

**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 **39 West Barnes Lane London SW20 0BL**, 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 to a hand car wash/repair yard/breaking yard/paint shop (Sui Generis).

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) It has not been demonstrated that the development has protection and treatment measures in place to avoid untreated pollution (in the form of detergents in waste car wash water and discharged solvents from the painting process) from entering the surface water sewer, or to prevent the discharge of fumes and noise having an unacceptably adverse effect on the amenity of neighbours, contrary to policy PE.2 of the Adopted Unitary Development Plan 2003 and paragraph 109 of the National Planning Policy Framework.
- (c) The activity on the site may be damaging the local environment, contrary to policy PE.6 and policy PE.1 of the Merton Unitary Development Plan (2003).

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

- (a) Cease the unauthorised use of the Land for car washing/repairs/breaking and painting.
- (b) Remove all materials supporting the unauthorised use. Materials that should be removed include, but are not limited to, materials used for car washing


equipment, car spraying equipment, car breaking equipment and any machinery or equipment used for the repair of vehicles. Any waste materials must be lawfully disposed of.

Time for Compliance: within **one month** from the date this notice takes effect.

**6. WHEN THIS NOTICE TAKES EFFECT**

This notice takes effect on 14 January 2014  
unless an appeal is made against it beforehand.

Dated: 3 December 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/448-341)

**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.

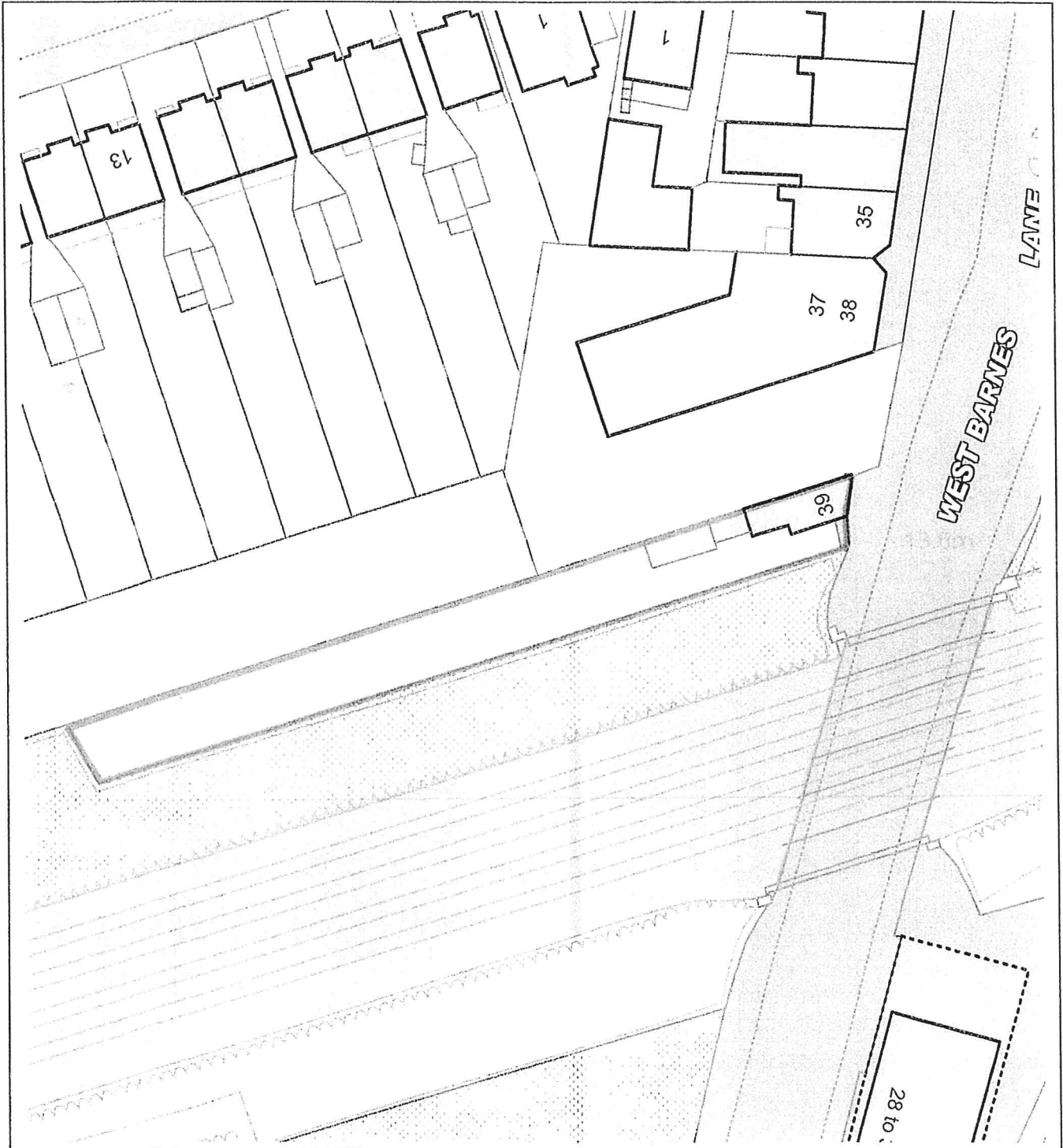
**WHAT HAPPENS IF YOU DO NOT APPEAL**

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. The Secretary  
Network Rail Infrastructure Limited  
Kings Place  
90 York Way  
London  
N1 9AG
2. The Secretary  
Curzon Concepts (UK) Limited  
c/o Chhaya Hare Wilson  
Transport House  
Uxbridge Road  
Hillingdon  
Middlesex  
UB10 0LY
3. Curzon Concepts (UK) Limited  
39 West Barnes Lane  
Raynes Park  
London  
SW20 0BL
4. Artan Balaj  
West Motor Company  
4 Castelnau  
Barnes  
London  
SW13 9RU
5. Ardi Balaj  
West Motor Company  
4 Castelnau  
Barnes  
London  
SW13 9RU
6. Artan Balaj  
39 West Barnes Lane  
London  
SW20 0BL
7. Ardi Balaj  
39 West Barnes Lane  
London  
SW20 0BL
8. The Occupier  
39 West Barnes Lane  
London  
SW20 0BL

39 West Barnes Lane, Raynes Park SW20 0BL.  
Orientated North. Scale 1:575



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