

**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**

The Hayloft, 17A Seely Road, Tooting SW17 9QP in the London Borough of Merton shown edged red on the attached plan ("the Land").

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

The erection on the Land of up to eighteen individual units of accommodation consisting of two separate buildings in the approximate locations shown on the attached plan ("the Buildings") other than in accordance with the approved drawings 0443/P/101, 0443/P/106 Rev A, 0443/P/110/Rev D, 0443/P/115, 0443/P/107 Rev A, 0443/P/109 Rev A and 0443/P/116 forming part of planning permission 05/P0580 for the erection of nine Live/Work units.

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. The Buildings were substantially completed less than four years ago.

The building of the development other than in accordance with the approved drawing 0443/P/110/Rev D causes unacceptable harm to the amenity of the adjacent properties which are very close to the development and at risk of being overlooked and to the area in general contrary to Policies BE15, BE22 and BE23 of the adopted Unitary Development Plan (October 2003) ("the Plan"). By failing to build the development in accordance with the approved plans, none of the measures intended to reduce the impact of the building in terms of overlooking have been implemented thereby causing significant harm to the adjacent properties' privacy.

Information has been received that the Buildings are being marketed as 18 residential units instead of the approved 9 Live/Work Units. This purely residential development by virtue of the increased density of occupation causes unacceptable pressure on street parking availability in the area contrary to Policies PK3, ST32 and ST35 of the Plan. The over intensification of residential development by virtue of the failure to comply with the planning permission, resulting in an unsatisfactory living environment due to inadequate amenity space and poor outlook, is also contrary to Policies BE15, BE22 and BE23 of the Plan.

The potential use of the site for purely residential use does not respect the objectives of mixed use development involving loss of approved employment floorspace. The Plan states that former employment sites must be retained, protected and their potential

maximised through the use of sustainable mixed use development. The loss of employment land is only justified in certain narrow circumstances which are not applicable in this case. Planning permission would not be granted for purely residential use on this site and development which seeks to achieve this is contrary to Policies ST3, ST10, ST14, ST16, ST17, MU4, HP4, HS1, E1, E6 and E7 of the Plan.

Copies of the above policies are attached

The Council does not consider that planning permission should be given because conditions could not overcome these objections.

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

- (a) Demolish the Buildings and;
- (b) Restore the Land to its condition before the breach took place by reinstating the former commercial buildings and;
- (c) Remove from the Land all materials and debris resulting from compliance with (a) and (b) above

**OR, ALTERNATIVELY:**

- (d) Build the development in accordance with planning permission 05/P0580 ensuring that the Buildings fully comply with approved drawings 0443/P/101, 0443/P/106 Rev A, 0443/P/110/Rev D, 0443/P/115, 0443/P/107 Rev A, 0443/P/109 Rev A and 0443/P/116 and;
- (e) Remove from the Land all materials and debris resulting from compliance with (d) above

Time for Compliance: **9 months** from the date this Notice takes effect.

**6. WHEN THIS NOTICE TAKES EFFECT**

This Notice takes effect on *30 November 2007* unless an appeal is made against it beforehand.

Dated: *17 October 2007*. Signed: *[Signature]*  
Head of Civic and Legal Services

Address to which all communication should be sent:-  
Head of Civic and Legal Services, London Borough of Merton, Civic Centre, London Road,  
Morden, Surrey SM4 5DX  
(REF: CS/LEG/RO/2007P53)

11/10/07

### **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. 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 £880.

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

You should therefore include:

One cheque for £440 payable to The Planning Inspectorate

One cheque for £440 payable to the London Borough of Merton

The fee can be sent with your appeal form.

