

IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY

TOWN AND COUNTRY PLANNING ACT 1990

ENFORCEMENT NOTICE – MATERIAL CHANGE OF USE

23/E0045

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 known as the Burn Bullock Public House 315 London Road Mitcham CR4 4BE 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: The unauthorised material change of use of the public house main building and ancillary car parking to a large House of Multiple Occupation ("HMO"), car-repair and cleaning workshop, storage, scrapyard and stationing of mobile homes for residential accommodation (sui-generis) and installation of portacabins.

4. **REASONS FOR ISSUING THIS NOTICE**

1. The unauthorised material change of use of the public house main building and ancillary car parking to a large HMO, storage, scrapyard and stationing of mobile homes for residential accommodation (sui-generis) has occurred within the last ten years.
2. The unauthorised installation of portacabins has occurred within the last four years.
3. The unauthorised material change of use of the public house main building and ancillary car parking to a large HMO, storage, scrapyard and stationing of mobile homes for residential accommodation (sui-generis) and portacabins and caravans has a negative impact on the Conservation Area and adversely affects the setting of the Grade II Listed Building and the viability of the lawful use to the detriment of the long term preservation and maintenance of the Listed Building contrary to policies D1 Urban Design, D2 Design considerations in all developments, D3 Alterations and extensions to existing buildings and D4 Managing

Heritage assets and policy CS14 of the Core Strategy and policy D4 Delivering good design, D6 Housing quality and standards and HC7 Protecting public houses of the London Plan 2021.

4. The general poor standard of residential accommodation lack of communal and amenity space and high occupancy levels of the HMO leads to cramped and unsatisfactory environment for the occupiers contrary to London Plan (2021) Policy H9, Merton Core Planning Strategy policy CS14, Merton Sites and Policies Plan (2014) DMH5 and London Borough of Merton Houses in Multiple Occupation (HMO) Requirements (Revised July 2021) and policy D4 Delivering good design, D6 Housing quality and standards and HC7 Protecting public houses of the London Plan 2021.
5. The site is not capable of providing cycle storage facilities contrary to the London Plan (2021) Policy T5, Merton's Core Strategy (2011) Policy CS 18 and Merton's Sites and Policies Plan (2014) Policy DM T1.
6. There are no sufficient refuse and recycling facilities on site provided for the HMO, contrary to the London Plan (2021) Policy SI 7 and Merton's Core Strategy Policy CS17.

5. WHAT YOU ARE REQUIRED TO DO

1. Permanently cease the unauthorised material change of use of the former public house main building and ancillary car parking to a House of Multiple Occupation within the main building on the Land.
2. Permanently cease the unauthorised material change of use of the car park on the land for storage, car-repair & cleaning workshop, scrapyard and stationing of mobile homes for residential accommodation (sui-generis) on the Land.
3. Completely remove all of the vehicles stored on site for commercial purposes on the Land.
4. Completely remove all of the scrap car parts, sofas, pallets, waste, and general rubbish on the Land.
5. Completely remove all of the portacabins, non-functioning vehicles, trailers, forklift and caravans on the Land.

6. Completely remove the caravans, trailers, vans and trucks used for mobile homes on the Land.
7. Completely remove from the Land all associated materials, fixtures, fittings and debris and take off site on the Land.

Time for Compliance: within three (3) months from the date this notice takes effect.

6. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on 14th April 2023 unless an appeal is made against it beforehand.

Dated: 27th February 2023



Signed...

Figure 1

for South London Legal Partnership

Address to which all communication should be sent:-
Head of Legal Services, South London Legal Partnership, Gifford House, 67c St Helier Avenue, Morden, Surrey SM4 5DX (Ref: CS/LEG/GRC 511/390)

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 **£ 924** that must be paid by way of a cheque made out 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.

PERSONS SERVED WITH A COPY OF THIS ENFORCEMENT NOTICE

The current owner(s), Land at 315 London Rd, Mitcham CR4 4BE

The current occupier(s), Land at 315 London Rd, Mitcham CR4 4BE

PHOENIX GRP INVESTMENTS LIMITED Company secretary of 23a Kenilworth Gardens, Hayes, Middlesex UB4 0AY.

PHOENIX GRP INVESTMENTS LIMITED Mr Mustafa of 1 The Brambles, Woodside, Wimbledon, London, SW19 7AY

PHOENIX GRP INVESTMENTS LIMITED Mr Ahmed and Mr Mustafa of 40 Commonsides West Mitcham, England, CR4 4HA

Kamran Baig, 23a Kenilworth Gardens, Hayes UB4 0AY

Kamran Baig , Land at 315 London Rd, Mitcham CR4 4BE

Mr Ahmed, Land at 315 London Rd, Mitcham CR4 4BE

Mr Mustafa, 315 London Rd, Mitcham CR4 4BE

ANON PROPERTIES LTD, 85 Station Road, North Harrow, Harrow, United Kingdom, HA2 7SW

Sheikh Momin MOBIN AHMED, Flat 9, 48 Thurloe Square, London, United Kingdom, SW7 2SX

ANON PROPERTIES LTD, 315 London Rd, Mitcham CR4 4BE

Sheikh Momin MOBIN AHMED, 315 London Rd, Mitcham CR4 4BE