

**IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY**

**TOWN AND COUNTRY PLANNING ACT 1990**

**NOTICE REQUIRING PROPER MAINTENANCE OF LAND**

ISSUED BY THE LONDON BOROUGH OF MERTON

1. **THIS IS A FORMAL NOTICE** issued by the Council under Section 215 of the above Act because it appears that the amenity of part of its area is adversely affected by the condition of the land described below. The Council considers that you should be required to remedy the condition of the land.

2. **THE LAND AFFECTED**

**Land at 242 Streatham Road, Streatham, London SW16 6NY** in the London Borough of Merton shown edged red on the attached plan ('the Land').

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

- (i) Clear and remove from the Land all lumps of concrete, sacks of building rubble and all other waste building materials.
- (ii) Clear and remove from the Land all assorted items of old furniture and all other domestic waste products.
- (iii) Clear and tidy up the front garden and remove all items mentioned in (i) and (ii) above to an authorised place of disposal.

4. **WHEN YOU MUST COMPLY**

You must comply with this notice within 28 days after the notice takes effect.

5. **WHEN THIS NOTICE TAKES EFFECT**

This notice takes effect on **10 September 2009**, unless an appeal is made against it beforehand.



Dated: 6<sup>th</sup> August 2009

Signed:.....  
Principal Lawyer

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/AW/ENVP1524)

## ANNEX

**YOUR RIGHT OF APPEAL:** Under Section 217 of the 1990 Act you may appeal to the magistrates' Court against this notice. Copies of this Section and of other relevant Sections of the 1990 Act are attached. **IT IS IMPORTANT THAT YOU READ THEM.**

### **EXTRACTS FROM THE TOWN AND COUNTRY PLANNING ACT 1990**

#### **LAND ADVERSELY AFFECTING AMENITY OF NEIGHBOURHOOD**

##### Penalty for non-compliance with S.215 notice

216

(1) The provisions of this section shall have effect where a notice has been served under section 215.

(2) If any owner or occupier of the land on whom the notice was served fails to take steps required by the notice within the period specified in it for compliance with it, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale (currently £1,000).

(3) Where proceedings have been brought under subsection (2) against a person as the owner of the land and he has, at some time before the end of the compliance period, ceased to be the owner of the land, if he –

- (a) duly lays information to that effect; and
- (b) give the prosecution not less than three clear days notice of his intention,

he shall be entitled to have the person who then became the owner of the land brought before the court in the proceedings.

(4) Where proceedings have been brought under subsection (2) against a person as the occupier of the land and he has, at some time before the end of the compliance period, ceased to be the occupier of the land, if he –

- (a) duly lays information to the effect; and
- (b) gives the prosecution not less than three clear days notice of his intention,

he shall be entitled to have brought before the court in the proceedings the person who then became the occupier of the land, or if nobody then became the occupier, the person who is the owner at the date of the notice.

(5) Where in such proceedings:-

- (a) it has been proved that any steps required by the notice under section 215 have not been taken within the compliance period, and
- (b) the original defendant proves that the failure to take those steps was attributable, in whole or in part, to the default of a person specified in a notice under subsection (3) or (4),

then :-

- (i) that person may be convicted of the offence; and



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242 Streatham Road

SW16 8NY

Scale 1/500

Date 13/7/2009

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

