

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 140 Manor Road Mitcham CR4 1JE, 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 rear garage and associated land to vehicle repair, breakage and storage use.

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 development involving the breaking of vehicles and storage of vehicle parts, has resulted in the introduction of a noise sensitive land use in close proximity to mainly residential properties and occupiers, to the detriment of their amenities contrary to policy CS 12 (Economic Development) of Core Planning Strategy 2011, PE.2 of the Council's adopted Unitary Development Plan (October 2003) and policy 7.15 of the London Plan (July 2011), and paragraph 109 of the National Planning Policy Framework.
- (c) The breaking of vehicles for parts in the rear garage, due to its location and proximity to neighbouring residential properties, has resulted in an adverse effect on the amenities of neighbouring occupiers by reason of noise and parking problems from cars left in the access road which blocks access to adjoining garages, and is contrary to policy PE.2, of the Adopted Merton Unitary Development Plan (October 2003) and policy CS 20 (Parking, Servicing, and Delivery) of Core Planning Strategy 2011.

5. WHAT YOU ARE REQUIRED TO DO

- (a) Completely and permanently cease the use of the garage and surrounding land for repairing, breaking of vehicles and storage of vehicle parts.
- (b) Remove all scrap and damaged vehicles and vehicle parts from the Land.
- (c) Return the garage and surrounding land back to its original condition, before the breach of planning control occurred, and remove from the Land all resulting materials and debris.

Time for Compliance: within **28 days** from the date this notice takes effect.

6. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on *16 October* 2013
unless an appeal is made against it beforehand.

Dated: *4 September 2013* 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/448-319)

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 **£770.00** 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

- 1. Bernard Obeng Owusu, 140 Manor Road, Mitcham CR4 1JE**
- 2. Bernard Obeng Owusu, Flat 8, Jupiter Court, Caldwell Street, London SW9 0EX**
- 3. The Occupier, 140 Manor Road, Mitcham CR4 1JE**
- 4. Bank of Scotland Plc, Birmingham Midshires Division, Pendeford Business Park, Wobaston Road, Wolverhampton WV9 5HZ**

Garage at rear of 140 Manor Road, Mitcham CR4
1JE



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