

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 Burn Bullock Public House, 315 London Road, Mitcham CR4 4BE in the London Borough of Merton shown edged red on the attached plan ('the Land').

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

(a) Without planning permission, a material change of use of the Land to a hand car wash (Sui Generis).

4. **REASONS FOR ISSUING THIS NOTICE**

(a) It appears to the Council that the unauthorised change of use to a hand car wash has occurred within the last ten years.

(b) The hand car wash pollutes and increases pressure on the capacity of existing drainage systems contrary to the objectives of policies PE.2, PE.6 and PE.7 of the Merton Unitary Development Plan (2003) and policy CS 16 of the Merton Core Strategy.

(c) The use of the Land as a hand car wash, due to its proximity to neighbouring residential properties and 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, SE.9 and LU.3 of the Adopted Merton Unitary Development Plan (October 2003) and policies CS 2 and CS 14 of the Merton Core Strategy.

(d) The use of the Land as a hand car wash is detrimental to the Cricket Green Conservation Area, the host building a Grade II Listed Building, and Mitcham Cricket Green which is designated as Metropolitan Open Land (MOL) and the Green Corridor and is contrary to policies BE.1, BE.7, BE.8, BE.15, NE.2 and NE.8 of the Adopted Merton Unitary Development Plan (October 2003) and policy CS 14 of the Merton Core Strategy.

5. WHAT YOU ARE REQUIRED TO DO

- (a) Cease the unauthorised use as a hand car wash and remove from the Land all materials and equipment associated with the hand car wash.

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

6. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on 10 January 2013
unless an appeal is made against it beforehand.

Dated: 28 November 2012

Signed.....
Assistant Director of Corporate Governance
Merton & Richmond Legal Services

Address to which all communication should be sent:-

Head of Legal Services, Merton & Richmond Legal Services, Gifford House, 67c St Helier Avenue, Morden, Surrey SM4 6HY (Ref: CS/LEG/RO/448-230)

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**

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

You should therefore include:

One cheque for **£385.00** payable to The Department for Communities and Local Government

One cheque for **£385.00** 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 Company Secretary
Pheonix GRP Investments Limited
23a Kenilworth Gardens
Hayes
Middlesex
UB4 0AY**

- 2. The Company Secretary
Pheonix GRP Investments Limited
57 High Street
Leatherhead
Surrey
KT22 8AG**

- 3. Kenneth Keith Hibbert
Burn Bullock Public House
315 London Road
Mitcham
Surrey
CR4 4BE**

- 4. The Owner/Occupier
Burn Bullock Public House
315 London Road
Mitcham
Surrey
CR4 4BE**

- 5. The Owner/Occupier
Hand Car Wash
R/O Burn Bullock Public House
315 London Road
Mitcham
Surrey
CR4 4BE**

- 6. The Company Secretary**
Koral Reef Ltd
28 Thayne House
Beneict Road
London
SW19 0XU

- 7. The Company Secretary**
Koral Reef Ltd
315 London Road
Mitcham
Surrey
CR4 4BE

- 8. Mr David Gamburdella**
54 Grange Mill Road
Catford
SE6 3JY

- 9. Mr David Gamburdella**
C/O Hand Car Wash
R/O Burn Bullock Public House
315 London Road
Mitcham
Surrey
CR4 4BE

- 10. HSBC Bank Plc**
Sheffield Securities Processing Centre
PO Box 3924
Sheffield S1 9BD

Burn Bullock Public House, 315 London Road, Mitcham, CR4 4BE

