

**IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY**

**TOWN AND COUNTRY PLANNING ACT 1990 SECTION 187A**

**BREACH OF CONDITION NOTICE**

**TO: Geeta Shailendra Patel  
4 Beverley Avenue  
West Wimbledon  
London SW20**

ISSUED BY THE LONDON BOROUGH OF MERTON

1. **THIS IS A FORMAL NOTICE** issued by the Council under Section 187A of the above Act, because it considers that a condition or conditions imposed on a grant of planning permission relating to the land described below has/have not been complied with. The Council considers that you should be required to comply or secure compliance with the condition(s) specified in this notice.

2. **THE LAND AFFECTED**

**Land at 4 Beverley Avenue, West Wimbledon, London SW20 0RL** in the London Borough of Merton shown edged red on the attached plan.

3. **THE RELEVANT PLANNING PERMISSION**

The planning permission reference 05/P1801 (copy attached) was granted subject to conditions by the Council on 24 October 2005 for the change of use of a detached garden building to purposes incidental to the use of 4 Beverley Avenue

4. **THE BREACH OF CONDITION**

The following condition has not been complied with:

1. Condition 1 "This planning permission is for a temporary period and the use must stop six months after the date of this permission at <sup>which</sup> time the kitchen equipment shall be removed and the use of the building shall revert to its previous use for purposes incidental to the use of 4 Beverley Avenue"

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

As the person responsible for the breach of condition specified in paragraph 4 of this notice, you are required to comply or secure compliance with the stated condition by taking the following step(s):

1. Cease the use of the outbuilding as a self contained unit of residential accommodation.
2. Remove all kitchen fittings and fixtures including extractor unit, kitchen cupboards and work surfaces, kitchen sink and washing machine and dispose of the resultant debris lawfully.

**Time for compliance: within one month after this notice is served on you.**

London Borough of Merton

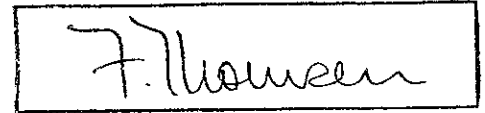
14 OCT 2009

Planning Department Control

**6. WHEN THIS NOTICE TAKES EFFECT**

**This notice takes effect immediately it is served on you.**

Dated: 12 October 2009



Signed.....  
Principal Lawyer  
London Borough of Merton

Address to which all communication should be sent:-  
Interim Head of Civic and Legal Services, London Borough of Merton, Civic Centre, London  
Road, Morden, Surrey SM4 5DX  
(REF: LEG/AW/ERPP132)

**WARNING: THERE IS NO RIGHT OF APPEAL AGAINST THIS NOTICE**

It is an offence to contravene the requirements stated in paragraph 5 of this notice after the end of the compliance period.

You may then be at risk of immediate prosecution in the Magistrates' Court for which the maximum penalty is £1,000.

If you are in any doubt about what this notice requires you to do, you should contact Leigh Harrington 0208 545 3836.

If you wish to challenge the validity of this notice, you may only do so by an application to the High Court for judicial review. A lawyer will advise you of what this procedure involves.

**London Borough of Merton**

**14 OCT 2009**

**Planning Development Control**

**LONDON BOROUGH OF MERTON**  
**TOWN AND COUNTRY PLANNING ACT 1990**

Application Number: **05/P1801**

To: Mr S Patel  
4 Beverley Avenue  
West Wimbledon  
London  
SW20 0RL

From: Director of Environmental Services,  
London Borough Of Merton,  
Civic Centre,  
London Road,  
Morden  
Surrey SM4 5DX

The London Borough of Merton as Local Planning Authority HEREBY GRANTS planning permission for the development specified in the First Schedule below subject to the reasons for approval and compliance with the conditions specified in the Second Schedule below.

