



Appeal Decision

Site visit made on 30 September 2025

by **Stephen Hawkins MA, MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 17 October 2025

Appeal Ref: APP/R5510/C/23/3328307

Hillingdon House Banqueting Suite, Wren Avenue, Uxbridge UB10 0FD

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr Belal Abshar against an enforcement notice issued by the Council of the London Borough of Hillingdon.
 - The notice was issued on 19 July 2023.
 - The breach of planning control as alleged in the notice is the material change of use of the ground floor to use as a banqueting suite, with associated ancillary facilities at basement level for private civil ceremonies, weddings and parties (Sui Generis).
 - The requirements of the notice are to cease the use of the land within the red line on the attached plan as a banqueting suite with associated ancillary facilities at basement level for private civil ceremonies, weddings and parties.
 - The period for compliance with the requirements is two months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a), (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.
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Decision

1. It is directed that the enforcement notice is varied by substituting 'two months' with 'five 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 Matters

2. The appeal premises contains Hillingdon House, a substantial Grade II listed building, along with land at the front, rear and sides. The house is arranged over four floor levels. The permitted use is as a restaurant on the ground floor and offices on the upper floors¹. The enforcement notice alleges the use of the ground floor and basement as a banqueting suite for private civil ceremonies, weddings and parties. I am satisfied that the allegation is accurate. The banqueting suite occupies the majority of the ground floor and basement. The only parts of those floors not used exclusively by the banqueting suite are a corridor and stairwell, along with a server room and plant room. As a matter of fact and degree, the banqueting suite use is thus largely separate, physically and functionally, from the use of the rest of the house as offices.
3. The plan attached to the notice does not include the car park, located opposite the house, also used by visitors to the banqueting suite, as part of the land affected. However, it is not necessary for an enforcement notice to identify or relate to the whole planning unit. The notice is directed at the area where it is to take effect. Therefore, the precise boundaries of the land to which the notice relates are specified, as required by the Town and Country Planning (Enforcement Notices and Appeals) (England) Regulations 2002, at Article 4(c). Even if that had not been the

¹ Council Ref: 585/APP/2009/2752

case, I could have exercised the power in s176(1)(a) of the Act to correct the notice to substitute the attached plan with a plan which included the car parking area, without causing injustice to the appellant or the Council.

4. Whether it was expedient for the Council to issue the notice is not before me. That can only be considered by way of Judicial Review.
5. My decision takes the revised National Planning Policy Framework (the Framework), which came into force during the course of the appeal, into account.

Ground (a) appeal

Main Issues

6. The main issues in this ground of appeal are:
 - The effect of the use as a banqueting suite on the living conditions of existing and future occupiers of neighbouring residential property, having regard to noise and disturbance and odour emissions.
 - The effect on highway safety, having regard to vehicle parking.

Reasons

Living conditions

7. The premises are on the upper slopes of a shallow valley on the edge of Dowding Park, an area of country and recreational parkland including woodland bisected by the river Pinn. Residential properties forming part of an expansive area of suburban housing are situated immediately to the north, as well as east and south-east, of the house. Residential development is also located to the west, on the opposite side of the valley. Given the largely quiet, suburban residential streets and the proximity to parkland, occupiers of residential properties in the environs could reasonably expect to enjoy good levels of peace and quiet, particularly during evenings and early mornings, at weekends and on public holidays.
8. The total internal floor area of the banqueting suite, including the basement, is around 635m². I am given to understand that events with a maximum of 200 guests can be catered for at the premises, the number usually being around 150, with about 4 events taking place in a typical week. Based on the size of the banqueting suite, typical guest numbers and the frequency of events, it is highly likely that the use has led to regular, significant and appreciable levels of activity, both at and in the vicinity of the premises. This includes groups of people congregating inside the house and in the grounds, along with the playing of amplified music, all continuing into the late evening and early morning at times. Also, the use is likely to have led to substantial volumes of vehicular comings and goings on streets in the vicinity of the premises, along with parking manoeuvres, revving engines and slamming car doors, especially around the beginning and end of events.
9. The above factors have in all likelihood led to neighbouring residential property in the immediate vicinity of the premises as well as in the wider surroundings experiencing regular incidences of significant noise and disturbance. The likely levels and frequency of noise and disturbance arising from the use as a banqueting suite are generally associated with a more commercialised setting, being entirely at odds with the otherwise relatively quiet, largely suburban residential and parkland surroundings and causing considerable and appreciable disruption to the everyday enjoyment by neighbours of their properties. Representations from interested parties, several of which make reference to such occurrences, reinforce my findings in this respect. That a number of the interested parties reside at some distance from the premises does not necessarily mean I should afford less weight to their representations. Noise generated by sources including amplified music, vehicular

