



Appeal Decision

Site visit made on 21 October 2025

by **S Lo LLB M.SRA**

an Inspector appointed by the Secretary of State

Decision date: 11 November 2025

Appeal Ref: APP/R5510/W/25/3370285

Warehouse, 69 - 71 Fairfield Road, West Drayton, UB7 8EZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Asif Meer against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref is 11917/APP/2024/726.
 - The development proposed is a change of use from a Warehouse (B8 use) to a MOT test centre (Sui Generis use).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal is against the failure of the Council to give notice within the prescribed period of a decision on an application for planning permission. As such, there is no decision notice. However, the Council has submitted a written statement, which, had they made the decision, recommended that planning permission should be refused. I have had regard to the Council's Statement and their recommendation, insofar that it provides clarity in terms of the reasons the Council would have considered had it been able to do so.
3. The appellant describes the appeal site as a warehouse (Use Class B8) used for tyre storage and distribution, with an open-plan layout, office space, and a loading door for vehicle access. However, there is no substantive evidence before me confirming this as the lawful use. Notably, a 2010 application (Ref: 11917/APP/2010/2153) seeking to establish the site's lawful use as a warehouse was refused due to insufficient evidence, and no appeal was lodged. Although the Council acknowledges limited evidence of past warehouse or storage use, there is no clear indication that a lawful change of use has occurred. This remains the case irrespective of whether enforcement action has been taken. As such, although there may be some uncertainty regarding the lawful use of the appeal site, the evidence before me is insufficient to conclusively demonstrate that the site is currently in lawful use as a warehouse. Accordingly, I shall determine this appeal on the basis that the lawful use of the site is not that of a warehouse. Notably, a s78 appeal is not the appropriate mechanism for establishing the lawful use of land or buildings.
4. Council reports indicate that the appeal site has been used for motor vehicle servicing and repairs without planning permission. Additionally, photographic evidence from interested parties indicate that the appellant has carried out

unauthorised repairs on the public highway as part of their nearby tyre replacement and car repair business. Nonetheless, any issues relating to enforcement or the lawfulness of the existing development on the appeal site fall outside the scope of this appeal and are matters to be resolved between the Council and the appellant.

Main Issues

5. Taking into account the above background, evidence from the parties and my observations onsite, it is considered that the main issues are:
- the effect of the development on the living conditions of neighbouring occupiers, with particular regard to noise and disturbance;
 - the effect of the proposed development on highway safety, in respect of on-site parking, manoeuvring arrangements and vehicle movements; and
 - the effect of the development on the living conditions of the neighbouring occupiers, with particular regard to air quality.

Reasons

Noise

6. The appeal site is a detached, L-shaped building, located behind 69–71 Fairfield Road. The surrounding area is predominantly formed of residential housing, although there are other forms of development within the locality, including shops, restaurants, schools, offices and garages. The site has an independent vehicle access via a dropped kerb, enclosed by gates and a post-and-wire fence, with a separate pedestrian gate. Mature trees and planting near the entrance provide limited screening of the forecourt and building. The appellant also operates a nearby tyre replacement and car repair business at 61 Fairfield Road.
7. The proposed MOT test centre includes a single vehicle bay within the building, accompanied by a designated customer sitting area. The appellant has provided varying sets of proposed opening hours; however, they do generally align with standard working hours operating Monday to Saturday, with reduced hours on Saturdays.
8. Title documents provided by interested parties indicate that only one parking space is formally available, while the submitted plans show two spaces within the gravelled forecourt. Elsewhere, the appellant refers to three spaces and suggests that additional parking may be available nearby at Fairfield Road Car Park. Regardless of these variances, it is reasonable to expect that some level of on-site parking would be necessary during standard working hours and that some proportion of the parked vehicles would be accommodated within the forecourt area.
9. The appellant's Noise Impact Assessment (NIA) identifies the appeal site as being surrounded by noise-sensitive receptors, including residential properties such as first-floor flats above the existing tyre shop at 61 Fairfield Road. To establish typical background sound levels, a noise survey was conducted at the site between 07:45 and 12:15 on Saturday 13 January 2024. Although a van entered the development site during the survey thereby temporarily raising the measured noise above typical levels, it was considered appropriate to exclude this data from any further analysis. The NIA observed that although most procedures are relatively quiet, the emissions

test is likely to generate the highest noise levels. Furthermore, to prevent a build-up of exhaust fumes, the roller doors are generally expected to remain open during testing, though they may be lowered for thermal comfort in colder months. Accordingly, the worst-case noise scenario would therefore occur when the doors are fully open.

