

McDonald Nicola - QK

From: Rolt, Tim [Tim.Rolt@brent.gov.uk]
Sent: 13 April 2012 17:09
To: Patel, Yogini
Cc: McDonald Nicola - QK
Subject: RE: Brent Council Planning Enforcement Case:E/11/0532

Dear Yogini,

The planning service wishes to object to this application as part of the rear of the premises has been converted into residential accommodation without any planning permission. The use of part of the premises as residential and the other part as a shop gives rise to nuisance to the occupiers of the residential part through an increase of persons to and from the shop and the inherent conflict between a shop and residential use. This problem increases during the evenings when the shop is open.

Kind Regards
Tim Rolt

Tim Rolt

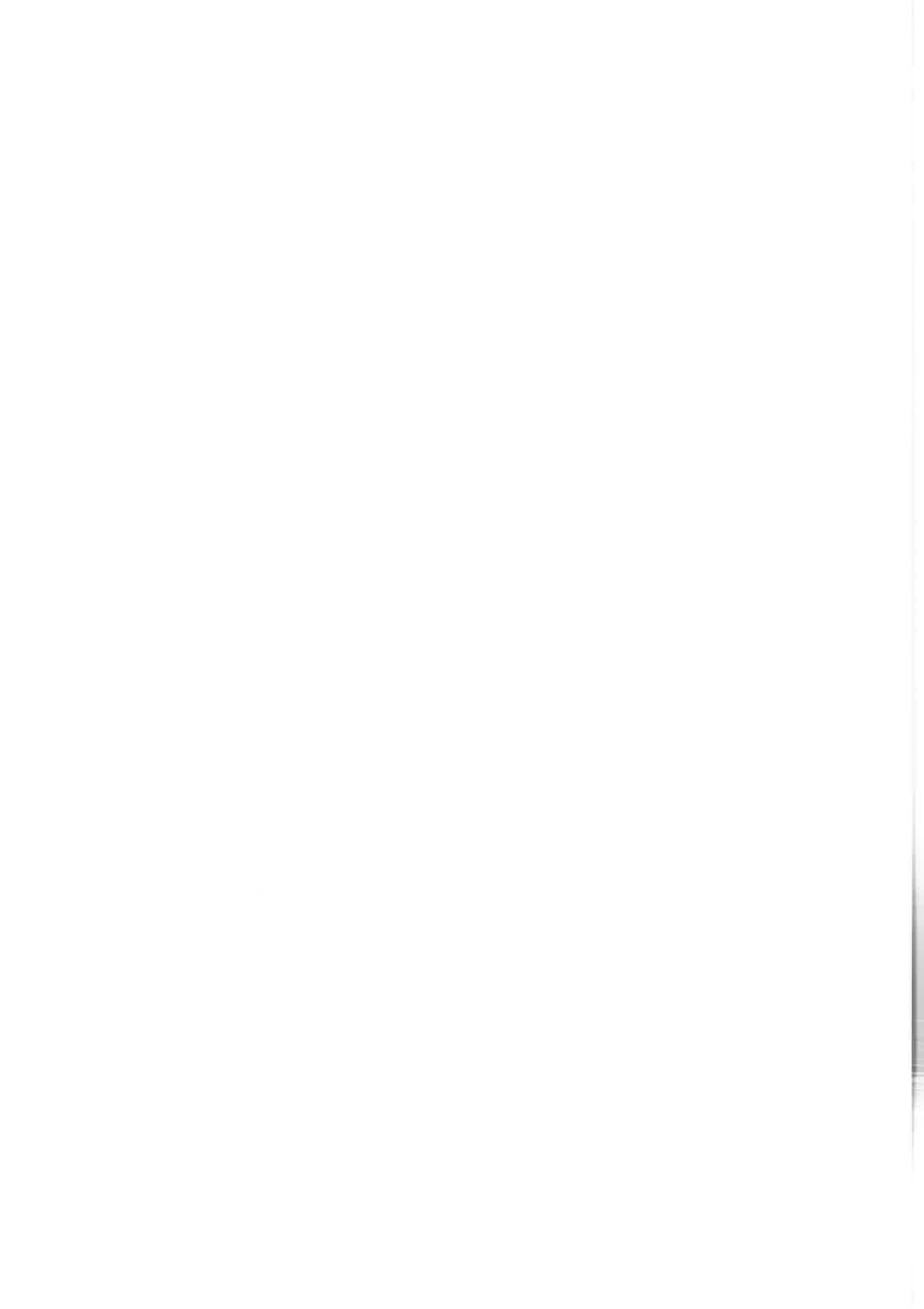
Planning Enforcement Manager

☎ Office: +44 (0) 20 8937 5242

☎ Fax: +44 (0) 20 8937 5207

✉ Email: tim.rolt@brent.gov.uk

✉ Address: The Planning Service, 4th Floor, Brent House, 349 High Road, Wembley, HA9 6BZ.





