



Enforcement Case Reference Number: E/16/0318

IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

Town & Country Planning Act 1990 (as amended)

ENFORCEMENT NOTICE

THIS IS A FORMAL NOTICE issued by the Council, the London Borough of Brent. It appears to the Council that there has been a breach of planning control under section 171A (1) (a) of the above Act, at the land or premises described below. It is considered expedient to issue a notice having regard to the provisions of the development plan and to other material planning considerations.

SCHEDULE 1

THE LAND OR PREMISES AFFECTED

852A - C and rear of 852 Harrow Road, Wembley, HA0 2PX

("the premises" - shown outlined bold in BLACK on the attached plan)

SCHEDULE 2

THE ALLEGED BREACH OF PLANNING CONTROL

Without planning permission, the material change of use of the premises to a mixed use as residential and a community centre/place of worship

("the unauthorised change of use")
AND

Without planning permission, the erection of floodlights to the premises and the erection of a flag and signage to the premises.

("the unauthorised development")

SCHEDULE 3

REASONS FOR ISSUING THIS NOTICE

It appears to the Council that the material change of use and unauthorised development took place within the last 10 years and within the last 4 years.

The unauthorised change of use of the premises to a community centre/place of worship, by reasons of siting of the premises, the level public transport accessibility and the insufficient level of parking provisions for the use, results in unsafe vehicular movements and over-spill parking on the surrounding streets where such parking cannot be safely accommodated, and as such has a significant detrimental impact on the free and safe flow of traffic and pedestrians on the local highway network, contrary to Policies DMP1 and DMP12 of the adopted London Borough of Brent Development Management Policies document, 2016.

The unauthorised change of use of the premises to a community centre/place of worship, by reason of the intensity and nature of the use and the proximity to residential dwellings and their gardens, results in unacceptable levels of incidental noise and disturbance to the significant detriment of amenities of the residents of the adjoining and nearby properties. This is therefore contrary to Policy DMP1 of the adopted London Borough of Brent Development Management Policies document, 2016 and paragraph 123 and 144 of the National Planning Policy Framework, 2012.

The erection of floodlights to the premises results in unacceptable levels of light pollution from artificial light, having an adverse impact on the surrounding residents of nearby properties. This is contrary to Policy DMP1 of the adopted London Borough of Brent Development Management Policies document, 2016, Policy CP17 of the adopted Brent's Core Strategy, 2010, and paragraph 125 of the National Planning Policy Framework, 2012

The erection of a flag and signage to the premises has a detrimental impact on the appearance and character of the area, contrary to Policy DMP1 of the adopted London Borough of Brent Development Management Policies document, 2016, Policy CP17 of the adopted Brent's Core Strategy, 2010, and the advice as set out within Supplementary Planning Guidance No.8 - "Advertisements (Other than Shops)".

SCHEDULE 4

WHAT YOU ARE REQUIRED TO DO TO REMEDY THE BREACH OF PLANNING CONTROL - S173 (4)(A)

- STEP 1 Permanently cease the use of the premises as a community centre/place of worship.
- STEP 2 Remove all equipment, materials and items, including bins, associated with the unauthorised change of use from the premises.
- STEP 3 Remove the floodlights from the premises, and remove all debris, materials and items associated with the floodlights from the premises.
- STEP 4 Remove the flag and signage from the premises, and remove all debris, materials and items associated with the flag and signage from the premises.

SCHEDULE 5

TIME FOR COMPLIANCE

1 month after this notice takes effect.

SCHEDULE 6

WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on **22 July, 2017** unless an appeal is received prior to the effective date.

