

**IMPORTANT-THIS COMMUNICATION AFFECTS YOUR PROPERTY**

**TOWN AND COUNTRY PLANNING ACT 1990**

**ENFORCEMENT NOTICE - MATERIAL CHANGE OF USE**

ISSUED BY THE LONDON BOROUGH OF MERTON

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 185 Haydon's Road Wimbledon London SW19 8TB**, in the London Borough of Merton shown edged red on the attached plan ('the Land').

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

Without planning permission, a material change of use of the ground floor of the building on the Land from A3/A5 use to residential use as a self contained one bedroom flat.

4. **REASONS FOR ISSUING THIS NOTICE**

- (a) It appears to the Council that the above breach of planning control has occurred within the last four years.
- (b) The development by reason of design and materials used in works to the front elevation of the property has resulted in an unsympathetic form of development, not respecting the character of the host property and failing to complement the appearance of the building and the streetscene, contrary to policies CS14 'Design' of Merton Core Strategy and BE.23 'Alterations and Extension to Buildings' of the Merton Unitary Development Plan (October 2003).
- (c) The development by reasons of design and layout has resulted in a substandard form of residential accommodation failing to supply adequate daylight and sunlight to the front bedroom, contrary to policy HS.1 'Housing Layout and Amenity' of the Merton Unitary Development Plan (October 2003).



## 5. WHAT YOU ARE REQUIRED TO DO

### Either:

- (a) Make the property accord with plans approved by planning permission reference 11/P2351 dated 02/11/2011.

### Or:

- (b) Cease the use of the ground floor of the property as a residential unit **AND**
- (c) Remove all fixtures and fittings facilitating the unauthorised residential use **AND**
- (d) Remove the window in the front ground floor elevation and reinstate the shopfront as previously existing.

Time for Compliance: within **3 months** from the date this notice takes effect.

## 6. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on 7<sup>th</sup> August 2012  
unless an appeal is made against it beforehand.

Dated: 25 June 2012

Signed.....  
Assistant Director of Corporate Governance  
Merton & Richmond Legal Services

Address to which all communication should be sent-  
Head of Legal Services, Merton & Richmond Legal Services, Gifford House, 67c St Helier Avenue, Morden, Surrey SM4 6HY (Ref: CS/LEG/RO/448-165)

### **YOUR RIGHT OF APPEAL**

You can appeal against this notice in writing to the Secretary of State, but any appeal must be received, or posted in time to be received, by the Planning Inspectorate before the notice takes effect. The enclosed Explanatory Note and Information Sheet set out the procedure to be followed if you wish to appeal.

### **FEE PAYABLE FOR THE DEEMED APPLICATION**

If your ground of appeal is, or includes ground (a) that planning permission should be granted, you must include with your appeal a fee, which is double that payable for a normal planning application. The total fee payable is **£670.00**

Half the fee is payable to the Planning Inspectorate and half to the Council.

You should therefore include:

One cheque for **£335.00** payable to The Department for Communities and Local Government

One cheque for **£335.00** payable to the London Borough of Merton

The fee can be sent with your appeal form.



**WHAT HAPPENS IF YOU DO NOT APPEAL**

If you do not appeal against this enforcement notice, it will take effect on the date indicated above and you must then ensure that the notice is complied with. Failure to comply with an enforcement notice that has taken effect, is a criminal offence and can result in legal proceedings and/or remedial action by the Council.



## Land at 185 Haydon's Road, London, SW19 8TB



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