

**IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY**

**TOWN AND COUNTRY PLANNING ACT 1990**

**ENFORCEMENT NOTICE – MATERIAL CHANGE OF USE**

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 Unit, Baltimore House, Griffiths Road, London SW19 1SR** in the London Borough of Merton shown edged red on the attached plan ('the Land').

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

Without planning permission, a material change of use of the Land from a business unit (Class B1) to a live/work unit (sui generis).

4. **REASONS FOR ISSUING THIS NOTICE**

- (a) It appears to the Council that the above breach of planning control has occurred within the last ten years.
- (b) The change of use resulted in the loss of an employment generating unit contrary to Policy E6 'Loss of Employment Land Outside of the Designated Industrial Areas' of the Adopted Merton Unitary Development Plan (October 2003)
- (c) The change of use resulted in a substandard live/work unit by failing to fully separate the living and working areas where it appears that there is still demand for B1 business use on the land. This is contrary to Policy MU4 'Live/Work Development' of the Adopted Merton 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 Land as a live/work unit and revert the property to its lawful Class B1 use.
- (b) Remove all equipment, fixtures and fittings associated with the unauthorised use from the Land.

Time for Compliance: within **TWO MONTHS** from the date this notice takes effect.

**6. WHEN THIS NOTICE TAKES EFFECT**

This notice takes effect on **17 NOVEMBER 2010** unless an appeal is made against it beforehand.



Dated: 13<sup>th</sup> October 2010 Signed.....  
Head of Civic and Legal Services  
London Borough of Merton

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: AW/ERPP246)

**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 **£670**

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

You should therefore include:

One cheque for **£335** payable to The Department for Communities and Local Government

One cheque for **£335** 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. Peter Owen, 17 Grays Lane, Ashtead, Surrey KT21 1BZ**
- 2. Janice Owen, 17 Grays Lane, Ashtead, Surrey KT21 1BZ**
- 3. Antoine Sud, Ground Floor Unit, Baltimore House, Griffiths Road, London, SW19 1SR**
- 4. Antoine Sud, 74 Pickhurst Lane, Hayes, Bromley BR2 7JF**
- 5. The Owner, Ground Floor Unit, Baltimore House, Griffiths Road, London, SW19 1SR**
- 6. The Occupier(s), Ground Floor Unit, Baltimore House, Griffiths Road, London, SW19 1SR**

# Ground Floor Unit, Baltimore House, Griffiths Road, SW19 1SR



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