

**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 27 Pitcairn Road Mitcham CR4 3LN**, 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 garage/outbuilding on the Land as a residential unit.

4. **REASONS FOR ISSUING THIS NOTICE**

- (a) It appears to the Council that the above breach of planning control has occurred within the last four years.
- (b) The use of the garage/outbuilding as self-contained residential accommodation by reason of its design and layout fails to provide a satisfactory standard of accommodation due to inadequate room size, would result in a cramped and sub-standard form of accommodation due to its excessively small size, lack of natural lighting, lack of external refuse storage, and lack of private amenity space, contrary to the minimum gross internal area standards contained with table 3.3 of the London Plan - 2007, policy HS.1 of the London Borough of Merton UDP - 2003, policy CS 14 of the London Borough of Merton Core Strategy - 2011, and the Council's Supplementary Planning Guidance on Residential Extensions, Alterations and Conversions (November 2001).
- (c) The conversion of the small garage/outbuilding, by reason of the size of the Gross Internal Area, the layout of the accommodation would result in an unsatisfactory standard of residential accommodation to the detriment of the amenities of future occupiers and would be contrary to policies HS.1, of the Adopted Unitary Development Plan (October 2003), Policy 3.5 of the London Plan and policies CS 9, CS14 & CS 18 of the LBM Core Strategy 2011.

- (d) The unauthorised development does not make any provision for a financial contribution towards affordable housing within the borough and as such is contrary to policy F.2 of the London Borough of Merton UDP - 2003, CS 8 of the London Borough of Merton Core Strategy - 2011, and the Council's Planning Obligations - SPD.

## 5. WHAT YOU ARE REQUIRED TO DO

- (a) Completely and permanently cease the use of the garage/outbuilding as residential accommodation.
- (b) Remove all partitions, doors, facilities and means of separation, fixtures and fittings facilitating the use of the garage/outbuilding as residential accommodation.

Time for Compliance: within **4 months** from the date this notice takes effect.

## 6. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on 21 November 2013  
unless an appeal is made against it beforehand.

Dated: 10 October 2013

Signed.....  
Assistant Director of Corporate Governance  
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/448-331)

### 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. Tajam Tisekar, 27 Pitcairn Road, Mitcham CR4 3LN**
- 2. Mehjabeen Tisekar, 27 Pitcairn Road, Mitcham CR4 3LN**
- 3. The Occupier. 27 Pitcairn Road, Mitcham CR4 3LN**
- 4. Tajam Tisekar, 15 Dewey Street, London SW17 8TQ**
- 5. Mehjabeen Tisekar, 15 Dewey Street, London SW17 8TQ**

# NORTHGATE SE GIS Print Template



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