Date: 12 June, 2017

Authorised Signature:



Operational Director Planning and Regeneration

Mr Aktar Choudhury
Operational Director Planning and Regeneration
REGENERATION & ENVIRONMENT
Brent Civic Centre, Engineers Way, Wembley, Middlesex HA9 0FJ

YOUR RIGHT OF APPEAL

You can appeal against this notice, provided the appeal is received or posted in time to be received by the Secretary of State **before 22 July, 2017**. If you want to appeal against this enforcement notice you can do it:

- on-line at the Planning Casework Service area of the Planning Portal (<https://acp.planninginspectorate.gov.uk>)

OR

- by getting enforcement appeal forms by phoning **The Planning Inspectorate on 0303 444 5000** or by emailing them at **enquiries@pins.gsi.gov.uk**

You **MUST** make sure that **The Planning Inspectorate** receive your appeal **before the effective date** on the enforcement notice. In the exceptional circumstances you may give notice of appeal by fax or letter. You should include:

- the name of the local planning authority
- the site address
- your address and
- the effective date of the enforcement notice

The Planning Inspectorate must receive this before the effective date on this notice. This should be immediately followed by your completed appeal forms. For further information, please contact

The Planning Inspectorate at:

CST Room 3/05 Temple Quay House 2 The Square Temple Quay Bristol BS1 6PN	Direct Line: 0303 444 5000 Switchboard: 0117 372 8000 Fax number: 0117 372 8782 www.planning-inspectorate.gov.uk
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IF YOU APPEAL

If you lodge an appeal then you must submit to the Secretary of State, a statement in writing specifying **the grounds on which you are appealing against the enforcement notice** and stating briefly the facts that you proposes to rely on, in support of each of these grounds, EITHER when giving notice of appeal OR within 14 days from the date that the Secretary of State sends you a notice that requires you to send a statement

GROUND OF APPEAL

(1)A person having an interest in the land to which an enforcement notice relates or a relevant occupier may appeal to the Secretary of State against the notice, whether or not a copy of it has been served on him.

(2)**An appeal may be brought on any of the following grounds-**

Ground A - that, in respect of any breach of planning control which may be constituted by the matters stated in the notice, planning permission ought to be granted or, as the case may be, the condition or limitation concerned ought to be discharged;

Ground B - that those matters have not occurred;

Ground C - that those matters (if they occurred) do not constitute a breach of planning control;

Ground D - that, at the date when the notice was issued, no enforcement action could be taken in respect of any breach of planning control which may be constituted by those matters;

Ground E - that copies of the enforcement notice were not served as required by section 172;

Ground F - that the steps required by the notice to be taken, or the activities required by the notice to cease, exceed what is necessary to remedy any breach of planning control which may be constituted by those matters or, as the case may be, to remedy any injury to amenity which has been caused by any such breach;

Ground G - that any period specified in the notice in accordance with section 173(9) falls short of what should reasonably be allowed.

(3)An appeal under this section shall be made.

(a)by giving written notice of the appeal to the Secretary of State before the date specified in the enforcement notice as the date on which it is to take effect; or

(b)by sending such notice to him in a properly addressed and pre-paid letter posted to him at such time that, in the ordinary course of post, it would be delivered to him before that date; or

(c)by sending such notice to him using electronic communications at such time that, in the ordinary course of transmission, it would be delivered to him before that date.

(4)A person who gives notice under subsection (3) shall submit to the Secretary of State, either when giving the notice or within the prescribed time, a statement in writing-

(a)specifying the grounds on which he is appealing against the enforcement notice; and

(b)giving such further information as may be prescribed.

(5)If, where more than one ground is specified in that statement, the appellant does not give information required under subsection (4)(b) in relation to each of those grounds within the prescribed time, the Secretary of State may determine the appeal without considering any ground as to which the appellant has failed to give such information within that time.

(6)In this section "relevant occupier" means a person who-

(a)on the date on which the enforcement notice is issued occupies the land to which the notice relates by virtue of a licence; and (b)continues so to occupy the land when the appeal is brought.

Please note the time limits:-

(1)Where there has been a breach of planning control consisting in the carrying out without planning permission of building, engineering, mining or other operations in, on, over or under land, no enforcement action may be taken after the end of the period of four years beginning with the date on which the operations were substantially completed.

(2)Where there has been a breach of planning control consisting in the change of use of any building to use as a single dwellinghouse, no enforcement action may be taken after the end of the period of four years beginning with the date of the breach.

(3)In the case of any other breach of planning control, no enforcement action may be taken after the end of the period of ten years beginning with the date of the breach.

