

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 1B Park Avenue, Mitcham, Surrey CR4 2EQ, in the London Borough of Merton shown edged red on the attached plan.

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

Without planning permission a material change of use of the Land from a use within Class B1 of the Town & Country Planning (Use Classes) Order 1987 to use as a scaffolding yard.

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 Land is situated adjacent to a residential area and the use as a scaffolding yard is detrimental to the amenities of the residential area by virtue of dust, noise, disturbance and visual intrusion.
- (c) The use of the Land as a scaffolding yard is contrary to policies PE2 (Pollution and Amenity) and BE15 (New buildings and extensions, daylight, sunlight, privacy, visual intrusion and noise) of the Adopted Unitary Development Plan (October 2003). Copies of the above policies are attached.

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

- (a) Cease the use of the Land as a scaffolding yard.
- (b) Remove the canopy and all supports and projecting structures from the Land.
- (c) Remove all scaffolding storage racks and scaffolding from the Land.
- (d) Demolish the scaffold storage building on the Land.

- (e) Remove from the Land all equipment, fixtures and fittings associated with the unauthorised use.

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

6. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on *13 April 2004* unless an appeal is made against it beforehand.

Dated: *1 March 2004*

Signed.....*[Signature]*.....
Head of Civic and Legal Services (A)

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/2003P651)

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

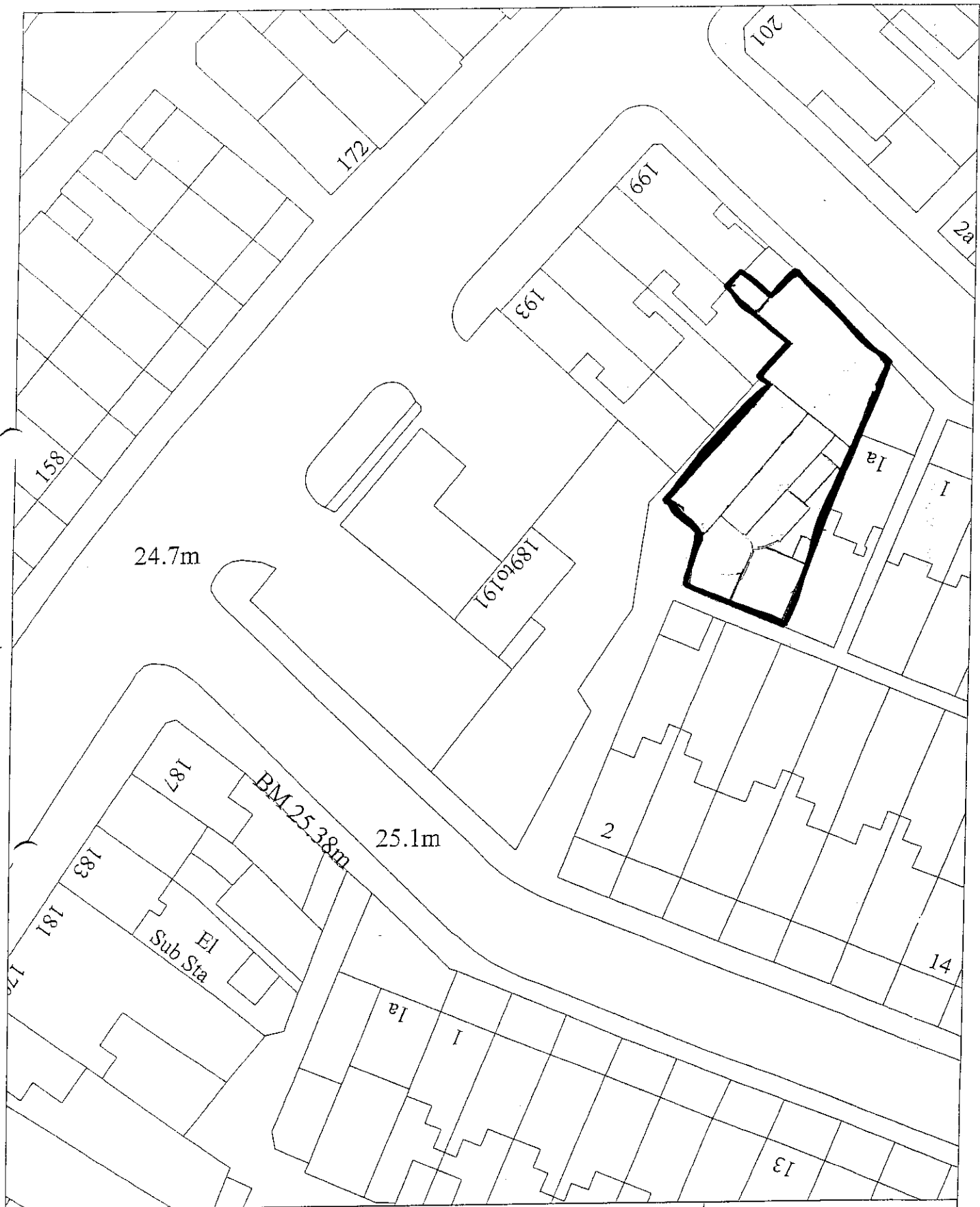
One cheque for **£220.00** payable to the London Borough of Merton

The fee can be sent with your appeal form.

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.

18 Park Avenue
K 199 B Streatham
Road.



LONDON BOROUGH OF MERTON
Environmental Services Department

Scale = 1: 500
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