traffic and congregations of people can carry over significant distances, particularly where, as in this instance, background noise levels are relatively low.

10. The noise mitigation report supplied recommended carrying out works to the house including fitting acoustic seals to the areas used for amplified music, closers to all the front entrance doors and all external and internal doors to the areas used for amplified music and fitting a sound limiter in future. Measures including speakers to music systems being located and directed away from windows and restricting the use of large bass bins/subwoofers were also recommended.
11. However, this report is based on a visit to two neighbouring residential properties during one event. Also, the event in question took place in December, when doors and windows at the house, as well as at neighbouring properties, are likely to have been mostly kept shut and groups of people would be less likely to be congregating outdoors for lengthy periods. Such factors mean that neighbours would probably experience less noise and disturbance from events taking place around that time of year compared to, for example, during the summer. Therefore, the report is not a comprehensive assessment of the noise and disturbance which might typically be experienced by neighbouring occupiers from events at the premises. Moreover, I share the Council's concern that a planning condition which required the mitigation works to be carried out would not meet the test of reasonableness in paragraph 57 of the Framework. It would effectively nullify the benefit of a permission, as whether those works require separate listed building consent is unclear; such a condition could not be complied with if the required consent were not forthcoming.
12. Although few details were supplied concerning the previous restaurant use, total numbers of guests and the associated comings and goings of vehicles were probably considerably lower by comparison. A restaurant is also usually unlikely to be playing amplified music at similar levels to that generally associated with weddings or comparable celebratory events. Moreover, planning conditions attached to the permission for the restaurant prevented its operation beyond 2330, the playing of amplified or other music beyond 2000 hours Monday-Friday and 1600 on Saturday, also restricting noise from associated plant and equipment. As a result, levels of noise and disturbance from the banqueting suite are likely to be significantly and appreciably greater compared to the previous restaurant use, also continuing later into the evening and early morning.
13. Food storage, preparation and cooking facilities for the banqueting suite are in the basement. An odour risk assessment for the kitchen extract system was also supplied. This concluded that the extract does not currently meet the requirements for preventing odour nuisance, set out in guidance for the control of odour and noise from commercial kitchen exhaust systems². It recommended carrying out mitigation works to the extract to achieve compliance. Therefore, as it stands it is entirely likely that neighbouring residential properties, in particular those in Partridge Close immediately to the north of the house, have experienced odours from cooking substantial quantities of food for events at the premises on occasion. Similar problems are unlikely to have been associated with the previous restaurant use, nor would do so in future having regard to its probable smaller scale.
14. I understand that outside caterers are currently used to supply food for the events, with no cooking taking place at the premises only reheating pre-cooked food. Even so, a condition which prevented cooking but still provided for reheating food would not meet the enforceability test in the Framework at paragraph 57. It would be practically impossible to detect a breach, given the need for constant monitoring and the difficulty of establishing whether food items were being cooked or reheated. Also, a condition which required undertaking of the mitigation works to the extract would not meet the test of reasonableness, given the uncertainty over the requirement for listed building consent. Similar considerations apply in respect of a

² EMAQ+, 2022

condition which required the submission to and prior approval of a revised odour assessment to reflect food not being cooked on the premises, along with the implementation of its recommendations.

