

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 226 London Road, Mitcham, Surrey CR4 3HD, 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 car park at the front of the Land from open forecourt/car park to use for the unauthorised sale of motor vehicles.

4. **REASONS FOR ISSUING THIS NOTICE**

- (a) It appears to the Council that the above breach of planning control has occurred within the last ten years.

- (b) The use of the car park area at the front of the Land for the sale of motor vehicles, by reason of its siting and nature, would result in a visually intrusive and incongruous form of development that is harmful to the character and appearance of the surrounding area and detrimental to the setting of the adjacent Locally Listed and Listed Buildings.

- (c) The use of the car park area at the front of the Land for the sale of motor vehicles is contrary to the following policies of the London Borough of Merton Unitary Development Plan (October 2003):

Policy ST.17: Built Environment

Policy ST.18: Heritage

Policy BE.8: Setting of Listed Buildings, Ancient Monuments, Historic Parks and Gardens and the wider historic landscape

Policy BE.11: Local List; Rehabilitation and Maintenance

Policy BE.22: Design of the New Development

Copies of the above policies are attached.

5. WHAT YOU ARE REQUIRED TO DO

- (a) Cease the use of the front car park of the Land for the sale of motor vehicles.
- (b) Remove all equipment, fixtures and fittings associated with the unauthorised use from the Land.

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

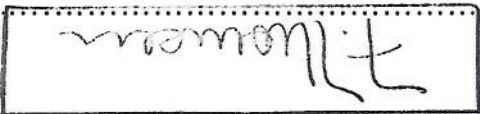
6. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on 18 January unless an appeal is made against it beforehand.

2010

Dated: 7 December 2009

Signed



Principal/Senior Lawyer
London Borough of Merton

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/RO/ENVP1570)

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 £670.00.
Half the fee is payable to the Planning Inspectorate and half to the Council.
You should therefore include:
One cheque for £335.00 payable to The Department for Communities and Local Government
One cheque for £335.00 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. Euro Sun UK Limited, 66 Becmead Avenue, Streatham, London SW16 1UQ
2. Euro Sun UK Limited, 226 London Road, Mitcham, Surrey CR4 3HD
3. Maysstar Consortium Limited, 66 Becmead Avenue, Streatham, London SW16 1UQ
4. The Occupier, 226 London Road, Mitcham, Surrey CR4 3HD
5. Habib Bank AG Zurich, Habib House, 42 Moorgate, London EC2R 6JJ



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226 London Road, Mitcham, Surrey, CR4 3HD

Scale 1/1250

Date 9/10/2009

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



