



Appeal Decision

Hearing held on 22 July 2025

Site visit made on 22 July 2025

by M Bale BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 July 2025

Appeal Ref: APP/R5510/C/25/3363007

Land west Side of High Street, Harlington, known as Land at rear of 108-132 High Street, Harlington, Hayes UB3 5DW

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Mr Charles Loveridge Junior against an enforcement notice issued by the Council of the London Borough of Hillingdon.
- The notice was issued on 12 February 2025.
- The breach of planning control as alleged in the notice is: Without planning permission, material change of use of Green Belt Land from agricultural and equestrian use to use for the purposes of commercial storage of vehicles and caravans ("the breach").
- The requirements of the notice are to:
 - i) Cease the use of the land for the purposes of commercial storage of vehicles and caravans.
 - ii) Remove from the land all vehicles and caravans.
 - iii) Remove all screeds laid on the ground.
 - iv) Remove from the land all debris, waste, building materials, plant, equipment and machinery resulting from the works carried out in compliance with the requirements above.
- The period for compliance with the requirements is: 2 calendar months after the notice takes effect.
- The appeal is proceeding on the grounds set out in section 174(2)(a), (b), (f) and (g) of the Town and Country Planning Act 1990 (as amended). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.

Summary Decision: The appeal succeeds in part and the enforcement notice is upheld with variations and corrections in the terms set out below in the Formal Decision.

Applications for costs

1. Applications for Costs were made by the appellant against the Council and by the Council against the appellant. These applications are the subject of separate Decisions.

Ground (b)

2. Ground (b) is that the matters alleged in the enforcement notice ("the Notice") have not occurred. The Notice alleges the storage of vehicles and caravans. The appellant has explained that a caravan previously on the appeal site was initially used for residential occupation, later as a dog kennel for security purposes and was not 'stored' there. The Council has no evidence that makes the appellants version of events less than probable, so I find the proposition more likely than not.
3. At the Hearing, both parties accepted that no injustice would arise if reference to 'caravans' was removed from the Notice as any stored caravans would be covered by the description 'vehicles' in any event. The appeal succeeds on ground (b) to this limited extent and the Notice will be corrected. The other grounds of appeal proceed on the basis of the corrected Notice.

Ground (a)

4. Ground (a) is that planning permission should be granted for the matters alleged. The main issues on this Ground are:
- Whether the development would be inappropriate in the Green Belt;
 - The effect on the openness and purposes of the Green Belt;
 - The effect on the character and appearance of the area;
 - The effect on the living conditions of neighbouring residents and social cohesion, with particular regard to noise, disturbance and outlook; and
 - Whether there are any other considerations that might clearly outweigh any harm to the Green Belt and any other harm, with particular regard to the need for the development and effects on the appellant's business.

Inappropriateness

5. Policy EM2 of the Hillingdon Local Plan Part 1 – Strategic Policies 2012 (“LP1”) sets out that proposals for development in the Green Belt will be assessed against national and London Plan policies. Policy G2 of the London Plan 2021 also refers to national policy. Policy DMEI4 of the Hillingdon Local Plan Part 2 – Development Management Policies 2020 (“LP2”) seeks to prevent inappropriate development in the Green Belt. While, at part B, Policy DMEI4 introduces criteria in addition to those set in national policy for assessing extensions and redevelopment of sites, those are not relevant to this case. Therefore, insofar as the current development is concerned, the development plan clearly dictates that the assessment should be made in accordance with the National Planning Policy Framework (“the Framework”).
6. The Framework confirms development in the Green Belt is inappropriate unless covered by one of the listed exceptions. The appellant confirmed at the Hearing that none of the exceptions at Framework paragraph 154 apply, but suggested that the site should be considered grey belt land and that the development is not inappropriate by virtue of paragraph 155.
7. Grey belt land is land included within the Green Belt that does not strongly contribute to any of purposes (a), (b), or (d) in Framework paragraph 143. At the Hearing, the Council confirmed that, of these, they are only suggesting that purpose (a), to check the unrestricted sprawl of large built-up areas, would prevent the site being grey belt land. While it is not suggested that Harlington itself is a large built-up area, this is on the basis that the Green Belt around Harlington has a role to play in protecting the unrestricted sprawl of Heathrow Airport and Hayes.
8. In this context, the Council take ‘Heathrow Airport’ to include development beyond the airport perimeter, such as industrial and hotel development associated with it. Nevertheless, the site itself does not adjoin Heathrow. It is surrounded by residential development on 3 sides and there is significant intervening non-airport development. As such, development here would not appear as a general outward sprawling of the airport and its associated development.
9. Likewise, Hayes is situated on the opposite side of the M4 and there is other intervening land between Hayes and the site. On this basis, I find that the site may

