



Appeal Decisions

Site visit made on 5 April 2025

by D Hartley BA (Hons) MTP MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 APRIL 2025

Appeal A Ref: APP/T5150/C/23/3320337

Appeal B Ref: APP/T5150/C/23/3320338

Shisha Centre, 301 Cricklewood Broadway, London, NW2 6PG

- The appeals are made under section 174 of the Town and Country Planning Act 1990 (as amended). Appeal A is made by Mr Saad Abdul and Appeal B is made by Mr Mohammed Amiri against an enforcement notice issued by the Council of the London Borough of Brent.
 - The notice was issued on 9 March 2023.
 - The breach of planning control as alleged in the notice is without planning permission, the material change of use of the rear of the premises to a car wash, vehicle service and repair garage, and storage of vehicles and parts ("the unauthorised change of use").
 - The requirements of the notice are to 1) cease the use of the premises as a car wash, 2) cease the use of the premises as a vehicle service and repair garage, 3) cease the use of the premises for the storage of vehicles and parts, and 4) remove all vehicles, parts, machinery, building, structures, and equipment associated with the unauthorised use from the premises.
 - The period for compliance with the requirements is four months.
 - The appeals are proceeding on the grounds set out in section 174(2)(b) and (c) of the Town and Country Planning Act 1990 (as amended).
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Decisions

Appeal A Ref: APP/T5150/C/23/3320337

1. The appeal is dismissed, and the enforcement notice is upheld

Appeal B Ref: APP/T5150/C/23/3320338

2. The appeal is dismissed, and the enforcement notice is upheld.

Reasons

Ground (b) appeals

3. The appeal made on ground (b) of section 174(2) of the Act is that the matters alleged in the notice have not occurred. The onus is on the appellants to make their case on any legal grounds of appeal.
4. It is noteworthy that the Council has visited the site on numerous occasions. I have reviewed the Council's photographic and written evidence including the existence of car wash flags, a car with its bonnet up, the provision of various car cleaning equipment, a car which appears to be being valeted, engines on the ground, and the undisputed comments made by Mr Mohammed Amiri on 4 August 2020 who stated that the business (CARS R US) carries out 'around

two services a day' and that the rest of the cars are for storage and insurance and for diagnostics.

5. The appellants claim that CARS R US is not registered to the appeal site, and, in that regard, the breach of planning control has not occurred. Whether the business is registered to the appeal site address is not, in my judgement, determinative in terms of whether the breach of planning control has or has not occurred. It is noteworthy, in any event, that the Council's evidence shows the existence of a web site for CARS R US with an address of '301c Cricklewood Broadway'. In my judgement, this relates to the appeal site.
6. The appellants state that the appeal site is used '*solely for parking personal vehicles, staff vehicles, and our own delivery vehicles*'. Such a claim is not supported with any objective evidence such as, for example, witness statements, statutory declarations, or indeed any photographs. The onus is on the appellants to make their case on legal grounds. I am satisfied that the Council's evidence casts sufficient doubt over the appellants' claim that the breach of planning control did not occur.
7. Such doubt is compounded owing to the representation made by the occupier of No 299 Cricklewood Broadway who states that '*the activities of the garage are not just confined to the premises as the operators of the business are using Mora Road residential parking spaces to service vehicles. There are days we cannot open our apartment windows with fumes from car spraying and carbon monoxide exhaust fumes from vehicles being constantly just left idling or engines revving while vehicles are being serviced on the street*'.
8. For the above reasons, I conclude that the evidence indicates that the matters alleged in the notice had occurred. Therefore, the ground (b) appeals fail.

Ground (c) appeals

9. The appeal made on ground (c) of section 174(2) of the Act is that those matters (if they occurred) do not constitute a breach of planning control.
10. The onus is on the appellants to make their case on ground (c) of section 174(2) of the Act. No such case has been made by the appellants to demonstrate that a material change of use of the land had not occurred and that such development did not require planning permission. The evidence indicates that there is no planning permission in place for the breach of planning control.
11. I therefore conclude that the ground (c) appeals fail.

Conclusions

Appeal A Ref: APP/T5150/C/23/3320337

12. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice.

Appeal B Ref: APP/T5150/C/23/3320338

13. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice.

D Hartley

INSPECTOR