REGENERATION & MAJOR
PROJECTS

Planning and Development
Brent House, 349 High Road
Wembley, Middlesex, HA9 6BZ

Tel: 020 8937 5235
Fax: 020 8937 5207
Email: victor.unuigbe@brent.gov.uk
Web: www.brent.gov.uk

Ms. Nicola McDonald
Wembley Police Station
603 Harrow Road
Wembley
HA0 2HH

Our Ref: E/11/0532
Contact: Victor Unuigbe
21 June, 2012

Dear Ms. Nicola McDonald

**Town & Country Planning Act 1990
(as amended by the Planning and Compensation Act 1991)**

I write further to your complaint or to advise you of development being carried out at:

203 Kilburn High Road, London, NW6 7HY

I enclose for your information a notice that has now been issued against the above property.
I hope the contents are self explanatory.

If receiving this letter by e-mail - click on this link to view the notice

<https://forms.brent.gov.uk/servlet/ep.ext?extId=126153&other1=557269&other2=1>

The enforcement notice issued by the Council on 2 June, 2012 comes into effect on 12 July, 2012 and is due to be complied with by 12 January, 2013.

Please note that persons who this enforcement notice was served on, have a right to lodge an appeal against this notice to be received by the Secretary of State before 12 July, 2012. If this happens, the appeal procedure will commence and the notice will be suspended until the appeal is determined.

The appeal process can take between 6 to 9 months and the Council is powerless to speed it up or take further action on the enforcement notice in the meantime.

If the notice is not appealed, then it must be complied with by 12 January, 2013. Please contact the Council after this date if the Notice has not been complied with and the Council will consider prosecution proceedings and/or to demolish the building or to obtain cessation of the use within its current work programme.

Please quote the enforcement reference number **E/11/0532** in all correspondence. If you have any further questions, please contact me on the above number.