play a role in preventing the sprawl of Harlington, but not Hayes or Heathrow Airport. As Harlington itself is not a large built-up area, the land does not strongly contribute to purpose (a) of Framework Paragraph 143.

10. Grey belt specifically excludes land where the application of the policies relating to the areas or assets in Framework footnote 7 would provide a strong reason for refusing or restricting development. The site lies adjacent to Harlington Conservation Area, although the Council confirmed at the Hearing that the development does not harm its significance.
11. The words of the definition of grey belt in the Framework refer to development in general, rather than the particular development in question. Considering a particular development could result in scenarios where land was grey belt for some forms of development and not for others. The parties agreed at the Hearing that the identification of grey belt land should not be development specific.
12. However, the application of policies of the Framework referring to heritage assets do not necessarily provide a strong reason for refusing or restricting development, as any less than substantial harm, if it were to arise, would need to be balanced against public benefits. Indeed, even if some development may be harmful to the conservation area, the Council's position in respect of the current development confirms that not all development would be. Therefore, even speaking generally, the application of policies protecting heritage assets clearly do not form a strong reason for refusing or restricting all development at this site. The reference to footnote 7 policies within the definition is not a reason to deem this site not to be grey belt.
13. Nevertheless, in order to not be inappropriate development, it is also necessary for there to be a demonstrable need for the type of development proposed, and for the development to be in a sustainable location.
14. In terms of the location, the development supports the appellant's vehicle sales business activities, based at a reasonably nearby site. While vehicles from the appeal site may be sold to locations outside London, the market is both nationwide and international. This would necessitate travel for delivery from any location, so those travel patterns are of limited weight. Given the proximity to the appellant's existing business, I find the location to be a sustainable one for the purposes of considering whether it is inappropriate in the Green Belt.
15. At the Hearing both parties agreed that for the purposes of Framework paragraph 155 b., a demonstrable unmet need for the type of development proposed should be a generalised one and not user specific. That being the case, it appears to me that, although the appellant's personal business needs could theoretically be met in neighbouring local authority areas, this criterion should be assessed with specific reference to Hillingdon.
16. The Council's Employment Land and Capacity Study 2023 ("ELCS") outlines various scenarios predicting the likely floorspace requirements to 2038. Table 50 provides a useful summary, predicting sufficient supply to meet demand to 2038 for uses within Class B8 of the Town and Country Planning (Use Classes) Order 1987 (as amended) ("B8").
17. However, the largest portion of that supply comes from the intensification of existing employment areas. While that is based upon analysis of existing sites

where intensification could happen, planning policies can only facilitate such development and there is no obvious mechanism to ensure delivery. Those figures are, therefore, uncertain.

18. The current availability, through existing sites or extant permissions, is very far below the predicted demand. Looking up to 2038, it is clear from the ELCS that further development will be required to meet the general B8 need. Without the suggested intensification, there would be a shortfall. The Council's suggestion that the land suggested for intensification might gradually provide that, is unsupported by substantive evidence.
19. However, while doubt can be cast over some of the listed sites, including those where planning permissions might have expired, there is no robust analysis of land supply or demand now or in the immediate future. Although current availability does not meet predicted demand, this does not demonstrate a need because the demand forecast covers the whole period to 2038, whereas the supply is only dealing with the very immediate future.
20. I appreciate that modelling employment land demand is rather more challenging than other land uses such as housing. The various scenarios painted in the ELCS present very different pictures of what might ultimately be required. However, all of the forecasts are long-term.
21. Whether or not it is the appellant's or Council's responsibility to demonstrate availability of alternative sites, the Council has provided a list of currently available floor space. These sites do not meet the appellant's own needs, but in dealing with general unmet needs, there is nothing substantive to suggest that the majority of those sites are not available or insufficient to meet current demand. In that context, while the development plan may have facilitated some loss of employment sites, there is also no robust evidence that current development plan policy is failing to meet needs that exist now. Therefore, there is no demonstrable unmet need for the type of development proposed.
22. With regard to the above, I conclude that, irrespective of whether the land is grey belt, the development is inappropriate in the Green Belt.

