

**23 CARTER DRIVE, ROMFORD RM5 2NT**

**IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY**

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

**ENFORCEMENT REFERENCE: ENF/76/22**

## **ENFORCEMENT NOTICE**

### **NUMBER TWO**

**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)(b) 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 **23 CARTER DRIVE, ROMFORD RM5 2NT** shown edged in black on the attached plan.

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

The Planning Permission Concerned

Planning Permission P1368.21 for two storey side and rear extensions dated 22<sup>nd</sup> October 2021.

The Condition Concerned

Condition 5 of Planning Permission P1368.21:

5. a) Prior to the commencement of any groundworks or development of the site, details shall be submitted to and agreed in writing by the Local Planning Authority setting out suitable gas protection measures to be employed on site including, but not necessarily limited to, the installation of a suitable gas resistant membrane, in compliance with BS8485:2015. The gas protection measures shall be carried out in strict accordance with the agreed details.

b) Upon completion of installation, a 'Verification Report' must be submitted demonstrating that the works have been carried out.

Reason: Insufficient information has been supplied with the application to judge the risk arising from landfill gases (methane and carbon dioxide). Submission of an assessment prior to commencement will protect people on or close to the site from the risks associated with migrating landfill gas, and will ensure that the development accords with Development Control Policies Development Plan Document.

#### The Breach of Condition Concerned

The breach of condition 5 of planning permission P1368.21 by the construction of two storey side and rear extensions without prior compliance with the requirements of condition 5.

#### **4. REASONS FOR ISSUING THIS NOTICE**

- (1) It appears to the Council that the above breach of planning control has occurred within the last ten 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 development fails to comply with condition 5 of prior planning permission P1368.21 for two storey side and rear extensions dated 22<sup>nd</sup> October 2021 in that the development has been built without compliance with that condition precedent and a subsequent application to discharge the condition after the development has taken place has been refused under reference Q0237.22.
- (3) Insufficient information has been supplied to judge the risk arising from landfill gases (methane and carbon dioxide). Failing to submit an assessment prior to commencement of development has failed to protect people on or close to the site from the risks associated with migrating landfill gas, and therefore the development does not accord with Paragraph 139 of the NPPF (2023) as it is not well designed and is potentially unsafe to occupiers and residents.
- (4) The site sits within 250 metres radius of a historical landfill. The preliminary risk assessment shows a low probability of gassing regime, however further intrusive investigation to fully characterise quantitatively the ground condition and to further justify their conclusion would be required. There is The Council does not consider that planning permission should be granted because planning conditions attached to any consent would not overcome these problems and because planning permission has already been refused under application P0371.23 and the Council has further refused to discharge condition 5 of Planning Permission P1368.21 under reference Q0237.22 no evidence showing a suitable gas resistant membrane has been installed during the development or indeed any verification program confirming that pollutant gasses have ben mitigated. The development is already in situ, therefore details of any additional risk assessment and verification programme in order to consider this application further would be required. Also, details of the gas membrane and verification report need to be submitted to demonstrate these measure have been considered during the development

works. No such information having been received the development is unacceptable

- (5) The Council does not consider that planning permission should be granted because planning conditions attached to any consent would not overcome these problems and because planning permission has already been refused under application P0371.23 and the Council has further refused to discharge condition 5 of Planning Permission P1368.21 under reference Q0237.22.

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

1. Comply with condition 5 of planning permission P1368.21 by removing all side and rear extensions to the property built without compliance with that condition;

**AND**

2. Remove all debris, rubbish or other materials accumulated as a result of taking step 1 above;

**AND**

3. Comply with condition 5 of planning permission P1368.21 by (i) submitting an application to discharge that condition and thereafter (ii) by complying with all details required to satisfy that condition prior to rebuilding any of the side and rear extensions granted planning permission under planning permission P1368.21.

**6. TIME FOR COMPLIANCE**

**For Steps 1 and 2, THREE MONTHS** after the date when this Notice takes effect;

**AND**

**For Step 3 SIX MONTHS** after the date when this Notice takes effect.

**7. WHEN THIS NOTICE TAKES EFFECT**

This Notice takes effect on **1<sup>st</sup> February 2024**, unless an appeal is made against it beforehand

Dated: **22<sup>nd</sup> December 2023**

Signed: 

DAVID COLWILL

**PLANNING ENFORCEMENT TEAM LEADER**

Authorised Officer on behalf of London Borough of Havering, Town Hall, Main Road, Romford, RM1 3BB

Nominated Officer to contact regarding this Notice: **Chris Stathers**

Telephone Number: **01708 433619** Email: [chris.stathers@haverling.gov.uk](mailto:chris.stathers@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 **1<sup>st</sup> February 2024**. 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 **1<sup>st</sup> February 2024** 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 **1<sup>st</sup> February 2024**.

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 **£516** 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.

