

**IMPORTANT-THIS COMMUNICATION AFFECTS YOUR PROPERTY**

**LONDON BOROUGH OF MERTON  
TOWN & COUNTRY PLANNING ACT 1990  
ENFORCEMENT NOTICE  
Operational Development**

ISSUED BY: THE LONDON BOROUGH OF MERTON ('the Council')

1. **THIS IS A FORMAL NOTICE** which is issued by the Council because it appears to them that there has been a breach of planning control, under section 171A(1)(a) of the above Act, at the land described below. They consider that it is expedient to issue this notice, having regard to the provisions of the development plan and to all other material planning considerations.
2. **THE LAND AFFECTED**  
The land and property at 19 Fernlea Road, Mitcham, CR4 2HF shown edged red on the plan attached hereto ("the Property").
3. **THE BREACH OF PLANNING CONTROL ALLEGED**  
Without the grant of planning permission, the unauthorised use of outbuilding as an independent self-contained residential accommodation unit in the rear garden of the main dwelling in the area shown edged in diagonal black lines on the attached plan ("the Outbuilding").
4. **REASONS FOR ISSUING THIS NOTICE**
  - (i) It appears to the Council that the above breach of planning control has occurred within the last four years.
  - (ii) The use of the Outbuilding as primary living accommodation constitutes, by reason of its siting, an incongruous form of development, at variance with the detrimental to the character of the host property and surrounding area, resulting in significant loss of outlook and a sense of enclosure that is contrary to the requirements of Policy CS 14 of the Adopted Merton Core Strategy (July 2011), Policy DM D3 of the Adopted Merton Sites and Policies Plan (July 2014) and Supplementary Planning Guidance Document (Residential Extensions, Alterations and Conversions' (November 2001).
  - (iii) The Council do not consider that there are any steps short of those required by this notice which can be taken to remedy the breach of planning control.

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

- (i) Cease the use of the Outbuilding as a self-contained residential unit; and
- (ii) Remove all those fixtures and fittings that facilitate the unauthorised use of the Outbuilding including the permanent removal of the toilet and bath/shower facilities all cooking facilities, kitchen units, sinks, appliances, fridge, cooking facilities and food preparation areas
- (iii) Remove from the Property all materials, machinery, apparatus and installations used in connection with or resulting from compliance with steps 5(i) and 5(ii) above

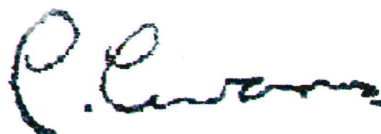
6. **TIME FOR COMPLIANCE**

One calendar month after this notice takes effect.

7. **WHEN THIS NOTICE TAKES EFFECT**

This notice takes effect on **28<sup>th</sup> July 2018** unless an appeal is made against it beforehand.

Dated: **19<sup>th</sup> June 2018**



Signed..

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Assistant Director of Corporate  
Governance, South London Legal Partnership  
on behalf of the Council of the London Borough  
of Merton

Address to which all communication should be sent: -

Paul Evans, Head of Legal Services, South London Legal Partnership, Gifford House, 67c St Helier Avenue, Morden, Surrey, SM4 5DX (Ref: CS/LEG/HB/217-1718)

# NORTHGATE SE GIS Print Template



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## **ANNEX**

### **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 notice takes effect. The enclosed Explanatory Note and Information Sheet set out the procedure to be followed if you wish to appeal.

### **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 **£344** that must be paid by way of a cheque made out 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 of 19 Fernlea Road, Mitcham, CR4 2HF
2. THE OCCUPIER of the Outbuilding, 19 Fernlea Road, Mitcham, CR4 2HF
3. AASIA NISAR AHMAD of 90 Woodbourne Avenue, London SW16 1UT
4. HSBC BANK PLC of 8 Canada Square, London, E14 5HQ

**If you believe that there is someone else who should be served with a copy of the enforcement notice/s please let that person and the Council know as soon as possible.**