Openness and the purposes of the Green Belt

23. The development is a use of land. There are no buildings. However, while the vehicles parked there are all moveable, this is not a situation where they are transient. The development provides ongoing storage for vehicles and for as long as the use continues there would be vehicles on the site. These vehicles collectively present a solid mass in contrast to the otherwise bare site and this harms openness.
24. As I have previously found, there is no conflict with purpose (a) at Framework paragraph 143 and no suggestion of a conflict with purposes (b) and (d). There is no substantive evidence to the extent that preventing employment development in the Green Belt is assisting with urban regeneration in Hillingdon, or beyond, so there is no demonstrable conflict with purpose (e). Placing development where there is none, however, would result in encroachment of development into the countryside in conflict with purpose (c).

Character and appearance

25. The surrounding area is predominantly residential and the site is located behind dwellings fronting High Street and Victoria Lane. The stored vehicles are clearly visible through the site access, despite the presence of the solid gate on the frontage, urbanising a site that previously had a semi-rural, vacant appearance. Nevertheless, there are a number of prominent vehicle-based commercial activities in the area. One at the end of Brickfield Lane is not readily visible, but two garage/workshop businesses at the northern edge of Harlington are prominent, despite some tree coverage. They are a clear part of the immediate areas' character.
26. The use alleged is the storage of vehicles. Those on site are of limited height, and a condition could be imposed on any permission to ensure that no other forms of storage took place. The appellant is also accepting of a condition that prevents any new vehicles being brought to the site, such that heights would not increase.
27. In this context, in the channelled view towards the site, the stored vehicles are a small component of, and not an alien feature within, the local environment. While visible, they are not prominent. Accordingly, the development does not harm the character and appearance of the area and there is no conflict with those aims of LP1 Policy BE1 and LP2 Policies DMHB11 and 12 that seek to ensure that development respects local character, harmonises with the local context and improves the quality of the public realm.

Living conditions and social cohesion

28. The site is accessed from a residential service road, between dwellings. While there may have been significant highway movements when the vehicles were first brought to the site in a concentrated period of time, there is no substantive evidence that the appellant's ongoing use of the site is causing any disturbance.
29. Comments from nearby residents refer to burning of waste, high traffic speeds and volumes. However, none of this is backed up by robust evidence, and, at the Hearing the Council could not substantiate the allegations of harm in this regard. There is no clear evidence as to how these effects have somehow destabilised social cohesion. There is potential for noise and disturbance to occur from an unregulated commercial storage activity. However, as noted above, that can be prevented through the imposition of planning conditions.
30. The closest dwellings do not have windows facing the site, but those facing High Street do. Numbers 108 to 118 have direct views from their rear windows towards the site, and the development provides a cluttered outlook. Nevertheless, the gardens are of a reasonable length, separating these elevated viewpoints from the development. The vehicles are also seen in the context of built form beyond the site. While not particularly attractive, the presence of vehicles in these views does not adversely affect outlook to the point that living conditions are harmed. Other dwellings, are further away, or slightly off-set from the area of stored vehicles.
31. I, therefore, find that the matters alleged do not cause harm to the living conditions of neighbouring residents or social cohesion. There is no conflict with those aims of LP1 Policy BE1 or LP2 Policy DMHB11 that seek to protect amenity and ensure development contributes to a community cohesion.

