

IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY

TOWN AND COUNTRY PLANNING ACT 1990 London Borough of Merton

ENFORCEMENT NOTICE

15 JAN 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 The Mission Hall, 62 Cannon Hill Lane, Raynes Park, London SW20 9ET, in the London Borough of Merton shown edged red on the attached plan.

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

Without planning permission erection of a building and its use as five separate self contained flats.

4. **REASONS FOR ISSUING THIS NOTICE**

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

- (a) The unauthorised development constitutes a visually intrusive development by reason of its size, height, massing and siting out of keeping with the surrounding buildings, resulting in a loss of outlook to the detriment of the amenities of the occupiers of the adjoining dwellings contrary to policies BE15(New Buildings and Extensions: Daylight, Sunlight, Privacy, Visual Intrusion and Noise), BE22 Design of new Development of the Adopted Unitary Development Plan (2003)
- (b) The creation of three additional flats resulting in five flats in total, without adequate amenity space results in a cramped development with inadequate facilities for the occupiers, which adversely affect the amenities of the adjoining occupiers in terms of loss of privacy and noise pollution, contrary to policies HS1 Housing layout and amenity, BE15(New Buildings and Extensions: Daylight, Sunlight, Privacy, Visual Intrusion and Noise), of the Adopted Merton Unitary Development Plan (October 2003)
- (c) The replacement of the D1 Community floorspace with flats has resulted in the loss of community premises to the detriment of maintaining and promoting sustainable mixed use neighbourhoods and is contrary to Policy L15 of the Adopted Unitary Development Plan (2003)

Copies of the above policies are attached.

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

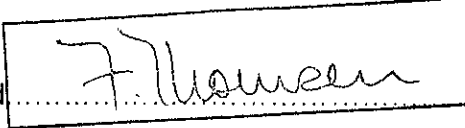
- 1(a) Demolish the unauthorised building and
- (b) Remove all materials rubbish and debris resulting from compliance with (a) above from the land

Time for Compliance: **6 months** from the date this notice takes effect.

6. **WHEN THIS NOTICE TAKES EFFECT**

This notice takes effect on 13 February 2009 unless an appeal is made against it beforehand.

Dated: 14 January 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/ENVP1427)

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 13 February 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 **£1,980.00**

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

You should therefore include:

One cheque for **£990.00** payable to The Department for Communities and Local Government

One cheque for **£990.00** 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.

London Borough of Merton

15 JAN 2009

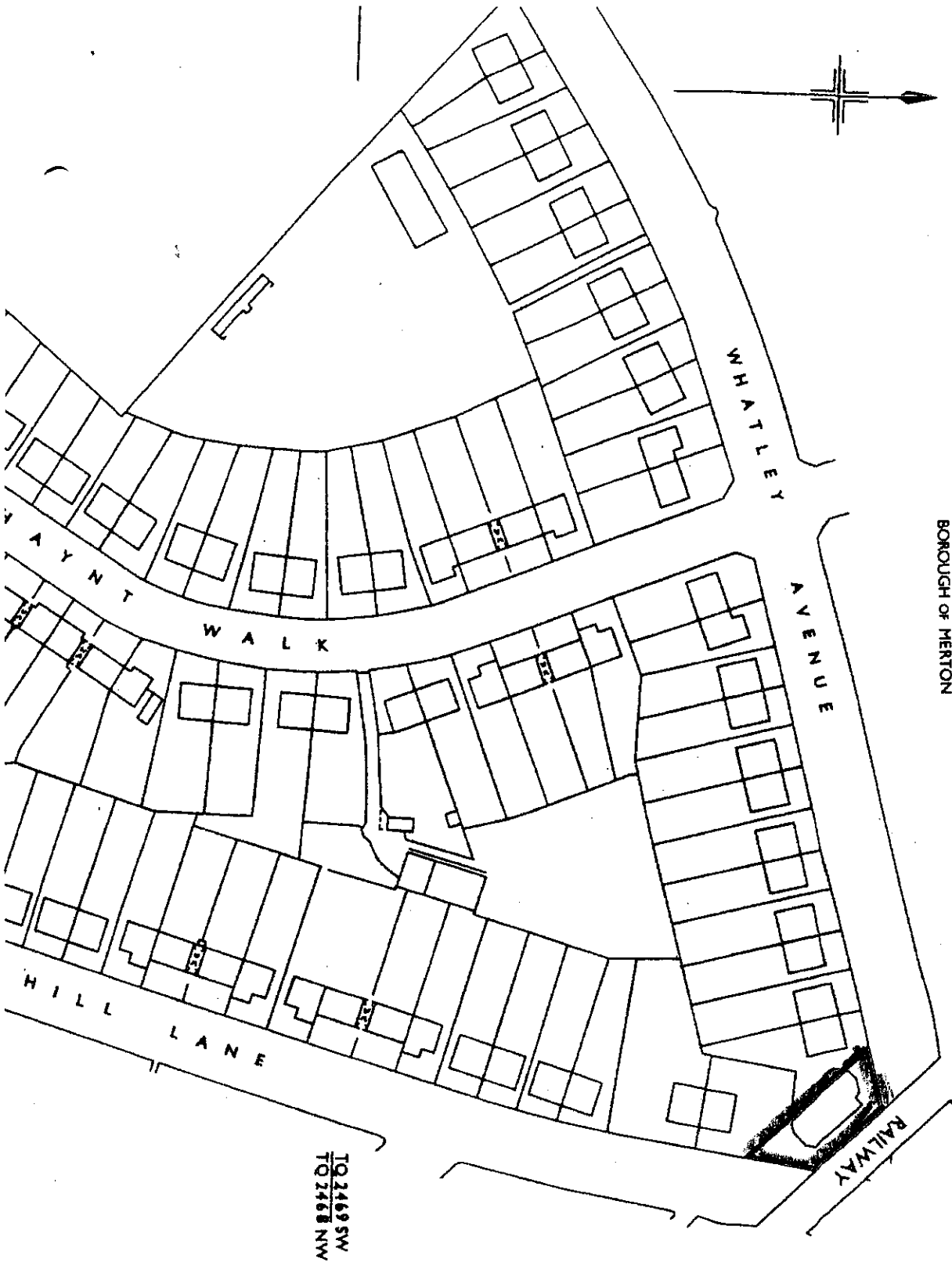
Planning Development Control

H. M. LAND REGISTRY

NATIONAL GRID PLAN TO 2468 SECTION B
GREATER LONDON

Scale 1/1250

BOROUGH OF MERTON



TO 2468 SW
TO 2468 NW

London Borough of Merton

15 JAN 2009

Planning Development Control

PERSONS SERVED WITH A COPY OF THIS ENFORCEMENT NOTICE

1. The Company Secretary, Nabiganj Investment Company Limited, Reddy Siddiqui, Park View 183-189 The Vale, London W3 7RW
2. The Company Secretary, Nabiganj Investment Company Limited, Waris Villa, 329-331 Alexandra Park Road, London NW22 7BP
3. The Occupier, The Mission Hall, 62 Cannon Hill Lane, Raynes Park, London SW20 9ET

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