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**FIRST SCHEDULE**

Particulars of Application.	Application Number: 05/P1801
Date of Application:	15 September 2005
Drawing Numbers:	001, P/10, P/11, P/11A P/12
Location:	4 Beverley Avenue West Wimbledon London SW20 0RL
Proposal:	CHANGE OF USE OF DETACHED GARDEN BUILDING TO HABITABLE USE.

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**SECOND SCHEDULE**

- 1 This planning permission is for a temporary period and the use must stop six months after the date of this permission at which time the kitchen equipment shall be removed and the use of the building shall revert to its previous use for purposes incidental to the use of 4 Beverley Road.

Reason for Condition: The use of the building as a separate dwelling, given its size, position, absence of amenity space and its location within an area at risk from flooding would constitute an inappropriate and unacceptable form of backland development which would increase the number of people and properties from flood risk, and the Council has only granted temporary permission given the particular circumstances (refurbishment of the existing dwelling house) arising in this instance.

- 2 REASON FOR APPROVAL.

This determination has been made having had regard to reasons given in the officer's report and the policies contained in The London Plan (February 2004) and the Council's Adopted Unitary Development Plan (October 2003) so far as material to the proposals which are the subject of this approval. The policies listed below were relevant in the determination of this proposal. For further details of these policies, please refer to the Adopted UDP, The London Plan and the case officer report:

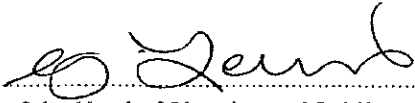
HS1 Housing Layout and Amenity.  
PE.5 Risk from flooding.

London Borough of Merton

**14 OCT 2009**  
DECfullla

24/10/2005

Signed.....



For and on behalf of the Head of Planning and Public Protection.

Note: Any permission given herein relates only to the development under the Town and Country Planning Acts. Consent under Building Registrations may also be necessary. For further information please contact the Building Control Manager on 0208 545 3121. It is emphasised that no variation from the deposited plans or particulars will be permitted unless previously authorised in writing by the London Borough of Merton.

Please read attached notes.

TP3

**London Borough of Merton**

**14 OCT 2009**

**Planning Development Control**

DECfulla

### NOTES REGARDING RIGHTS OF APPEAL

1. If the applicant is aggrieved by the decision of the Local Planning Authority to refuse permission or approval for the proposed development, or to grant permission of approval subject to conditions, he may appeal to the Secretary of State for the Environment in accordance with Section 78 or the Town and Country Planning Act 1990 within six months from the date of this notice. Appeals must be made on a form which is obtainable from The Planning Inspectorate, Room 3/24 Hawk Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN. A copy of the appeals forms should also be forwarded simultaneously to the Chief Executive's Department, London Borough of Merton, 8th Floor, Civic Centre, London Road, Morden, Surrey SM4 5DX.
2. The Secretary of State has power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been granted by the Local Planning Authority, or imposed by them, having regard to the statutory requirement (see note below), to the provisions of the development order. He does not in practice refuse to entertain appeals solely because the decision of the Local Planning Authority was based on a direction given to him.
3. If permission to develop land is refused or granted subject to conditions, whether by the Local Planning Authority or by the Secretary of State for the Environment, and the owner of the land claims that the land has become incapable of reasonable beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the Local Planning Authority in which the land is situated a purchase notice requiring the authority to purchase his interest in the land in accordance with the provisions of part VI of the Town and Country Planning Act 1990.
4. In certain circumstances a claim may be made against the Local Planning Authority for compensation where permission is refused or granted, subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.

