



Appeal Decision

Site visit made on 30 September 2025

by **Stephen Hawkins MA, MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 10 October 2025

Appeal Ref: APP/R5510/C/23/3328218

546 Sipson Road, Sipson, West Drayton UB7 0JB

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by MKH Real Estate Ltd against an enforcement notice issued by the Council of the London Borough of Hillingdon.
 - The notice was issued on 11 July 2023.
 - The breach of planning control as alleged in the notice is without planning permission, the use of the land for commercial car parking.
 - The requirements of the notice are to: (i) Cease the use of the land for commercial car parking.
(ii) Remove from the land all vehicles and all fixtures and fittings that facilitate the use of the land for car parking.
 - The period for compliance with the requirements is one month.
 - The appeal is proceeding on the grounds set out in section 174(2)(a) 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.
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Decision

1. It is directed that the enforcement notice is varied by the substitution of 'one month' with 'three months' as the period for compliance. Subject to the variation, the appeal is dismissed, the enforcement notice is upheld and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Preliminary Matter

2. My decision takes the revised National Planning Policy Framework, which came into force during the course of the appeal, into account.

Ground (a) appeal

Main Issues

3. The main issues in this ground of appeal are:
 - The effect of the development on the living conditions of existing and future occupiers of neighbouring residential property, having regard to noise and disturbance and air quality.
 - The effect on the Council's strategy for managing airport-related development, having regard to Development Plan policy.

Reasons

Living conditions

4. The appeal premises extends to around 0.9 hectares of land, located between residential properties and the M4 Heathrow airport spur. Formerly used as a Police section house, the premises contains three substantial but now vacant connected blocks, with access roads, parking and manoeuvring spaces and open landscaped

areas. Vehicle access is obtained from Sipson Road at the northern end of the premises. Planning permission was granted in November 2020 to redevelop the premises including the erection of a 302-bedroom hotel.¹

5. The enforcement notice attacks the use of the premises for commercial car parking. Around 290 cars were parked at the premises when I visited. Cars were parked over most of the open parts of the premises. The number of cars parked at the premises far exceeds the total of around 73 parking spaces associated with the former use, also considerably exceeding the total of 87 parking spaces to be provided in the permitted hotel scheme. It is clear from the premises signage and the flight departure and arrival details displayed in a number of the cars that the parking is primarily airport related.
6. The former use would have probably involved a considerable number of day-to-day vehicle movements to and from the premises. It is likely that there would be a slight increase in such movements in the permitted hotel scheme. Even so, the number of cars parked at the premises is almost four times the total number of parking spaces provided for the former use and over three times that to be provided in the permitted hotel scheme. This points towards the parking use as having involved a significantly increased number of vehicular comings and goings to and from the premises, compared to the former use and the permitted hotel scheme.
7. Although the parking use could involve some cars parking at the premises for a week or longer, others might be parked there for shorter periods. It is entirely possible that cars would have been parked at the premises for similar lengths of time in conjunction with the former use and would also do so in the permitted hotel scheme. Besides, during my visit I observed the arrival of several cars at the premises along with the departure of a similar number of cars, during a relatively brief period at the roadside. The frequency of these car movements, if repeated at similar levels whilst the premises is operating, is highly likely to be considerably greater than that associated with the former use or the permitted hotel scheme. In addition, it is not uncommon for airport parking operators to move customers' cars around at times, for convenience of access. As a result, in all probability the parking use has also involved a considerably greater frequency of vehicle movements to and from the premises, as well as at the premises, compared to the former use and what would arise from the permitted hotel scheme.
8. The premises are adjacent to the rear gardens of several, mainly semi-detached, residential properties, forming part of an established residential area. It is not unreasonable for the neighbouring occupiers to expect to enjoy relatively good levels of peace and quiet at most times, particularly at the rear of their properties. The significantly greater numbers of cars arriving at and departing from the premises and the increased frequency with which they do so, along with cars manoeuvring, revving engines and the opening and closing of car doors, are all likely to have contributed to neighbouring residents having experienced a considerable and appreciable increase in levels of noise and disturbance at the rear of their properties, compared with the former use and what would arise from the permitted hotel scheme. Also, the use operates for around 20 hours per day, 7 days a week; noise and disturbance associated with vehicle movements and other activity at the premises is likely to be even more apparent to neighbours during evenings, early mornings and at weekends, when volumes of traffic on the M4 and nearby roads are probably lower. This has all contributed to a significant and appreciable erosion in the considerable sense of peace and quiet that neighbouring residential occupiers might otherwise reasonably expect to enjoy.
9. The premises are located within an Air Quality Management Area (AQMA). Policy DMEI 14 of the Hillingdon Local Plan Part 2-Development Management Policies (DMP) requires new development to be air quality neutral, with sufficient mitigation

