

**IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY**

**TOWN AND COUNTRY PLANNING ACT 1990**

**ENFORCEMENT NOTICE – OPERATIONAL DEVELOPMENT**

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 and buildings at the rear of 308-310 Haydons Road, Wimbledon, SW19 8JZ in the London Borough of Merton shown edged red on the attached plan.

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

The conversion of the former mews coach house ("the Building") and its use as two self-contained residential flats ("the Development") without the appropriate planning consent.

4. **REASONS FOR ISSUING THIS NOTICE**

4.1. It appears to the Council that the above breach of planning control has occurred within the last four years.

4.2. The Development results in the unacceptable loss of an employment-generating site. Whilst not being a designated employment site in the Merton Unitary Development Plan (October 2003) ("the Plan"), it was granted planning permission for conversion to B1 offices in 2001. The use of the site for purely residential use results in the loss of approved employment floorspace outside a designated employment/industrial area. Policy E6 would therefore apply and, as such, it has not been satisfied. The loss of employment land is only justified in certain narrow circumstances which are not applicable in this case. Planning permission would not be granted for purely residential use on this site and development which seeks to achieve this is contrary to Policies E1 and E6 of the Plan.

4.3. The Development has no windows to the western and southern elevations of the ground floor, thereby affording very little light to occupiers. The windows to the first floor provide a poor outlook which is unacceptable. By reason of the overall poor outlook, the Development fails to provide a satisfactory standard of accommodation to occupiers contrary to Policy HS1 of the Plan and Supplementary Planning Guidance on New Residential Development.

Copies of the above policies are attached.

The Council does not consider that planning permission should be given because conditions could not overcome these objections.

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

- 5.1. Cease the residential use of the Building
- 5.2. Remove the works carried out in order to create the Development
- 5.3. Remove all resultant demolition materials from the land

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

**4. WHEN THIS NOTICE TAKES EFFECT**

This notice takes effect on MAY 1<sup>ST</sup> 2008 unless an appeal is made against it beforehand.

Dated: 20<sup>th</sup> MARCH 2008

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/2006P280 )

## 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 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 complete the enclosed appeal forms and send a copy of each of the form and enforcement notice to the Planning Inspectorate. 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 **£530**.

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

You should therefore include:

One cheque for **£265** payable to The DCLG

One cheque for **£265** 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. Mr H Wiesenfeld, 130 Bridge Lane, London NW11 9JS
2. Mr A Strom, Unit B3, Connaught Business Centre, The Hyde, Edgware Road, London NW9 6JL
3. Phillip Eric Kelly, 310A Haydons Road, Wimbledon, London SW19 8JZ
4. Milena Luna, 310A Haydons Road, Wimbledon, London SW19 8JZ
5. The Bank of Ireland, 127 Kilburn High Road, London, NW6 6SF
6. The Occupiers: Flat A Building to the rear of 308-310 Haydons Road, Wimbledon, London SW19
7. The Occupiers: Flat B Building to the rear of 308-310 Haydons Road, Wimbledon, London SW19

LONDON BOROUGH OF MERTON

13 MAR 2008