10. Using the background sound levels, the NIA estimated the likely impact on nearby noise-sensitive receptors, based on internal measurement data taken from a separate operational garage. With the roller shutter doors open, the assessment found generally low noise impact across the area, except at 71 Fairfield Road, where an adverse effect was identified. For 71 Fairfield Road, the NIA concludes that internal noise levels would only comply with WHO Community Noise Guidelines if the windows were partially open. However, no data is provided for the scenario where windows are fully open at this dwelling. In that circumstance, it is reasonable to assume that internal noise levels at this dwelling would exceed the relevant thresholds, such that compliance would not be achieved. As a result, it is likely that adherence to the guidelines would depend on occupants keeping their windows partially closed, which could negatively affect living conditions, particularly during warmer months where full natural ventilation is often required. Accordingly, I cannot be confident that the proposed development would not result in harm to residential amenity, with particular regard to the occupiers of 71 Fairfield Road.
11. Additionally, it is unclear why the noise event caused by a van entering the site was excluded from the NIA, particularly as vehicle movements are a routine and expected part of the operations associated with an MOT testing station. This omission is significant given that the proposal includes at least one, and potentially up to three, parking spaces on the forecourt, which would likely result in frequent vehicle movements and increased ambient noise levels. The exclusion of such a typical operational noise source raises concerns about the reliability and accuracy of the noise data. Moreover, the survey was conducted outside normal working hours, when background noise levels are generally lower and less reflective of actual operating conditions. There is also uncertainty as to whether other nearby businesses, including the tyre fitting and car repair operations, were active during the survey period. Given these limitations, I cannot be satisfied that the NIA accurately reflects the likely noise impact of the proposed development. The nature and intensity of activities associated with an MOT testing station, including machinery operation, vehicle movements, and potential external working, pose a risk of unacceptable noise and disturbance to neighbouring residential properties.
12. The appellant refers to the existence of an existing tyre, motor repair, and MOT garage at 20A Otterfield Road, where planning permission (Ref: 24045/APP/2021/1500) was granted for an extension to provide a store/workshop area for servicing electric and hybrid vehicles. While this example is relevant in demonstrating a similar use within close proximity to residential properties, there is no evidence before me regarding the noise impact of that development or its effect on nearby sensitive receptors. Without such information, it is not possible to draw meaningful comparisons or conclude that the impacts of the current proposal would be acceptable. Each site must be assessed on its own merits, and the presence of this existing garage does not justify the harm I have identified following the proposed development.
13. In conclusion, the proposed development would have a harmful effect on the living conditions of neighbouring occupiers, with particular regard to noise and

disturbance. The noise impacts would not be adequately controlled and mitigated, contrary to Policy EM8 of the Hillingdon Local Plan: Part 1 2012 (HLP1). It would not harmonise with the local context, contrary to Policy DMHB 11 of the Hillingdon Local Plan: Part Two 2020 (HLP2). As such, it has not been demonstrated that the proposed development would avoid significant adverse noise impacts on health and quality of life, contrary to Policy D14 of the London Plan 2021 (LP).

Highway Safety

14. During my site visit, while only a snapshot in time, I observed that the local highway network is already subject to significant on-street parking pressures and traffic congestion. Fairfield Road serves as a key pedestrian route for local families and children accessing nearby schools, convenience stores, and children's centres. Additionally, the land contained within the redline boundary forms part of a right of way, which is actively used by neighbouring residential occupiers and local businesses.
15. The appellant has not provided any meaningful information on existing or projected trip generation. Without this, it is unclear whether the proposal would materially intensify vehicle movements or the associated impacts. Nonetheless, given the uncertainty of the lawful use of the appeal site, I consider that I need to take a precautionary approach. It is reasonable to consider that the introduction of this new activity could potentially increase traffic from customers, staff, and deliveries. This added activity could worsen local congestion and increase reliance on public highway parking in an already constrained area.
16. The appellant's documentation has separately referred to the front forecourt as accommodating both two and also three car parking spaces. However, title documentation indicates that only a single designated parking space is available. As such, it is unclear what number of parking spaces would be utilised by the proposed development. It is therefore uncertain to what extent the proposed development would compromise access for residents of the rear flats, who rely on the shared space for daily passage to and from their homes. Notably, any obstruction in this area could impede access for emergency services, posing a potential safety risk. While the appellant refers to the nearby Fairfield Road Car Park as an alternative parking location, the evidence before me indicates that it is not a public facility, indicating that reliance on it for parking for the purposes of the proposed development would be inappropriate and potentially unfeasible.
17. Additionally, the plans do not clearly demonstrate how vehicles would safely enter or exit the site as a whole. The absence of clear manoeuvring arrangements raises concerns about how reversing vehicles and frequent activity associated with the appeal site would be managed to maintain a safe environment for pedestrians. While the plans offer a general indication of how vehicles may access the MOT bay, they provide no further detail on how the two proposed parking bays would be used. Consequently, it remains unclear whether vehicles could utilise these bays or turn around without risk of collision with the building walls or other vehicles. This lack of defined turning space could result in unsafe manoeuvres, including reversing onto the carriageway, thereby posing a hazard to both road users and pedestrians.
18. Although the appellant contends that the proposed development would not generate more traffic than the existing warehouse use, this B8 use has not been

demonstrated. Therefore, no valid comparison can be made regarding traffic levels. While the appellant has stated that their current business operates without off-street parking, concerns raised by interested parties suggest that this arrangement may already be problematic. The absence of an enforcement notice does not confirm the acceptability of the existing or proposed use. As such, although the appeal site is within a mixed-use area, there is no clear evidence that highway safety impacts have been properly assessed or that adequate mitigation measures have been proposed.

