

**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 adjacent to 14 Merton Park Parade, Kingston Road, London SW19 3NT** 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 from an open access way to an area of land used for the storage and parking of motor vehicles for sale and repair.

4. **REASONS FOR ISSUING THIS NOTICE**

- (1) It appears to the Council that the above breach of planning control has occurred within the last ten years.
- (2) The unauthorised use of the Land for the storage and parking of motor vehicles for sale and repairs fails to preserve or enhance the character or appearance of the Merton Hall Road Conservation Area contrary to Policy BE1 (Conservation Areas, Change of Use) of the adopted Merton Unitary Development Plan (October 2003)
- (3) The unauthorised use of the land for the storage and parking of motor vehicles for sale and repair causes unacceptable harm to the amenity of the local residents and business owners visual intrusion and noise contrary to Policy BE.15 (New Buildings and Extensions; Daylight, Sunlight, Privacy, Visual Intrusion and Noise) of the adopted Merton Unitary Development Plan (October 2003)
- (4) The unauthorised use of the land for the storage and parking of motor vehicles for sale and repair causes an adverse affect on the convenience of local residents and the quality of the environment contrary to Policy PK3 (Car Parking and Development) of the adopted Merton Unitary Development Plan (October 2003).
- (5) The unauthorised use of the land of the storage and parking of motor vehicles for sale and repair will unacceptable affect the living conditions of neighbouring occupiers by loss of privacy, noise and disturbance contrary to Policy HP.4 (density of Development) of the adopted Merton Unitary Development Plan (October 2003)

## 5. WHAT YOU ARE REQUIRED TO DO

- (a) To cease the unauthorised use of the Land for storage and parking of motor vehicles for sale and repair. Remove all vehicles from the land and ensure that it reverts to its authorised use as an open access way.
- (b) Remove all equipment, fixtures and fittings associated with the unauthorised use from the Land.
- (c) Remove from the land all materials and debris resulting from these works.

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

## 6. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on 23 February 2007 unless an appeal is made against it beforehand.

Dated: 23 January 2007

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/CLL/2006p485)

## 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 **£530**.

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

You should therefore include:

One cheque for **£265.00** payable to The Office of the Deputy Prime Minister

One cheque for **£265.00** payable to the London Borough of Merton



**LONDON BOROUGH OF MERTON**  
**Environmental Services Department**

Civic Centre, London Road, Morden, Surrey, SM4 5DX  
 Telephone: 020 8543 2222 Web: [www.merton.gov.uk](http://www.merton.gov.uk)

**14 Merton Park Parade**  
**Kingston Rd**  
**SW19**

Scale = 1: 1250

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