

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 64 Elmhurst Avenue, Mitcham, Surrey CR4 2HN, 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 family dwelling to two self contained flats.

4. **REASONS FOR ISSUING THIS NOTICE**

- (a) It appears to the Council that this development has taken place within the last four years.
- (b) The development by reason of its layout and design fails to provide a satisfactory standard of accommodation due to inadequate room sizes and poor circulation of the ground floor flat, contrary to Policy HS.1 'Housing Layout and Amenity' of the Merton Unitary Development Plan (October 2003) and the Council's Supplementary Planning Guidance on 'Residential Extensions, Alterations and Conversions'.
- (c) The development has resulted in the loss of a single family dwelling contrary to Policy HP.5 of the Merton Unitary Development Plan (October 2003)

Copies of the above policies are attached.

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

- (a) Completely and permanently cease the use of the Land as self contained flats.
- (b) Completely and permanently remove one of the kitchens and all partitions, fittings and fixtures facilitating the use as self contained flats.
- (c) Revert the property to its lawful use as a single family dwelling.

- (d) Make good any damage resulting from compliance with other requirements of the Notice.

Time for Compliance: within **SIX MONTHS** from the date this notice takes effect.

6. **WHEN THIS NOTICE TAKES EFFECT**

This notice takes effect on **6 OCTOBER 2010** unless an appeal is made against it beforehand.



Dated: 3 September 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: AW/ERPP225)

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.

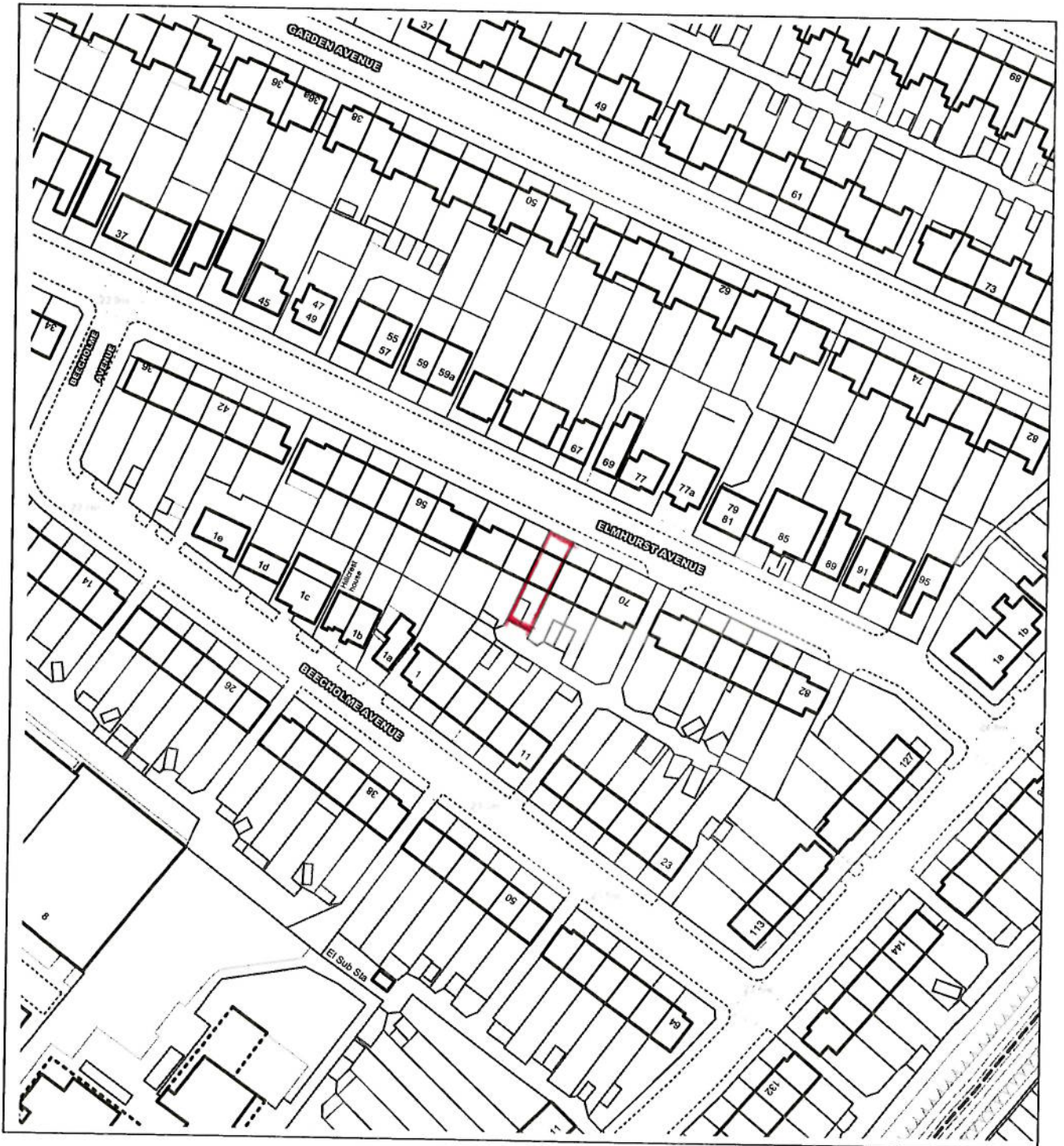
WHAT HAPPENS IF YOU DO NOT APPEAL

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. Ghayyur Ahmed of 156 Ashbourne Road, Mitcham, Surrey CR4 2BB
2. Fozia Ahmed of 156 Ashbourne Road, Mitcham, Surrey CR4 2BB
3. Ghayyur Ahmed of 64 Elmhurst Avenue, Mitcham, Surrey, CR4 2HN
4. Fozia Ahmed of 64 Elmhurst Avenue, Mitcham, Surrey, CR4 2HN
5. Malini Saulkory, 64 Elmhurst Avenue, Mitcham, Surrey, CR4 2HN
6. Mr P. Pulawski, 64 Elmhurst Avenue, Mitcham, Surrey, CR4 2HN
7. Ms M. Maciag, 64 Elmhurst Avenue, Mitcham, Surrey, CR4 2HN
8. The Secretary, HSBC Bank Plc, Sheffield Securities Processing Centre, P.O. Box 3924, Sheffield S1 9BD

Land at 64 Elmhurst Avenue, Mitcham, CR4 2HN



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