

**TOWN AND COUNTRY PLANNING ACT 1990**

**- 9 JAN 2009**

**ENFORCEMENT NOTICE – MATERIAL CHANGE OF USE**

*Planning Development Control*

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 the rear of 186 to 190 Streatham Road, Mitcham, CR4 2AF** in the London Borough of Merton shown striped red on the attached plan ('the Land').
3. **THE BREACH OF PLANNING CONTROL ALLEGED**  
Without planning permission the unauthorised use of the building at the rear of the Land ('the Building') as units of residential accommodation.
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 residential use of the Building and associated works is contrary to the following policies of the adopted Merton Unitary Development Plan (October 2003):
    - (i) The unauthorised residential use of the Land causes unacceptable harm to the amenity of the adjacent properties and the area in general contrary to Policies BE.15 and BE22 of the adopted Merton Unitary Development Plan (October 2003)
    - (ii) The Building by virtue of its back land location would be unacceptable, resulting in an unsatisfactory living environment as a result of inadequate amenity space, poor outlook and would involve the loss of approved employment floor space contrary to Policies ST.10, ST.14, ST16, HP.4, HS.1, E.1, E.6 and E.7 of the adopted Merton Unitary Development Plan (October 2003)
    - (iii) The residential development by virtue of the increased density of occupation would cause unacceptable pressure on on street parking availability in the area contrary to Policy PK.3 of the adopted Merton Unitary Development Plan (October 2003)

Copies of the above policies are attached.

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

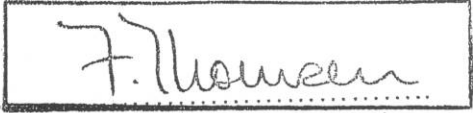
- (a) To cease the use of the Building as units of residential accommodation.
- (b) Remove from the Land all equipment, fixtures and fittings associated with the unauthorised residential use including but not limited to kitchen and bathroom fixtures
- (c) Lawfully remove from the site all waste materials and debris resulting from the compliance with the above requirements

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

**6. WHEN THIS NOTICE TAKES EFFECT**

This notice takes effect on **12<sup>th</sup> February 2009** unless an appeal is made against it beforehand.

Dated: 8<sup>th</sup> January 2009

Signed.....  
For Interim 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: LS/SO/ENVP1415)

**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/pes](http://www.planningportal.gov.uk/pes)). 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 **£2,010.00**

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

You should therefore send:

One cheque for **£1,005.00** payable to 'DCLG' to the Planning Inspectorate

One cheque for **£1,005.00** payable to 'DCLG' to the Planning Inspectorate  
One cheque for **£1,005.00** payable to 'London Borough of Merton' to the Council  
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.

London Borough of Merton

- 9 JAN 2009

Planning Development Control

**PERSONS SERVED WITH A COPY OF THIS ENFORCEMENT NOTICE**

1. The Owner/Occupier/Any person with an interest in Flat 1, Rear of 186 to 190 Streatham Road, Mitcham, CR4 2AF
2. The Owner/Occupier/Any person with an interest in Flat 2, Rear of 186 to 190 Streatham Road, Mitcham, CR4 2AF
3. The Owner/Occupier/Any person with an interest in Flat 3, Rear of 186 to 190 Streatham Road, Mitcham, CR4 2AF
4. Shahjahan Khan, 24 Mitcham Lane, London, SW16 6NN

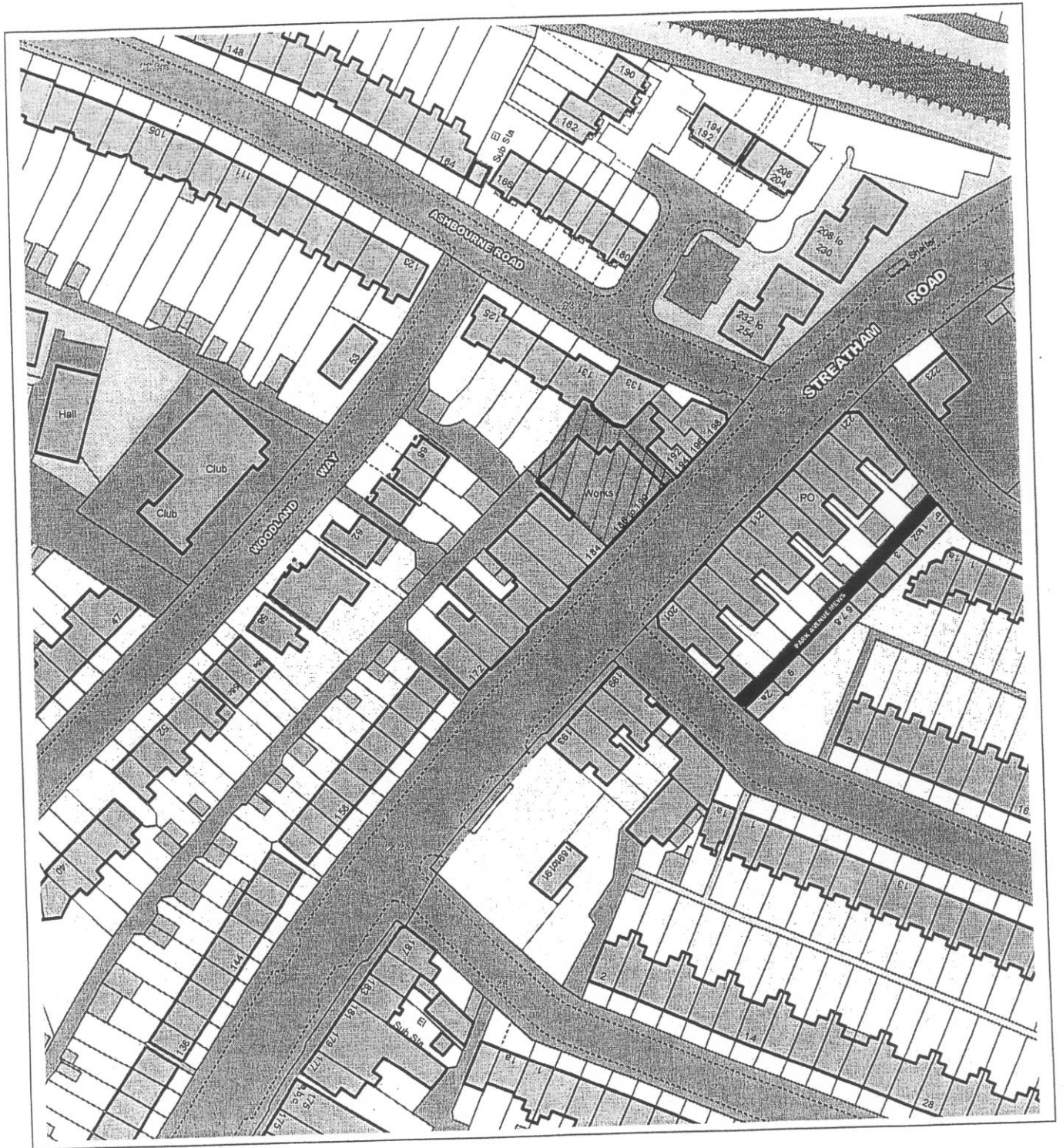
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# NORTHGATE SE GIS Print Template Planning Development Control



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