

**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 the rear of The Princess Royal Public House, 25 Abbey Road, Colliers Wood, London SW19 2LZ** in the London Borough of Merton shown edged red on the attached plan ('the Land').

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

The unauthorised use of the land at the rear of The Princess Royal Public House, 25 Abbey Road, Colliers Wood, London SW19 2LZ as a commercial builder's yard for the storage of building materials and equipment, the parking of associated motor vehicles and the unauthorised erection of a large portacabin and a wooden shed in connection with the unauthorised change of use.

4. **REASONS FOR ISSUING THIS NOTICE**

- (a) It appears to the Council that the change of use in breach of planning control has occurred within the last ten years.
- (b) It appears to the Council that the operational development commenced within the last 4 years.
- (c) The unauthorised use has an unacceptable impact on residential amenity through noise, disturbance and appearance and would introduce an unacceptable use-type on a small employment site outside of a designated industrial area contrary to policies BE.22 (Design of New Development), PE.2 (Pollution and Amenity) of the London Borough of Merton's Unitary Development Plan (2003)
- (d) The unauthorised erection of a wooden shed and a large portacabin in the rear of the site fails to respect the siting rhythm, scale, density, proportions, height, materials and massing of surrounding buildings and fails to provide a high standard of design that compliments the character and local distinctiveness of the adjoining townscape contrary to policy BE.22 (Design of New Development) of the London Borough of Merton's Unitary Development Plan (2003).

Copies of the above policies are attached.

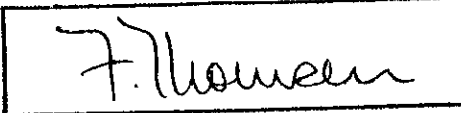
**5. WHAT YOU ARE REQUIRED TO DO**

- (a) Cease the unauthorised use of the Land as a commercial builders yard and storage area.
- (b) Remove all building materials, building equipment and vehicles associated with the use from the Land.
- (c) Remove the unauthorised portacabin type structure and free standing wooden shed from the Land.
- (d) Lawfully remove from the Land all waste and debris resulting from compliance with (b) and (c) above.

Time for Compliance: within **1 month** from the date this notice takes effect.

**6. WHEN THIS NOTICE TAKES EFFECT**

This notice takes effect on 20 August 2009 unless an appeal is made against it beforehand.



Dated: 15 July 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: LEG/AW/ENVP1499)

**YOUR RIGHT OF APPEAL**

You can appeal against this notice by using the Enforcement Notice Appeal forms enclosed with this notice or by submitting an appeal online ([www.planningportal.gov.uk/pes](http://www.planningportal.gov.uk/pes)). Please note however that any appeal must be received, or posted in time to be received, by the Planning Inspectorate before the date this notice takes effect. 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 send two copies of the enclosed appeal forms and one copy of the enforcement notice, to the Planning Inspectorate. The other appeal form and the other copy of the enforcement notice are for you to keep 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 send:

One cheque for **£335** payable to 'DCLG' to the Planning Inspectorate

One cheque for **£335** payable to 'London Borough of Merton' to the Council

The fee can be sent with your appeal form.

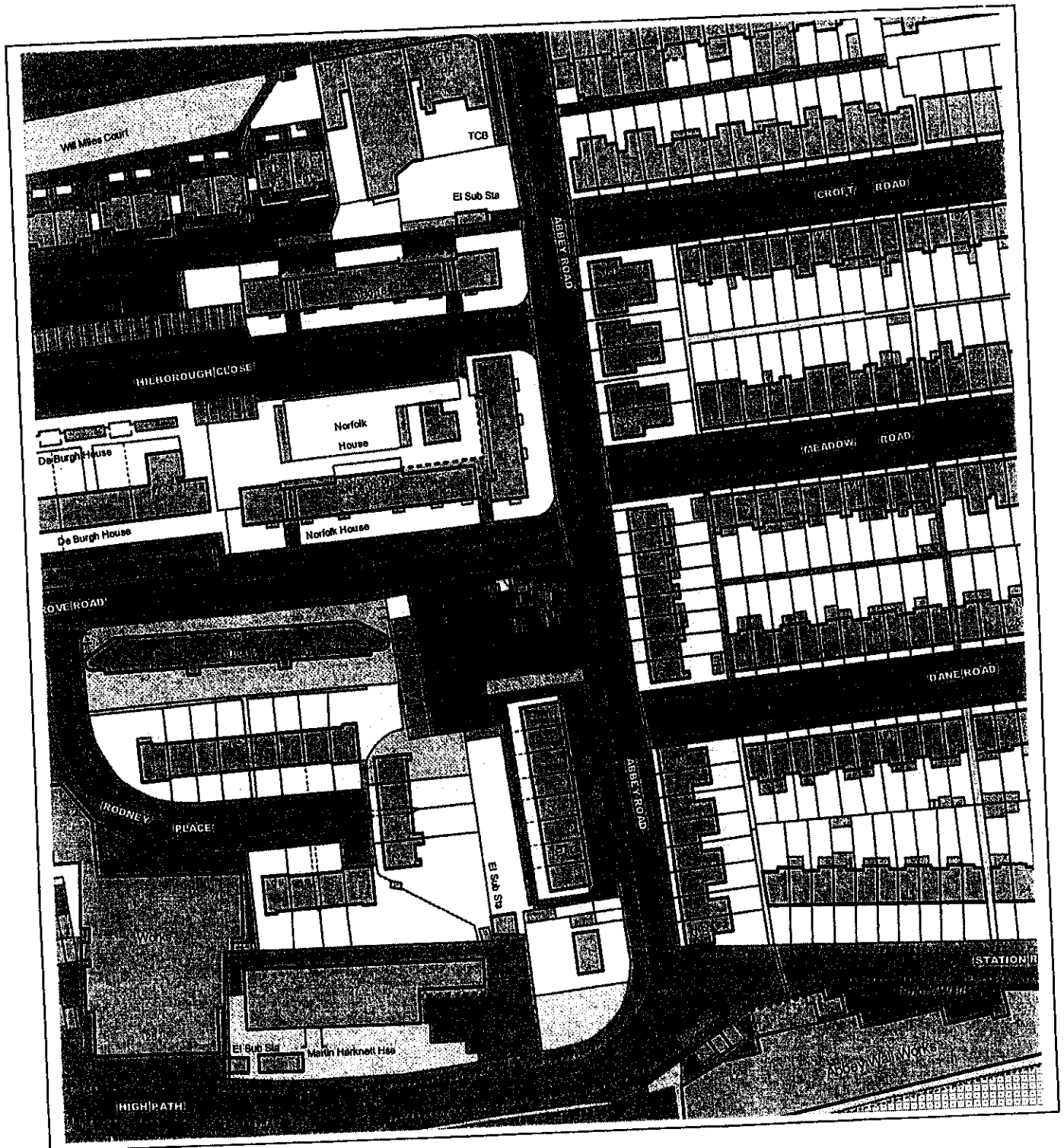
### **WHAT HAPPENS IF YOU DO NOT APPEAL**

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. The Secretary, Unique Pub Properties Ltd
2. The Secretary, Enterprise Inns plc
3. Patrick Murphy, The Princess Royal Public House

# NORTHGATE SE GIS Print Template



This material has been reproduced from Ordnance Survey digital map data with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright.