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*Ref: 22/E0305*

*Date: 16<sup>th</sup> January 2023*

**Dear Sir / Madam**

**The Town and Country Planning Act 1990 (As Amended)**

**Address:** Flats 1, 2, 3 and 4 at 41 Gorringe Park Ave, Mitcham, CR42

**Alleged breach:** Without planning permission: The unauthorised material change of use of Flats 1, 2, 3 and 4 at 41 Gorringe Park Ave, Mitcham, CR42 to a care home.

It appears to the Council that there may have been a breach of planning control in respect of the above site:- Flats 1, 2, 3 and 4 at 41 Gorringe Park Ave, Mitcham, CR42

As a preliminary step in the enforcement procedure and to clarify if there is a breach further information is required. To ensure that all the facts are available I have enclosed a Planning Contravention Notice under Section 171C of the Town and Country Planning Act 1990.

The Notice requires you to supply information. The Notice must be responded to by the person or company it is served on. Paragraph 3 of the Notice specifies the breach of planning control that may have taken place.

You should ensure that your response is received within **21 days** beginning with the day on which this Notice is served on you. Paragraph 5 explains how to make a representation in response to the notice and sets out the penalties if you do not respond to the Notice within 21 days or for giving false or misleading information.

If you have any queries about completing this Notice, please contact the officer dealing with the case whose contact information is set out above. You should note that even if you do contact the officer, the above requirements and deadlines still apply.

Yours Sincerely

Ray Littlefield  
Planning Enforcement Team Merton Council

**IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY**

**TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED BY THE  
PLANNING AND COMPENSATION ACT 1991)**

**PLANNING CONTRAVENTION NOTICE**

ISSUED BY THE LONDON BOROUGH OF MERTON

To: PROPRIETOR:

**Flats 1, 2, 3 and 4 at 41 Gorrington Park Ave, Mitcham, CR42**

1. **THIS NOTICE** is served because it appears to the Council that there may have been a breach of planning control within section 171A(1) of the above Act at the land described below.

This Notice is served on you as a person who –

- (a) is the owner or occupier of the land or has any other interest in it  
or
- (b) is carrying out operations in, on, over or under the land or is using it for any purpose.

2. **THE LAND TO WHICH THIS NOTICE RELATES**

Land known as Flats 1, 2, 3 and 4 at 41 Gorrington Park Ave, Mitcham, CR42

3. **THE MATTERS WHICH APPEAR TO CONSTITUTE THE BREACH OF PLANNING CONTROL**

Without planning permission: The unauthorised material change of use of Flats 1, 2, 3 and 4 at 41 Gorrington Park Ave, Mitcham, CR42 to a care home.

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

In exercise of their powers under section 171C(2) and (3) of the Act, the Council require you, so far as you are able, to give the following information in writing **within 21 days**, beginning with the day on which this Notice is served on you.

Please use/provide additional pages if you require more space for your answers.

1. Please give your official name and address.
2. Please state the nature of your interest in the Land (e.g. freeholder, tenant, or occupier).
3. Please give the name(s) of any and every other person(s) having any interest in the Land (e.g. freeholder, leaseholder, mortgagee or, tenant, occupier, licensee) and the nature of that interest
4. Please state the date upon which you acquired your interest in the land.
5. Please confirm the start date care was provided for residents of the flats.
6. Please confirm the number of residents residing in all flats.
7. Please confirm the extent of care provided for the occupiers of the flats.
8. Please confirm if care is provided 12 / 24 hours a day and how many days of the week care is provided.

## 5. OPPORTUNITY TO MAKE REPRESENTATIONS IN RESPONSE TO THIS NOTICE

If you wish to make –

(a) Any representations about this Notice

please email, [Ray.Littlefield@merton.gov.uk](mailto:Ray.Littlefield@merton.gov.uk) call the number above or write to Ray Littlefield, Planning Enforcement (9<sup>th</sup> floor), London Borough of Merton, Merton Civic Centre, London Road, Morden, SM4 5DX

Dated: 13<sup>th</sup> January 2023

Signed



Raymond Yeung  
Council's Authorised Officer

### **WARNING**

1. It is an offence to fail, without reasonable excuse, to comply with any requirements of this Notice within twenty-one days beginning with the day on which it was served on you. The maximum penalty on conviction of this offence is a fine of £1,000. Continuing failure to comply following a conviction will constitute a further offence.
2. It is also an offence knowingly or recklessly to give information, in response to this Notice, which is false or misleading in a material particular. The maximum penalty on conviction of this offence is a fine of £5,000.

### **ADDITIONAL INFORMATION**

1. If you fail to respond to this Notice, the Council may take further action in respect of the suspected breach of planning control. In particular, they may issue an enforcement notice, under section 172 of the Act, requiring the breach, or any injury to amenity caused by it, to be remedied.

2. If the Council serve a stop notice, under section 183 of the Act, section 186(5)(b) of the Act provides that should you otherwise become entitled (under section 186) to compensation for loss or damage attributable to that notice, no such compensation will be payable in respect of any loss or damage which could have been avoided had you given the Council the information required by this Notice, or had you otherwise co-operated with the Council when responding to it.

Once you have completed this form, please return it to the following address:

Ray Littlefield  
Planning Enforcement (9<sup>th</sup> Floor)  
London Borough of Merton  
Merton Civic Centre  
London Road  
Morden, Surrey, SM4 5DX

Or email to: [Ray.Littlefield@merton.gov.uk](mailto:Ray.Littlefield@merton.gov.uk)