

**Sallywags Nursery, 59 Suttons Lane, Hornchurch, RM12 6RL**

**IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY**

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

**ENFORCEMENT REFERENCE: ENF/908/19**

## **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 known as **Sallywags Nursery, 59 Suttons Lane, Hornchurch, RM12 6RL**, shown edged in black on the attached plan and is registered under Land Registry Title Number EX13431.

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

Without planning permission, the construction of an additional extension to the rear outbuilding.

### **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 is considered that the erection construction of extension the additional extension to the rear outbuilding by reason of its length, height and proximity to the boundary of the site with no.61 Suttons Lane, and its resultant degree of visibility above the fence line and within the neighbouring rear garden environment, combined with the inappropriate and poor choice of external materials, which further exacerbate the adverse visual impacts of the development, results in development which is materially harmful to the amenity of the neighbouring property at no. 61 Suttons Lane, contrary to Policy DC61 of the Havering Core Strategy and Development Control Policies DPD 2008, as well as the Residential Extensions and Alterations SPD, and the Residential Design SPD.

3. 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) Demolish the additional extension attached to the rear outbuilding;

**AND**

- (ii) Remove all other debris, rubbish or other materials accumulated as a result of taking steps (i) above;

**6. TIME FOR COMPLIANCE**

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

**7. WHEN THIS NOTICE TAKES EFFECT**

This Notice takes effect on **5<sup>th</sup> May 2021**, unless an appeal is made against it beforehand

Dated: **1<sup>st</sup> April 2021**

Signed:



George Atta-Adutwum  
Authorised Officer  
on behalf of London Borough of Havering, Mercury House, Mercury Gardens, Romford,  
RM1 3SL

Nominated Officer to contact regarding this Notice: Peter Miler  
Telephone Number: 01708 433635      Email: Peter.Miller@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 **5<sup>th</sup> May 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 **5<sup>th</sup> May 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 **5<sup>th</sup> May 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 **£412** 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.

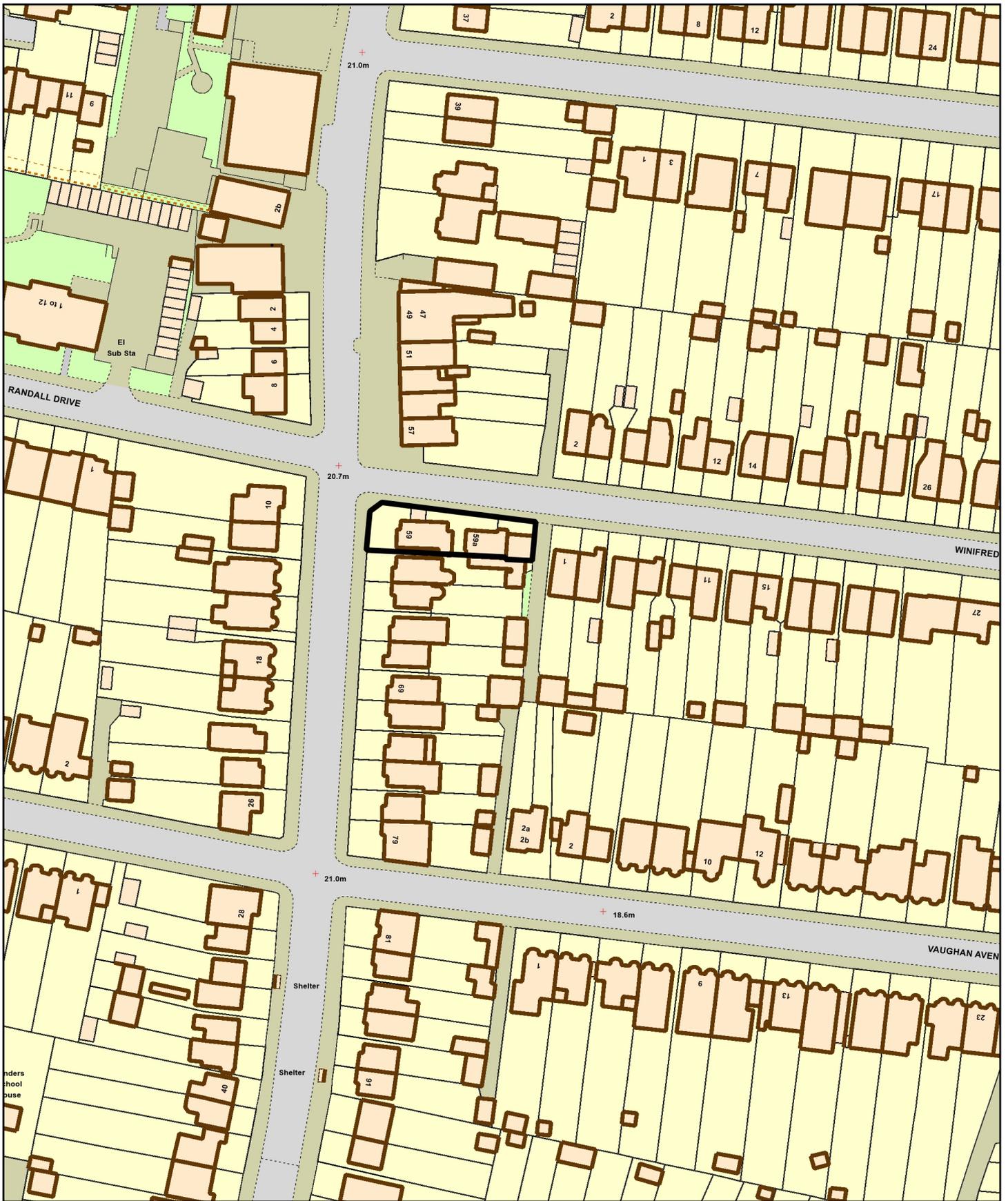
## **STATEMENT ON GROUNDS OF APPEAL**

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. JOSEPHINE SANDRA NATHAN, 123 Southend Arterial Road, Hornchurch, Essex RM11 2SE
2. MARLENE PHILIPPA PINCUS, 164 Healey Drive, Gants Hill, Ilford, Essex
3. Scallywags Nursery, 59 Suttons Lane, Hornchurch, RM12 6RL
4. The Owner, 59 Suttons Lane, Hornchurch, RM12 6RL
5. The Occupier, 59 Suttons Lane, Hornchurch, RM12 6RL

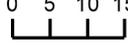


Scalywags Nursery, 59 Suttons Lane, Hornchurch, RM12 6RL







Scale: 1:1250 0 5 10 15 metres  
 Date: 01 April 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.