NOTE:

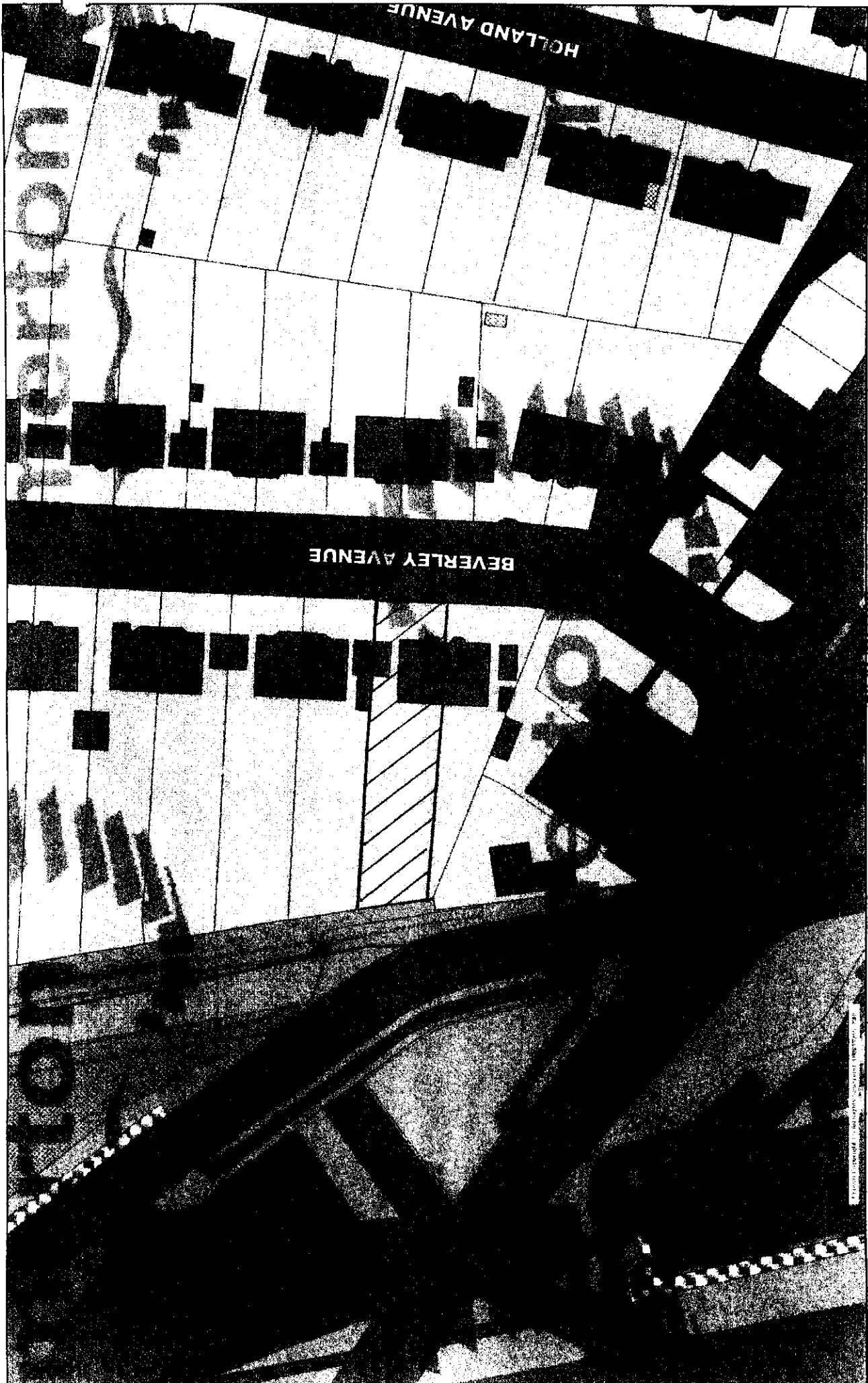
The statutory requirements are those set out in Section 79(6) of the Town and County Planning Act 1990, namely Sections 70(1) & 72(1) of the Act.

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4 Beverley Avenue  
West Wimbledon

**14 OCT 2009**

Scale 1/500  
Date 17/8/2009

London Borough of Merton  
100 London Road  
Morden  
Surrey  
SM4 5DX



Planning Development Control