



Appeal Decisions

Site visit made on 13 July 2021

by JP Roberts BSc(Hons) LLB(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 August 2021

Appeal A Ref: APP/R5510/C/21/3269382

Appeal B Ref: APP/R5510/C/21/3269383

58 Brambles Farm Drive, Uxbridge UB10 0DZ

- The appeals are made under section 174 of the Town and Country Planning Act 1990 as amended. Appeal A is made by Mr Stephen Perry, and Appeal B is made by Miss Ann Crawford against an enforcement notice issued by London Borough of Hillingdon.
 - The notice was issued on 19 February 2021.
 - The breach of planning control as alleged in the notice is:
Without planning permission the material change of use of the Land to a mixed use comprising storage of commercial courier vehicles and a single family dwellinghouse
 - The requirements of the notice are to:
 - (i) *Cease the use of the land for the storage of commercial courier vehicles;*
 - (ii) *Remove all vehicles from the land and vicinity that are associated with the unauthorised storage of commercial courier vehicles use.*
 - The period for compliance with the requirements is 3 months.
 - The appeals are proceeding on the grounds set out in section 174(2)(b) and (f) of the Town and Country Planning Act 1990 as amended.
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Decision

1. It is directed that the enforcement notice is varied by the deletion of the word "storage" in the description of the breach of planning control and in requirement (i) and its substitution with the word "parking", and by the deletion of the words "and vicinity" in requirement ii). Subject to these variations, the appeals are dismissed and the enforcement notice is upheld.

Preliminary Matters

2. The notice alleges the storage of commercial courier vehicles as opposed to the parking of such vehicles. The word "storage" suggests being put aside for future use, in either the medium or long term, as opposed to "parking", which is keeping a vehicle when it is not in use. The evidence indicates to me that courier vans are being parked on the premises and in the street nearby, rather than being stored.
3. I have a duty to get the notice in order if I can do so without prejudice to either the local planning authority or the appellants. In this case, both the Council and the appellants have approached the appeal on the basis of vehicles being parked rather than stored. Accordingly I shall correct the notice, as no prejudice would arise from my doing so.
4. The second requirement of the notice requires the removal of "all vehicles from the land and vicinity....". This requirement involves land not covered by the enforcement notice plan and therefore goes beyond the breach of planning control specified in the notice. I shall therefore delete this part of the

requirement in order to align the requirements with the description of the breach.

Appeal on ground (b) – that the matters alleged in the notice have not occurred

Main Issue

5. The main issue is whether, on the balance of probabilities, the use of the land for the storage of commercial courier vehicles has occurred.

Reasons

6. The appellants argue that parking of courier vans occurred only once last year when 3 vehicles were parked temporarily. The Council's evidence shows that at least 4 different courier vans in the distinctive yellow and red DHL livery have been kept at the site. The submitted Google Streetview photographs shows that vans were present in May 2016, October 2016 and in April 2018. Bearing in mind that the Google camera vehicles visit at irregular and unannounced intervals, they captured courier vans being present on each visit, it seems to me to be very likely that vans were present on other occasions as well.
7. This is borne out by the other photographs submitted by the Council, which were taken by a complainant in 2020. Although they are undated, it is clear that courier vans have been parked on the appeal site on several occasions. I can attach only limited weight to the unattributable hearsay evidence attributed to a complainant, but I attach significant weight to the complainant's photographs and those from Streetview.
8. The onus of proof on an appeal on ground (b) lies with the appellants. On the basis of the evidence before me and on the balance of probabilities, I find that as a matter of fact the matters alleged in the notice have occurred.
9. Accordingly, the appeals on ground (b) fail.

Ground (f) – that the steps required to be taken are excessive

10. The appellants argue that the requirements are excessive because it would prevent the parking of a van which is used by the occupiers of the dwelling to get to and from work and for personal trips. The vans parked on the site are large commercial courier vehicles, and regardless of whether they are also used for personal journeys, their primary function is a business one. I therefore do not regard the requirements of the notice as exceeding what is necessary to remedy the breach of planning control.
11. In the absence of an appeal under ground (a), I am unable to consider the merits of varying the notice to require anything other than the remedying of the breach of planning control.
12. Accordingly the appeals on ground (f) fail.

Conclusion

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

JP Roberts
INSPECTOR