

**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 41 Mount Road Mitcham Surrey CR4 3EZ**, 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 of the Land from residential use to a mixed use of residential and business (motor vehicle repairs).

4. **REASONS FOR ISSUING THIS NOTICE**

- (a) It appears to the Council that the above breach of planning control has occurred within the last ten years.
- (b) The unauthorised use affects the amenities of the surrounding residential properties through noise generation, general disturbance and visual intrusion.
- (c) The use of the Land as a mixed use of residential and business is contrary to the following policy of the London Borough of Merton Unitary Development Plan (October 2003):

PE.2            Pollution and Amenity

A copy of the above policy is attached.

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

- (a) Cease to use and/or permit the use of the Land for the purpose of a motor vehicle repair business.
- (b) Cease to use and/or permit the use of the Land for the carrying out of motor vehicle repairs and associated works other than such motor vehicle repairs that are incidental to the enjoyment of a private residential dwelling.

- (c) Remove all motor vehicles from the Land other than those parked on the Land in connection with the use of the Land as a residential dwelling.
- (d) Remove from the Land all tools, plant, equipment, materials, fixtures, fittings, substances and motor vehicle parts used in connection with the unauthorised motor vehicle repair business.

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

## 6. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on 10 January 2005  
unless an appeal is made against it beforehand.

Dated: 1 December 2004 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: CR/LEGAL/RO/2004P420)

## 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 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 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 **£440.00**.

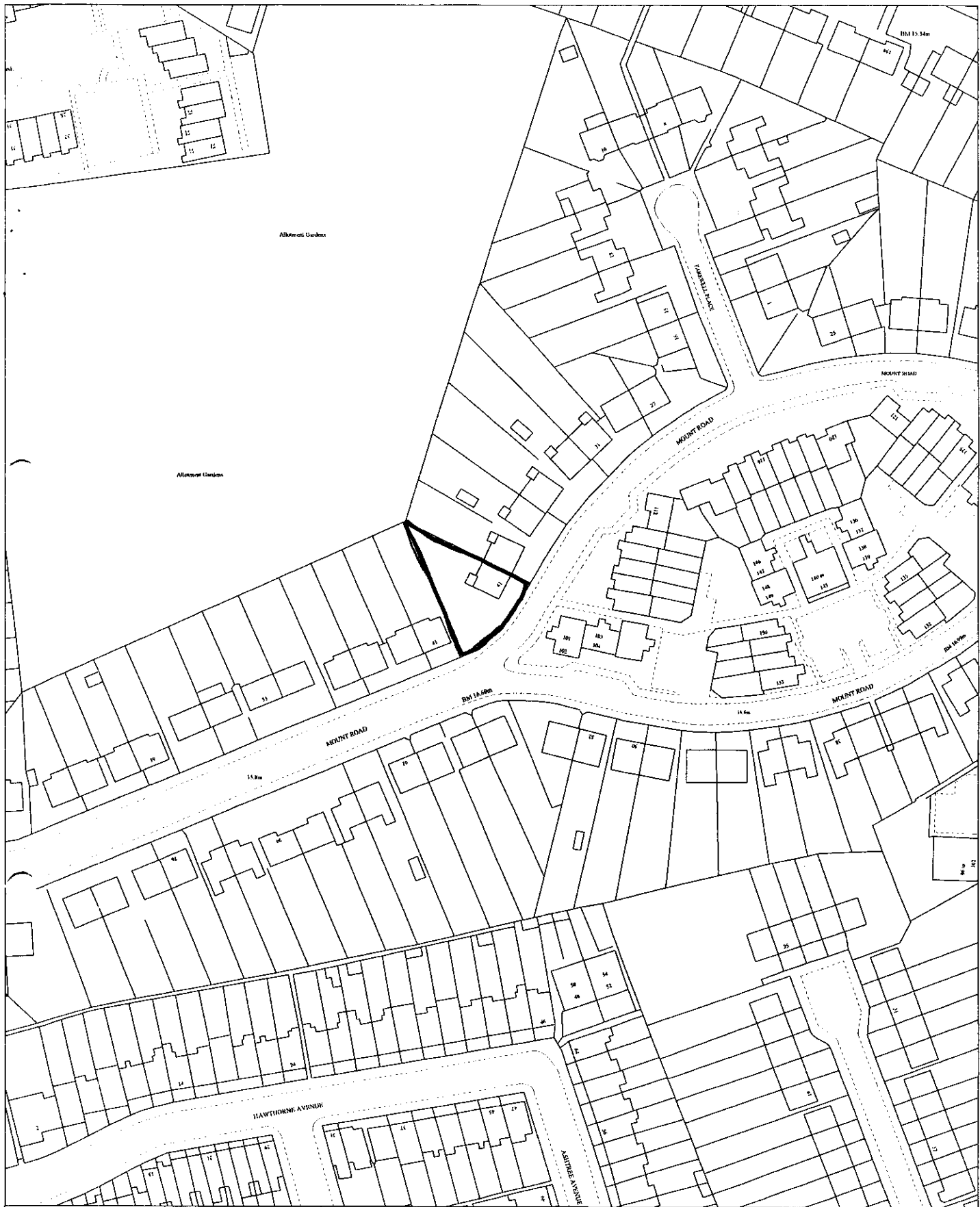
Half the fee is payable to the Planning Inspectorate and half to the Council.

You should therefore include:

One cheque for **£220.00** payable to The Office of the Deputy Prime Minister

One cheque for **£220.00** payable to the London Borough of Merton

The fee can be sent with your appeal form.



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

**41 Mount Road**  
**Mitcham**



Scale = 1: 1250

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