



Appeal Decision

by John Braithwaite BSc(Arch) BArch(Hons) RIBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 October 2025

Appeal Ref: APP/R5510/C/24/3340148

766B Uxbridge Road, Hayes UB4 0RU

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mrs Fahmida Kausar against an enforcement notice issued by the Council of the London Borough of Hillingdon.
 - The notice was issued on 30 January 2024.
 - The breach of planning control as alleged in the notice is the unauthorised erection of a single storey structure to the side forming a covered siting area.
 - The requirements of the notice are: (i) Demolish and remove the single storey structure to the side forming a covered seating area; and (ii) Remove from the land all debris, items, fixtures and fittings, plant and machinery resulting from compliance with point (i) above.
 - The period for compliance with the requirements is three calendar months.
 - The appeal is proceeding on the grounds set out in section 174(2)(c) of the Town and Country Planning Act 1990 (as amended).
-

Decision

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

Preliminary Matter

2. The appeal has been made under ground (c) only. To succeed under ground (c) the development that is the subject of the enforcement notice must either benefit from planning permission or it is development permitted under the provisions of The Town and Country Planning (General Permitted Development)(England) Order 2015 (the GPDO). In these circumstances and given that the appeal must be determined on the basis of the situation that prevailed on the date that the notice was issued, visiting the site is unnecessary. The appeal has been determined without undertaking a site visit.

Reasons

3. The Appellant does not claim that planning permission has been granted for the covered structure, which creates an outdoor dining space for the restaurant to which it is attached, and has not sought to suggest that it is development permitted by the GPDO. Planning restrictions that were relaxed during the Covid pandemic came back into force, on 1 February 2022, before the structure was installed, as stated in an application for its retention, between 8 February and 1 March 2023. The merits of the structure and the benefits for the restaurant are not relevant to a ground (c) appeal.
4. Planning permission has not been granted for the covered structure and it is not development permitted under the provisions of the GPDO. The ground (c) appeal therefore fails.

John Braithwaite

Inspector