



Enforcement Case Reference Number: E/16/0310

**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

The Heather Park Hotel, Heather Park Drive, Wembley, HA0 1SN

("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 a public house and shisha café

("the unauthorised change of use")

AND

Without planning permission, the erection of a canopy extension to the rear of 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 and 4 years.

The use of the area for shisha smoking leads to a detrimental impact on the amenity of local residents in terms of noise, disturbance and fumes, which is contrary to the objectives of the National Planning Policy Framework, 2012 and Policies STR12, SH10 and SH11 of the adopted London Borough of Brent Unitary Development Plan, 2004.

The unauthorised canopy extension is constructed of poor quality materials and facilitates the unauthorised shisha use. This is also contrary to the objectives of the National Planning Policy Framework, 2012 and Policies BE2 and BE9 of the adopted London Borough of Brent Unitary Development Plan, 2004.

SCHEDULE 4

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

- STEP 1 Cease the use as a shisha café.
- STEP 2 Remove all items associated with the shisha café, including the removal of all shisha pipes, tobacco, chairs, tables, charcoal burners.
- STEP 3 Remove the canopy extension and remove all debris, materials and items associated with the canopy extension 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 **3 September, 2016** unless an appeal is received prior to the effective date.

Date: 25 July, 2016

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 3 September, 2016**. 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 3 September, 2016.** 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, Ask Lounge, The Heather Park Hotel, Heather Park Drive, Wembley, HA0 1SN

KALPIK, SINGH, Ask Lounge, The Heather Park Hotel, Heather Park Drive, Wembley, HA0 1SN

AMAR, JAMIL, Ask Lounge, The Heather Park Hotel, Heather Park Drive, Wembley, HA0 1SN

The Company Secretary, AMBA PROPERTIES LIMITED, Heather Park Hotel, Heather Park Drive, Wembley, HA0 1SN

The Company Secretary, care of Charles Douglas (Ref: SR/BH/AMB732.0002), Solicitors LLP, DX82976, Mayfair

The Company Secretary, AMBA PROPERTIES LTD, Seymour Trust, First Floor, 40 Esplanade, St Helier, Jersey, JE2 3QB

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.

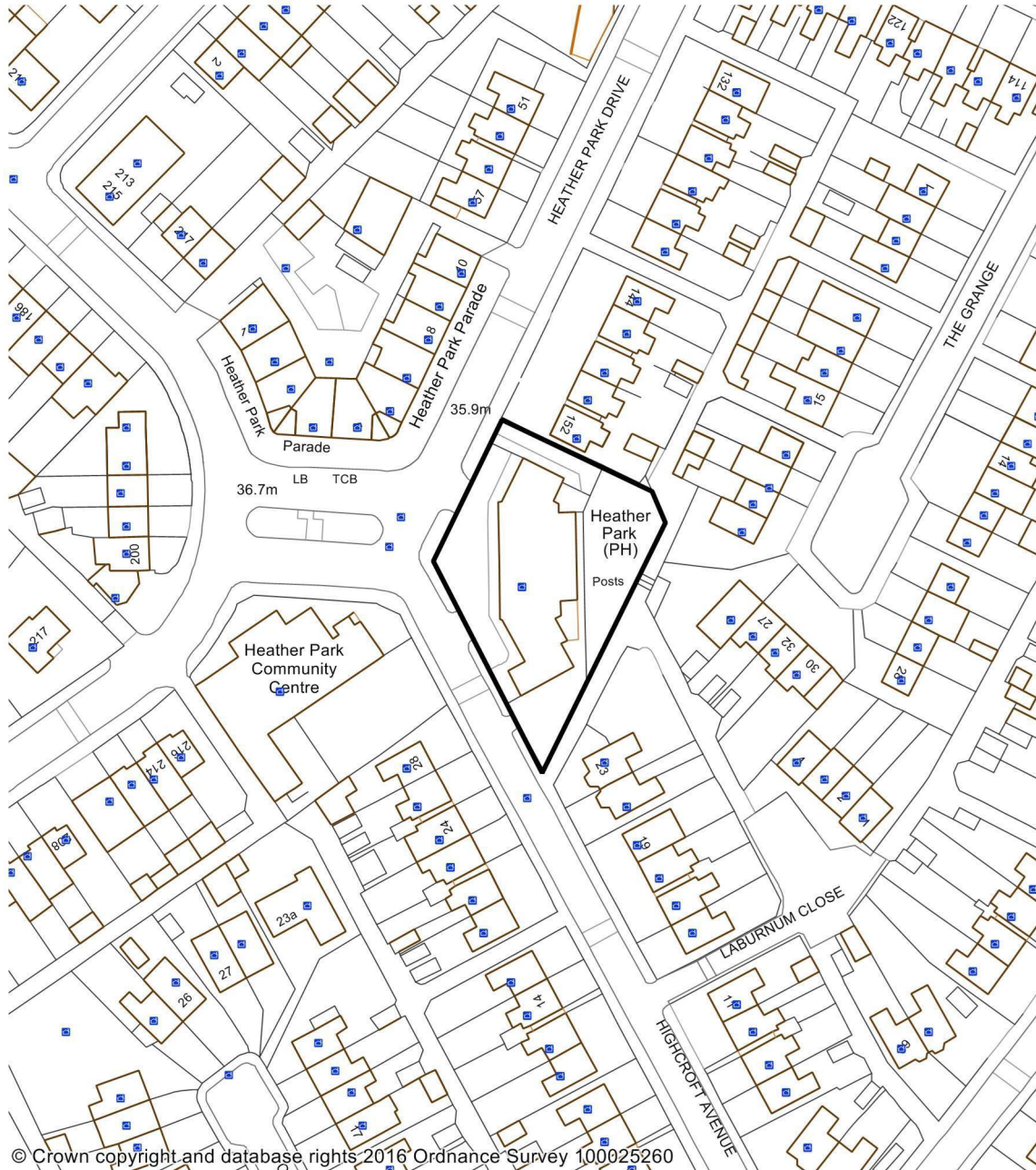


Brent

Plan referred to in Town Planning Enforcement Notice

Site address: The Heather Park Hotel, Heather Park Drive, Wembley, HA0 1SN

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This map is indicative only.