

**127 WENNINGTON ROAD, RAINHAM, RM13 9TR**

**IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY**

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

**London Borough of Havering Reference: ENF/840/19**

**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 at **127 WENNINGTON ROAD, RAINHAM, RM13 9TR**, showed edged in black on the attached plan with the unlawful dwelling known as 127b Wennington Road, Rainham RM13 9TR shown in the area hatched in black on the attached plan.

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

Without planning permission, the material change of use of the single storey rear extension into a self-contained dwelling.

**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 injury to amenity which has been caused by the breach.

(2) The change of use does not demonstrate a suitably high quality living environment for future occupiers, with the arrangement shown symptomatic of a cramped overdevelopment of the site and a low quality residential setting which would be the detriment of the amenity of future occupiers. The development fails to provide suitable internal spacing, outlook and aspect and also results in inadequate provision of usable amenity space and as such the development gives rise to a poor quality living environment contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD, the Residential Design SPD and Policy 3.5 of the London Plan.

(3) The Council does not consider that planning permission should be granted for the development because planning permission has already been refused and dismissed on appeal and the development has therefore already been twice assessed as unacceptable.

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

The Enforcement Notice requires, **within THREE months of the effective date of the Notice to:**

1. Cease the use of the single storey rear extension as a separate self-contained dwelling;

**AND**

2. Remove all amenities which facilitate the use of the building as marked in lack hatching on the attached plan as a separate dwelling unit including the removal of all cooking facilities, counter tops and food storage cupboards; remove all beds, sofa beds, bathing/showering facilities toilet facilities and all residential paraphernalia including appliances (including washing machines and any other kitchen appliances) associated with use of the building as a separate dwelling;

**AND**

3. Remove all electricity and gas meters/fuse boxes from the unit of accommodation known as 127b Wennington Road;

**AND**

4. Remove all rubble and debris accumulated when taking steps (1), (2) and (3) above

**6. TIME FOR COMPLIANCE**

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

**7. WHEN THIS NOTICE TAKES EFFECT**

This Notice takes effect on **9<sup>th</sup> April 2021**, unless an appeal is made against it beforehand

Dated: **5<sup>th</sup> March 2021**

Signed: 

David Colwill – Team Leader Planning Enforcement  
Authorised Officer

On behalf of London Borough of Havering, 5<sup>th</sup> Floor Mercury House, Mercury Gardens, Romford, RM1 3SL

**Nominated Contact Officer:**

George Atta-Adutwum, Deputy Team Leader Planning Enforcement  
01708 432157      [george.atta-adutwum@haverling.gov.uk](mailto:george.atta-adutwum@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 on behalf of the Secretary of State before the **9<sup>th</sup> April 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 **9<sup>th</sup> April 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 Secretary of State on or before the **9<sup>th</sup> April 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) and an appeal may be made 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 wish to appeal on ground (a) - that planning permission should be granted for the unauthorised development - 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**

It must be submitted to the Secretary of State, either when giving notice of appeal or within 14 days from the date on which the Secretary of State sends him 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 it is proposed 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. RONALD WILLIAM BUDDEN, 127 Wennington Road, Rainham, RM13 9TR
2. The Owners, 127 Wennington Road, Rainham, RM13 9TR
3. The Occupiers, 127 Wennington Road, Rainham, RM13 9TR
4. RONALD WILLIAM BUDDEN, 36 Ernest Road, Hornchurch RM11 3JQ

5. RONALD WILLIAM BUDDEN, 127b Wennington Road, Rainham, RM13 9TR
6. The Owners, 127b Wennington Road, Rainham, RM13 9TR
7. The Occupiers, 127b Wennington Road, Rainham, RM13 9TR



<b>127 Wennington Road, Rainham, RM13 9TR</b>	
---	---

  	<b>Scale: 1:500</b> <b>Date: 05 March 2021</b>
---	---

	London Borough of Havering Town Hall, Main Road Romford, RM1 3BD Tel: 01708 434343	© Crown copyright and database rights 2021 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.