



Appeal Decisions

Site visit made on 11 November 2025

by Robert Naylor BSc (Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 December 2025

Appeal A Ref: APP/T5150/W/24/3354405

100 and 100A Hirst Crescent, Wembley HA9 7HH

- The appeal is made under section 78 of the 1990 Act (as amended) against a refusal to grant planning permission.
- The appeal is made by Mr Asmuddin Karim against the decision of the Council of the London Borough of Brent.
- The application Ref is 23/2767.
- The development proposed is described as a change of use of premises from Nursery (Class E(f)) to Muslim Unity Centre (Class E(f)) (retrospective application).

Appeal B Ref: APP/T5150/C/24/3354933

100 and 100A Hirst Crescent, Wembley HA9 7HH

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (the 1990 Act) as amended.
- The appeal is made by Mr Asmuddin Karim against an enforcement notice issued by the Council of the London Borough of Brent.
- The notice was issued on 26 September 2024.
- The breach of planning control as alleged in the notice is *without planning permission the material change of use of the premises to a community centre and place of worship ("the unauthorised change of use")*.
- The requirements of the notice are:
STEP1 Cease the use of the premises as a community Centre.
STEP2 Cease the use of the premises as a place of worship.
STEP3 Remove all items, materials and signs associated with the unauthorised use from the premises.
- The period for compliance with the requirements is: *1 month after this notice takes effect.*
- The appeal is proceeding on the grounds set out in section 174(2)(f) and (g) of the Town and Country Planning Act 1990 (as amended).

Formal Decisions

Appeal A

1. The appeal is dismissed.

Appeal B

2. It is directed that the enforcement notice is varied by:
 - At Schedule 5 of the enforcement notice replace 1 month with 6 months so that the time for compliance reads as follows:
"6 months after this notice takes effect."
3. Subject to the variation, the enforcement notice is upheld.

Preliminary Matters

4. Notwithstanding the description of development set out in the heading of Appeal A above, which is taken from the application form, it is clear from the plans and

accompanying details that the development comprises a material change of use of the premises to a community centre and place of worship. The description also includes the superfluous wording “retrospective application”, which addresses the merits of a case and is not a description of development, and should therefore be deleted.

5. In the interest of precision and to avoid misinterpretation, I consulted both parties on using the same description for Appeal A as contained in Appeal B, namely ‘*a material change of use of the premises to a community centre and place of worship.*’ Neither party had any objections to this, and consequently they have not been prejudiced by this approach.

Appeal A

Main Issues

6. The main issues are the effects of the proposed development on:
 - living conditions of local residents with specific regard to general noise and disturbance;
 - parking and highway safety; and
 - the wider community benefits.

Reasons

Living conditions – Noise and disturbance

7. The appeal property comprises of former commercial units located on the ground floor of a four-storey building, with the upper floors consisting of residential units. To the rear of the site is a large residential estate. Despite the proximity to residential properties the area has a mixed use feel, given the presence of commercial uses nearby and the positioning of Hirst Crescent, set back from East Lane (A4088), which itself is a busy thoroughfare in Brent.
8. The previous use as a nursery would have provided a degree of comings and goings to the site, particularly during the morning and evening peaks, when parents would be dropping off and collecting children from the premises. The appellant highlights that the previous nursery could accommodate up to 40 children at a time and was operated between 0900 – 1300 hours Monday to Friday¹. From the information before me the proposed use as a community centre and place of worship, has the potential to increase visitor numbers and consequently noise and disturbance experienced from the site.
9. Its current operation as the Muslim Unity Centre is a daily occurrence, predominantly for prayers which are undertaken five times a day. The first prayer time (Fajr) commences before sunrise at approximately 0630 hours, with the final prayer time (Isha) commencing around 1915 hours. The appellant has highlighted that the average attendance ranges from 17 – 45 worshippers depending on the day and time. The appellant has also indicated that the premises will not be used for larger gathering such as weddings, parties or birthdays, albeit that religious festivals such as Eid are well attended.

