

MEMORANDUM

To: Executive Director,
~~Planning and Conservation~~
Local Land Charges

From: Director of Legal Services

Our Ref: BR/MS
Room No: 313

Your Ref: Pat Adelrahman
Tony Trotter
~~Lloydon, McBarnette~~
John Stevens

Ext: 2617

Date: 11 December 1996

Section 172 Town and Country Planning Act 1990 (as amended)

Enforcement Notice

Land at Ground Floor and Basement of 208 Fulham Road, London SW10

With reference to the above, I write to advise you that the Enforcement Notice has been issued and copies served on all interested parties.

I set down below details of the Enforcement Notice for insertion in the Enforcement Register:-

- | | |
|-------------------------|------------------------------|
| (a) Address of Property | 208 Fulham Road, London SW10 |
| (b) Issuing Authority | Royal Borough K&C |
| (c) Date of Issue | 11 December 1996 |
| (d) Service of Copies: | |

<u>Name</u>	<u>Address</u>	<u>Date of Service</u>
David Robert Howard Evans	Flat 4, 51 Drayton Gdns Chelsea, London SW10 9RY	11 December 1996
Janet K Evans	Flat 4, 51 Drayton Gdns Chelsea, London SW10 9RY	11 December 1996
The Owner	Basement & Ground Floor 208 Fulham Road London SW10	11 December 1996
The Occupier	Basement & Ground Floor 208 Fulham Road London SW10	11 December 1996
Lox Stock & Bagel Ltd	208 Fulham Road London SW10	11 December 1996
George Nicholas	St Leger, The Chase Kingswood, Surrey	11 December 1996

- (e) Summary of alleged breach and requirements: without planning permission, the change of use of the Land from a shop within Class A1 of the Town and Country Planning (Use Classes) Order 1987 to a bar within Class A3 of the Town and Country Planning (Use (Classes) Order 1987.
- (f) Date on which Notice takes effect: 5th February 1997
- (g) Time for Compliance: 3 calendar months from Notice taking effect.

I attach hereto a copy of the Enforcement Notice for your file.

Bernie Ryan

Bernie Ryan
For Director of Legal Services

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IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

THE ROYAL BOROUGH OF KENSINGTON AND CHELSEA

TOWN AND COUNTRY PLANNING ACT 1990
(as amended by the Planning and Compensation Act 1991)

ENFORCEMENT NOTICE
(Material Change of Use)

ISSUED BY: The Royal Borough of Kensington and Chelsea ("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 other material planning considerations.

2. **THE LAND AFFECTED**

Land at Ground Floor and Basement of 208 Fulham Road, London SW10 ("the Land"), shown edged red on the attached plan.

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

Without planning permission, the change of use of the Land from a shop within Class A1 of the Town and Country Planning (Use Classes) Order 1987 to a bar within Class A3 of the Town and Country Planning (Use Classes) Order 1987 ("the Unauthorised Use").

4. **REASONS FOR ISSUING THIS NOTICE**

It appears to the Council that the above breach of planning control has occurred within the last ten years. The unauthorised change of use leads to a loss of a retail unit which is harmful to the shopping function of the Fulham Road (West) Principal Shopping Centre. The unauthorised change of use is likely to cause additional disturbance to nearby residents, detracting from the

amenities of the surrounding area. The unauthorised change of use is contrary to policies set out in the Council's Unitary Development Plan, in particular policies S1, S6, S14 and S15 (a,d,e).

5. WHAT YOU ARE REQUIRED TO DO.

- (i) Cease the Unauthorised Use of the Land.

Time for compliance: 3 calendar months after this notice takes effect.

6. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on 5th February 1997 unless an appeal is made against it beforehand.

Dated: 11th December 1996

Signed: *A.G. Phillips*
Director of Legal Services
(The Officer appointed for the purpose).

