

**IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY**

**TOWN AND COUNTRY PLANNING ACT 1990**

**ENFORCEMENT NOTICE**

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 301 Lower Morden Lane, Morden, Surrey SM4 4NX** 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 change of use of the Land from a single dwelling house to a House in Multiple Occupation ("HMO").

4. **REASONS FOR ISSUING THIS NOTICE**

It appears to the Council that the above breach of planning control has occurred within the last ten years.

- (a) The use of the property as a HMO has resulted in a substandard level of accommodation in terms of size, layout and access to amenity including basic amenity and safety, and further represents unsuitable housing contrary to policies HP.5 and HS.1 of the Merton Adopted Unitary Development Plan (October 2003); and Supplementary Planning Guidance Note; Residential Extensions, Alterations & Conversions (November 2001)
- (b) The current level of occupation has resulted in a pressured increase to on-street parking, negatively affecting neighbouring residents in terms of risk and nuisance, contrary to policy PK3.
- (c) The use has resulted in a negative impact on neighbouring amenities by means of noise and disturbance due to the intensity of the occupation of the property and is therefore contrary to Policy PE2 of the Merton Adopted Unitary Development Plan (October 2003)

Copies of the above policies are attached.

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

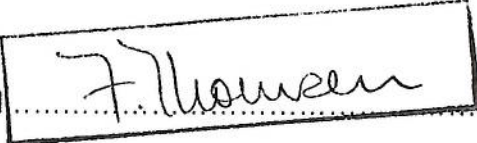
- (a) cease the use of the property as a HMO and revert to use as a single dwelling

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

## 6. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on 1 October 2009 unless an appeal is made against it beforehand.

Dated: 2 September 2009

Signed 

Principal Lawyer

Address to which all communication should be sent:-

Head of Civic & Legal Services, London Borough of Merton, Civic Centre, London Road, Morden, Surrey SM4 5DX

(REF: LEG/SL/ENVP1535)

### 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 1 October 2009. The enclosed Information Sheet sets 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 **£670**

Half the fee is payable to the Planning Inspectorate and half to the Council.

You should therefore include:

One cheque for **£335.00** payable to The Department for Communities and Local Government

One cheque for **£335.00** payable 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. Muhammad Akhtar, 301 Lower Morden Lane, Morden, Surrey SM4 4NX
2. The Secretary, Bank of Scotland, Birmingham Midshires Division, Pendeford Business Park, Wobaston Road, Wolverhampton WV9 5HZ
3. The Occupiers, 301 Lower Morden Lane, Morden, Surrey SM4 4NX
4. Sohail Sharie, 301 Lower Morden Lane, Morden SM4 4NX
5. Muhammad Akhtar, 3 Redchase Avenue Morden SM4 5RD

