

**43 BARTLOW GARDENS, ROMFORD RM5 3UA**

**IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY**

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

**ENFORCEMENT REFERENCE: ENF/343/19**

## **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 **43 Bartlow Gardens Romford RM5 3UA**, shown edged in black on the attached plan and is registered under Land Registry Title Number EGL232053.

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

Without planning permission, the material change of use of the land from one dwelling into two dwellings, specifically, the unauthorised use of the outbuilding as a separate self-contained residential unit.

### **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 material change of use of the land through the unauthorised use of the outbuilding as a self-contained residential unit, places unreasonable restrictions on both the existing residential unit on site (No.43 Bartlow Gardens and the outbuilding. This is due in part by concerns over the design and layout of the site, including poorly laid out facilities for parking, cycle storage, waste and refuse storage, and access arrangements. The use also conflicts with other operational matters, such as noise and disturbance in particular to nearby dwellings, as well the impact on privacy and overlooking (both perceived and actual overlooking).

These matters are inherent to the non-incidental use of the outbuilding, which – due to poor planning and implementation – also results in a poorly-designed layout for the residential use of the outbuilding, and the operation of No.43 more generally. The development is considered unacceptable when assessed against: the National Planning Policy Framework (July 2021); Policies D3, D4, D5, D6, D7, H1, H2, G5, G6, SI4, SI5, SI7, T3, T4, T5, T6, and T6.1 of the London Plan (March 2021); and Policies 1, 3, 5, 7, 9, 24, 26, 30, 34, 35, and 36 of the Havering Local Plan (2016-2031).

3. The unauthorised use of the outbuilding as a self-contained residential unit results in a poor quality living space. This is due in part by the failure to meet internal space standards, the lack of accessible design, poor quality of natural light to living spaces, the conflict with No.43 Bartlow Gardens (both spatially and in terms of noise and disturbance and privacy), and the lack of any private amenity area. This also demonstrates a poor consideration for sustainable design which promotes the reduction in energy use. The development is considered unacceptable when assessed against: the National Planning Policy Framework (July 2021); Policies, D2, D3, D4, D5, D6, D7, D8, H1, H2, E1, E3, G5, G6, SI4, SI5, SI7, T3, T4, T5, T6, T6.1, T6.2, and DF1 of the London Plan (March 2021); Policies 1, 3, 5, 7, 9, 12, 13, 24, 26, 30, 34, 35, and 36 of the Havering Local Plan (2016-2031); and is contrary to the "Technical housing standards - nationally described space standard" (NDSS) 2015.
4. The Council does not consider that planning permission should be granted for the development currently on site. Section 57 of the Town and Country Planning Act 1990 (as amended), and the National Planning Policy Framework (2021) clearly sets out the expectation that the necessary information is provided to the LPA prior to development occurring. Notwithstanding this, it is not clear if any conditions can address the identified concerns, or if any such conditions would be enforceable in any event.

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

- (1) Cease the use of the outbuilding to the rear as a self-contained residential unit;

AND

- (2) Remove all kitchen facilities (including cooking equipment, kitchen cupboards and sink(s)), remove all washing and toilet facilities and remove all residential paraphernalia associated with the use of the outbuilding as a self-contained residential unit;

AND

- (3) Remove all materials, rubble and debris from the site as a result of undertaking steps (1) and (2).

## **6. TIME FOR COMPLIANCE**

**For Step (1): TWO MONTHS** after the date when this Notice takes effect.

**For Steps (2) and (3): THREE MONTHS** after the date when this Notice takes effect.

## **7. WHEN THIS NOTICE TAKES EFFECT**

This Notice takes effect on **4<sup>th</sup> August 2023**, unless an appeal is made against it beforehand

Dated: **4<sup>th</sup> July 2023**

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:

**Isaac Liu, Senior Planning Enforcement Officer**

Telephone Number: **01708 432466** Email: [Isaac.Liu@haverling.gov.uk](mailto:Isaac.Liu@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 **4<sup>th</sup> August 2023**. 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 **4<sup>th</sup> August 2023** 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 **4<sup>th</sup> August 2023**.

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, 43 Bartlow Gardens, Romford, RM5 3UA
2. The Occupier, 43 Bartlow Gardens, Romford, RM5 3UA
3. The Owner, 43a Bartlow Gardens, Romford, RM5 3UA
4. The Occupier, 43a Bartlow Gardens, Romford, RM5 3UA
5. The Company Secretary / Director, Dean Floyd Management Limited, 12e Manor Road, London, N16 3SA
6. The Company Secretary / Director, Dean Floyd Management Limited, Aaron House 8 Hainault Business Park, Forest Road, Hainault, Essex, England, IG6 3JP
7. Dean Anthony Floyd (Director), 49a Hainault Road, Chigwell, England, IG7 5DH
8. Paragon Bank PLC, 51 Homer Road, Solihull, West Midlands B91 3QJ



# 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.