

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 Prince George's Playing Fields, Raynes Park, London
in the London Borough of Merton shown edged red on the attached plan A.

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

Without planning permission the tipping of earth and spoil around two sides of a football pitch situated on the Land to create earth embankments, a large pile of earth and spoil deposited adjacent to the nearby changing rooms and depositing mounds of earth and spoil of approximately 2 to 3 metres in height around the base of a number of mature trees and shown edged red on attached plan B.

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. These mounds of earth and embankments are visually intrusive and harmful to the character and appearance of the surrounding playing fields contrary to policies NE1, L6 and NE11 of the Adopted Unitary Development Plan 2003. The mounds of earth embankments are a threat to the continued health and longevity of the trees which they surround and which are protected by the Merton (No.305) Tree Preservation Order 2000 contrary to policies NE11 and NE12 of the Adopted Unitary Development Plan 2003. Copies of the above policies are attached.

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

Remove all the earth and spoil deposited on the Land to create the embankment and mounds. The earth and spoil may be removed by machinery except where within 50 centimetres of each tree trunk where all works must be carried out by hand.

Reinstate those areas where such earth and spoil has been removed to their height prior to the unauthorised deposit of earth and spoil

Time for Compliance: **2 months** from the date this notice takes effect.

6. **WHEN THIS NOTICE TAKES EFFECT**

This notice takes effect on **18 October 2004** unless an appeal is made against it beforehand.

Dated: **15 September 2004**

Signed.....

Acting Head of Civic and Legal Services

Address to which all communication should be sent:-

Acting Head of Civic and Legal Services, London Borough of Merton, Civic Centre, London Road, Morden, Surrey SM4 5DX
(REF: LE/SLL/2004P116)

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 **£220**.

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

You should therefore include:

One cheque for **£110** payable to The Office of the Deputy Prime Minister

One cheque for **£110** 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.

PERSONS SERVED WITH A COPY OF THIS ENFORCEMENT NOTICE

The Secretary, Raynes Park (Playing Fields) Limited, c/o Kennedys, Longbow House, 14-20 Chiswell St, London EC1Y 4TW

The Secretary, EDF Energy PLC, 40 Grosvenor Place, Victoria, London SW1X 7EN

Matthew Sears, 42 Grand Drive, London SW20 9DY

Susan Sears, 42 Grand Drive, London SW20 9DY

The Secretary, David Lloyd Leisure PLC, Whitbread Court Houghton Hall, Business Park Porz Avenue, Dunstable, Bedfordshire LU5 5XE

The Secretary, Sparebanken More, C/O Rickerbys, Ellenborough House, Wellington St, Cheltenham GL50 1YD