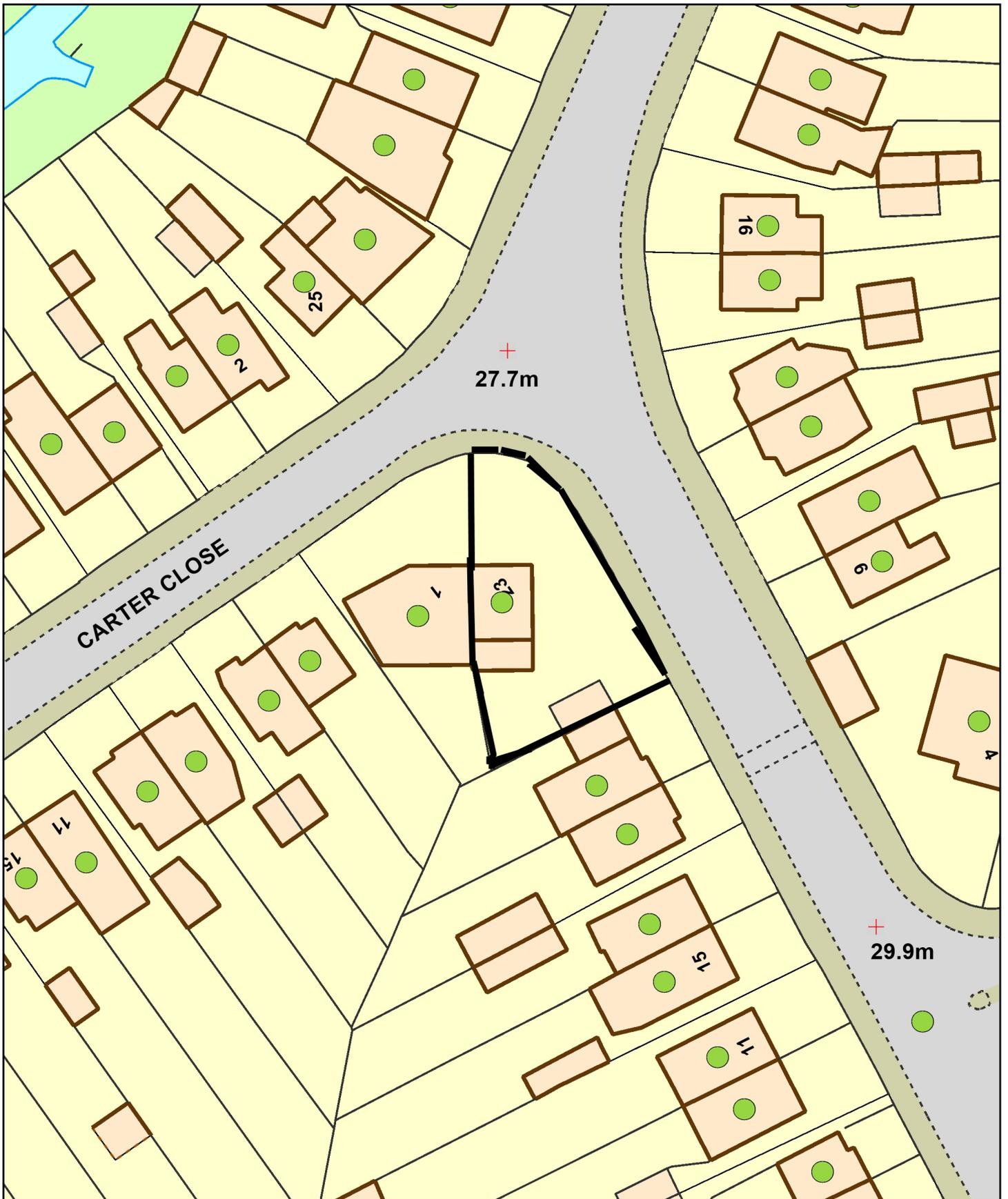
## **STATEMENT ON GROUNDS OF APPEAL**

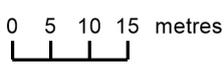
The grounds of appeal must be submitted to the Planning Inspectorate, either when giving notice of the appeal or within 14 days from the date on which the Planning Inspectorate sends you a notice so requiring, a statement in writing specifying the grounds on which the appeal against the Enforcement Notice 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. Razvan Florin Stanuti, 23 Carter Drive, Romford RM5 2NT
2. Camelia Elena Stanuti, 23 Carter Drive, Romford RM5 2NT
3. The Owner(s), 23 Carter Drive, Romford RM5 2NT
4. The Occupier(s), 23 Carter Drive, Romford RM5 2NT
5. Razvan Florin Stanuti, 317 Lodge Lane, Romford RM5 2HX
6. Camelia Elena Stanuti, 317 Lodge Lane, Romford RM5 2HX
7. Coca Stanuti, 23 Carter Drive, Romford RM5 2NT



<p><b>23 CARTER DRIVE, ROMFORD</b></p>	<p><b>ENF/76/22</b></p> 
	<p><b>Scale: 1:500</b></p> <p><b>Date: 31 July 2023</b></p> 
 <p>London Borough of Havering Town Hall, Main Road Romford, RM1 3BD Tel: 01708 434343</p>	<p>© Crown copyright and database rights 2023 Ordnance Survey 100024327</p>

# 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.