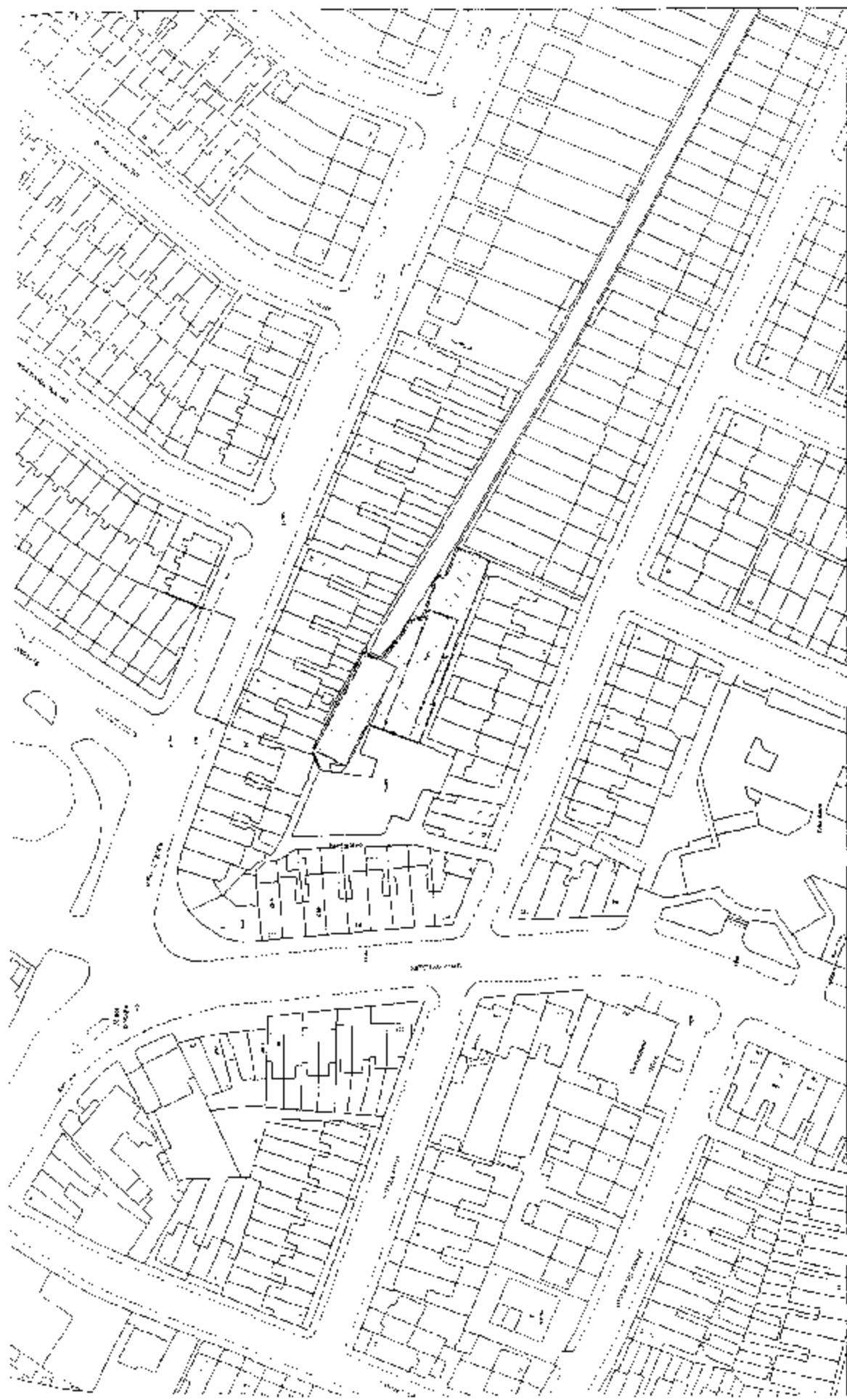
### **WHAT HAPPENS IF YOU DO NOT APPEAL**