¹ Appendix C – Ofsted Report dated April 2022

10. Concerns have been raised by the Council in respect to large numbers² of worshippers attending the premises with particular regard to people congregating on the pavement outside the front of the premises creating noise and disturbance for nearby residents. The appellant contends that these numbers are disproportional, maintaining the general attendee numbers fluctuate between 17 – 45, with larger attendance levels generally limited throughout the year to festival days (such as Eid) and other religious celebrations only.
11. During my site observations I noted several large audio speakers within the premises. There were also several notices on the windows outside the premises requesting visitors do not congregate in front of the centre and to leave the site quietly and respectfully. This would highlight that the appellant is aware of the Council's concerns, whilst attempting to mitigate any increase in noise and disturbance for the existing residents.
12. Nevertheless, I have been supplied with little information pertaining to the existing background noise levels at the site. There are also no details regarding whether any noise level tests were conducted at the premises to safeguard against any potential noise break-out from the proposed use, nor whether there are any proposed measures that could potentially suppress noise and disturbance.
13. I have given careful consideration with regard to potential mitigating conditions. I acknowledge that the use itself and hours of operation could be restricted by way of a condition. Furthermore, the provision of a management plan could also be conditioned as part of any approval. However, I am unclear whether a condition could be attached, at this stage, requiring measures to be incorporated to reduce or mitigate impacts from noise. Given that I have little evidence before me to clarify what the existing noise levels are, nor whether any potential sound insulation measures would be adequate, there are no quantifiable calculations on how the noise level criteria would be achieved. As such, given that there is uncertainty that sound attenuation measures could be sufficient to control any potential noise nuisance, I must adopt a precautionary approach.
14. Without these details, or evidence to the contrary, it is unclear whether the provision of the community centre and place of worship could lead to potential conflict between users and existing residents, and noise complaints which may necessitate enforcement action. Any noise nuisance reported could thus lead to pressure for restrictions to be placed on the users/worshippers of the Muslim Unity Centre, such that unreasonable burdens might be placed on these users' contrary to the advice contained in the Planning Practice Guidance (PPG)³, paragraph 198 of the National Planning Policy Framework (the Framework) and policy DMP1 of the Brent Local Plan 2019-2041 (BLP) adopted in February 2022.

Parking and highway safety

15. Public Transport Accessibility Level (PTAL) is a measure of the accessibility of a point to the public transport network. Each area is graded between 0 and 6b, where a score of 0 is very poor access to public transport, and 6b is excellent. The appeal site is located within an area with a PTAL rating of 3, which therefore has a moderate level of accessibility.

² Approximately 190 attendees on 20th July 2024 – Council's delegated report

³ Paragraph: 009 Reference ID: 30-009-20190722

16. BLP policy BT2, seeks development to either be car-free or, in locations that are not well-connected by public transport, provide parking up to a maximum level. For a place of worship, policy BT2 allows no more than 1 car parking space to be provided for every 10 users/visitors on site at any time. The proposal here is for a car-free development, since most users are local and arrive on foot, thus parking standards would be complied with.
17. Nevertheless, BLP policy BT2 also states that *“development will be supported where it does not: (a) add to on-street parking demand where on-street parking spaces cannot meet existing demand such as on heavily parked streets, or otherwise harm existing on-street parking conditions.”* There is a large amount of on-street parking space available at Hirst Crescent, although the area is subject to parking restrictions on event days at Wembley Stadium. Be that as it may, at the time of my visit, I observed that many of the surrounding roads and on-street car parking spaces were occupied. As the proposed development is car-free, it would not benefit from any off-street parking spaces and therefore would increase demand for parking on the street, where opportunities for on-street parking appear limited.
18. I have little information from the appellants with regard to parking stress surveys, nor have I been presented with any details of a travel plan or alike, seeking to reduce reliance on the car and promoting more sustainable forms of transport. Whilst I acknowledge the proposal would be car-free, I have not been presented with evidence or indeed a mechanism, such as a legal agreement, that would secure the development as car-free. This would be necessary to make the development acceptable in respect to parking. As such, there is little evidence before me, to clarify that there is availability of sufficient car parking spaces or that there are no pressures caused by existing uses or developments in the area.
19. The proposal therefore fails to demonstrate that it would not result in adverse effects on the highway network, caused by the increased demand for parking on nearby roads. Therefore, the proposal would be contrary to BLP policies BT1 and BT2 which seek to develop sustainable travel choices and car-free developments, amongst other things.

Community benefits

20. BLP policy BSI1 seeks to protect and retain existing community facilities, unless it can be demonstrated the existing facility is not required; there is no shortfall in the provision of the existing use; a replacement use would better meet the existing users; or redevelopment is part of an agreed programme of social infrastructure. In reference to the first two criteria, where there is no longer a community need for the current use, alternative social infrastructure, including religious use, has preference.
21. Both parties agree that the previous use as a nursery is no longer required and there is no shortfall in the capacity for childcare in the area, thus the conversion to an alternative community use would be appropriate. The proposed use as a community centre and place of worship would meet these requirements. However, BLP policy BSI1 also requires consolidated community facilities to be easily accessible, located within the community they serve, to be flexible and adaptable, ideally located with other social infrastructure and to maximise wider community benefits.

