



Appeal Decision

Inquiry held on 11 August 2026

by **A Walker MPlan MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 26 August 2026

Appeal Ref: APP/R5510/C/26/3378406

Land at Public Car Park, Stockley Country Park, Stockley Road, West Drayton, UB8 3LL

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeals are made by Stockley Park Golf Club Limited against an enforcement notice issued by The London Borough of Hillingdon.
- The notice was issued on 13 March 2026.
- The breach of planning control as alleged in the notice is:
Without planning permission, the material change of use of Green Belt land from ancillary car park for visitor use of Stockley Country Park to use of the land for commercial parking and storage of vehicles together with associated structures.
- The requirements of the notice are to:
 - (i) Cease the use of the Land for commercial parking and storage of vehicles.
 - (ii) Remove from the Land all vehicles.
 - (iii) Remove from the Land all associated portacabins installed on site (marked in blue).
 - (iv) Remove from the Land all associated fencing installed on site (marked in green).
 - (v) Remove from the Land all debris, waste, building materials, plant equipment and machinery resulting from the works carried out in compliance with requirements above.
- The period for compliance with the requirement is one month.
- The appeal is proceeding on the grounds set out in section 174(2)(b), (c), (d) and (f) of the Town and Country Planning Act 1990 (as amended).

Summary of Decision: The appeal is allowed and the notice is quashed.

Applications for costs

1. The appellant has applied for an award of costs against The London Borough of Hillingdon. That application is considered in a separate decision.

Matters concerning the Notice

2. Section 173(1)(a) of the Town and Country Planning Act 1990 (the Act) states 'An enforcement notice shall state the matters which appear to the local planning authority to constitute the breach of planning control'.
3. Section 3 of the enforcement notice (the notice) describes the alleged breach of planning control as 'Without planning permission, the material change of use of Green Belt land from ancillary car park for visitor use of Stockley Country Park to use of the land for commercial parking and storage of vehicles together with associated structures' (the alleged matters).
4. Following my opening of the Inquiry, the parties requested that I make a ruling on whether or not I could, without causing injustice to either party, vary the alleged matters in accordance with the Council's request to omit reference to the previous use of the land (as considered to be by the Council), ie 'ancillary car park for visitor use of Stockley Country Park' and omit the reference to 'storage of vehicles'.

5. Section 176(1) of the Act allows me to (a) correct any defect, error or misdescription in the enforcement notice; or (b) vary the terms of the enforcement notice, if I am satisfied that the correction or variation will not cause injustice to the appellant or the local planning authority.
6. The alleged matters refer to a single alleged breach of planning control, namely the material change of use of the land to a mixed use comprising commercial parking, the storage of vehicles and associated structures, as confirmed during the Inquiry. To omit the storage of vehicles component of the mixed use would result in the alleged matters being a different use, ie commercial parking, with associated structures. The question is not whether the proposed variation is substantial, but whether it would cause injustice to either party.
7. From the outset of the appeal, the appellant has asserted that no storage has taken place and that a ground (a) appeal was not pursued because of the nature of the allegation contained in the notice.
8. Section 174(2)(a) states that an appeal may be brought on the ground that, in respect of any breach of planning control which may be constituted by the matters stated in the notice, planning permission ought to be granted or, as the case may be, the condition or limitation concerned ought to be discharged. As established above, the alleged matters refer to a single breach of planning control.
9. On the determination of an appeal made against an enforcement notice, under section 177(1)(a) of the Act I have the power to grant planning permission in respect of the matters stated in the enforcement notice as constituting a breach of planning control, whether in relation to the whole or any part of those matters or in relation to the whole or any part of the land to which the notice relates. In practical terms, a ground (a) appeal would have had to address the single breach of planning control alleged in the notice, namely the mixed use comprising commercial parking and the storage of vehicles with associated structures.
10. The appellant asserts that the alleged storage of vehicles has not occurred, and the Council have now confirmed that their own evidence does not establish that it has taken place. Accordingly, the appellant's decision not to make a ground (a) appeal was entirely reasonable. There would have been little reason for the appellant to seek planning permission for a use which they maintained had never occurred and which the Council now accepts was not substantiated by its evidence. Whilst it was of course open to the appellant to make a ground (a) appeal, the test of whether injustice has been caused is not simply based on whether they had the opportunity to do so. It was entirely reasonable for them not to make a ground (a) appeal on the basis that the alleged use was not taking place, to which the Council's lack of evidence to the contrary lends support.
11. Accordingly, to vary the notice to omit reference to 'storage of vehicles' from the alleged matters would cause injustice to the appellant because had the alleged matters referred only to commercial parking, it is reasonable to conclude that the appellant may well have pursued a ground (a) appeal. The appellant's decision not to pursue a ground (a) appeal against the notice as issued was entirely reasonable.
12. I now turn to the requested omission of the reference to 'ancillary car park for visitor use of Stockley Country Park'. Whilst identifying the previous use of the land may be important when determining whether a material change of use has

occurred, the matters stated in an enforcement notice need not specify that previous use. Therefore, in and of itself, this could be deleted from the allegation. The appellant's assertion that the lawful use of the land was not previously ancillary parking no doubt reinforced their decision not to submit a ground (a) appeal on the basis that the allegation as a whole did not reflect what had occurred on site. Nevertheless, read in isolation from the term 'storage of vehicles', I am satisfied that it could be omitted without causing any injustice to the appellant. Notwithstanding this, whether I omit this from the allegation has no bearing on the outcome of the appeal, for the reasons contained in my determination of the ground (b) appeal below.

The ground (b) appeal

13. In appealing on ground (b) the burden of proof is firmly on the appellant to demonstrate that the alleged breach of planning control has not occurred as a matter of fact.
14. In light of my above finding that the notice cannot be varied to omit the reference to 'storage of vehicles' without causing injustice to the appellant, the Council confirmed during the inquiry that in the event I make such a finding they concede that the ground (b) appeal must succeed as they did not have sufficient evidence to demonstrate that the storage of vehicles has taken place on the appeal site. Based on the evidence before me, I find no reason to conclude otherwise.
15. Consequently, I conclude from the evidence before me and on the balance of probability that the alleged breach of planning control comprising the material change of use of the land to commercial parking and storage of vehicles together with associated structures has not occurred.
16. Accordingly, the ground (b) appeal succeeds. As I have already found the notice cannot be corrected without causing injustice to the appellant, the notice is therefore quashed. In these circumstances, the appeal on grounds (c), (d) and (f) do not need to be considered.

Formal Decision

17. The appeal is allowed and the enforcement notice is quashed.

A Walker

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Caroline Daly, counsel for the appellant

John Gerard Sweeney: Director, Stockley Park Golf Club Limited

Andrew Somerville BA (Hons) DipTP MRTPI: Director, Nexus Planning

FOR THE LOCAL PLANNING AUTHORITY:

Charles Merrett, counsel for the appellant

John Gerard Sweeney: Director, Stockley Park Golf Club Limited

Desmond Adumekwe: Planning Enforcement Team Leader, The London Borough of Hillingdon