

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 Former BP Service Station, Beverley Roundabout, 374 Grand Drive, Raynes Park SW20 9NQ, 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 petrol filling station to an independent 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 use provides for an increased water run-off in an area identified as being at risk from flooding and places increased pressure on the capacity of existing drainage systems that are already under stress to the detriment of their operation and is contrary to the objectives of policies S.9, PE.5, PE.6 and PE.7 of the London Borough of Merton Unitary Development Plan (2003).
- (c) The use as a car wash, due to its proximity to neighbouring properties and the open nature, has resulted in an adverse effect on the amenities of neighbouring occupiers by reason of noise and increased vehicular movements associated with the activity and is contrary to policies PE.2, S.9 and LU.3 of the London Borough of Merton Unitary Development Plan (2003).

Copies of the above policies are attached.

5. WHAT YOU ARE REQUIRED TO DO


- (a) To cease the use of the Land as a hand car wash.
- (b) Remove all equipment, fixtures and fittings associated with the unauthorised use from the Land.

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

6. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on 16 November 2010 unless an appeal is made against it beforehand.

Dated: 5 October 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/RO/ERPP243)

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 **£670.00**

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

You should therefore include:

One cheque for **£335.00** payable to The Department for Communities and Local Government

One cheque for **£335.00** 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. The Secretary, Coast & Capital (Portfolio) LLP, 43-45 Dorset Street, London W1U 7NA**
- 2. The Secretary, Coast & Capital (Portfolio) LLP, Heron Place, 3 George Street, London W1U 3QG**
- 3. The Occupier, Former BP Service Station, Beverley Roundabout, 374 Grand Drive, Raynes Park SW20 9NQ**
- 4. Irish Nationwide Building Society, 18 Donegall Square East, Belfast BT1 5HE**

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