 and 10 square metres respectively, which fails to meet the gross internal floor space of 8.5 metres for one occupier and 13 square metres for two occupiers respectively and provides a poor quality living environment for the occupiers contrary to the HMO East London Guidance 2009. There is a recreational area in a conservatory with a floor area of 12 square metres, which could be used as a dining area, but it fails to meet the minimum standard of 16 square metres for 5 occupiers and provides a poor quality living environment for the occupiers contrary to the HMO East London Guidance 2009 and Policy 8 of the emerging Havering Local Plan 2016-2031.
5. The unauthorised use of the property as a HMO and specifically the communal amenity space for five self-contained units create conditions that results in undue overlooking and loss of privacy to Unit 2 harmful to the amenity of the occupiers contrary to Policy DC61 of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document and the Residential Design Supplementary Planning Document.
6. The unauthorised development of a 5 unit HMO results in an intensification of use and the provision of two car parking spaces for the occupiers, gives rise to increased parking stress and competition for on street parking spaces contrary to Policy DC33 of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document and Policy 8 of the emerging Havering Local Plan 2016-2031.
7. The Council does not consider that planning permission should be granted because conditions attached to any consent would not overcome these problems and because planning permission has already been refused under application P1447.21.

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

- (i) Cease the use of the property as a house in multiple occupation.

**6. TIME FOR COMPLIANCE**

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

**7. WHEN THIS NOTICE TAKES EFFECT**

This Notice takes effect on **3<sup>rd</sup> December 2021**, unless an appeal is made against it beforehand

Dated: **29<sup>th</sup> October 2021**

Signed: 

DAVID COLWILL

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

Nominated Officer to contact regarding this Notice: **Phillip Jones**

Telephone Number: **01708 431439** Email: [phillip.jones@haverling.gov.uk](mailto:phillip.jones@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 **3<sup>rd</sup> December 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 **3<sup>rd</sup> December 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 **3<sup>rd</sup> December 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**