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**

1. The Occupier, Unit 1, 17A Seely Road, London SW17 9QP
2. The Occupier, Unit 2, 17A Seely Road, London SW17 9QP
3. The Occupier, Unit 2A, 17A Seely Road, London SW17 9QP
4. The Occupier, Unit 3, 17A Seely Road, London SW17 9QP
5. The Occupier, Unit 3A, 17A Seely Road, London SW17 9QP
7. The Occipier, Unit 4, 17A Seely Road, London SW17 9QP
8. The Occupier, Unit 4A, 17A Seely Road, London SW17 9QP
9. The Occupier, Unit 5, 17A Seely Road, London SW17 9QP
10. The Occupier, Unit 6, 17A Seely Road, London SW17 9QP
11. The Occupier, Unit 6A, 17A Seely Road, London SW17 9QP
12. The Occupier, Unit 8, 17A Seely Road, London SW17 9QP
13. The Company Secretary, Newbridge Resources Limited, 9 Becmead Avenue, Streatham, London SW16 1UN
14. Adrian Bevington Charles Smikle, 9 Becmead Avenue, Streatham, London SW16 1UN
15. Adrian Bevington Charles Smikle, Unit 1, 17A Seely Road, London SW17 9QP
16. Imani Housing Co-operative Limited, The Business Village, 3-9 Broomhill Road, Wandsworth, London SW18 4JQ
17. Leanne Jacqueline Powell, Unit 3, 17A Seely Road, London SW17 9QP
18. Gregory Andrew James, Unit 3A, 17A Seely Road, London SW17 9QP
19. Benjamin Sarpong, Unit 3A, 17A Seely Road, London SW17 9QP
20. Vera Sarpong, Unit 3A, 17A Seely Road, London SW17 9QP
21. David Franklyn Best, Unit 4, 17A Seely Road, London SW17 9QP
22. David Franklyn Best, 19 Hogarth Court, London SW17 9QP
23. David Franklyn Best, 22 Ashburton Road, Addiscombe, Croydon, Surrey CR0 8AL
24. David Franklyn Best, 28-30 Church Road, Crystal Palace, London SE19 2ET

25. **Ricky Leory Best, Unit 4A, 17A Seely Road, London SW17 9QP**
26. **Ricky Leory Best, 22 Ashburton Road, Croydon CR0 6AL**
27. **Ricky Leory Best, 28-30 Church Road, Crystal Palace, London SE19 2ET**
28. **Huda Ali, Flat 4, 17A Seely Road, London SW17 9QP**
29. **Stacy Devine, Flat 4A, 17A Seely Road, London SW17 9QP**
30. **Simon Tudur Lewis, Unit 5, 17A Seely Road, London SW17 9QP**
31. **Chi Pui Tsui, Unit 5, 17A Seely Road, London SW17 9QP**
32. **Simon Tudur Lewis, 25 Bishops Court, 56 Folgate Street, London E1 6UN**
33. **Chi Pui Tsui, 25 Bishops Court, 56 Folgate Street, London E1 6UN**
34. **Mr Ferguson, Unit 8, 17A Seely Road, London SW17 9QP**
35. **Brian Gale & Associates, Marcus House, 8 West Street, Reigate RH2 9BS**
36. **Credit & Mercantile Plc, Mercantile House, Blackberry Lane, Lingfield, Surrey RH7 6NG**
37. **Commercial First Business Limited, Lutea House, Warley Hill Business Park, The Drive, Brentwood, Essex CM13 3BE**
38. **Link Lending Limited, Fleet House, 10 Parkway, Porters Wood, St Albans, Herts AL3 6PA**
39. **Mortgages Limited, Merrill Lynch Financial Centre, 2 King Edward Street, London EC1A 1HQ**
40. **Prestige Finance Limited, Prestige House, 18 Melbourne Road, Bushey, Herts WD23 3LN**
41. **Southern Pacific Mortgages Limited, 1<sup>st</sup> Floor, 6 Broadgate, London EC2M 2QS**
42. **The Royal Bank of Scotland, Mortgage Centre, Royal Bank House, Courtsdyke Avenue, Carlsburn East, Greenoak PA15 1EF**



17a Seely Road  
 Tooting  
 SW17

Date Printed: 02/05/07

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

Civic Centre, 111-113 Seely Road, Merton, Surrey, SM4 3DX  
 Tel: 020 8943 3222 Web: www.merton.gov.uk

Scale = 1:1250