

**TOWN AND COUNTRY PLANNING ACT 1990 - SECTION 192
(as amended by Section 10 of the Planning and Compensation Act 1991)**

**TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND)
ORDER 2010: ARTICLE 35**

Council Reference: D0540.24

REFUSAL OF CERTIFICATE OF LAWFULNESS OF PROPOSED USE OR DEVELOPMENT

The Council of the London Borough of Havering hereby determine that on 23rd December 2024 the operations described in the First Schedule to this notice in respect of the land specified in the Second Schedule to this notice and hatched on the plan attached to this notice would not have been lawful within the meaning of Section 192 of the Town and Country Planning Act 1990 (as amended) for the following reason(s):

- 1 The size of the outbuilding relative to the main dwelling in the absence of any compelling evidence otherwise is an indicator that its uses would not be incidental or subordinate to the main use of the dwellinghouse. As such, it is not considered that the totality of the proposed outbuilding is genuinely and reasonably required to achieve the purpose of accommodating incidental activities. The building would be set within 2m of the boundary with No. 59 Havering Road and having an overall height of over 2.5m. The proposed development is therefore not considered to be in accordance with the provisions of Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) Order 2015.

Informatives

For Residential Development Only

Please be advised that approval of this application from 1st September 2019 (either by London Borough of Havering, or subsequently by PINS if allowed on appeal following a refusal by London Borough of Havering) will attract a liability payment of £3,375 plus indexation in Community Infrastructure Levy (CIL). This charge has been levied under s.206 of the Planning Act 2008 and includes both the Mayor of London's CIL and Havering Council's CIL.

London Borough of Havering, as CIL collecting authority, has responsibility for the collection of the Mayoral CIL, in addition to Havering's CIL, on commencement of the development.

Your proposal is subject to a CIL Liability Notice indicating a levy of £16,875 plus indexation for the application, based on the Mayoral CIL levy rate for Havering of £25/sq.m plus Havering's charging rate for residential of £125/sq.m (Zone A), and the floorspace of 135 square metres.

Schedule 1

Certificate of lawfulness for proposed demolition of existing garage and erection of a rear outbuilding.

The above decision is based on the details in drawing(s)

61HR/03 Issue: A

61HR/01 Issue: C

61HR/02 Issue: C

61HR/04 Issue: C

61HR/05 Issue: C

61HR/06 Issue: C

Schedule 2

61 Havering Road Romford

Signed:



Authorised Person

On behalf of the London Borough of Havering

Date: 12th March 2025

Note:

1. This certificate is issued solely for the purposes of Section 192 of the Town and Country Planning Act 1990 (as amended).

NOTES IN CONNECTION WITH REFUSAL OF APPLICATIONS FOR

CERTIFICATE OF LAWFULNESS OR MODIFICATION TO DESCRIPTION

- (1) If the applicant is aggrieved by the decision of the local planning authority to refuse permission or to modify the description, an appeal may be made to the First Secretary of State at the Department for Communities and Local Government in accordance with Section 78 of the Town and Country Planning Act 1990. (Appeals must be made on a form which is obtainable from the Planning Inspectorate, Customer Support Unit, Temple Quay House. 2 The Square. Temple Quay. Bristol BS1 6PN or from the Planning Inspectorate's web site, www.planning.inspectorate.gov.uk)
- (2) When submitting the completed appeal form to the Planning Inspectorate, a copy be sent to Planning,

London Borough of Havering, Town Hall,,
Main Road, Romford, RM1 3BB. The First Secretary of State has power to allow a longer period for the giving of a notice of appeal but will not normally be prepared to exercise these powers unless there are special circumstances which excuse the delay in giving notice of appeal.