

**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 Property 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 PROPERTY AFFECTED**

**Property at 31 Dundonald Road, Wimbledon, London SW19 3QH** in the London Borough of Merton shown edged red on the attached plan ('the Property').

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

Without planning permission, a material change of use of the ground floor of the Property from a mixed retail (Use Class A1)/residential use to use as a self-contained two bedroom flat including the erection of a ground floor bay window to the front elevation.

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 unauthorised change of use 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 the Policy S5 of the Council's Adopted Unitary Development Plan (October 2003)

A copy of the above policy is attached.

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

- (a) Cease the residential use of the two bedrooms and bathroom of the ground floor unit and return that part of the Property to a retail use;
- (b) Remove all the partitions, fixtures and fittings associated with the unauthorised use from the Property and return this part of the Property to its layout prior to the commencement of the unauthorised use;
- (c) Reinststate a separate access to the first floor flat and

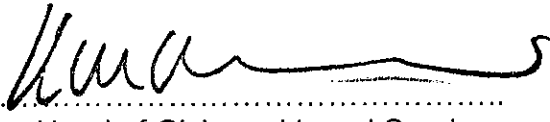
- (d) Remove the ground floor bay window to the front elevation of the Property and reinstate a shop front of an identical design to that that existed prior to the commencement of the unauthorised use.

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

## 6. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on 1 June 2006  
unless an appeal is made against it beforehand.

Dated: 2 May 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, Merton Civic Centre,  
London Road, Morden, Surrey SM4 5DX (Ref: CE/LE/TH/2005P519)

### 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](http://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 **£530.00**.

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

You should therefore include:

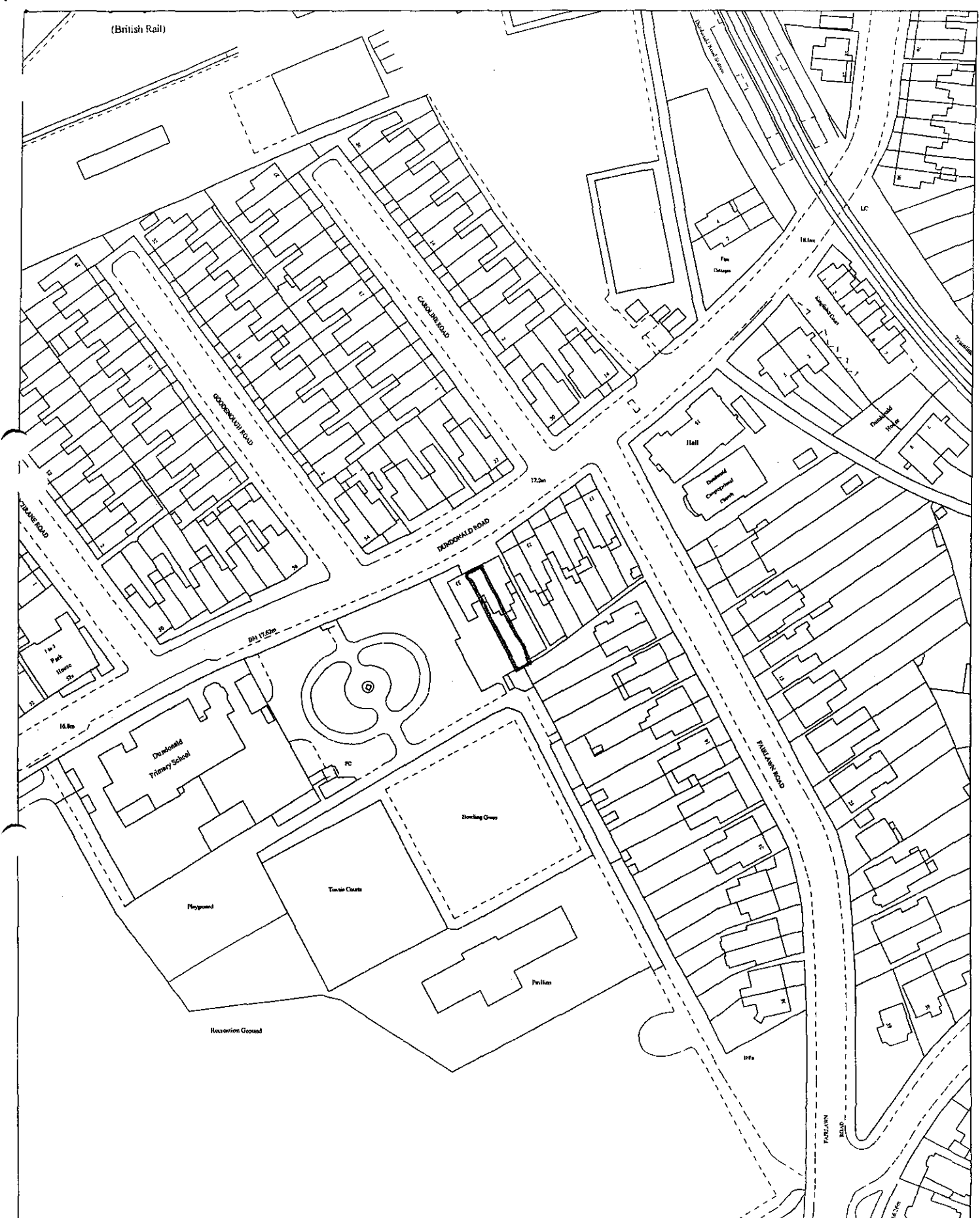
One cheque for **£265.00** payable to The Office of the Deputy Prime Minister

One cheque for **£265.00** 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.



ONDON BOROUGH OF MERTON  
 Environmental Services Department

31 Dundonald Road  
 Wimbledon  
 SW19 3QH

