
Appeal Decision

Site visit made on 2 February 2021

by R Satheesan BSc PGCert MSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 February 2021

Appeal Ref: APP/R5510/C/20/3258328

51 Judge Heath Lane , Hayes, Middlesex UB3 2NZ

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mr Mughal Yasin against an enforcement notice issued by the Council of the London Borough of Hillingdon.
 - The enforcement notice was issued on 16 July 2020.
 - The breach of planning control as alleged in the notice is without planning permission the use of the land for a mixed use comprising residential use and the use for the commercial storage of vehicles ("the breach").
 - The requirements of the notice are:
 - (i) Cease the use of the land for the commercial storage of vehicles;
 - (ii) Remove all vehicles associated with the commercial use from the Land.
 - The period for compliance with the requirements is 3 months.
 - The appeal is proceeding on the grounds set out in section 174(2)(b) of the Town and Country Planning Act 1990 as amended. Since the prescribed fees have not been paid within the specified period, the appeal on ground (a) and the application for planning permission deemed to have been made under section 177(5) of the Act as amended have lapsed.
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Decision

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

The appeal on ground (b)

2. To succeed on this ground, the onus is upon the appellant to demonstrate on the balance of probabilities that the allegation has not occurred as a matter of fact.
3. With regards to the operation of the use of the site for the commercial storage of vehicles, the appellant states that "the temporarily parked cars are being moved and there is nothing on site". However, the Council have provided detailed photographic evidence of vehicles being parked in the front garden, rear garden, street, and rear alleyway on 23 October 2019, 31 October 2019, and 6 January 2020. I also observed during my site visit, approximately 7 months after the issue of the enforcement notice, that numerous cars were still being stored, in the front and rear gardens, on the street and rear alleyway, many without vehicle registration numbers.
4. Therefore, on the balance of probabilities I consider that the matters as alleged by the notice have occurred as a matter of fact. There has therefore been a breach of planning control and the very limited evidence put forward in support

of the contention that the breach has not occurred falls well short of discharging the burden of proof.

5. Accordingly, the appeal on ground (b) must fail.

Conclusion

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

R Satheesan

INSPECTOR