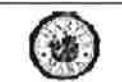
Yours sincerely

Victor Unuigbe

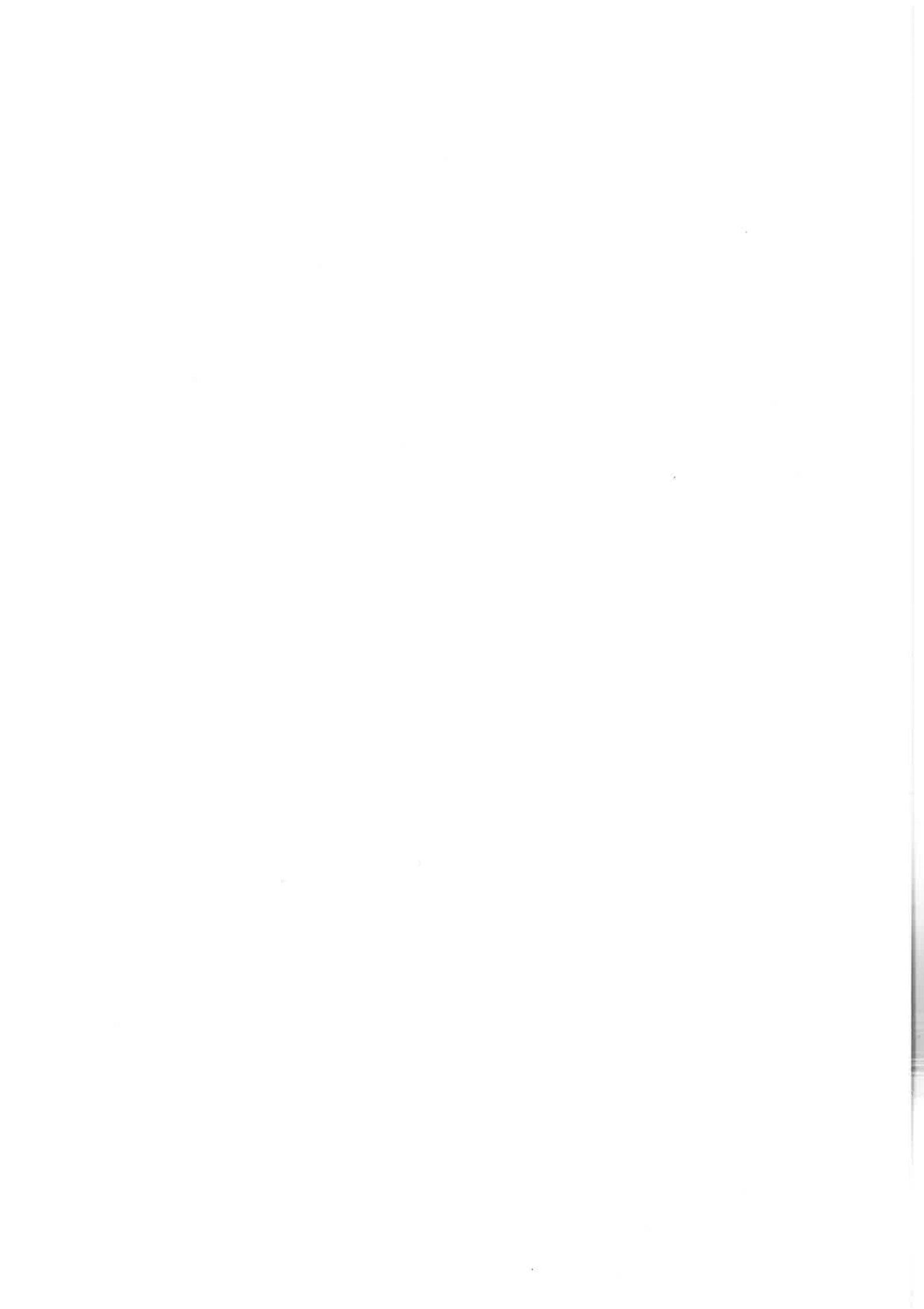
Victor Unuigbe
Enforcement Planner

LetCCvNt

Enc.



Brent - building a better borough





Enforcement Case Reference Number: E/11/0532

IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

Town & Country Planning Act 1990
(as amended by the Planning and Compensation Act 1991)

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

203 Kilburn High Road, London, ~~NW6~~ 7HY

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

SCHEDULE 2

THE ALLEGED BREACH OF PLANNING CONTROL

Without planning permission, the change of use of the premises (basement, ground floor and part first floor) from a shop to a mixed use as a shop and residential accommodation.

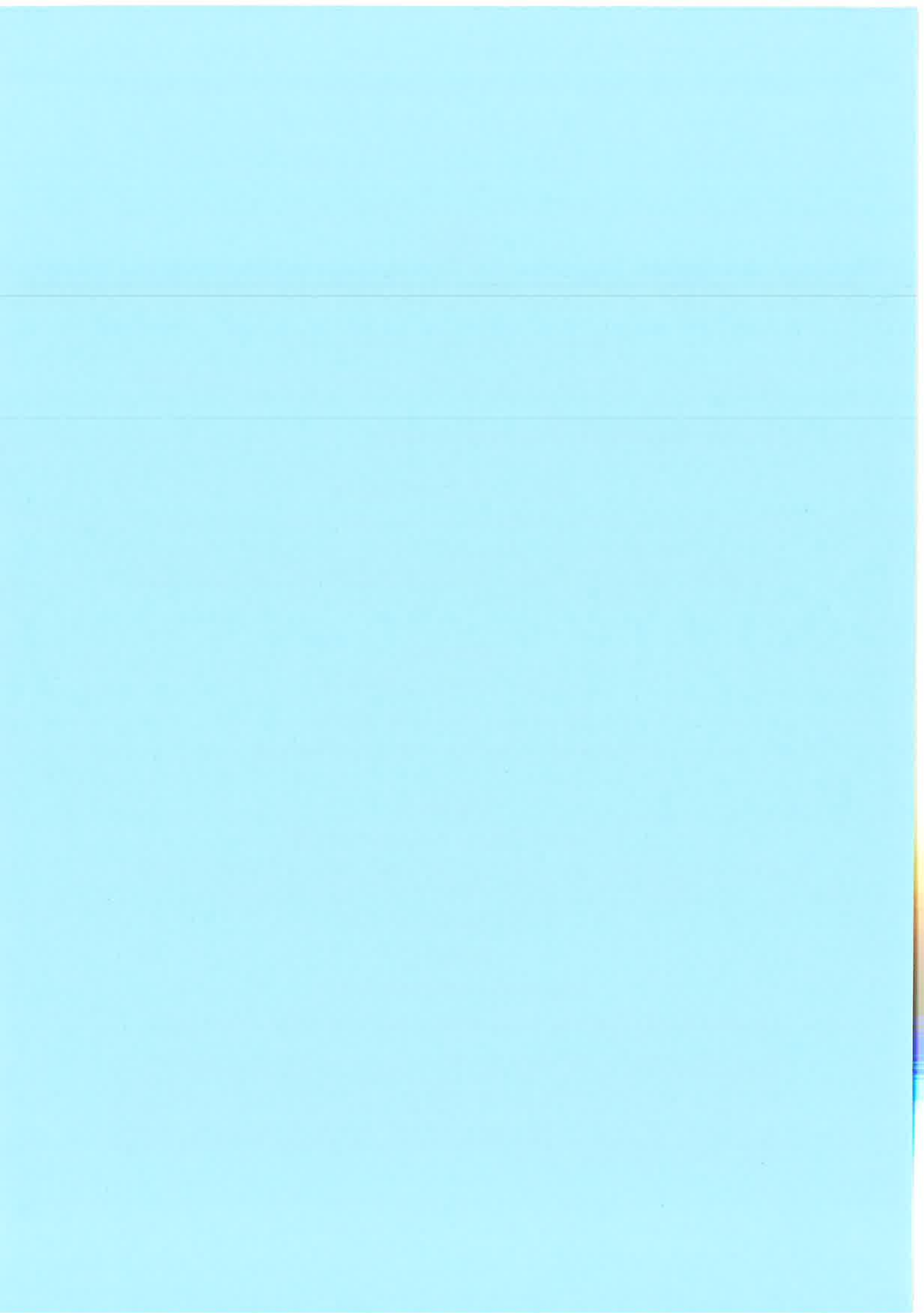
("The unauthorised change of use")

