

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 30 Hawthorne Avenue, Mitcham, Surrey CR4 3DN, 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 Land from a single dwelling house to a House in Multiple Occupation (HMO).

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 use of the land as a House in Multiple Occupation, due to inadequate size of rooms, poor layout and inadequate amenity space provides for substandard accommodation and is likely to increase demand for on-street parking in the area, contrary to policies BE.22, HP.5, HS.1 and PK.3 of Merton's Adopted Unitary Development Plan (October 2003); and Supplementary Planning Guidance Note; Residential Extensions, Alterations & Conversions (November 2001)
- (c) The use has resulted in adverse impact upon neighbouring amenities due to noise, disturbance and loss of privacy as a result of the intensity of the occupation of the property and is therefore contrary to policy PE.2 and BE.15 of Merton's Adopted Unitary Development Plan (October 2003)

Copies of the above policies are attached.

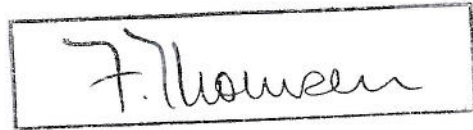
5. WHAT YOU ARE REQUIRED TO DO

- (a) To cease the use of the Land as House in Multiple Occupation and revert it back to its use as a single family dwelling house.

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

6. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on **13 November 2009** unless an appeal is made against it beforehand.



Dated: 9 October 2009

Signed.....

Principal Lawyer

Address to which all communication should be sent:-
Head of Civic and Legal Services, London Borough of Merton, Merton Civic Centre,
London Road, Morden, Surrey SM4 5DX (Ref: ERPP135)

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 **£670**

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

You should therefore include:

One cheque for **£335** payable to The Department for Communities and Local Government

One cheque for **£335** payable to the London Borough of Merton

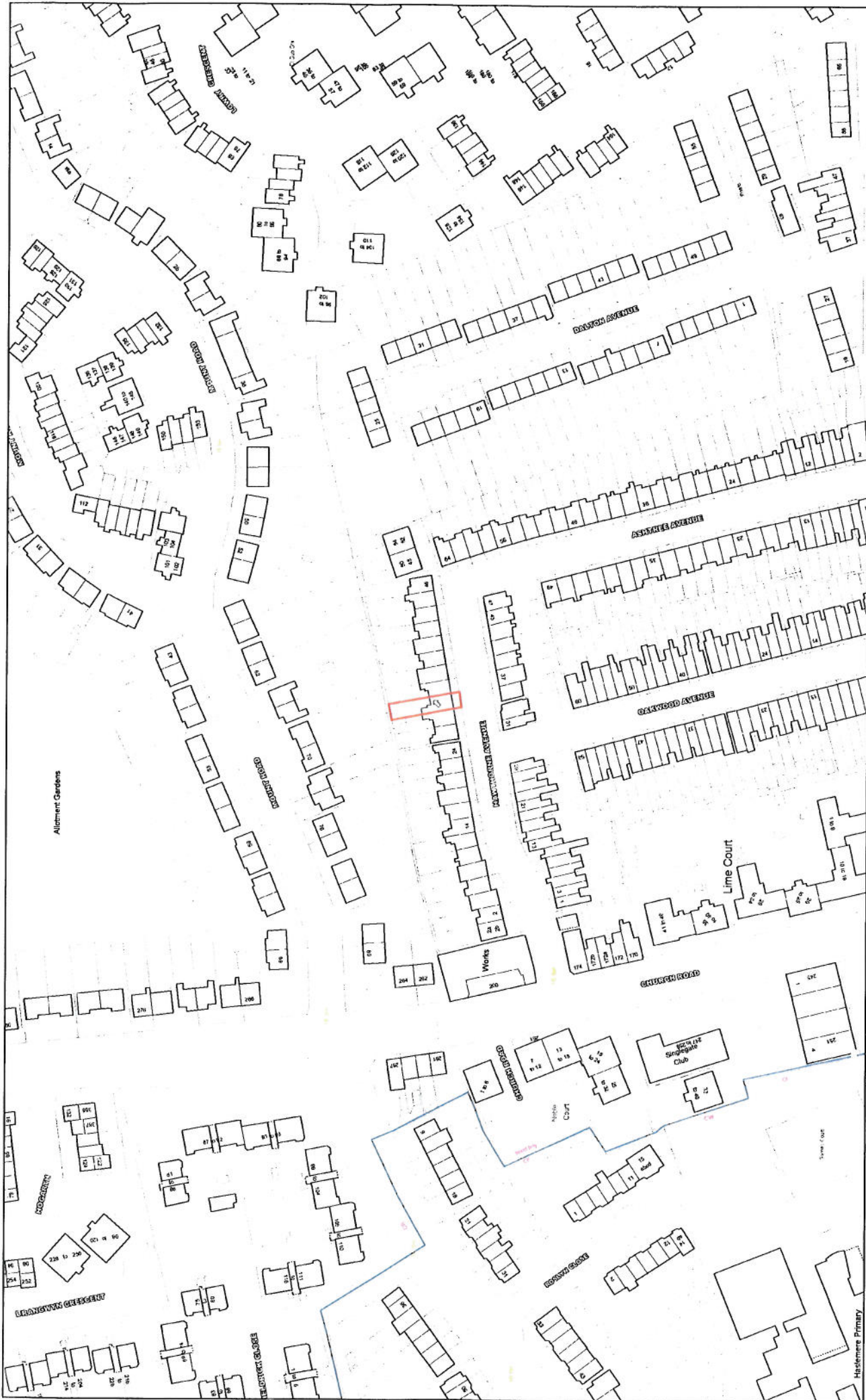
The fee can be sent with your appeal form.

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. Mohammed Kamran, 30 Hawthorne Avenue**
- 2. The Occupier, 30 Hawthorne Avenue**
- 3. Barclays Bank, P.O. Box 187, Leeds, LS11 1AN**



London Borough of Merton
 100 London Road
 Morden
 Surrey
 SM4 5DX

Scale 1/1250

Date 18/8/2009

30 Hawthorne Avenue

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