

IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY

TOWN AND COUNTRY PLANNING ACT 1990

ENFORCEMENT NOTICE – OPERATIONAL DEVELOPMENT

ISSUED BY THE LONDON BOROUGH OF MERTON

Enforcement reference: 23/E0258

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 50 Faversham Road, Morden SM4 6RE in the London Borough of Merton shown edged red on the attached plan ('the Land').

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

Without planning permission, the unauthorised conversion of a single dwellinghouse on the Land into 2 x self-contained flats.

4. **REASONS FOR ISSUING THIS NOTICE**

(a) It appears to the Council that the unauthorised conversion of the single dwellinghouse into 2 self-contained flats has occurred within the last 4 years.

(b) The development results in the loss of a family sized unit (3b 4p minimum), thereby failing to comply with Core Strategy policy CS14 and Policy H2 of the London Plan 2021.

(c) In the absence of further details from the refused permission (reference 22/P2666), it has not been demonstrated that the development would be air quality neutral, thereby failing to comply with policy S1 of the London Plan 2021.

(d) The Council's decision to refuse planning permission 22/P2666 was appealed to the Planning Inspectorate (appeal reference APP/T5720/W/23/3319416). On 7 November 2023 the Planning Inspectorate dismissed the appeal for the following reasons:

On the basis of the evidence submitted, the appeal development has resulted in the loss of a family sized dwelling. It has also not been demonstrated that the development has achieved the air quality neutral standard. As such it is contrary to the development plan read as a whole. No material considerations have been shown to have sufficient weight to indicate that a decision should be taken otherwise than in accordance with it. The appeal is therefore dismissed.

5. WHAT YOU ARE REQUIRED TO DO

- (a) Convert the property on the Land back to a single dwellinghouse, to include removal of the additional kitchen area and cooking facilities, fixtures and fittings associated therewith.
- (b) Remove from the Land all materials and debris resulting from compliance with (a) above.

Time for Compliance: within nine (9) months from the date this notice takes effect.

6. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on 17 July 2024 unless an appeal is made against it beforehand.



Dated: 17 June 2024

Signed.....
Managing Director of South London Legal Partnership
on behalf of London Borough of Merton

Address to which all communication should be sent:
Managing Director, South London Legal Partnership, Merton Civic Centre, London Road,
Morden SM4 5DX (Ref: CS/LEG/RO/511/1551)

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 £924.00. Joint appellants need only pay one set of fees.

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

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. Aftab Ahmad Khan, 31 Park Lane, Fareham PO16 7LE
2. Syeda Nasira Tabasam Khan, 31 Park Lane, Fareham PO16 7LE
3. Aftab Ahmad Khan, 50 Faversham Road, Morden SM4 6RE
4. Syeda Nasira Tabasam Khan, 50 Faversham Road, Morden SM4 6RE
5. The Owner/Occupier, Flat 1, 50 Faversham Road, Morden SM4 6RE
6. The Owner/Occupier, Flat 2, 50 Faversham Road, Morden SM4 6RE
7. Godiva Mortgages Limited, Oakfield House, Binley Business Park, Harry Weston Road, Coventry CV3 2TQ