

**140 BENHURST AVENUE, HORNCHURCH, RM12 4QW**

**IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY**

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

**ENFORCEMENT REFERENCE: ENF/305/20**

## **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 **140 BENHURST AVENUE, HORNCHURCH, RM12 4QW**, shown edged in black on the attached plan and is registered under Land Registry Title Number **EGL331907**.

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

Without planning permission, the material change of use of the land from a single dwellinghouse to two self-contained flats.

### **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 development provides an inadequate internal layout which results in a cramped and substandard level of living space for existing and future occupiers. Further, the internal layout is such that bedrooms would abut primary habitable rooms which would be harmful to the amenity of the existing and future occupiers and the adjoining neighbours. The development is contrary to the National Planning Policy Framework (NPPF), Policy DC4 (Conversion to Residential & Subdivision of Residential Uses), Policy DC61 (Urban Design) of the London Borough of Havering Local Development Framework Core Strategy and Development Control Policies Development Plan Document 2008 and the Residential Design Supplementary Planning Document 2010 and Policy 3.5 of the London Plan and the Technical Housing Standards - nationally Described Space Standards 2015.

3. The unauthorised development would by reason of the inadequate provision of amenity space result in a cramped over-development of the site to the detriment of existing and future occupiers and the character of the surrounding area and would therefore be contrary to the National Planning Policy Framework (NPPF), Policy DC61 (Urban Design) of the London Borough of Havering Local Development Framework Core Strategy and Development Control Policies Development Plan Document 2008 and the Residential Design Supplementary Planning Document 2010.
4. The Council does not consider that planning permission should be granted because planning conditions attached to any consent would not overcome these problems.

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

- (i) Cease using the property as two self-contained flats;
- (ii) Remove all the kitchen and cooking facilities except for one kitchen and all bathroom and bathroom facilities except for one bathroom;

AND

- (iii) Remove all electricity meters/fuse boxes from the premises except for one which serves the whole premises;

AND

- (iv) Remove all internal dividing walls, framework and doors from the ground floor hallway and above the original balustrade to the staircase which facilitates the use as two self-contained flats;

AND

- (v) All materials and debris associated with steps i, ii, iii & iv above, shall be totally removed from the site.

**6. TIME FOR COMPLIANCE**

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

**7. WHEN THIS NOTICE TAKES EFFECT**

This Notice takes effect on **15<sup>th</sup> FEBRUARY 2021**, unless an appeal is made against it beforehand

Dated: **15<sup>th</sup> JANUARY 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: Phillip Jones  
Telephone Number: 01708 431439 Email: [Phillip.jones@havering.gov.uk](mailto:Phillip.jones@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 **15<sup>th</sup> FEBRUARY 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 **15<sup>th</sup> FEBRUARY 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 **15<sup>th</sup> FEBRUARY 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), Ground floor flat, 140 Benhurst Avenue, Hornchurch, RM12 4QW.
2. The Occupier(s), Ground floor flat, 140 Benhurst Avenue, Hornchurch, RM12 4QW.
3. The Owner(s), First floor flat, 140 Benhurst Avenue, Hornchurch, RM12 4QW.
4. The Occupier(s), First floor flat, 140 Benhurst Avenue, Hornchurch, RM12 4QW.
5. Muhammad Danish Rafiq, 140 Benhurst Avenue, Hornchurch, RM12 4QW.
6. Bank of Scotland PLC, Halifax Division, 1 Lovell Park Road, Leeds, LS1 1NS.



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| ENF/305/20 | 140 Benhurst Avenue, Hornchurch, RM12 4QW.  |
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|    | Scale: 1:750 <br>Date: 15 December 2020 |
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|  | London Borough of Havering<br>Town Hall, Main Road<br>Romford, RM1 3BD<br>Tel: 01708 434343 | © Crown copyright and database rights 2020<br>Ordnance Survey 100024327 |
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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.