15. Therefore, based on the available evidence the use as a banqueting suite has caused unacceptable harm to the living conditions of occupiers of neighbouring residential property. This is in conflict with Policy D14 of the London Plan (LP), which requires development to avoid significant adverse noise impacts on health and quality of life. Whilst the LP primarily has a strategic focus, I do not read its policies as being related only to major developments. The LP confirms that as part of the Development Plan it must be taken into account in planning decisions throughout Greater London. The use also conflicts with Policy BE1 of the Hillingdon Local Plan: Part One-Strategic Policies, which requires all new development to, amongst other things, seek to protect the amenity of surrounding land and buildings, particularly residential properties. In addition, the use conflicts with Policy DMHB 11 of the Hillingdon Local Plan: Part Two-Development Management Policies (DMP), which amongst other things requires new development to not adversely affect the amenity of adjacent property.

Highway safety

16. The appellant estimated the car park as having a capacity of around 40 vehicles, with sufficient space for up to 15 further vehicles available on the forecourt and on the southern side of the house. According to the transport statement (TS) supplied, a total of 29 vehicles were parked in the car park during an event which hosted 120 guests, with 38 vehicles being parked there at another event hosting 160 guests. On neither occasion was the estimated capacity of the car park exceeded and no roadside parking or vehicles queueing on streets in the vicinity was observed. The TS went on to estimate that an event hosting 200 guests would require 48 parking spaces, i.e. within the off-street parking capacity of the premises. Trip generation associated with the use was based on a typical operating capacity of 90%; 40% of guests travelling to the premises by private vehicle with an average car share of 1.5 people and 40% travelling by taxi with an average car share of 2 people.
17. Having regard to the figures set out above, substantial numbers of taxis will probably be travelling to and from the premises to set down and pick up passengers, in addition to guests arriving by private vehicle. Guests arriving by taxi might well do so gradually and be dropped off quickly. However, given the likelihood of many guests departing at or towards the end of events, it is entirely possible that taxis will arrive in significant numbers at similar times to pick up their fares, then wait for periods in the vicinity of the premises. Based on the figures supplied, I am not persuaded that there is sufficient capacity at and in the vicinity of the premises to accommodate more than a few waiting taxis along with the private vehicles of other guests, in turn leading to greater incidences of roadside parking.
18. Additionally, the TS estimate of 20% of guests using public transport to access the premises is somewhat optimistic. The premises are in a location with a Public Transport Accessibility Level (PTAL) of 0, reflecting a poor level of access to public transport services. Whilst a bus stop might be around a 10-minute walk away, reductions in services during the evenings and early final service departure times are likely to act as a barrier to using public transport to attend events at the premises. Nor are many people likely to cycle to weddings or similar events.
19. Due to the above factors, it is entirely possible that numbers of guests making use of private vehicles or taxis to access events at the premises is significantly higher in practice than that estimated, meaning that there is actually greater demand for parking at or in the vicinity. Moreover, it is unclear whether the TS also takes into account off-street parking for other businesses based at the premises in the assessment of overall parking capacity. Therefore, I cannot reasonably be assured that the banqueting suite does not involve vehicles parking at the roadside in the

vicinity of the premises in significant volumes, along with the associated congestion that creates, on occasion. Such incidences referred to by interested parties and shown in photographs supplied, do little to allay my concerns in this regard.

20. Streets in the vicinity of the premises are generally of sufficient width for vehicles travelling in opposite directions to pass with relative ease, they are well-aligned, with good visibility at junctions and vehicle speeds are relatively low. Also, streets to the south of the premises, where most roadside parking associated with events is likely to occur, adjoin parkland as opposed to being fronted by dwellings. Even so, the arrival and parking of significant numbers of event-related vehicles in the vicinity of the premises is highly likely to significantly impair the free flow of traffic and restrict forward visibility available to drivers, as well as to cyclists and pedestrians travelling to and from the park. The proposed travel plan is unlikely to be effective in encouraging a significant shift in modes of travel to and from the premises. Management measures, such as employing parking marshals, are unlikely to be effective in the face of significant volumes of vehicles arriving at the premises at similar times.
21. Therefore, based on the available evidence the banqueting suite harms highway safety. This conflicts with DMP Policy DMT 1, which requires new development to address its transport impacts in a sustainable manner including by maximising safe, convenient and inclusive accessibility to and from within developments for pedestrians, cyclists and public transport users. It conflicts with DMP Policy DMT 2, which amongst other things requires new development to ensure there is no deterioration in the safety of all road users and residents, along with DMP Policy DMT 4, which requires developers to mitigate the transport impacts of new development. It also conflicts with DMP Policy DMT 6, which requires new development to comply with DMP parking standards which for banquet and function rooms includes provision for taxi set downs and pick-ups. Additionally, there is conflict with LP Policy T4, which amongst other things requires new development to not increase road danger, along with LP Policy T6 which requires new development to comply with maximum car parking standards similar to those in the DMP.