¹ Council Ref: 11068/APP/2020/1586

to ensure there is no unacceptable risk from air pollution to sensitive receptors and to actively contribute towards the improvement of air quality, especially within the AQMA. Having regard to the likely increased number and frequency of car movements, compared to both the former use and the permitted hotel scheme, it is not unreasonable to conclude that the parking use contributes to an increase in air polluting emissions. There is no firm evidence, such as an air quality assessment, which might have shown otherwise. Accordingly, there is a strong likelihood of the parking use having had an adverse effect on air quality in the AQMA, increasing neighbouring residential occupiers' exposure to poor air quality.

10. For the above reasons, based on the available evidence, I find that the parking use fails to safeguard the living conditions of existing and future occupiers of neighbouring residential property. This is in conflict with DMP Policy DMEI 14 above, also conflicting with Policy EM8 of the Hillingdon Local Plan Part 1-Strategic Policies, which requires new development to not cause deterioration in local air quality levels and to ensure the protection of sensitive receptors, as well as to ensure that noise generating development is only permitted if noise impacts can be adequately controlled and mitigated. In addition, the parking use conflicts with Policy D14 of the London Plan (LP), which requires development to avoid significant adverse noise impacts on health and quality of life, and with LP Policy SI 1, which requires new development to not lead to further deterioration of existing poor air quality, create any new areas that exceed air quality limits, delay the date at which compliance will be achieved in areas that are currently in excess of legal limits, or create unacceptable risk of high levels of exposure to poor air quality.

Airport-related development strategy

11. The premises are located outside the Heathrow Airport boundary on the DMP Policies Map. DMP Policy DMAV 2 sets out detailed criteria which new development within the Airport boundary must satisfy to be permitted. The policy supporting text explains that the Council's policies aim to ensure airport-related development is managed to reduce environmental impacts, including proposals related to the airport operating outside the boundary, such as car parking, which contribute to air quality issues and traffic congestion. However, I do not read the above policy or its supporting text as advocating that airport-related development outside the airport boundary should be resisted as a matter of principle. Accordingly, I find that the parking use does not undermine the Council's strategy in the DMP for managing airport-related development and there is no conflict with DMP Policy DMAV 2.

Whether granting temporary planning permission would be justified

12. The appellant sought temporary permission for the parking use for two years, pending redevelopment of the premises. However, the planning harm identified above would be perpetuated over an extended period if such a permission were to be granted. Moreover, there is little to indicate that the planning circumstances at the premises would change in the next two years. For example, as far as I was made aware the hotel planning permission was not implemented and has now expired. This raises the distinct possibility of a further application being made to continue the parking use in future. Accordingly, there is no justification for granting a temporary permission.

Conclusion-Ground (a) appeal

13. The parking use harms the living conditions of existing and future occupiers of neighbouring residential property, in conflict with the Development Plan taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the Development Plan. Therefore, I conclude that the ground (a) appeal should not succeed.

Ground (g) appeal

14. The ground of appeal is that the time specified for complying with the notice requirements falls short of what should reasonably be allowed.
15. The specified compliance period of a month provides relatively little time for the operator to arrange for the substantial number of cars parked at the premises to be collected by customers or otherwise removed, for cancellation of advance bookings and-given that the use provides employment for about nine people-to explore relocating the business to another location.
16. A three-month compliance period on the other hand would allow the parking use to be wound down in an orderly fashion whilst allowing options for relocation of the business to be sufficiently explored, also providing greater scope for maintaining continuous employment in the event a suitable alternative location is secured. This would achieve a more appropriate balance between remedying the breach and the associated planning harm as soon as practicable, whilst also not imposing a disproportionate burden on the appellant.
17. Therefore, I conclude that three months would be a reasonable time for compliance. I shall exercise the power in s176(1)(b) of the Act to vary the terms of the notice to extend the time allowed for compliance accordingly. No injustice would be caused in doing so. The ground (g) appeal succeeds to that extent.

Conclusion

18. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice with a variation and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act (as amended).

Stephen Hawkins

INSPECTOR