

IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY

TOWN AND COUNTRY PLANNING ACT 1990

ENFORCEMENT NOTICE – CHANGE OF USE

ISSUED BY THE LONDON BOROUGH OF MERTON

Enforcement reference: 21/E0240

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 5 Rosedene Avenue, Morden, SM4 5RA in the London Borough of Merton shown edged red on the attached plan and is registered under Land Registry title number SY26164 ('the Land').

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

Without planning permission and within the last four years, the use of the outbuilding at the rear of the Land into a self-contained dwellinghouse (the "Unauthorised Use").

4. **REASONS FOR ISSUING THIS NOTICE**

- (a) It appears to the Council that the above breach of planning control has occurred within the last four years and it is not immune from enforcement action.
- (b) The Unauthorised Use has a materially harmful and detrimental impact upon the character and amenity of the rear garden environments of the nearby properties and on the occupiers in terms of loss of privacy, noise, disturbance to the occupiers. The outbuilding is also considered to be of poor quality by reason of its unacceptable design and layout resulting in sub-standard living conditions for current and future occupiers. Overall, the Unauthorised Use fails to comply with, in particular, London Plan 2021 Policy D6, Housing Design Standards London Plan Guidance 2023, Merton Core Strategy CS14 and Merton Sites and Policies Plan 2014 DM D2.
- (c) The Unauthorised Use does not provide sufficient secure, integrated, convenient and accessible cycle parking facilities, contrary to policy T5 of the London Plan 2021.

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

- (a) Permanently cease the Unauthorised Use as a self-contained residential unit or as a commercial guest house.
- (b) Permanently remove all fixtures and fittings at facilitate the Unauthorised Use, including cooking facilities such as air fryer, microwave, cooker, kitchen work tops and units.
- (c) Permanently remove from the Land all materials and debris associated with the compliance steps 5(a) and 5(b) above.

Time for Compliance: within 3 months from the date this notice takes effect.

6. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on the 24th of July 2024 unless an appeal is made against it beforehand.

Dated: 19th of June 2024

Signed 

Managing Director of South London Legal Partnership
On behalf of the Council of the London Borough of Merton

Address to which all communication should be sent:
Head of Legal Services, South London Legal Partnership, Merton Civic Centre, London Road, Morden, Surrey SM4 5DX (Ref: ABA-511/1547)

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, an appeal fee is payable, which is double that payable for a normal planning application. The total fee payable is £412.00.

Please email planenf@merton.gov.uk requesting instructions to pay or call 020 8545 3777 to make payment.

Joint appellants need only pay one set of fees.

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. SUNILKUMAR NATVERLAL PATEL of 5 Rosedene Avenue, Morden SM4 5RA.
2. NITA SUNILKUMAR PATEL of 5 Rosedene Avenue, Morden SM4 5RA.
3. THE OWNER/OCCUPIER of 5 Rosedene Avenue, Morden SM4 5RA.
4. THE OWNER/OCCUPIER of the Outbuilding, 5 Rosedene Avenue, Morden SM4 5RA.
5. STONEHAVEN UK LIMITED (Company Registration Number 5487702) of Canada Life Place, High Street, Potters Bar, England, EN6 5BA.

H. M. LAND REGISTRY GENERAL MAP

SURREY SHEET TQ 2567 SECTION C
(NATIONAL GRID)

Scale 1/1250

MORDEN PARISH



Old Reference SURREY XIII 3 L.
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Filed Plan of Title No. **SY 26164**