



Appeal Decision

Site visit made on 17 February 2026 by T Morris BA (Hons) MSc

Decision by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 March 2026

Appeal Ref: APP/R5510/C/25/3358533

49 Judge Heath Lane, Hayes UB3 2NZ

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended) (the Act).
- The appeal is made by Mr Jitender Jitender against an enforcement notice issued by the Council of the London Borough of Hillingdon.
- The notice was issued on 27 November 2024.
- The breach of planning control as alleged in the notice is without planning permission, the use of the land for the operation of a car repair business.
- The requirements of the notice are to:
 - (i) Cease the use of the land for the repairing (works to) of vehicles.
 - (ii) Remove all vehicles associated with the commercial use from the land.
- The period for compliance with the requirements is: 1 month.
- The appeal is proceeding on the ground set out in section 174(2)(a) of the Act. 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 is dismissed, the enforcement notice is upheld with a correction, and planning permission is refused in the terms set out below in the Formal Decision.

Appeal Procedure

1. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

The Notice

2. The description of the breach of planning control refers to the use of the land for the operation of a car repair business. With regard to sections 55 and 57 of the Act, a use of land does not constitute development requiring planning permission unless if there has been a material change in the use of the land. It is clear from the submissions that the breach which the notice intended to refer to is a material change in the use of the land to a car repair business. This is the description used in the Council's officer report and the reasons for issuing the notice. The description of the breach can therefore be corrected without causing injustice to any parties using the Inspector's powers under section 176(a) of the Act.

Main Issues

3. The main issues are the effect of the development on:
 - i) the living conditions of the occupiers of neighbouring properties; and
 - ii) highway safety.

Reasons for the Recommendation

Living conditions

4. The appeal site comprises an end-terraced dwelling located in a residential area. It is surrounded by similar residential properties which are sited close together being set in small terraces. As the surrounding area primarily consists of residential uses, the sorts of outdoor activities taking place such as children playing, hanging washing, gardening and sitting out would not result in a significant amount of noise and disturbance to occupiers in the area. The limited extent of such activities contributes to an expected standard of living in a residential area in terms of its noise environment.
5. In contrast, the use of tools and machinery associated with a car repair business as opposed to a personal hobby use, for extended periods of time, would be unexpected in a residential area. The use of such tools over long periods for activities such as drilling and hammering when fixing cars would lead to excessive amounts of noise and disturbance to local occupiers. Furthermore, having car engines running for extended periods would result in additional noise, as well as the risk of exposing residents to poor air quality due to car engines idling for excessive periods. Consequently, the noise, disturbance and fumes generated by a car repair business would be unacceptable in this area and would be harmful to the living conditions of occupiers of the neighbouring properties, particularly given the close proximity of neighbours.
6. The third-party representations reinforce these findings. The representations indicate that because the car repair business has been in operation during long hours, with high volumes of vehicles being repaired at the site and on the road, it has resulted in additional noise and disturbance to the extent that the living standard and wellbeing of neighbours has been eroded. There is no substantive evidence before me to contradict these comments. Therefore, this further persuades me that allowing the appeal would be harmful to the living conditions of residents in the area.
7. I therefore conclude that the development is harmful to the living conditions of occupiers of neighbouring properties. It is in conflict with Policies EM8 of the Hillingdon Local Plan Part One – Strategic Policies (2012) and Policies DMHB 11 of the Hillingdon Local Plan Part Two – Development Management Policies (2020) (DMP) and Policy SI 1 and D14 of the London Plan (2021). Amongst other matters, these require that developments should not adversely impact on amenity and quality of life, that noise impacts should be adequately controlled and mitigated and that developments should not create unacceptable risks of high levels of exposure to poor air quality.

Highway safety

8. From my observations on my site visit, the driveway at the appeal site could accommodate a small number of vehicles. There is some on-street parking space on this part of Judge Heath Lane, albeit this is limited by the footway crossings to the properties in the area. Although my site visit was just a snapshot in time, almost all of the on-street parking space was occupied when I visited the area. Judge Heath Lane also appears to be a reasonably busy road and is a bus route.

9. The use of the site for a car repair business would evidently result in additional comings and goings to the site. This would result in the requirement for additional space to park vehicles whilst they are being repaired. Although I have limited details of the number of customers and thus vehicles, the parking demand would inevitably be greater than a typical residential property. Therefore, the parking demands of the development would not be met by the driveway at the site and there is little substantive evidence before me to suggest otherwise.
10. Consequently, the development would contribute to additional on-street parking demand in the area, problems which are highlighted in the third-party representations. This would result in additional congestion and traffic on this part of Judge Heath Lane, as well as parking stress in terms of potentially inconsiderate and unsafe parking that would be detrimental to the free flow of traffic including buses on Judge Heath Lane. Furthermore, there is nothing before me to suggest that the parking demands of the development could be met on the site given the limited size of the driveway and the overall extent of the site's red line boundary as shown on the Location Plan.
11. For the above reasons, I therefore conclude that the development is harmful to highway safety. It conflicts with Policies DMT2 and DMT6 of the DMP, which amongst other matters, require that developments do not contribute to the deterioration of the safety of road users and residents and that impacts on congestion are minimised.
12. On this matter, the Council cite conflict with Policy DMEI 14 of the DMP. However, this policy is not concerned with highway safety and is not therefore determinative on this main issue.

Conclusion and Recommendation

13. For the reasons set out, I conclude that the material change of use to a car repair business is contrary to the development plan. Consequently, the notice should be corrected, the appeal on ground (a) fails and I recommend that the deemed planning application should be refused.

T Morris

APPEAL PLANNING OFFICER

Inspector's Decision

14. It is directed that the enforcement notice is corrected by the deletion of the text 'use of the land for the operation of' at paragraph 3 of the enforcement notice and the substitution of the text 'material change of use of the land to'. Subject to the correction, 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 Act for the development already carried out, namely the material change of use of the land to a car repair business at 49 Judge Heath Lane, Hayes, UB3 2NZ, as shown on the plan attached to the notice.

A M Nilsson

INSPECTOR