

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 rear of 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**

Without planning permission, a material change of use of the first floor from ancillary office accommodation associated with two commercial units located on the ground floor at the rear of the building to a mixed use Social / Night Club.

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 change of use of the first floor to a Social / Night Club results in the unacceptable loss of an employment site, has an increased demand on on-street parking in the area and has an adverse effect on the amenities of nearby residents and neighbouring properties in terms of noise, nuisance and disturbance along with road safety, car parking and increased traffic flows. The use is contrary to policies E.1, E.2, E.6, BE.16, BE.22, PE.2, ST.14, L.14, and PK.3 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 any part of the first floor of the building at the rear of 33 Upper Green East as a Social / Night Club.
- (b) Remove all equipment, fixtures and fittings associated with the unauthorised use from the Land.

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

6. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on **24 June 2010** unless an appeal is made against it beforehand.



Dated: 20 May 2010

Signed.....
Head of Civic and Legal Services
London Borough of Merton

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: CS/LEG/AW/ERPP192)

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

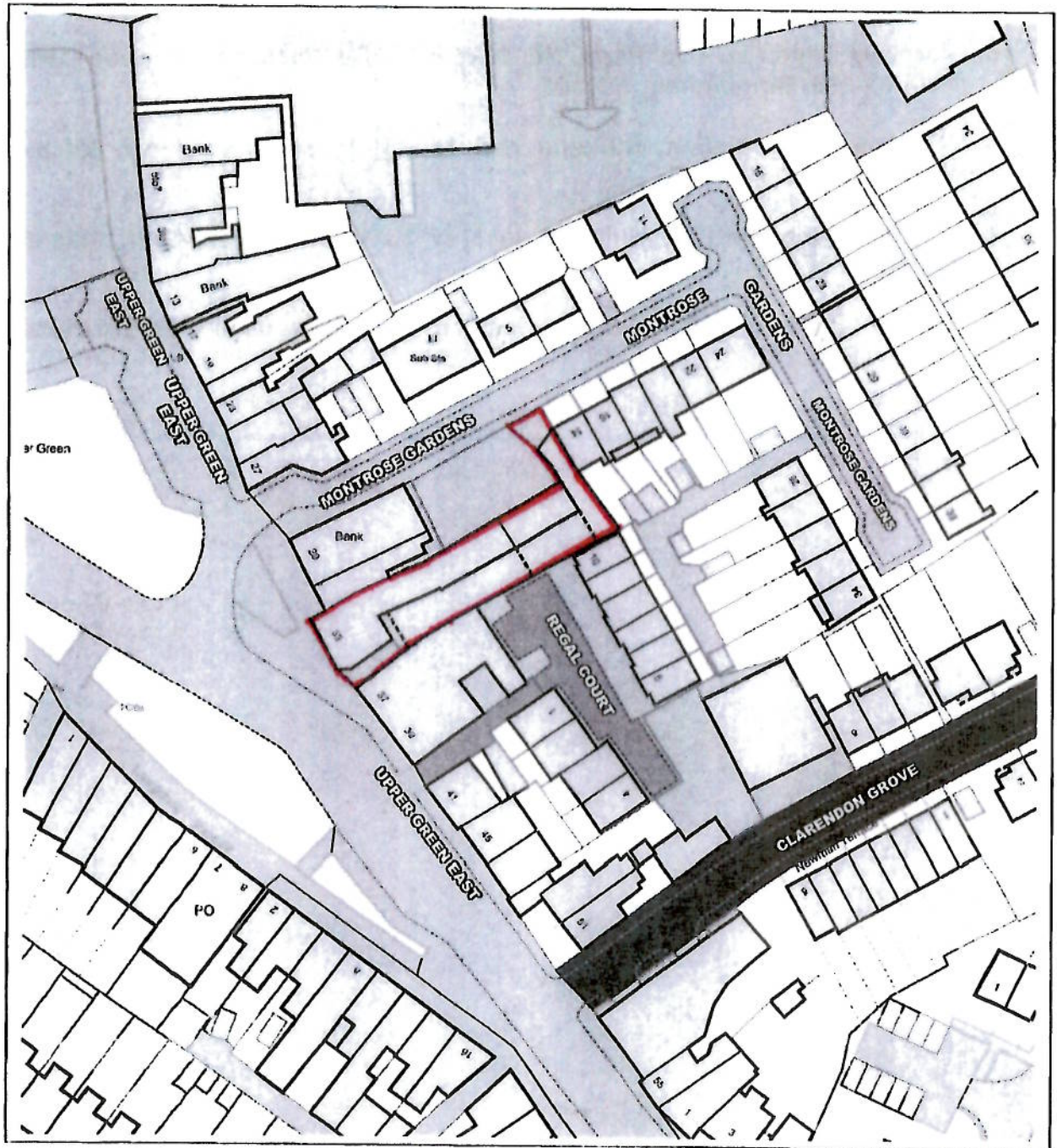
If you do not appeal against this enforcement notice, it will take effect on the date indicated above and you must then ensure that the notice is complied with. Failure to comply with an enforcement notice that has taken effect, is a criminal offence and can result in legal proceedings and/or remedial action by the Council.

PERSONS SERVED WITH A COPY OF THIS ENFORCEMENT NOTICE

1. Mr. Anthony Christian, 14A Selhurst Road, South Norwood, London, SE25 5QF
2. Ms. Georgina Bentley, 14A Selhurst Road, South Norwood, London, SE25 5QF

3. **Mr. Anthony Christian, Flat 7, 1 Dreadnought Close, Merton, London, SW19 2TA**
4. **Mr. Ronak Patel, c/o Costcutter 37- 39 Upper Green East, Mitcham, Surrey, CR4 2PF**
5. **Barclays Bank PLC (Co. Regn. No. 1026167) of UK Banking Services Centre, PO Box 299, Birmingham, B1 3PF**
6. **Mr. Anthony Christian, Building rear of 33 Upper Green East, Mitcham, Surrey, CR4 2PF**
7. **Ms. Georgina Bentley, Building rear of 33 Upper Green East, Mitcham, Surrey, CR4 2PF**
8. **The Owner / Occupier, Building rear of 33 Upper Green East, Mitcham, Surrey, CR4 2PF**

Building Rear of 33 Upper Green East, Mitcham, CR4
(First Floor)



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