

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 31 Dundonald Road, Wimbledon, London SW19 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 an A1 Retail use to use as a self contained flat.

4. **REASONS FOR ISSUING THIS NOTICE**

- (a) It appears to the Council that the above breach of planning control has occurred within the last four years.
- (b) The use of the Land as a self contained flat is contrary to the following policy :

The Development results in the loss of an important local shop which provided convenient shopping facilities for local residents and workers to the detriment of the amenities of the area, contrary to Policy S5 (Corner/Local Shops) of the adopted Merton Unitary Development Plan (October 2003)

A copy of the above Policy is attached.

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

- (a) To cease the use of the Land as a self contained flat.
- (b) Return the area encompassed within the ground floor of the property to a retail use and the cessation of the residential use of the rooms.
- (c) Demolish all partitions, the bathroom and contents and all associated work that form bedrooms and living accommodation and return the property to its original layout.

- (d) Remove from the land all materials and debris resulting from these works.

Time for Compliance: **within 6 months** from the date this notice takes effect.

6. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on 26 February 2007 unless an appeal is made against it beforehand.

Dated: 26 January 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, Merton Civic Centre,
London Road, Morden, Surrey SM4 5DX (Ref: CS/LEG/CLL/2006P444)

YOUR RIGHT OF APPEAL

You can appeal against this notice by using the Enforcement Notice Appeal forms enclosed with this notice or by submitting an appeal online (www.planningportal.gov.uk/pcs). Please note however that any appeal must be received, or posted in time to be received, by the Planning Inspectorate before the date this notice takes effect. 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 send two copies of the enclosed appeal forms and one copy of the enforcement notice, to the Planning Inspectorate. The other appeal form and the other copy of the enforcement notice are for you to keep 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 **£265**.

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

You should therefore include:

One cheque for **£132.50** payable to The Office of the Deputy Prime Minister

One cheque for **£132.50** 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.