SCHEDULE 3

REASONS FOR ISSUING THIS NOTICE

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

The unauthorised change of use of the premises from a retail shop to a mixed use as a retail shop and residential accommodation has resulted in an overly-intensive use of the premises and a form of sub-standard living accommodation. This has resulted in a significant adverse effect upon the living conditions of host and nearby residents, by reason of increased noise and disturbance, greater demand for on-street car parking and loss of general amenity, contrary to Policies H18, H19, H22, TRN3 and TRN34 of the adopted London Borough of Brent Unitary Development Plan, 2004 and the National Planning Policy Framework, 2012.



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 12 July, 2012**. 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 (www.planningportal.gov.uk/pcs) OR
- by getting enforcement appeal forms by phoning **The Planning Inspectorate on 0117 372 6372** 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: 0117 372 6372 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 propose 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

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 fee for this case is £335. This amount is payable both to the Council and to the Secretary of State.

WHAT HAPPENS IF YOU DO NOT APPEAL

If you do not appeal against this enforcement notice, it will take effect on 12 July, 2012. 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.

SCHEDULE 4

WHAT YOU ARE REQUIRED TO DO TO REMEDY THE BREACH

- STEP 1 Cease the use of the premises as residential accommodation and remove all fixtures, items, materials, bathrooms and beds associated with the unauthorised residential use from the premises.

SCHEDULE 5

TIME FOR COMPLIANCE

6 months after this notice takes effect.

SCHEDULE 6

WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on **12 July, 2012** unless an appeal is received prior to the effective date.

Date: 2 June, 2012

Authorised Signature:



Assistant Director, Planning and Development

Mr Chris Walker
Assistant Director
Planning and Development
Brent House, 349 High Road, Wembley, Middlesex HA9 6BZ

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Plan referred to in Town Planning Enforcement Notice

Site address: 203 Kilburn High Road, London, NW6 7HY

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This map is indicative only.

WHO THIS ENFORCEMENT NOTICE IS SERVED ON

This enforcement notice is served on:-

T. S. and K. RAJARATNAM, 203 Kilburn High Road, London, NW6 7HY

The Owner/Occupier/Anyone with an interest in land at 203 Kilburn High Road, London, NW6 7HY

The Company Secretary of NATIONAL WESTMINSTER BANK PLC, 2nd Floor, 4-5 High Street,
Chelmsford, Essex, CM1 1FZ

A. ALI, 203 Kilburn High Road, London, NW6 7HY

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.