Other considerations

32. I have already found no demonstrable generic need for the type of development at the site. However, that masks the appellant's own particular business requirements.
33. The appellant trades, primarily, in used commercial vehicles. He operates from a site a short distance away in the neighbouring Borough of Hounslow ("the Main Site"). That site has capacity for storage of up to about 60 vehicles, of which he usually sells 3-5 per week. The appellant has explained how the introduction of the London Ultra Low Emission Zone ("ULEZ") has had a significant effect on his business by, in effect, preventing the sale of older non-ULEZ compliant vehicles to the local market.
34. The appellant's witness statement suggests a fluid movement of vehicles between the appeal site and the Main Site, with vehicles being taken to the Main Site to be viewed by customers. Indeed, given that the appellant has rented additional land elsewhere for a number of years to support his storage requirements, such would appear to be a continuation of that long-standing activity.
35. However, there are inconsistencies between the appellant's witness statement and what I was told at the Hearing about the way that the two sites are operated. The statement, while signed, is not a sworn statement and evidence was not heard on oath. I heard that the witness statement was taken over the telephone by the appellant's representative's company, and the process is not always perfect. Therefore, where there are inconsistencies, I have had greater regard to the situation painted at the Hearing, as that allowed some questioning and clarification.
36. At the Hearing, I was told that all of the vehicles at the appeal site are non-ULEZ compliant, whereas those at the Main Site are all compliant. Thus, the site is serving a particular, short-term need while the substantial stock of non-ULEZ compliant vehicles are sold. There are currently around 80 such vehicles at the site. They are older and of lower value, but collectively represent a significant capital asset to the business. There remains a market for these vehicles elsewhere in the UK and abroad, but while the appellant is willing to deliver to customers, trade is slower than that for the newer vehicles. Their low value precludes use of many sites with high rental costs.
37. The appellant has previously rented land elsewhere to store excess vehicles, but various rental agreements have come to an end. Despite long-term ownership of the appeal site, he has not previously used it for this purpose, but now reports being unable to find alternative premises. There is no record of enquiries made, but that is unsurprising since the Notice was served without warning, such that the appellant would not have known such record keeping might be important.
38. Nevertheless, since the service of the Notice, there is no evidence of any attempt being made to find an alternative suitable site elsewhere in the area; only a discounting of the Council's suggestions. I appreciate, though, that there may not currently be another immediately available local site with planning permission where the remaining non-ULEZ compliant vehicles can be stored.
39. The sale of vehicles from the site represents a small part of business turnover. Profits from them are low and sales of these vehicles are relatively slow. If the

Notice were upheld and the stock needed to be scrapped, the appellant did not suggest that great financial hardship would be caused. Rather it would negatively impact the financial performance of the business due to the writing off of capital assets. It was not suggested that the business would fail as a consequence, and there is no substantive evidence that it would be unable to maintain current employment levels, or engage the services of other, related, businesses.

40. I, therefore, attribute limited weight to these other considerations.

Planning balance

41. The development is inappropriate in the Green Belt. It causes harm to the openness of the Green Belt and to the purposes of protecting the countryside from encroachment. I have not identified any other harm.
42. The Framework confirms that substantial weight should be given to any harm to the Green Belt and that inappropriate development should not be approved except in very special circumstances. Very special circumstances will not exist unless the harm to the Green Belt is clearly outweighed by other considerations.
43. For the reasons given, I have ascribed only limited weight to the other considerations. They do not, therefore, clearly outweigh the harm to the Green Belt. As such, the very special circumstances necessary to justify the development do not exist. Accordingly, the policies of the Framework indicate that permission should be refused.
44. I have considered whether planning permission should be granted for a temporary period of time. However, as I have found no demonstrable immediate general shortage of employment land, and as such, no obvious failure of planning policy in that regard, there is no reason to grant a planning permission to cover the period until the next local plan is adopted.
45. If permission were granted for a shorter period, such as 2 years, while the stock of non-ULEZ compliant vehicles were sold, the harm to the Green Belt would be less. With conditions preventing the bringing of additional vehicles on to the land, that harm would continue to diminish over that time. Nevertheless, harm by reason of inappropriateness would remain for the duration and, given the limited weight afforded to other considerations, the harm to the Green Belt would still not be outweighed by them.
46. As set out above, the development plan, in essence, requires development in the Green Belt to be assessed in accordance with national policy. These conclusions, therefore, lead to a conflict with the development plan. No material considerations indicate otherwise that permission ought be given. Accordingly, the appeal on ground (a) fails.

