

**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 129 Pelham Road Wimbledon London SW19 1NZ**, 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 Land from ancillary car parking for use class E to commercial car park (sui generis).

4. **REASONS FOR ISSUING THIS NOTICE**

- (a) It appears to the Council that the above breach of planning control has occurred within the last ten years.
- (b) The commercial car park (sui generis) by reason of opening hours, unrestricted and unattended vehicle movements, noise, disturbance and increased opportunities for potential anti-social behaviour and crime fails to protect the amenity of nearby residential occupiers contrary to policy DM D2 of the Merton Local Plan (2014) Design considerations in all Development.
- (c) The unattended new car park use leads to unrestricted vehicle movements, and limited visibility splay entering/leaving the site on Pelham Road compromises highway safety for pedestrians and road users contrary to; DM T1 and DMT5 of Merton Local Plan (2014) Design considerations in all Development.

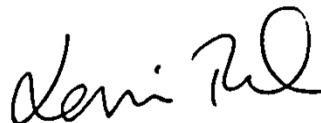
5. **WHAT YOU ARE REQUIRED TO DO**

- (a) To permanently cease the use of the land as a commercial car park (sui-generis).
- (b) Permanently remove all paraphernalia relating to the new car park such as (but not limited to) advertising boards and directional signs.
- (c) Permanently remove from the Land all materials, fixtures, fittings and debris associated in compliance with the works listed in (a) and (b) above.

Time for Compliance: within **1 (One) month** from the date this notice takes effect.

## **6. WHEN THIS NOTICE TAKES EFFECT**

This notice takes effect on 6 February 2023 unless an appeal is made against it beforehand.



Dated: 6 January 2023

Signed.....  
Managing Director of 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 6HY (Ref: CS/LEG/RO/511/1371)

### **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 £532.40 that must be paid by way of a cheque made out to the London Borough of Merton.

### **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**

1. The Company Secretary, Normic Development Company Limited, 129 Pelham Road, Wimbledon, London SW19 1NZ
2. The Occupier, 129 Pelham Road, Wimbledon, London SW19 1NZ
3. The Occupier, 129A Pelham Road, Wimbledon London SW19 1NZ
4. The Company Secretary, National Car Parks Limited, Saffron House, 14b St Cross Street, London EC1N 8XA

