

**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 65 Cannon Hill Lane, London SW20 9JY**, 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 building in the rear garden of 65 Cannon Hill Lane to use as a residential dwelling.

4. **REASONS FOR ISSUING THIS NOTICE**

It appears to the Council that the above breach of planning control has occurred within the last four years. The unauthorised use of the building in the rear garden as a residential dwelling by reason of its design and position causes unacceptable harm to the amenity of neighbouring occupiers by overlooking and loss of privacy contrary to policy BE15 (New Buildings and Extensions; Daylight, Sunlight, Privacy, Visual Intrusion and Noise) of the adopted Merton Unitary Development Plan (October 2003).

The unauthorised use of the hobbies room as a residential dwelling unacceptably affects the living conditions of neighbouring occupiers by loss of privacy, noise and disturbance contrary to policy HP4 (Density of Development) of the adopted Merton Unitary Development Plan (October 2003)

Copies of the above policies are attached.

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

To cease the use of the building in the rear garden as a residential dwelling and remove all equipment, fixtures, furniture, kitchen, bed(s) and fittings associated with the unauthorised use.

Time for Compliance: **2 months** from the date this notice takes effect.

6. **WHEN THIS NOTICE TAKES EFFECT**

This notice takes effect on **21 August 2006** unless an appeal is made against it beforehand.

Dated: 20 July 2006

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/2005P644)]

### 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 **21 August 2006**. 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 **£270**.

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

You should therefore include:

One cheque for **£135** payable to The Office of the Deputy Prime Minister

One cheque for **£135** 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. Faroukh Hampshire, 153 Dorset Road, London SW19 3EQ
2. Timothy Schofield Hampshire, 153 Dorset Road, London SW19 3EQ
3. Farouk Hampshire, 65 Cannon Hill Lane, London SW20 9JY
4. Timothy Schofield Hampshire, 65 Cannon Hill Lane, London SW20 9JY
5. The Occupiers, 65 Cannon Hill Lane, London SW20 9JY
6. The Secretary, Future Mortgages 1 Limited, 6 Admiral Way, Doxford International Business Park, Sunderland SR3 3WG
7. The Occupiers, Building to the Rear of 65 Cannon Hill Lane, London SW20 9JY



**LONDON BOROUGH OF MERTON**  
 Environmental Services Department

**65 Cannon Hill Lane**  
**Raynes Park**  
**SW20 9JY**



Scale = 1: 1250

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