

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 **REDS WINE BAR, 86 THE BROADWAY, LONDON SW19 1RH**, in the London Borough of Merton shown edged red on the attached plan.

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

Without planning permission change of use of the rear yard of 86 The Broadway to use as an outdoor seating/ bar/ grill area .

4. **REASONS FOR ISSUING THIS NOTICE**

It appears to the Council that the above breach of planning control has occurred within the last ten years. The unauthorised use of the rear yard by virtue of its proximity to residential properties represents an inappropriate form of development, detrimental to the amenity of the area, contrary to policies BE15 (New Buildings and Extensions; Daylight, Sunlight, Privacy, Visual Intrusion and Noise) BE22 (Design of New Development) PE2 (Pollution and Amenity) PE3 (Light Pollution) and S8 (Food and Drink Uses of the adopted Merton Unitary Development Plan (October 2003).

The unauthorised use of the rear yard as an outdoor seating/bar/grill area results in the loss of residential amenity space for the upper floor flat to the detriment of residential amenity, contrary to Policy HS1 (Housing Layout and Amenity) of the adopted Merton Unitary Development Plan (October 2003)

LONDON BOROUGH OF MERTON

Copies of the above policies are attached.

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

29 AUG 2007

To cease the use of the rear yard as an outdoor seating/ bar/ grill area.

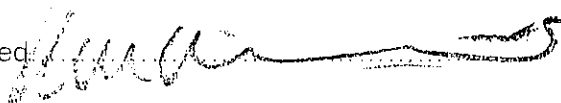
Time for Compliance: **28 DAYS** from the date this notice takes effect.

6. **WHEN THIS NOTICE TAKES EFFECT**

This notice takes effect on **29 September 2007** unless an appeal is made against it beforehand.

Dated: 22 August 2007

Signed



Head of Civic and Legal Services

Address to which all communication should be sent:-

Head of Civic and Legal Services, London Borough of Merton, Civic Centre, London Road,
Morden, Surrey SM4 5DX
(REF: LE/SL/2007P108J)

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 **29 September 2007**. 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 complete the enclosed appeal forms and send a copy of each of the form and enforcement notice to the Planning Inspectorate and the London Borough of Merton. The other appeal form and enforcement notice are 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 **£530**.

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

You should therefore include:

One cheque for **£265** payable to The Office of the Deputy Prime Minister

One cheque for **£265** 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. George & Vasoulia Poupides, c/o Mr E Middlehurst, Gregsons Solicitors, DX 300108 Wimbledon Central
2. Peter Goldstone, 40 Wimbledon Hill Road London SW19 7PA
3. The Owners, Reds Wine Bar, 86 The Broadway, London SW19 1RH
4. The Occupiers, Reds Wine Bar, 86 The Broadway London SW19 1RH
5. The Secretary, HSBC Bank Limited of Sheffield Securities Processing Centre, P.O Box 3924, Sheffield S1 9BD
6. The Secretary, Food Concepts International Limited, 1st Floor 26-28 Bedford Row, Holborn, London WC1R 4HE
7. The Secretary, Taskys Limited, 13 Station Road, London N3 2SB
8. The Administrators of Food Concepts International Ltd, c/o Mr J Harris, Solomon Taylor Shaw, Solicitors, 3 Coach House Yard, Hampstead High Street, London NW3 1QD



LONDON BOROUGH OF MERTON
Environmental Services Department

Reds Bar & Grill
86 The Broadway
Wimbledon

Scale = 1 : 1250

29 AUG 2007

merton
moving ahead

Date Printed: 29/06/07