19. In reaching this view, I have considered that the proposed development would operate on a relatively small scale, with a single MOT bay available by appointment. I also acknowledge that the facility would be regulated by the Driver and Vehicle Standards Agency and that the site may benefit from access to public transport, including trains, buses, walking, and cycling routes. However, these factors do not mitigate the highway safety concerns identified in relation to the proposed development. Similarly, while a planning condition could seek to restrict all MOT testing and related operations to within the appeal site, it would not resolve the parking or manoeuvring issues associated with the proposed use.
20. In conclusion, the proposed development would have a harmful effect on highway safety, in respect of on-site parking, manoeuvring arrangements and vehicle movements. It has not been adequately demonstrated that the proposal would avoid significant adverse transport impacts, provide safe, direct, and inclusive pedestrian access, or ensure safe and efficient vehicular access to the highway network. Nor has it been shown that it would prevent harm to street parking provision, congestion, or local amenity. Accordingly, it would be contrary to Policies DMT 1, DMT 2, DMT 5 and DMT6 of the HLP2. The proposal would increase road danger and would fail to make adequate provision for servicing and emergency access. As such, it would also conflict with Policies T2, T4, and T6 of the LP.

Air Quality

21. The appeal site lies within an established Air Quality Management Area (AQMA), which has been designated due to existing concerns over air pollution levels. By its nature, the proposed development would result in an increase in vehicular movements to and from the site. Additionally, the operation of an MOT centre is likely to generate further emissions, including carbon monoxide, nitrogen oxides, and particulate matter, as a result of vehicle testing activities.
22. The appellant has not submitted an Air Quality Assessment. As such, it is unclear how emissions, particularly those produced during MOT testing will be managed or mitigated. This omission is concerning given the site's close proximity to sensitive receptors, including residential bedrooms, a children's centre, and a convenience store. In the absence of any supporting evidence or mitigation proposals, it has not been demonstrated that the development would be air quality neutral. The anticipated increase in vehicle trips and associated emissions is therefore considered likely to have a detrimental impact on local air quality within the AQMA. Without appropriate assessment or mitigation, the proposal fails to address its environmental implications and the consequential effect on the living conditions of nearby receptors.
23. In conclusion, the proposed development would likely have a harmful effect on the living conditions of the neighbouring occupiers, with particular regard to air quality.

It has not been adequately demonstrated that the proposed development would be air quality neutral, would provide sufficient mitigation to ensure that there is no unacceptable risk to sensitive receptors or would actively contribute towards the improvement of air quality, contrary to Policy DMEI 14 of the HLP2.

Other Matters

24. Interested parties have noted that the appellant completed Certificate A during the application process, claiming sole ownership of all land within the red line boundary. However, the Land Registry title indicates that the appellant's ownership is limited to the warehouse and one marked parking space. As the wider site outlined within the site location plan & block plan does not appear to be within their ownership, it is possible that Certificate B, C, or D should have been completed. Nonetheless, as this appeal falls on other grounds, it has not been necessary for me to address this matter further.
25. Interested parties have raised multiple concerns regarding the proposed development. These include alleged failures in equality, issues relating to vibration and accessibility, public health risks, and unsafe activities (particularly fire safety concerns due to the storage of tyres and oils). Additional objections relate to interference with a right of way, impacts on privacy and views, overdevelopment, proximity to residential dwellings and alleged patterns of regulatory violations by the appellant. Environmental and aesthetic impacts, erosion of community trust, lack of meaningful engagement with the local community, non-compliance with human rights and the risk of water pollution have also been cited. While I acknowledge the breadth and significance of these concerns, they do not represent the central issues in dispute between the Council and the appellant. The appeal fails on other grounds, and analysis of these matters would not alter the outcome of the appeal. It has therefore not been necessary for me to consider these concerns in further detail.
26. The proposal would generate modest economic benefits through its conversion and use, resulting in investment into the building. It would also generate a number of employment opportunities for local people, which the appellant has estimated would result in the creation of two full time jobs. As an MOT test centre, the proposed development would also provide a service to the community, which may complement existing vehicular services in the area. Nonetheless, given the limited scale of the proposed development, these benefits are relatively minor in planning terms. Accordingly, they do not outweigh the harm identified under the main issues or the resulting conflicts with the development plan.

Conclusion

27. The proposal conflicts with the development plan taken as a whole and material considerations do not indicate that the appeal should be determined other than in accordance with it. Therefore, for the reasons set out above, I conclude that the appeal should be dismissed.

S Lo

INSPECTOR