Other Matters

22. The contribution made to the local economy by the banqueting suite and the significant number of jobs created weighs moderately in favour of granting permission. LP Policies E2, E3 and E4 which concern, respectively, providing suitable space for businesses, as well as affordable workspace and land for industry, logistics and services to support London's economic function, are of limited relevance however given that the appeal does not involve a Class B use.
23. The setting of the house is preserved; the use has not altered the visual, functional or historic relationship between the house and its setting and the ability to appreciate the listed building in its surroundings is unaffected. This is a neutral factor which weighs neither for nor against granting permission.
24. Given my findings on the main issues, other matters raised by the Council and interested parties do not require further consideration.

Conclusion-Ground (a) appeal

25. The use as a banqueting suite harms the living conditions of existing and future occupiers of neighbouring residential property, as well as highway safety, 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 (f) appeal

26. The ground of appeal is that the requirements of the notice are excessive.
27. An enforcement notice can have the purpose of remedying the breach, including by requiring the land to be restored to its condition before the breach took place, or it can remedy any injury to amenity caused by the breach. The notice requires the unauthorised use as a banqueting suite to cease. This would restore the premises to its condition before the breach took place. Therefore, although the notice does not state as such, its purpose must be to remedy the breach.
28. Whether conditions could be imposed to overcome the objections to the unauthorised use has already been dealt with on ground (a), as this involves planning merits considerations. In the context of ground (f), any requirement that stopped short of ceasing the unauthorised use would sustain the breach and so would not achieve the purpose of the notice. No alternative to ceasing the unauthorised use which would also remedy the breach was suggested and to my mind, no such alternative exists.
29. Therefore, ceasing the unauthorised use is a proportionate requirement, being the minimum action necessary to remedy the breach and so achieve the purpose of the notice. The ground (f) appeal fails.

Ground (g) appeal

30. The ground of appeal is that the period for complying with the notice requirements falls short of what should reasonably be allowed. As the appellant is entitled to assume success on ground (a), the time since the notice was issued cannot be taken into account in determining the reasonableness of the period for compliance.
31. The two-month compliance period specified gives the appellant relatively little time to cancel upcoming bookings, as well as to explore relocating the business to a suitable location, including arranging for and securing any necessary finance. This could lead to significant disruption for the business, its customers and suppliers, as well as the around 25 people employed by the business being made redundant at short notice if suitable alternative premises cannot be found within that timescale. Although the events at the premises might be less frequent during the winter, a considerable number are likely to have already been arranged.
32. On the other hand, extending the compliance period to seven months would perpetuate the breach along with the associated planning harm, which includes harm to highway safety, over an extended timescale. In the circumstances, I consider that a five-month compliance period would be more reasonable. Firstly, it would provide for the business to be wound down in an orderly fashion, allowing for more upcoming bookings to be honoured whilst also allowing options for relocation and any financing required to be sufficiently explored. Secondly, it would reduce disruption to the business and allow attempts to be made to safeguard the continuity of existing employment. This would achieve an appropriate balance between remedying the breach as soon as practicable without imposing a disproportionate burden on the appellant.
33. Therefore, I conclude that five 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 period for compliance accordingly. No injustice would be caused in doing so. The ground (g) appeal succeeds to that extent.

Conclusion

34. 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