

57 NAGS HEAD LANE, UPMINSTER, BRENTWOOD CM14 5NL

IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

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

ENFORCEMENT REFERENCE: ENF/776/18

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 **57 Nags Head Lane, Upminster, Brentwood CM14 5NL** shown edged in black on the attached plan and is registered under Land Registry Title Numbers BGL 80575, BGL 80583, BGL 80586 and EGL202073.

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

Without the benefit of planning permission:

1. Erection of residential extensions on the first floor level and creation of balconies at the rear of property as identified in the plan indicating as A below; and
2. Alterations to the roof profile at the rear and front of the property; and
3. Erection of canopies and roof overhangs over the front porch leading up to the entrance of the garage in the basement at the front of the property identified as B in the plan below.

A AND B IDENTIFYING THE AREAS WHERE DEVELOPMENT HAS TAKEN PLACE

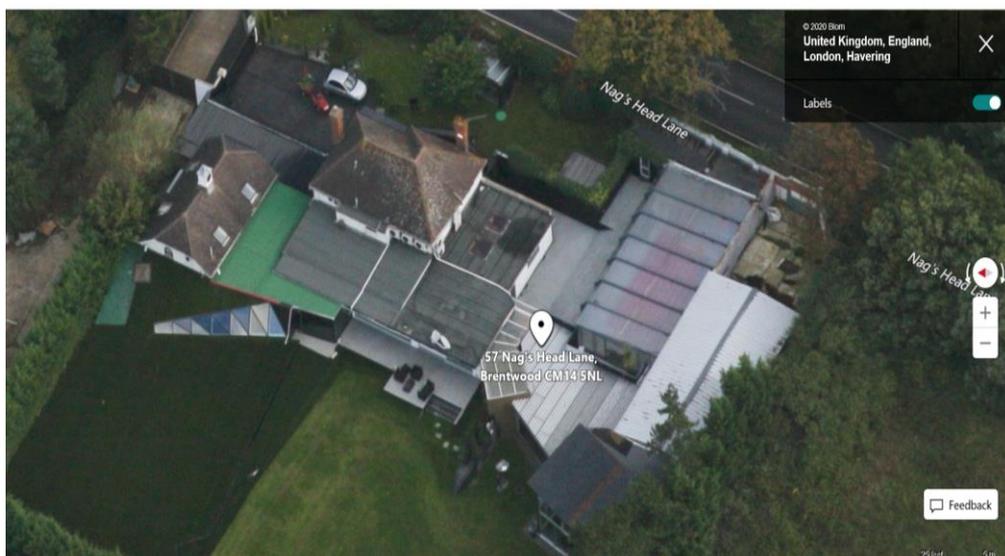


4. REASONS FOR ISSUING THIS NOTICE

- (1) It appears to the Council that the above breaches of planning control have occurred within FOUR years in respect of development in the land that had taken place that steps should be taken to remedy the breaches in accordance with the purposes stipulated in Section 173 (4) (a) of the above Act.
- (2) The erection of rear balconies including alterations to roof, residential extensions on the first floor level, additional structures that cover the front porch including erection of roof overhangs within the curtilage of the residential property has a materially harmful detrimental impact upon the open character of the green belt contrary to Policy DC45 of the Council of the London Borough of Havering, Core Strategy and Development Control Policies Development Plan Document (2008) (DPD) as it would have a greater impact on the openness of the Green Belt.
- (3) The Council does not consider that planning permission should be granted because conditions attached to any consent would not overcome these problems.

5. WHAT YOU ARE REQUIRED TO DO

- i. Remove all additional roofs structures and roof overhangs from front and rear of property that were built during the formation of the balconies; AND
- ii. Remove from rear of the property all residential roof extensions built on the first floor level, the balcony and supporting structures; AND
- iii. Remove all canopies and roof overhangs over the front porch leading up to the entrance of the garage in the basement at the front of the property ; AND
- iv. Ensure the front and rear elevations including roof profile match the elevations before the unauthorised development took place as shown in the image below.



- v. Remove from the land all debris, rubble and other materials accumulated as a result of taking steps (i), (ii), (iii) and (iv) above.

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 **27th July 2021**, unless an appeal is made against it beforehand.

Dated: 24th June 2021

Signed:



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

Nominated Officer to contact regarding this Notice: Onkar Bhogal
Telephone Number: 01708 431587 Email: onkar.bhogal@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 **27th July 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 **27th July 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 **27th July 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.

GROUNDINGS 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. Foz Rashid, 57 Nags Head Lane, Upminster, Brentwood CM14 5NL
2. Donald Messenger, 57 Nags Head Lane, Upminster, Brentwood CM14 5NL
3. Fozlul Rashid, 57 Nags Head Lane, Upminster, Brentwood CM14 5NL
4. Fozul Rashid, 57 Nags Head Lane, Upminster, Brentwood CM14 5NL
5. Jaylul Rashid, 57 Nags Head Lane, Upminster, Brentwood CM14 5NL
6. Rish Singh, 57 Nags Head Lane, Upminster, Brentwood CM14 5NL
7. S H Rashid, 57 Nags Head Lane, Upminster, Brentwood CM14 5NL
8. Manjeet Kaur, 57 Nags Head Lane, Upminster, Brentwood CM14 5NL
9. Fozul Rshid, 62 Grosvenor Road, Ilford, Essex IG1 1LA
10. The Owners, 57 Nags Head Lane, Upminster, Brentwood CM14 5NL
11. The Occupiers, 57 Nags Head Lane, Upminster, Brentwood CM14 5NL
12. Jahanara Begum Mcready, 57 Nags Head Lane, Upminster, Brentwood CM14 5NL
13. Roonie Messenger, 57 Nags Head Lane, Upminster, Brentwood CM14 5NL
14. Moynul Rashid, 57 Nags Head Lane, Upminster, Brentwood CM14 5NL
15. Adel Salah, 57 Nags Head Lane, Upminster, Brentwood CM14 5NL
16. Jasmin Salah, 57 Nags Head Lane, Upminster, Brentwood CM14 5NL