



Appeal Decisions

Site visit made on 3 September 2026

by **V Goldberg BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 11 September 2026

Appeal A Ref: APP/R5510/C/25/3359383

Appeal B Ref: APP/R5510/C/25/3359384

Land at 7 Waverley Close, Hayes UB3 4AJ

- The appeals are made under section 174 of the Town and Country Planning Act 1990 (as amended).
- Appeal A is made by Mrs Sukhjit Mudher and Appeal B is made by Mr Harcharnjit Mudher against an enforcement notice issued by the Council of the London Borough of Hillingdon.
- The notice was issued on 14 January 2025.
- The breach of planning control as alleged in the notice is: Without planning permission, the installation of hardstanding to the front elevation of the property.
- The requirements of the notice are to:
 - i) Remove all hardstanding from the front elevation of the property.
 - ii) Remove from the land all debris, items, fixtures associated with the remedial works (listed in point i) and ensure the land is restored to a tidy condition.
- The period for compliance with the requirements is: One (1) calendar month after this Notice takes effect.
- The appeal is proceeding on the ground set out in section 174(2)(c) of the Town and Country Planning Act 1990 (as amended).

Summary of decision: The appeals are dismissed and the enforcement notice is upheld with a correction and variations in the terms set out below in the Formal Decision.

The Enforcement Notice

1. The allegation refers to the installation of hardstanding to the front elevation of the property. This suggests the hardstanding has been installed on the front elevation of the dwelling, as opposed to the more likely scenario that it has been laid in front of the property. The reference in the reasons to the removal of soft landscaping supports this scenario, as it points to the driveway/hardstanding area rather than to the front elevation of the dwelling itself. I shall therefore correct the allegation accordingly.
2. Having regard to the corrected allegation, it is necessary to vary requirement i) so that it refers to the removal of all hardstanding from the front of the property. This will ensure the allegation and requirement align and that the steps required to remedy the breach are clear.
3. Requirement ii) of the notice includes requiring the land to be restored to a “tidy condition” which lacks precision. The requirement should reflect the remedial purpose of section 174 of the 1990 Act, namely, to restore the land to its condition before the breach occurred. I shall therefore vary requirement ii) accordingly. The variation does not increase the step required but provides greater clarity as to what must be done.
4. The correction and variations set out above do not alter the substance of the allegation or widen the steps required, instead they provide greater clarity as to

what has been done and what must be done to put it right. Accordingly, they would not cause injustice to either party.

The Ground (c) Appeal

5. An appeal on this ground is that the matter alleged, if it has occurred, does not constitute a breach of planning control. It is for the appellants to demonstrate, on the balance of probabilities, that the matter alleged does not constitute development, or alternatively, that it benefits from planning permission.
6. The appellants do not contend that the hardstanding does not amount to development, nor do they claim that it benefits from planning permission. Rather, their case focusses on interaction they had with the Council's Localities and Safer Communities team and that they were not informed that planning permission was required for the development.
7. Although the appellants consider that they were given misleading advice by the Council, the evidence before me does not support that view. The evidence indicates that their engagement with the Council was limited to its Localities and Safer Communities team and concerned alleged damage to the driveway by a neighbour as opposed to any dialogue with the planning department. Ignorance of the law does not excuse a breach of planning control.
8. On the evidence before me, I have no reason to disagree with the Council's view that the hardstanding does not fall within Schedule 2, Part 1, Class F of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended. This is because it has not been demonstrated that the hard surface is permeable or that there is provision for run-off to a permeable area. The hardstanding therefore amounts to development for which no planning permission, whether express or deemed, has been shown to exist. I therefore find that the matters alleged constitute a breach of planning control.
9. I have noted the appellants' references to neighbouring properties and to part of the frontage previously being hard surfaced. However, those matters do not demonstrate that the works alleged in the notice benefit from planning permission and therefore do not resolve the ground (c) appeal in the appellants' favour. The appellants have therefore failed to show, on the balance of probabilities, that the installed hardstanding does not constitute a breach of planning control.
10. I have also had regard to the interested party's representations concerning the boundary dispute and subsequent court proceedings. However, those matters do not affect the question before me, which is whether the works alleged in the notice constitute a breach of planning control.
11. The ground (c) appeals therefore fail.

Conclusion

12. For the reasons given above, I conclude that the appeals should not succeed. I shall uphold the enforcement notice with a correction and variations.

Formal Decision

13. It is directed that the enforcement notice is corrected by:
 - the deletion of the word '*elevation*' in the allegation.

The notice is also varied by:

- the deletion of the word ‘*elevation*’ in requirement i) in section 5 of the notice and;

- the deletion of the words:

“Remove from the land all debris, items, fixtures associated with the remedial works (listed in point i) and ensure the land is restored to a tidy condition”.

and their substitution with:

“Remove from the land all debris, items and fixtures associated with the works specified in requirement i) and restore the land to its condition before the breach occurred.” in requirement ii) in section 5 of the notice.

14. Subject to the correction and variations, the appeals are dismissed, and the enforcement notice is upheld.

V Goldberg

INSPECTOR