

IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY

TOWN AND COUNTRY PLANNING ACT 1990

ENFORCEMENT NOTICE

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 premises known as 336 Lynmouth Avenue Morden SM4 4RS in the London Borough of Merton shown edged red on the attached plan ('the Land').

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

The unauthorized change of use of the Land to a mixed use comprising a dwelling-house and hostel accommodation involving the use of an outbuilding to the rear of the Land as student accommodation.

4. **REASONS FOR ISSUING THIS NOTICE**

- (a) It appears to the Council that the above planning condition has been breached within the last ten years.
- (b) The change of use of the Land to a mixed use as dwelling-house and hostel accommodation involving the use of the outbuilding in the rear garden as student accommodation by reason of its design and location fails to provide a satisfactory standard of accommodation due to inadequate facilities and lack of separate private amenity space and results in an unsatisfactory standard of residential accommodation to the detriment of the amenities of occupiers of neighbouring properties contrary to Policy 3.5 of the London Plan, policy CS 14 and CS 8 of the London Borough of Merton Core Strategy - 2011, and DM H2 Housing Mix of the Sites and Policies Plan.
- (c) The decking erected at the front of the outbuilding by reason of its design, size and siting enables users of the deck to overlook the rear gardens of neighbouring dwellings, resulting in a loss of privacy to the detriment of the amenities of neighbouring occupiers, contrary to policy CS 14 (Design) of Core Planning Strategy 2011, DM2 D2 (Design considerations in all developments) and DM D3 (Alterations and extensions to existing buildings) of the Sites and Policies Plan (9/7/14), and paragraph 109 of the National Planning Policy Framework

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

1. Cease the use of the Land (including the outbuilding) as mixed use as a dwelling-house and student hostel and not use the Land other than as a single dwelling-house and uses properly ancillary to the use of the Land as a single dwelling-house.
2. Remove the wooden decking at the front of the outbuilding and the banister along the western edge of the decking.

Time for Compliance: two calendar months from the date this notice takes effect.

6. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on **6th October 2014** unless an appeal is made against it beforehand.

Dated: **1st September 2014**

Signed.....
Assistant Director of Corporate Governance
South London Legal Partnership

Address to which all communication should be sent:-
Head of Legal Services, South London Legal Partnership, Gifford House, 67c St Helier Avenue, Morden, Surrey SM4 5DX (Ref: 511-448)

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 **£770** that must be paid by way of a cheque made out 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. Nicky Charles Crancher
2. Lenka Crancher
3. Nationwide Building Society

NORTHGATE SE GIS Print Template



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