

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

Enforcement reference: 23/E0059

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 White Hart Public House, 350 London Road, Mitcham CR4 3ND, 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 material change of use of the upper floor of the main building on the Land (as shown hatched red on the attached plan) from staff accommodation ancillary to the public house to a House in Multiple Occupation ("the Unauthorised Use").

4. REASONS FOR ISSUING THIS NOTICE

- (a) The Unauthorised Use has occurred within the last ten years.
- (b) The Unauthorised Use has a negative impact on the Conservation Area and adversely affects the setting of the Grade II Listed Building and the viability of the lawful use to the detriment of the long term preservation and maintenance of the Listed Building contrary to policies D1 Urban Design, D2 Design considerations in all developments, D3 Alterations and extensions to existing buildings and D4 Managing Heritage assets and policy CS14 of the Core Strategy and policy D4 Delivering good design, D6 Housing quality and standards and HC7 Protecting public houses of the London Plan 2021.
- (c) The Land is not capable of providing cycle storage facilities, contrary to the London Plan (2021) Policy T5, Merton's Core Strategy (2011) Policy CS 18 and Merton's Sites and Policies Plan (2014) Policy DM T1.

- (d) There are no sufficient refuse and recycling facilities on Land provided for the HMO, contrary to the London Plan (2021) Policy SI 7 and Merton's Core Strategy Policy CS17.

5. WHAT YOU ARE REQUIRED TO DO


- (a) Permanently cease the Unauthorised Use as a HMO.
- (b) Remove all materials, fixtures and fittings including cookers, kitchen cabinets and worktops that facilitate the Unauthorised Use.
- (c) Remove from the Land all materials and debris resulting from compliance with 5(b) above.

Time for Compliance: within six (6) months from the date this notice takes effect.

6. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on 24 November 2024 unless an appeal is made against it beforehand.

Dated: 24 October 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/511/1557) 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 £1,156.00. Joint appellants need only pay one set of fees.

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. The Company Secretary, Gateway Realty Limited, First Floor, 18-20 North Quay, Douglas, Isle of Man IM1 4LE
2. Gateway Realty Limited, White Hart Public House, 350 London Road, Mitcham CR4 3ND
3. The Owner, White Hart Public House, 350 London Road, Mitcham CR4 3ND
4. The Occupiers, White Hart Public House, 350 London Road, Mitcham CR4 3ND
5. Company Director, Gateway Realty Limited, 25 Upper Brook Street, London W1K 7QD
6. Anthony John Dean, 25 Upper Brook Street, London W1K 7QD
7. Secure Trust Bank Plc, York House, Arlestone Way, Shirley, Solihull B90 4LH
8. The Occupier, Room 1, White Hart Public House, 350 London Road, Mitcham CR4 3ND
9. The Occupier, Room 2, White Hart Public House, 350 London Road, Mitcham CR4 3ND
10. The Occupier, Room 3, White Hart Public House, 350 London Road, Mitcham CR4 3ND
11. The Occupier, Room 4, White Hart Public House, 350 London Road, Mitcham CR4 3ND
12. The Occupier, Room 5, White Hart Public House, 350 London Road, Mitcham CR4 3ND
13. The Occupier, Room 6, White Hart Public House, 350 London Road, Mitcham CR4 3ND
14. The Occupier, Room 7, White Hart Public House, 350 London Road, Mitcham CR4 3ND
15. The Occupier, Room 8, White Hart Public House, 350 London Road, Mitcham CR4 3ND
16. The Occupier, Room 9, White Hart Public House, 350 London Road, Mitcham CR4 3ND

