

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 33 Upper Green East, Mitcham, Surrey CR4 2PF in the London Borough of Merton shown edged red on the attached plan ('the Land').

3. **THE BREACH OF PLANNING CONTROL ALLEGED**

The material change of use, without planning permission, of the access way and building at the rear of 33 Upper Green East to a hand car wash.

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 unauthorised change of use of the access way and building to a hand car wash has resulted in vehicle flows compounding existing traffic movement problems in Montrose Gardens and generates conflict between vehicles and pedestrians at the point of egress on Upper Green East, detrimental to pedestrian and vehicle safety and the amenities of nearby residential occupiers, and the loss of employment land. The use is contrary to policies S.3, E.6, BE.16, BE.22, PE.2, ST.14, PK.3, S.9, PE.1, PE.6, and PE.7 of the Adopted Merton Unitary Development Plan (October 2003).

Copies of the above policies are attached.

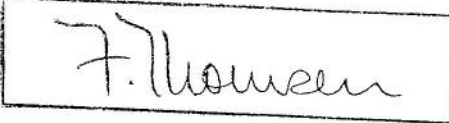
5. **WHAT YOU ARE REQUIRED TO DO**

- (a) To cease the use of the building and access way at the rear of 33 Upper Green East as a car wash.

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

6. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on 15 October 2009 unless an appeal is made against it beforehand.



Dated: 10 September 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: LEG/AW/ERPP136)

YOUR RIGHT OF APPEAL

You can appeal against this notice by using the Enforcement Notice Appeal forms enclosed with this notice or by submitting an appeal online (www.planningportal.gov.uk/pcs). Please note however that any appeal must be received, or posted in time to be received, by the Planning Inspectorate before the date this notice takes effect. The enclosed booklet "Making Your Enforcement Appeal" sets out your rights and the procedure to be followed. Read it carefully. You should also read sections 171-177 of the Act which are also enclosed. If you decide to appeal, you should send two copies of the enclosed appeal forms and one copy of the enforcement notice, to the Planning Inspectorate. The other appeal form and the other copy of the enforcement notice are for you to keep for your own records.

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 send:

One cheque for **£335** payable to 'DCLG' to the Planning Inspectorate
One cheque for **£335** payable to 'London Borough of Merton' to the Council
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.

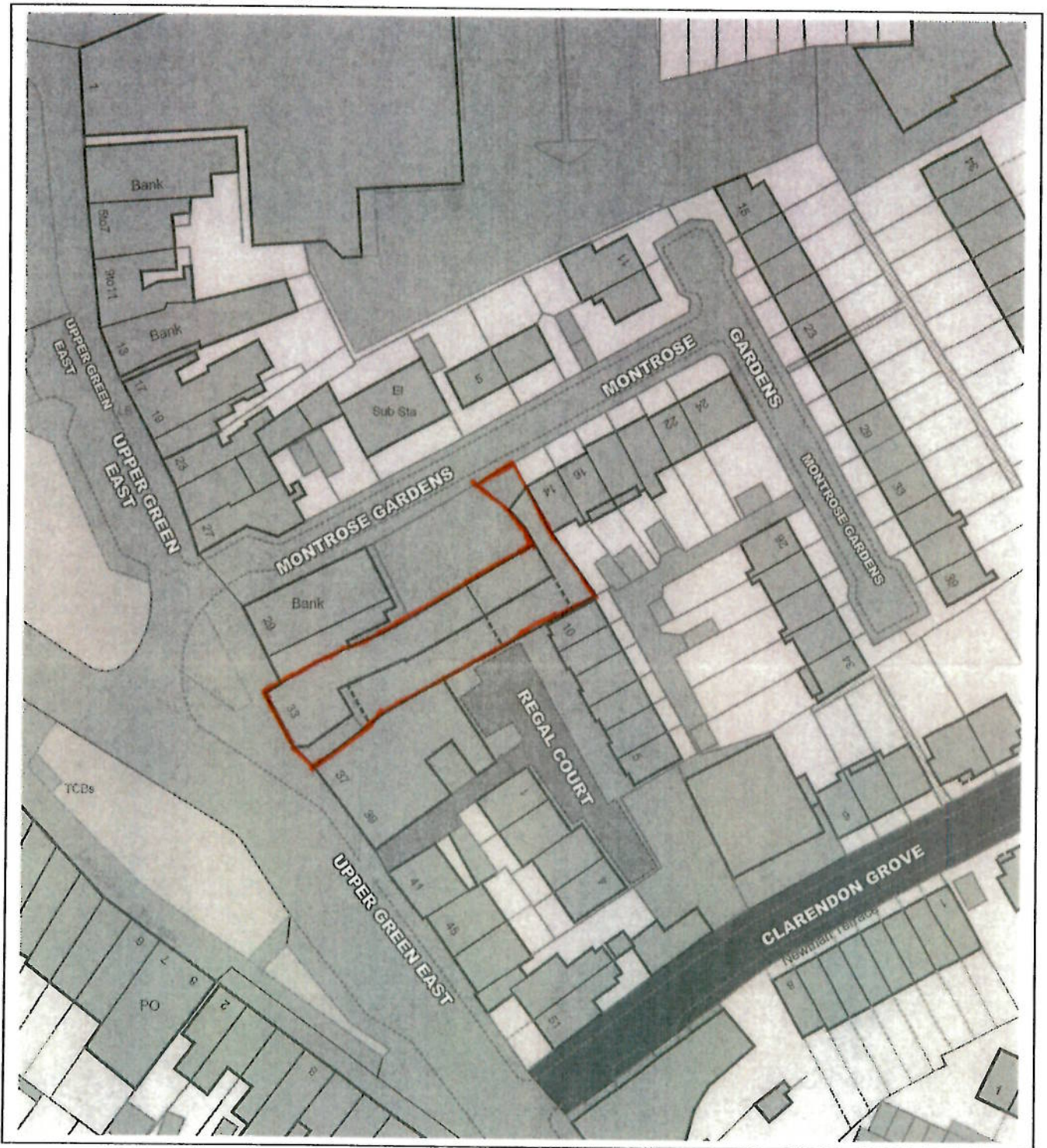
PERSONS SERVED WITH A COPY OF THIS ENFORCEMENT NOTICE

1. Ronak Patel
C/o Costcutter
37-39 Upper Green East

Mitcham
Surrey CR4 2PF

2. Anthony Christian
Flat 7
1 Dreadnought Close
SW19 2TA
3. The Secretary
Barclays Bank PLC
UK Banking Service Centre
P.O. Box 299
Birmingham
B1 3PF
4. The Occupier
33 Upper Green East
Mitcham
Surrey CR4 2PF

NORTHGATE SE GIS Print Template



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