

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 Ground Floor 34-38 Upper Green East, Mitcham CR4 2PB in the London Borough of Merton shown edged red on the attached plan.

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

Without planning permission change of use of the ground floor of the premises from a training and conference facility to use as a primary school.

4. **REASONS FOR ISSUING THIS NOTICE**

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

(a) The development as a primary school for 70 children has not only resulted in an intensive and inappropriate use of the ground floor of these buildings, detracting from the character of the area and secondary shopping frontage and further is detrimental to the amenities of local residents by reason of noise disturbance but is also detrimental to the safety of pedestrians, including pupils and vehicular traffic using the adjoining busy classified road; Commonsides East. The unauthorised use is therefore contrary to policies C.14, BE22, PE.2 PK3, LU.3 and S3 of the Unitary Development Plan (October 2003)

Copies of the above policies are attached.

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

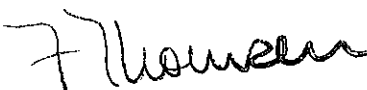
(a) cease the use of the premises as a primary school

Time for Compliance: **9 months** from the date this notice takes effect.

6. **WHEN THIS NOTICE TAKES EFFECT**

This notice takes effect on 8 June 2009 unless an appeal is made against it beforehand.

Dated: 7 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/ENVP1473)

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 8 June 2009. The enclosed booklet "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 **£670**

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

You should therefore include:

One cheque for **£335.00** payable to The Department for Communities and Local Government

One cheque for **£335.00** payable to the London Borough of Merton

The fee can be sent with your appeal form.

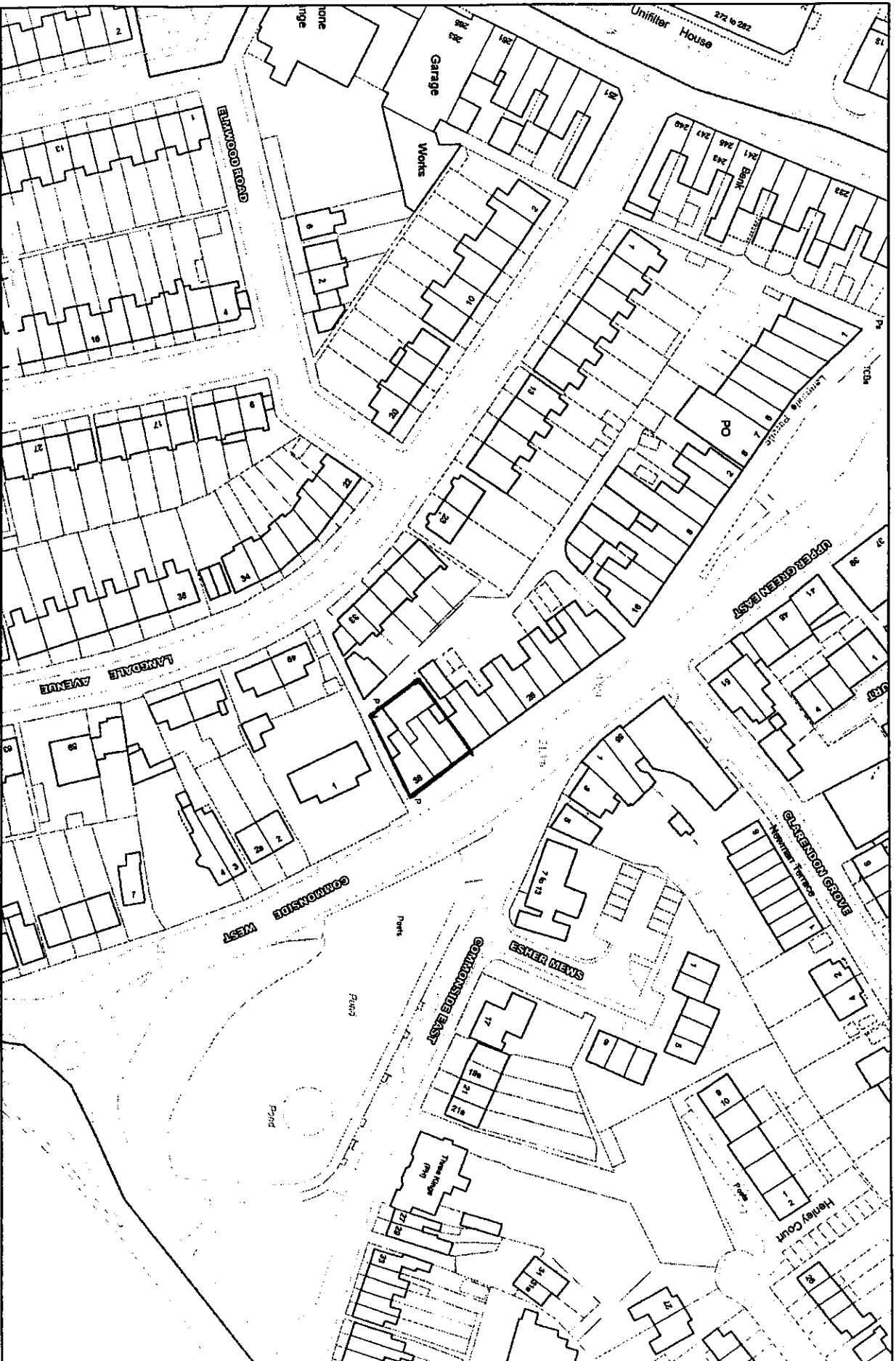
WHAT HAPPENS IF YOU DO NOT APPEAL

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. Razina Karim, 250 Worples Road, Raynes Park, London SW20 8RH
2. Anita Greene, 1 Great Cumberland Mews, London W1H 7DZ
3. Annette Gloria South 107 Bodley Road, New Malden, Surrey KT3 5QJ
4. Terence Albert South, Flat 11, The Clockhouse, Windmill Road, Wimbledon Common, London SW19 5NQ
5. The Secretary, HSS Hire Service Group Limited, 25 Willow Lane, Mitcham, Surrey CR4 4TS

6. The Occupier, Ground Floor, 34-38 Upper Green East, Mitcham, CR4 2PB



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DEVELOPMENT CONTROL

34-38 Upper Green East

Mitcham, Surrey, CR4 2PB

Scale 1/1250

Date 2/3/2009

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