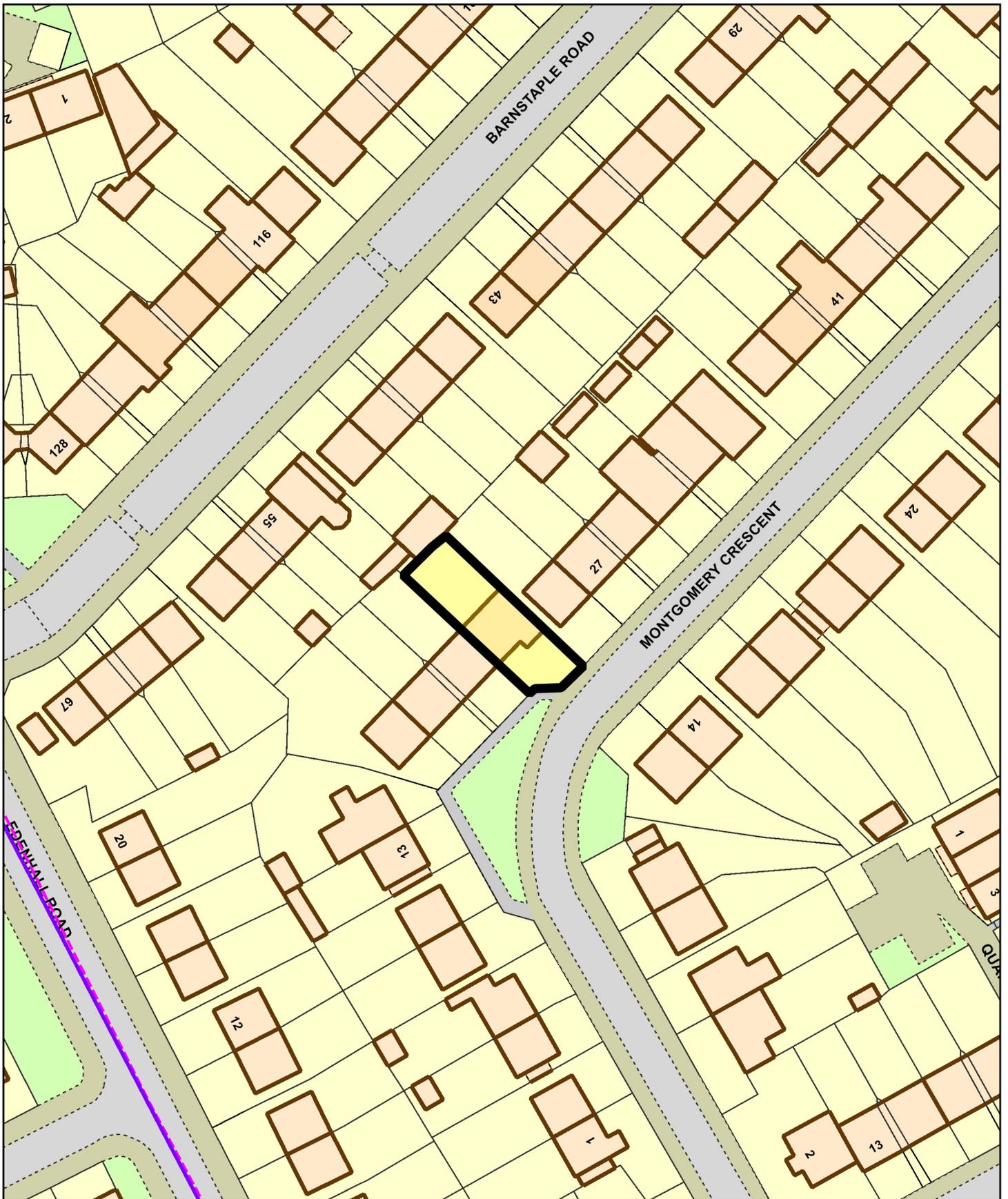
The grounds of appeal must be submitted to the Planning Inspectorate, either when giving notice of the appeal or within 14 days from the date on which the Planning Inspectorate sends you a notice so requiring, a statement in writing specifying the grounds on which the appeal against the Enforcement Notice 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. The Owner(s), 23 Montgomery Crescent, Romford, RM3 7UH.
2. The Occupier(s), 23 Montgomery Crescent, Romford, RM3 7UH.
3. Andrius Bepalovas, 23 Montgomery Crescent, Romford, RM3 7UH.
4. Anna Bepaloviene, 23 Montgomery Crescent, Romford, RM3 7UH.
5. Andrius Bepalovas, 24 Kettering Road, Romford, RM3 8QH.

6. Anna Bepaloviene, 24 Kettering Road, Romford, RM3 8QH.
7. Andrius Bepalovas, 65 Hillview Avenue, Hornchurch, RM11 2DN.
8. Anna Bepaloviene, 65 Hillview Avenue, Hornchurch, RM11 2DN.
9. The Mortgage Works (UK) PLC Nationwide House, Pipers Way, Swindon, SN38 1NW.



**23 Montgomery Crescent, Romford, RM3 7UH.**

**ENF/387/21**




**Scale: 1:750**

**Date: 29 October 2021**




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

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 Ordnance Survey 100024327

# Enforcement appeal: information sheet for local planning authorities

Customer Support Team  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol BS1  
6PN

Direct Line: 0303 444 5000

Email: [enquiries@planninginspectorate.gov.uk](mailto:enquiries@planninginspectorate.gov.uk)

## 1. THIS IS IMPORTANT

If you want to appeal against this enforcement notice you can do it:-

- online at the [Appeals Casework Portal](#); 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 written notice of appeal by letter or email. You should include the name and contact details of the appellant(s) and either attach a copy of the Enforcement notice that you wish to appeal or state the following:

- the name of the local planning authority;
- the site address; and
- 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.