

SUSTAINABLE COMMUNITIES DIVISION

Head of Sustainable Communities - James McGinlay



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Town and Country Planning Act 1990: Section 191 (As amended by Section 10 of the Planning Compensation Act 1991)

Town and Country Planning (General Permitted Development) (England) Order 2015

Certificate of Lawful Use or Development 22/P1653

The Council hereby certify that on 23 May 2022 the operations ("the operations") described in the first schedule hereto in respect of the land (hereinafter called "the land") specified in the second schedule hereto and edged on the plan(s) submitted as part of the original application relating to this certificate (third schedule), would have been lawful within the meaning of Section 191 of the Town and Country Planning Act 1990 (As Amended), for the following reason(s):

Reasons:

- 1 In accordance with Section 56 of the Town and Country Planning Act 1990 (as amended) the Council are satisfied that a material operation has commenced on site before 29th April 2022 following the demolition of garages located off Nelson Grove Road. Therefore, the Council is satisfied that outline planning approval 17/P1721 has been lawfully implemented.

First Schedule – The Operations

APPLICATION FOR LAWFUL DEVELOPMENT CERTIFICATE FOR AN EXISTING OPERATION RELATING TO IMPLEMENTATION OF OUTLINE PLANNING PERMISSION REFERENCE 17/P1721 IN RELATION TO PHASE 2 OF THE HIGH PATH ESTATE DEVELOPMENT

Second Schedule – The Land

High Path Estate, South Wimbledon, SW19 2TG

Third Schedule – The Plans

Site Location Plan: AA4586_2001RevA, Daily Diary Sheet Contract number X028, Job Reference: 32345 AND Instructions to Proceed on Commencement of Works email dated 08 April 2022,

Date of Decision: 13 August 2022



Lesley Barakchizadeh

Signed.....

Lesley Barakchizadeh– Interim Development Control Manager
For and behalf of the Head of Sustainable Communities.

Please read the attached notes

Notes

1. This Certificate is issued solely for the purposes of Section 191 of the Town and Country Planning Act 1990 (As Amended).
2. It satisfies that the operations specified in the First Schedule taken place on the Land would have been lawful on the specified date and, thus not liable to enforcement action under section 172 of the 1990 Act on that date.
3. This applies only to the extent of the operations described in the First Schedule and to the Land. Any operations which are materially different from that described or which relate to other land may render the owner or occupier liable to enforcement action.
4. The affect of the Certificate is also qualified by the proviso in Section 191(4) of the 1990 Act, as amended, which states that if the local planning authority are provided with information satisfying them of the lawfulness at the time of the application of the use, operations or other matter described in the application, or that description as modified by the local planning authority or a description substituted by them, they shall issue a certificate to that effect; and in any other case they shall refuse the application.



THIS DEVELOPMENT MAY BE LIABLE FOR A COMMUNITY INFRASTRUCTURE LEVY PAYMENT

The development described by this notice has "deemed consent" and may be liable for a Community Infrastructure Payment, whether or not planning permission is needed. The Community Infrastructure Levy (CIL) regulations allow local authorities to collect money to help fund local infrastructure. Any new development which involves new dwellings or new-build floorspace may become liable for a CIL payment.

Exemptions

If the applicant can demonstrate that the completed development can satisfy **both** the following points, it would be "minor development" which is exempt from a CIL payment:

1. The completed development would not comprise one or more dwellings and
2. The completed development would have less than 100 square metres of Gross Internal Area (GIA)

If no scaled plans were submitted with the application, please send us a completed CIL Additional Information form before development commences to make sure the exemption can be applied. This is available at <http://tinyurl.com/CILinformation>.

Any other development will be liable for a CIL payment. The GIA of the completed development (including existing GIA) is used to calculate the chargeable amount. If any part of the building has been in continuous lawful use for 6 months within the 12 months ending on the day a valid Notice of Chargeable Development is received, this can usually be deducted from the chargeable GIA to reduce the charge*. If the applicant can demonstrate that there is no new-build GIA and all existing GIA satisfies the lawful use test, the charge may be zero.

The CIL regulations require correct information to be provided, and specific procedures to be followed. If these are not done, the charging authority can deem the existing or demolished GIA to be zero and impose interest charges and penalties, which may substantially increase the amount payable. In the case of deemed consent (where planning permission is not needed) it is important to do the following:

1. You will need to submit a correctly completed Notice of Chargeable Development, found here: <http://tinyurl.com/ChargeableDevelopment>. This must be received before development commences, otherwise the local planning authority may issue a Notice of Chargeable Development which will be based on our own information and may result in you being overcharged.
2. If liable, you will be sent a liability notice that will provide details of the charge and any apportionment between liable parties. This will be recorded to the register of Local Land Charges as a legal charge upon your property and will become payable upon commencement of development. Information on the payment process (including penalties) will be provided with the liability notice or upon request.
3. The charge will become payable on the date of commencement (which means you won't need to pay if you decide not to go ahead with the development). If a valid Notice of Chargeable Development was received before development started, you will be given up to 60 days to pay, otherwise payment is due immediately and interest and surcharges may apply. Failure to pay may result in a stop notice and legal action (including repossession and/or imprisonment). A demand notice will be sent with payment instructions.

London Borough of Merton is collecting CIL on behalf of the Mayor of London. Merton Council will also be introducing an local CIL charge, affecting developments which receive planning permission (or commence development if planning permission is not required) on or after the date the CIL charge comes into effect.

*The lawful use test is described in regulation 40(10) of The Community Infrastructure Regulations 2010 (as amended). Additional exemptions or relief may apply for charities and social housing. For more information please visit <http://www.merton.gov.uk/cil> or email CILevy@merton.gov.uk.