22. From the evidence before me, the catchment area for attendees is predominantly local, with a significant proportion of worshippers coming from the surrounding residential estates or local shops and businesses to attend prayers at the appeal site. As such the proposal would fulfil the accessibility and local community requirements, whilst also providing wider community benefits, through the provision as a meeting place for a mother and toddler group, local resident meetings and facilities to supplement education and after school groups.
23. I appreciate that the Councils concerns principally relate to a lack of flexibility associated with the proposed use. However, the wider community benefits above highlight there is a degree of flexibility of use within the premises itself. Furthermore, this would not predicate any potential shared use of the building for other community uses in the future, although I have not been supplied with any information on any need for this type of additional shared space in the locality.
24. I would therefore conclude that the proposed change of use of the premises to a community centre and place of worship would accord with the relevant provisions of BLP policy BSI1 and the Framework insofar as they collectively seek to provide social, recreational and cultural facilities and services for the community needs.

Conclusion

25. I acknowledge that the proposed development does provide benefits, in that the proposal would provide a more efficient use of an underutilised community use in a relatively accessible location. As such, I am in no doubt as to the positive value of these matters and I also recognise that the appeal proposal may well accord with various other development plan policies. However, there is a lack of clarity on the effects of the proposal on parking impacts and highway safety, and an uncertainty regarding the acceptability of the living conditions of existing residents in respect to potential noise and disturbance, which weigh against the proposal.
26. Overall, the proposed development conflicts with the development plan when taken as a whole, and there are no material considerations, either individually or in combination, that outweighs the identified harm and associated development plan conflict. The scheme also fails to accord with the requirements of the Framework. For these reasons I conclude that Appeal A should be dismissed.

Appeal B

Appeal on ground (f)

27. An appeal under ground (f) is that the requirements of the enforcement notice exceed what are necessary to remedy the breach of planning control or, as the case may be, any injury to amenity caused by the breach.
28. The appellant accepts that at the time the enforcement notice was issued that those matters would constitute a breach of planning control. The breach of planning control alleged in the notice is the material change of use of the premises to a community centre and place of worship. The requirements of the notice are to cease its use as a) a community centre and b) a place of worship. Having regard to the requirements, it is clear that the purpose of the notice under Appeal B is to remedy the breach of planning control.
29. The appellant contends the loss of the facility would have adverse impacts on maintaining the well-being and cohesion of the local area. Nevertheless, the

appellant further contends the requirements of the enforcement notice could be varied so that only one use is required to cease, i.e. either the use as a community centre or a place of worship. The appellant has further indicated conditions could be applied restricting the use as a Muslim Unity Centre only, and an hours of use condition restricting operational times between 0800 – 2000 hours, seven days a week. I have addressed the matter of conditions as part of Appeal A, as they relate to the planning merits rather than the purpose of the notice, as it is not open to me to consider the planning merits under ground (f).

30. Consequently, I find that the requirements of the enforcement notice, as stipulated, would be appropriate to remedy the breach of planning control, and as such the requirements of the enforcement notice are not excessive. Given that the lesser steps identified would not achieve the aims of the notice, the appeal on ground (f) therefore fails.

Appeal on ground (g)

31. For an appeal on ground (g) to succeed, it is to be demonstrated that the period specified in the notice for compliance in accordance with section 173(9) of the 1990 Act falls short of what should reasonably be allowed. The appellant seeks 6 months to comply with the notice to alleviate financial strain and allow the appellant sufficient time to secure a suitable building.
32. I am sympathetic to the situation of the appellant in securing an alternative and suitable building for the community use and place of worship, given the important role it has within the local community. Therefore, I shall exercise my discretion to allow more time for the notice to be complied with. The benefits of this approach would be to allow the appellants more time to look for alternative premises.
33. I will extend the compliance period to 6 months, which I consider proportionate and reasonable in the circumstances. I therefore conclude that the appeal on ground (g) succeeds to the above extent.

Overall conclusions

34. For the reasons, given above, I conclude that the appeals should not succeed. Appeal A is dismissed and for Appeal B the enforcement notice is upheld with a variation.

Robert Naylor

INSPECTOR