



Brent Civic Centre
Engineers Way
Wembley
Middlesex HA9 0FJ

Tel: 020 8937 4598
Fax: 020 8937 5207
Email: tim.rolt@brent.gov.uk
Web: www.brent.gov.uk

Our Ref: E/14/0920
Your Ref: Review Application 223706239
Contact: Tim Rolt

29th November 2016

Dear Madam/Sir

Town & Country Planning Act 1990 (as amended)
Re: 5-7 Wembley Hill Road, Wembley, HA9 8AF

Thank you for your email of 24th November concerning the review of the license relating to the above premises.

I strongly support this review because the occupants have failed to comply with the attached planning enforcement notice which requires the use of the premises to cease. Under section 179 of the Town and Country Planning Act 1990, it is a criminal offence to breach a requirement of an enforcement notice. Despite this, the operators have carried out this unlawful use with impunity. Brent's Planning Enforcement Service has also carried out direct action and confiscated items associated with this use but that has not stopped their illegal use of the premises.

The reason for pursuing planning enforcement action relates to the impact that the use has on neighbouring residential properties and is considered a bad neighbour use in planning terms and has been the subject of substantial public complaint.

A planning application has been granted for the use of the premises as two shops and a restaurant but this application has not yet been implemented. However there is a planning condition restricting the hours of use of the proposed restaurant until 10pm on Sundays to Thursdays and until 11pm on Fridays and Saturdays.

In your review I would urge you to withdraw the license to help us to obtain compliance with our enforcement notice. If you are minded to amend the license rather than withdraw it, I would urge similar operating times to that granted planning permission for the yet to be implemented restaurant use.

If you have any further queries, please do not hesitate to contact me.

Yours sincerely

Tim Rolt
Planning Enforcement Manager
Regeneration and Environment



Enforcement Case Reference Number: E/14/0920

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

5-7 Wembley Hill Road, Wembley, HA9 8AF

("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 shisha cafe use.

("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 use of the premises as a shisha cafe, by reason of the proximity to residential accommodation, the anti-social opening hours and detrimental impact on the amenity of local residents in terms of noise, disturbance and fumes, which is contrary to Policies STR12, SH10 and SH16 of the adopted London Borough of Brent Unitary Development Plan, 2004 and the objectives of National Planning Policy Framework, 2012.

SCHEDULE 4

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

STEP 1 Cease the use of the premises as a shisha café and remove all associated equipment and materials associated with the unauthorised use from the premises, including the removal of all tables and chairs, shisha pipes, tobacco and coal.

SCHEDULE 5

TIME FOR COMPLIANCE

1 month after this notice takes effect.

SCHEDULE 6

WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on **18 January, 2015** unless an appeal is received prior to the effective date.

Date: 9 December, 2014

Authorised Signature:



Head of Area Planning

Mr Stephen Weeks
Head of Area Planning
Planning and Regeneration
REGENERATION & GROWTH
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 18 January, 2015**. 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 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

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 18 January, 2015**. 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 Owner/Occupier/Anyone with an interest in land at, 5-7 Wembley Hill Road, Wembley, HA9 8AF
LIONRULE LIMITED, 5 North End Road, London, NW11 7RJ
NATIONWIDE BUILDING SOCIETY, Property Finance, Kings Park Road, Moulton Park,
Northampton, NN3 6NW
HSS HIRE GROUP LIMITED, 25 Willow Lane, Mitcham, Surrey, CR4 4TS

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: 5-7 Wembley Hill Road, Wembley, HA9 8AF

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This map is indicative only.