Ground (f)

47. Insofar as it relates to this Notice, ground (f) is that the steps required to be taken, or the activities required to cease, exceed what is necessary to remedy the breach of planning control. The third step requires the removal of all screeds laid on the ground. Notwithstanding discussion during the Hearing, I am confident that any reasonable reader of the Notice would understand the screeds to relate to the areas of hardstanding that have been laid on the ground, upon which the vehicles have been placed.

48. The appellant suggests that, although not readily visible in aerial photographs, there were hard surfaces on the site that pre-dated the breach of planning control. That would appear to be depicted by the dashed line shown on the Ordnance Survey based plan attached to the Notice ("the Plan"). It seems likely to have also extended to the site access.
49. While that area has been overlaid with a new, loose surface to match the remaining new hard surface the former outline is clearly visible by raised ground and a change in colour of the sub-surface where the new screed has begun to wear away. A different colour surface is also visible in the area described at the Hearing as a compound, at the far end of the site, furthest away from the access.
50. This all serves to reinforce the appellant's version of events, and there is no substantive evidence to cast doubt upon it. Therefore, I find that some of the area of hard surface, or screed, broadly indicated by the dashed line on the Plan was not laid to facilitate the breach of planning control alleged. The third requirement to remove 'all screeds' should be varied to clarify that those within the dashed line, and between the dashed line and the site entrance can remain.
51. The ground (f) appeal succeeds to this limited extent.

Ground (g)

52. Ground (g) is that the time required to comply with the Notice is too short. 2 months are specified. In considering the appeal on ground (a) I have given limited weight to the business need for the site. Nevertheless, there clearly will be some effect on the business and there are a considerable number of vehicles to move.
53. While I have not found that a temporary permission should be granted, affording a greater length of time might facilitate the sale of the highest value stock. Upholding the Notice would provide a focus and incentive to do so, where a temporary permission might not. By the time that had been done, it might also mean that there were few enough vehicles for the appellant to relocate to a smaller site, if there was a continuing need for ongoing storage. A greater number of alternative locations might be available in that scenario.
54. As the only harm that needs to be remedied is that associated with the long-term safeguarding of the Green Belt and its openness, local residents would not be disadvantaged with a longer compliance period or lack of planning conditions, such as could be imposed on a temporary permission.
55. The appellant has sought a period of 12 months and I find that to strike a reasonable balance between the harm to the Green Belt, the appellant's business needs, and the number of vehicles to remove.
56. Therefore, the appeal on ground (g) succeeds and the Notice will be varied.

Formal Decision

57. It is directed that the enforcement notice is corrected and varied by:
- The deletion of the words "and caravans" in Paragraphs 3 (the breaches of planning control alleged) and 5 i) and ii) (what you are required to do).
 - The insertion of the words "other than those contained within the dashed line shown on the plan attached to this Notice, and those directly between the

dashed line and the site entrance”, in Paragraph 5 iii) (what you are required to do).

- The deletion of text “Two (2)” and its replacement with the text “Twelve (12)”, under the heading ‘TIME FOR COMPLIANCE’.

58. Subject to the corrections and variations, the enforcement notice is upheld.

M Bale

INSPECTOR

Appearances

For the appellant:

Matthew Green

Charles Loveridge Junior

For the Local Planning Authority:

Desmond Adumekwe (Planning Enforcement Team Leader)

Tom Campbell (Planning Policy and Infrastructure Manager)

Michaela Iyidor (Planning Enforcement Officer)

Ed Laughton (Area Planning Service Manager)

Documents submitted at the Hearing

HD1 – Site plan annotated by the Council to indicate areas of screed.

HD2 – Signed copy of appellant’s witness statement.