On behalf of the Royal Borough of Kensington and Chelsea of The Town Hall, Hornton Street, London, W8 7NX

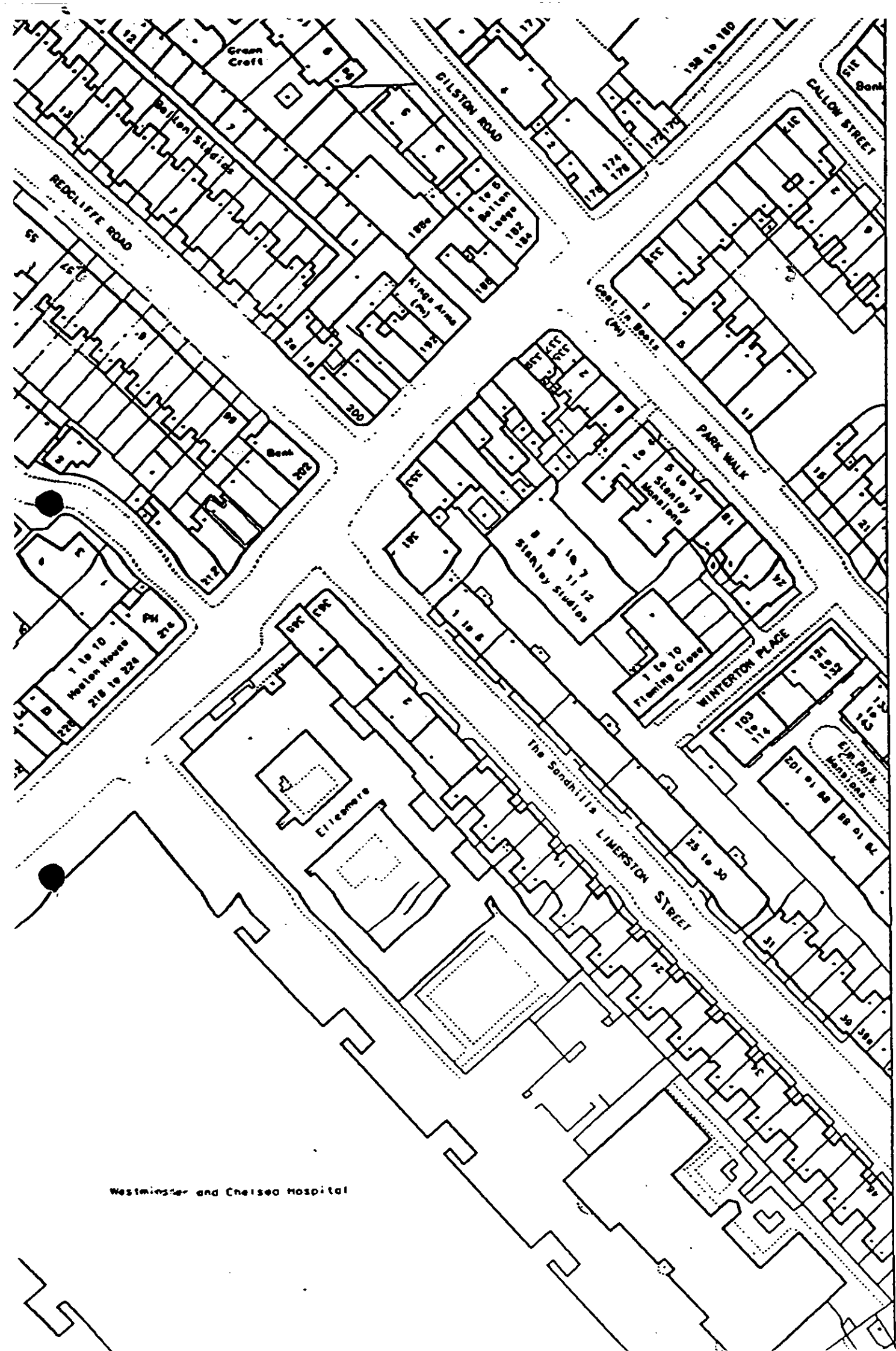
ANNEX

YOUR RIGHT OF APPEAL

You can appeal against this notice, but any appeal must be received, or posted in time to be received, by the Secretary of State before 5th February 1997. The enclosed booklet "Enforcement Appeals - A Guide to Procedure" sets out your rights. Read it carefully. You may use the enclosed appeal forms. One is for you to send to the Secretary of State if you decide to appeal. The second is to be returned to the Council at the same time. The third is for you to keep as a duplicate for your own records. You should also send the Secretary of State the spare copy of this enforcement notice which is enclosed.

WHAT HAPPENS IF YOU DO NOT APPEAL

If you do not appeal against this enforcement notice, it will take effect on 5th February 1997 and you must then ensure that the required steps for complying with it, for which you may be held responsible, are taken within the period(s) specified in this notice. Failure to comply with an enforcement notice which has taken effect can result in prosecution and/or remedial action by the Council.



Westminster and Chelsea Hospital