

IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY

TOWN AND COUNTRY PLANNING ACT 1990

ENFORCEMENT NOTICE – MATERIAL CHANGE OF USE

ISSUED BY THE LONDON BOROUGH OF NEWHAM

1. **THIS IS A FORMAL NOTICE** issued by the Council because it appears that there has been a breach of planning control under Section 171A(1)(a) of the above Act, at the land described below. The Council considers it expedient to issue this notice, having regard to the provisions of the development plan and to other material considerations.

2. **THE LAND AFFECTED**

Land at **238 Romford Road, Forest Gate, London, E7 9HZ** in the London Borough of Newham shown edged red on the attached plan.

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

Without planning permission the material change of use to a house in multiple occupation (HMO).

4. **REASONS FOR ISSUING THIS NOTICE**

It is the opinion of the Council that a breach of planning control has occurred within the past ten years.

The current arrangement does not accord with the provisions of the:

- National Planning Policy Framework (published 27 March 2012);
- Newham Core Strategy (adopted January 2012);
- London Borough of Newham Unitary Development Plan (adopted June 2001, policies saved by the Secretary of State in 2007 and not deleted on adoption of the Core Strategy on 26 January 2012), and;
- The London Plan: Spatial Development Strategy for London (consolidated with alterations since 2011, published March 2015)

The Council will seek to return the land to its former state by reason of the following:

1. The conversion of the property to a house in multiple occupation provides a poor quality of accommodation which is to the detriment of the persons who reside there, and at a neighbourhood

level, harms the objectives of creating healthier neighbourhoods and delivering convergence. It is therefore contrary to policy H17 of the Unitary Development Plan, policies S1, SP1, SP2, SP3, H1 and H4 of the London Borough of Newham Core Strategy, Policy 3.8, and 7.1 of the London Plan, the National Planning Policy Framework and the requirements of the Lifetime Homes Standards.

2. The change in use of the property to a house in multiple occupation has the potential to cause harm to neighbouring amenity through; increased comings & goings and increased levels of noise & disturbance. As such the change of use is considered to be contrary to H1, SP1, SP2 and SP3 of the London Borough of Newham Core Strategy, policy EQ45 of the Unitary Development Plan, the National Planning Policy Framework, and policies 7.1 and 7.15 of the London Plan.

5. WHAT YOU ARE REQUIRED TO DO

Steps to be complied with:

1. Cease the use of the property as a house in multiple occupation.
2. Remove all fixtures and fittings associated with the use as a house in multiple occupation, including (but not limited to) all internal locks on bedroom doors and any mattresses and beds.
3. Remove from the site all debris arising from compliance with steps 1 and 2.

Time for Compliance: **three months** from the date this notice takes effect.

6. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on **27 May 2015** unless an appeal is made against it beforehand.

Dated: **27 April 2015**

Signed:

Council's authorised Officer



Address to which all communication should be sent:-

Borough Planning Officer, Newham Dockside, 1000 Dockside Road, London, E16 2QU

(Attention: Megan Rowe – Reference: 13/00971/ENFC)

Guidance Notes for Enforcement Notice

There is a right of appeal to the Secretary of State (at The Planning Inspectorate) against the notice. Unless an appeal is made, as described below, the notice will take effect on **27 May 2015** and you must then ensure that the required steps, for which you may be held responsible, are taken within the period(s) specified in the notice.

Please see the enclosed information sheet from The Planning Inspectorate which tells you how to make an appeal.

If you decide that you want to appeal against the enforcement notice you must ensure that you send your appeal soon enough so that normally it will be delivered by post/electronic transmission to the Secretary of State (at The Planning Inspectorate) before **27 May 2015**.

Under 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 or, 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 the 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 of these grounds may be relevant to you.

If you appeal under Ground (a) of Section 174(2) of the Town and Country Planning Act 1990 this is the equivalent of applying for planning permission for the development alleged in the notice and you will have to pay a fee of **£770**. Please note that this fee is double the amount payable for a normal planning application. You should pay the fee to the London Borough of Newham (cheques to be made payable to London Borough of Newham). Joint appellants need only pay one set of fees.

If you decide to appeal, when you submit it, you should state in writing the ground(s) on which you are appealing against the enforcement notice and you should state briefly the facts on which you intend to rely in support of each of those grounds. If you do not do this when you make your appeal the Secretary of State will send you a notice requiring you to do so within 14 days.

Article 6 of the Town & Country Planning (General Development Procedure)(Amendment)(England) Order 2010 reduces the time limit for making a planning appeal where the appeal relates to the same or substantially the same land and development as an Enforcement Notice. The amended time limit is either 28 days from the decision of the planning application or the expiry of the period giving rise to the appeal or 28 days from the service of the Enforcement Notice, but no longer than the standard time limit.

Parties on whom the enforcement notice has been served:

Ahmed Noor and Mustafa Kamal, 238 Romford Road, Forest Gate, London, E7 9HZ

Nowshad Khan, 238 Romford Road, Forest Gate, London, E7 9HZ

Mr Ahmed Noor, 46 Windsor Road, London, E7 0QX

Mustafa Kamal, 88 Southern Road, London, E13 9JD

The Owner(s), 238 Romford Road, Forest Gate, London, E7 9HZ

The Occupiers, 238 Romford Road, Forest Gate, London, E7 9HZ

CMN Reachout Limited 82 Romford Road, London, E15 4EE

CMN Reachout Limited 16-18 Woodford Road London E7 0HA

National Westminster Bank PLC, Credit Documentation, P.O. Box 339, Manchester M60 2AH

By email

Ahmed Noor ahmed218@hotmail.co.uk

Nowshad Khan nowshadkhan@live.com

Plan relating to Enforcement Notice in respect of 238 Romford Road, Forest Gate, London, E7 9HZ



