

IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY

London Borough of Merton

TOWN AND COUNTRY PLANNING ACT 1990

ENFORCEMENT NOTICE

11 FEB 2009

ISSUED BY THE LONDON BOROUGH OF MERTON

Planning Development Control

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 **111 Park Avenue, Mitcham, Surrey CR4 2ES** 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 rear garden and garage to use for storage of vehicles and as a vehicle repairs business including spray painting of vehicles.

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.

The unauthorised use has caused an increase in on street parking and negatively affects the flow of traffic along Hill Road, contrary to Policy PK3. The unauthorised use has resulted in noise and smell pollution affecting the local amenities and residents surrounding the subject land, contrary to Policy PE2. The unauthorised use detracts from the character of the main house and its local amenities and is not in keeping with urban design and the surrounding area contrary to policies HS1 BE.16, BE.22, of the Adopted Unitary Development Plan (2003). The unauthorised use of the garden has resulted in a loss of amenity space contrary to policy BE18

Copies of the above policies are attached.

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

Cease the use of the rear garden and garage for storage of vehicles and as a vehicle repairs business including spray painting vehicles

Time for Compliance: **28 days** from the date this notice takes effect.

6. **WHEN THIS NOTICE TAKES EFFECT**

This notice takes effect on 12 March 2009 unless an appeal is made against it beforehand.

Dated: 10 February 2009

Signed.....*F. Howden*
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/ENVP1433)

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 12 March 2009. The enclosed booklet "Making Your ~~enforcement~~ 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** 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.

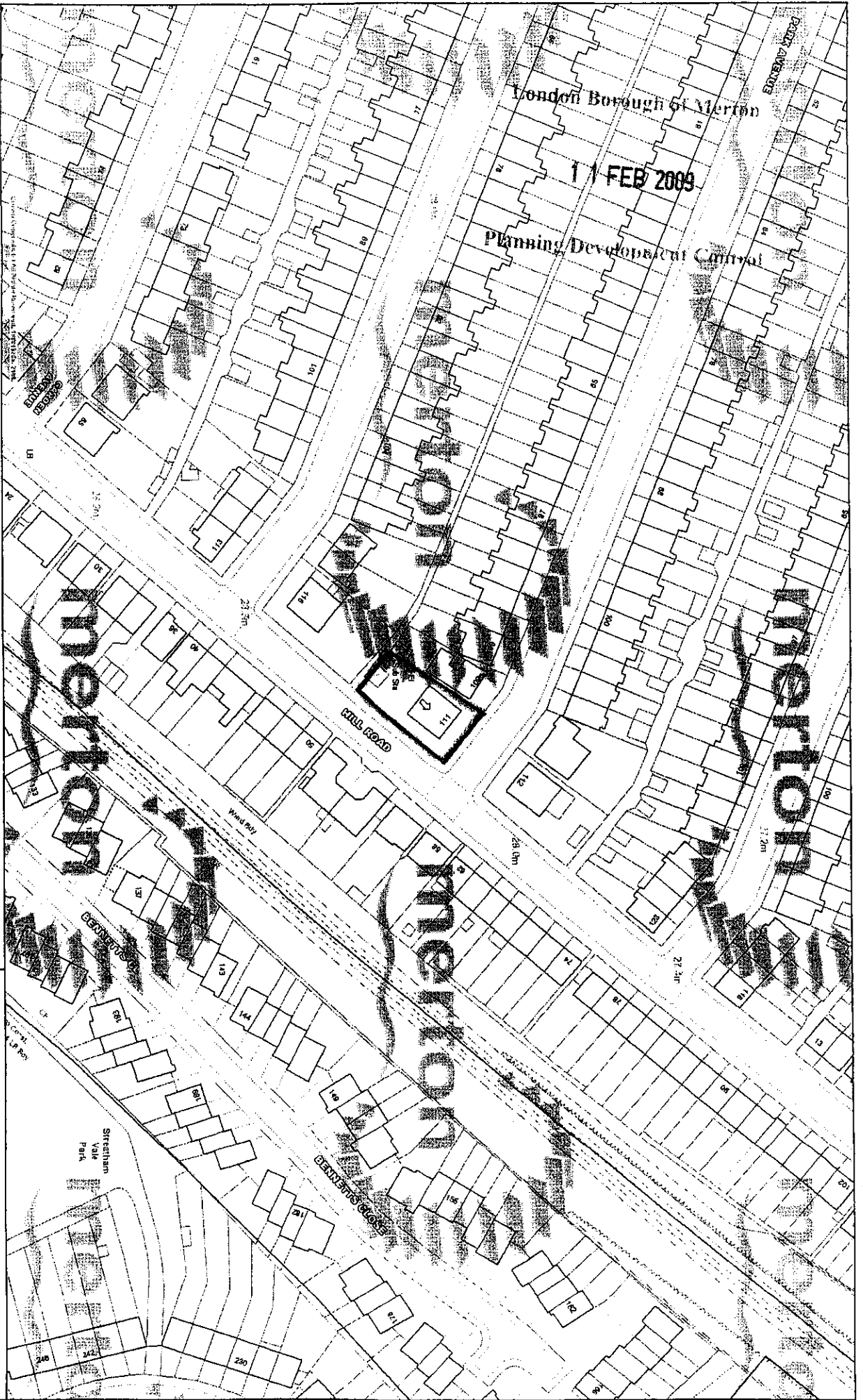
WHAT HAPPENS IF YOU DO NOT APPEAL

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. Jakub Frackowiak, 111 Park Avenue, Mitcham, Surrey CR4 2ES
2. Azhar Saleem, 109 Melrose Avenue, Mitcham, Surrey CR4 3ED
3. Munavara Saleem, 109 Melrose Avenue, Mitcham, Surrey CR4 3ED
4. The Secretary, Bank of Scotland PLC of Birmingham Midshires Division, Pendeford Business Park, Wobaston Road, Wolverhampton WV9 5HZ
5. The Occupier, 111 Park Avenue, Mitcham, Surrey CR4 2ES

Borough of Merton
11 FEB 2009
Planning Development Control



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DEVELOPMENT CONTROL

111 Park Avenue
 Mitcham, Surrey, CR4 2ES

Scale 1/1250
 Date 23/12/2008

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

