



REGULATORY SERVICES COMMITTEE

REPORT

8 January 2015

Subject Heading:

Planning Contravention
203 Upper Rainham Road
Hornchurch
Essex RM12 4EY

Report Author and contact details:

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Local Development Framework

Policy context:

Enforcement action and a defence of the
Council's case in any appeal will have
financial implications.

Financial summary:

The subject matter of this report deals with the following Council Objectives

Clean, safe and green borough	<input checked="" type="checkbox"/>
Excellence in education and learning	<input type="checkbox"/>
Opportunities for all through economic, social and cultural activity	<input type="checkbox"/>
Value and enhance the life of every individual	<input checked="" type="checkbox"/>
High customer satisfaction and a stable council tax	<input type="checkbox"/>

SUMMARY

This report concerns an outbuilding that lies to the rear of a residential property at 203 Upper Rainham Road, Hornchurch RM12 4EY. The outbuilding is being used as independent living accommodation without the benefit of planning permission. The unauthorised use of the outbuilding is considered to be an unacceptable and uncharacteristic intensification of the land, providing poor quality accommodation for current and future occupiers and resulting in noise and disturbance to

surrounding occupiers. Therefore it is requested that authority be given to issue and serve Enforcement Notices to seek to remedy the breach.

RECOMMENDATIONS

That the Committee consider it expedient that an Enforcement Notice be issued and served to require, within 3 months of the effective date of the notice:

- Cease using the outbuilding for residential purposes.
- Remove from the outbuilding all fixtures and fittings associated with its unauthorised residential use.

In the event of non compliance, and if deemed expedient, that proceedings be instituted under the provisions of the Town and Country Planning Act 1990.

REPORT DETAIL

1. **Site Description**

- 1.1 203 Upper Rainham Road, Hornchurch RM12 4EY shown outlined bold black on the site plan (“the Property”) is an end of terrace house in a predominantly residential street. The authorised use of the Property is as a single dwelling house.

2. **The alleged planning contravention**

- 2.1 Without planning permission, the use of an outbuilding in the rear garden of the Property as independent, self-contained residential accommodation. The alleged breach has occurred within the last 4 years.

3. **Relevant Planning History**

- 3.1 None

4. **Enforcement Background**

- 4.1 A complaint was received in June 2014 alleging that an outbuilding in the rear garden of the Property was in use as independent, self-contained residential accommodation. Officers visited the Property and found that the outbuilding was occupied as a self-contained residential unit unconnected to the main dwelling house.

- 4.2 Access to the outbuilding is via the side path leading to the rear garden of the Property.
- 4.3 Officers received confirmation from the owner of the Property that the outbuilding is in use as a separate residential accommodation unit.
- 4.4 The residential use of the outbuilding constitutes a material change of use from its authorised use as an outbuilding incidental to the Property to an independent self-contained residential unit. This change has occurred within the last 4 years. The owner has declined the opportunity to submit a planning application.
- 4.5 Officers are of the view that planning policy and other relevant material planning consideration would not support the granting of planning permission for the use of the outbuilding as a self-contained residential unit.

5. **Material Considerations of the Use or Development**

- 5.1 The relevant policies of the LDF are DC4, which deal with conversions to residential uses, policy DC33 that deals with parking, policy DC55 that deals with noise and policy DC61 that deals with urban design.
- 5.2 Policy DC61 seeks to ensure that all development is compatible with its surrounding environment. The unauthorised use of the outbuilding for independent living accommodation within the rear garden of the Property is considered to be uncharacteristic and detrimental to the rear garden environment. The use results in increased levels of activity, comings and goings which has a detrimental impact on the living conditions of adjoining occupiers by reason of noise and general disturbance.
- 5.3 Policy DC4 seeks that residential conversions have reasonable outlook and aspect and are private. The outbuilding appears to have a very limited amenity area and outlook is limited to the garden of the main building and the rear accessway. The standard of accommodation is considered to be substandard.

6. **Justification for intended action**

- 6.1 The issue is whether it is expedient for this Council to serve a planning Enforcement Notice having regard to the impact and nature of the unauthorised change of use.
- 6.2 In this case it is considered that the unauthorised use of the outbuilding for independent living accommodation has led to an unacceptable intensification of the land which materially prejudices the living conditions of neighbouring occupiers.

- 6.3 Overall, the development creates substandard, living conditions and provides a lack of amenity space. It is inappropriate to and out of character with the neighbourhood and generates an unacceptable increase in noise, general disturbance and loss of privacy for both occupants of the Property and neighbouring occupiers and therefore the use is contrary to the Local Development Framework.
- 6.4 Based on the information in this report it is considered that planning conditions can not mitigate the adverse consequences of the breach of planning control. In these circumstances, it is considered expedient to take enforcement action to require that the residential use of the outbuilding cease.
- 6.5 Given that there is an existing tenant in the outbuilding it is considered expedient to require compliance within 3 months which should give sufficient notice to find alternative accommodation.

IMPLICATIONS AND RISKS

Financial implications and risks:

Enforcement action may have financial implications for the Council.

Legal implications and risks:

Enforcement action, defence of any appeal and, if required, prosecution procedures will have resource implications for the Legal Services.

Human Resources implications and risks:

No implications identified.

Equalities implications and risks:

No implications identified.

BACKGROUND PAPERS

1. Site Plan