

IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY

TOWN AND COUNTRY PLANNING ACT 1990

ENFORCEMENT NOTICE – OPERATIONAL DEVELOPMENT

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 192, 192A and 192B Martin Way Morden Surrey SM4 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, the erection of an extract duct on the Land.

4. **REASONS FOR ISSUING THIS NOTICE**

- (a) It appears to the Council that the above breach of planning control has occurred within the last four years.
- (b) The unauthorised extract duct by reason of its size and position constitutes a visually intrusive feature, is harmful to the outlook from neighbouring residential properties and the surrounding streetscene and gives rise to smells and odours detrimental to the amenities of the occupiers of neighbouring properties.
- (c) The unauthorised extract duct is contrary to the following policies of the London Borough of Merton Unitary Development Plan (October 2003):

BE.22: Design of New Development
BE.23: Alterations and Extensions to Buildings
PE.2: Pollution and Amenity

Copies of the above policies are attached.

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

- (a) Remove the extract duct and all related fixtures and fittings from the Land.
- (b) Remove from the Land all materials and debris resulting from compliance with (a) above.

Time for Compliance: within 3 months from the date this notice takes effect.

6. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on *20 December*
unless an appeal is made against it beforehand.

2005

Dated: *8 November 2005*

Signed 
Head of Civic and Legal Services

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: CS/LEG/RO/2005P327)

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/pcs). 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 **£270.00**.

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

You should therefore include:

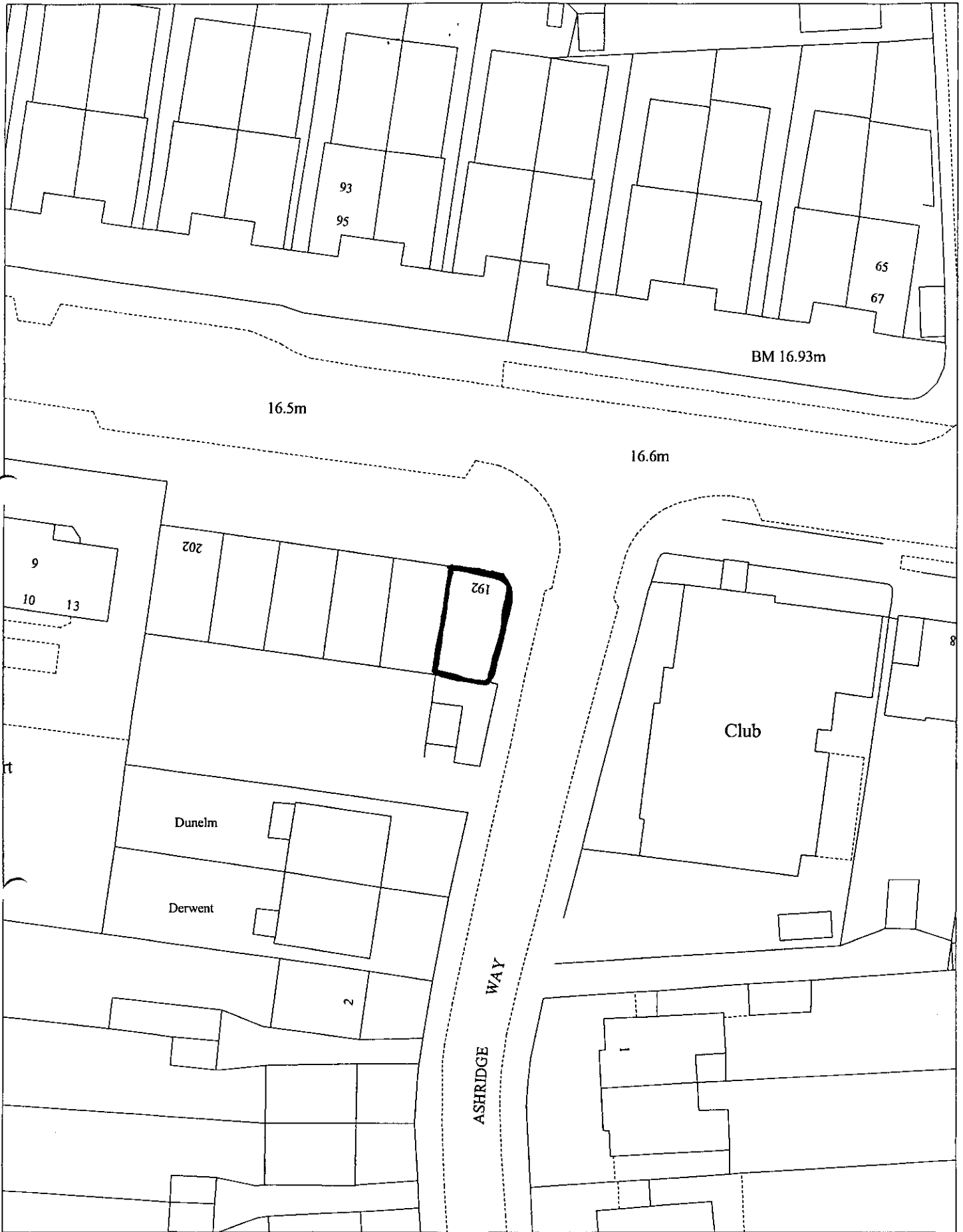
One cheque for **£135.00** payable to The Office of the Deputy Prime Minister

One cheque for **£135.00** 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
 Environmental Services Department

The Large Portion Cafe
 192, Martin Way, Morden, Surrey
 SM4 4AJ

