

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 at 1a College Road, Colliers Wood, London, SW19 2BP in the London Borough of Merton shown edged red on the attached plan.

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

Without planning permission the erection of a front boundary fence/enclosure.

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 boundary fence by reason of its height and appearance is detrimental to the visual amenities of the street scene and fails to complement the character and appearance of the area contrary to policies BE.22 (Design of New Development and BE.23 (Alterations and extensions to Buildings) of the adopted Merton Unitary Development Plan (2003).

London Borough of Merton

Copies of the above policies are attached.

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

29 MAY 2009

Either

Remove the unauthorised fence/enclosure **Planning Development Control**

Or

Reduce it to no more than one (1) metre in height as permitted within Part 2 Class A, schedule 2 of The Town and Country Planning (General Permitted Development) Order 1995.

Time for Compliance: **THIRTY SIX (36) DAYS** from the date this notice takes effect.

6. **WHEN THIS NOTICE TAKES EFFECT**

This notice takes effect on 29 June 2009 unless an appeal is made against it beforehand.

Dated: 28 May 2009

Signed.....



Principal Lawyer

Address to which all communication should be sent:-

Interim Head of Civic & Legal Services, London Borough of Merton, Civic Centre, London Road,
Morden, Surrey SM4 5DX
(REF: LEG/SL/ENVP1452)

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 29 June 2009. The enclosed information sheet "Making Your 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 and the London Borough of Merton. 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 **£300**

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

You should therefore include:

One cheque for **£150** payable to The Department for Communities and Local Government

One cheque for **£150** 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.

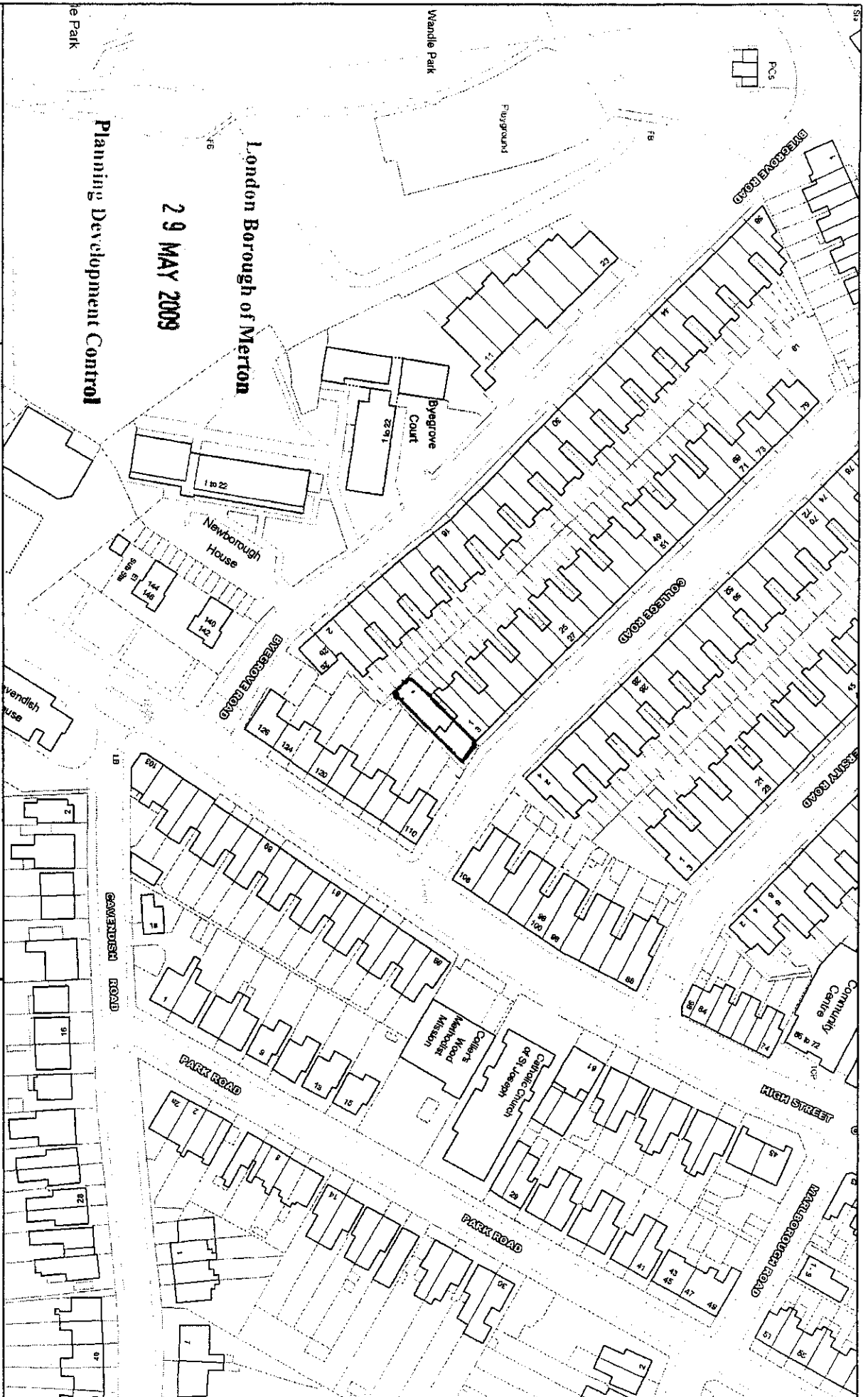
PERSONS SERVED WITH A COPY OF THIS ENFORCEMENT NOTICE

1. The Occupier
1a College Road
Colliers Wood
London SW19 2BP
2. Anthony Peter Cooper
45 Colwood Gardens
London SW19 2DS
3. The Governor and Company of the Bank of Ireland
Bristol & West Mortgages
P.O. Box 27
One Temple Quay
Bristol BS99 7AX

London Borough of Merton

29 MAY 2009

Planning Development Control



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DEVELOPMENT CONTROL

Scale 1/1250
Date 3/2/2009

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



IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

29 MAY 2009

Town and Country Planning Act 1990 as amended.

Enforcement Notice relating to land at 1a College Road Planning Development Control

This local planning authority, London Borough of Merton, has issued an enforcement notice relating to the above land and I now serve on you a copy of that notice as you have an interest in the land. Copies of the notice are also being served on the parties listed at the end of this letter who, it is understood, also have an interest in the land.

There is a right of appeal to the Secretary of State (at The Planning Inspectorate) against the notice. Unless an appeal is made, as described below, the notice will take effect on 29 June 2009 and you must then ensure that the required steps, for which you may be held responsible, are taken within the period(s) specified in the notice.

Please see the enclosed information sheet from The Planning Inspectorate which tells you how to make an appeal.

If you decide that you want to appeal against the enforcement notice you must ensure that you send your appeal soon enough so that normally it will be delivered by post/electronic transmission to the Secretary of State (at The Planning Inspectorate) before 29 June 2009.

Under section 174 of the Town and Country Planning Act 1990 (as amended) you may appeal on one or more of the following grounds:-

- (a) that, in respect of any breach of planning control which may be constituted by the matters stated in the notice, planning permission ought to be granted or, as the case may be, the condition or limitation concerned ought to be discharged;
- (b) that those matters have not occurred;
- (c) that those matters (if they occurred) do not constitute a breach of planning control;
- (d) that, at the date when the notice was issued, no enforcement action could be taken in respect of any breach of planning control which may be constituted by those matters;
- (e) that copies of the enforcement notice were not served as required by section 172;
- (f) that the steps required by the notice to be taken, or the activities required by the notice to cease, exceed what is necessary to remedy any

breach of planning control which may be constituted by those matters or, as the case may be, to remedy any injury to amenity which has been caused by any such breach;

(g) that any period specified in the notice in accordance with section 173(9) falls short of what should reasonably be allowed.

Not all of these grounds may be relevant to you.

If you appeal under Ground (a) of Section 174(2) of the Town and Country Planning Act 1990 this is the equivalent of applying for planning permission for the development alleged in the notice and you will have to pay a fee of £300. You should pay half of the fee (£150) to the London Borough of Merton (made payable to the London Borough of Merton) and the other half of the fee to the Planning Inspectorate (made payable to the Department for Communities and Local Government). Joint appellants need only pay one set of fees.

If you decide to appeal, when you submit it, you should state in writing the ground(s) on which you are appealing against the enforcement notice and you should state briefly the facts on which you intend to rely in support of each of those grounds. If you do not do this when you make your appeal the Secretary of State will send you a notice requiring you to do so within 14 days.

Parties on whom the enforcement notice has been served:

1. The Occupier, 1a College Road
2. Anthony Peter Cooper
3. The Governor and Company of the Bank of Ireland

London Borough of Merton

29 MAY 2009

Planning Development Control