(4)The preceding subsections do not prevent-

(a)the service of a breach of condition notice in respect of any breach of planning control if an enforcement notice in respect of the breach is in effect; or

(b)taking further enforcement action in respect of any breach of planning control if, during the period of four years ending with that action being taken, the local planning authority have taken or purported to take enforcement action in respect of that breach.

The time limits do not apply when there has been deliberate concealment.

The information contained within this notice is a summary of sections 171A, 171B and 172-177 of the Town and Country Planning Act, 1990.

For the full sections of the act please see:<http://www.legislation.gov.uk/ukpga/1990/8/part/VII>

APPEAL FEE

If you wish to have your appeal also considered **as a deemed application for planning permission or you intend to make an appeal under Ground (A), you may be required to pay a fee.** A fee may be payable under regulation 10 of the Town and Country Planning (Fees for Applications and Deemed Applications) Regulations 1989 (7) for the deemed application for planning permission for the development alleged to be in breach of planning control in the enforcement notice.

The application appeal fee for this case is £770 (if you select Ground A and wish to apply for planning permission through the appeal process.) This amount is double the usual Planning Application fee. This is now payable ONLY to the Council (before 22/11/2012 half of this fee was paid to the Planning Inspectorate). If the fee is set as £0, it means no fee payable in respect of this case. If you do not wish to proceed under Ground A then no fee is payable.

WHAT HAPPENS IF YOU DO NOT APPEAL

If you do not appeal against this enforcement notice, **it will take effect on 22 July, 2017**. You may be held responsible and therefore you must ensure that the required steps detailed under the heading "What you are required to do", of Schedule 4 of this notice are complied with, within the period specified in this notice.

Failure to comply with an enforcement notice, that has taken effect, can result in **prosecution and/or direct action by the Council**. Direct Action will include the Council sending in its contractors to do the necessary works as required by this enforcement notice. The owner will have to pay for the cost of the Direct Action. If the bill for direct action is not paid, it will remain as a land charge accruing interest at 8% above the Bank of England base rate until it is paid. The Council may also pursue debt recovery proceedings through the courts.

If a criminal conviction is obtained for a breach of the enforcement notice, **any revenue accrued may result in the Council pursuing that revenue under the Proceeds of Crime Act 2002**.

WHO THIS ENFORCEMENT NOTICE IS SERVED ON

This enforcement notice is served on:-

The Company Secretary of, Babul Murad Centre, 856-858 Harrow Road, Wembley, HA0 2PX
The Owner/Occupier/Anyone with an interest in land at, 852A - C and rear of 852 Harrow Road, Wembley, HA0 2PX
SYED VEQAR, HUSSAIN, 42 Northwick Avenue, Harrow, Middlesex, HA3 0AB
SYED VEQAR, HUSSAIN, the trustees of the Charity known as International Islamic Link, 858 Harrow Road, Wembley, Middlesex, HA0 2PX
MIRZA MUZZUFFAR, HASAN, 18 Culver Grove, Stanmore, Middlesex, HA7 2NN
MIRZA MUZZUFFAR, HASAN, the trustees of the Charity known as International Islamic Link, 858 Harrow Road, Wembley, Middlesex, HA0 2PX
SHAHIDA IQBAL FAZAL, ALIMOHAMED, 33 Coniston Avenue, Perivale, Greenford, Middlesex, UB6 8ED
SHAHIDA IQBAL FAZAL, ALIMOHAMED, the trustees of the Charity known as International Islamic Link, 858 Harrow Road, Wembley, Middlesex, HA0 2PX
SAYED GHULAM, ASKARI, 25 Cameron Avenue, Leicester, LE4 7QL
SAYED GHULAM, ASKARI, the trustees of the Charity known as International Islamic Link, 858 Harrow Road, Wembley, Middlesex, HA0 2PX
The Company Secretary, HSBC BANK PLC, Securities Processing Centre, P.O. Box 6304, Coventry, CV3 9JY

This notice is served on everybody who has an interest in the land, including those identified during the Council's investigation process and on the Land Registry Search carried out on the date of issue of the notice.



Brent

Plan referred to in Town Planning Enforcement Notice

Site address: 852A - C and rear of 852 Harrow Road, Wembley, HA0 2PX

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This map is indicative only.