



Appeal Decision

Site visit made on 17 September 2026

by **S A Hanson BA(Hons) BTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date 21 October 2026

Appeal Ref: APP/R5510/C/25/3358842

92 Porters Way, West Drayton UB7 9AD

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Ms Gurprit Kaur against an enforcement notice issued by the Council of the London Borough of Hillingdon.
 - The notice was issued on 3 December 2024.
 - The breach of planning control as alleged in the notice is: Without planning permission, the material change of use of an outbuilding to separate self-contained residential unit (shown hatched in blue on the site plan).
 - The requirements of the notice are to:
 - (i) Cease the unauthorised use of the outbuilding as a separate self-contained residential unit.
 - (ii) Dismantle and remove the “fitted kitchen” comprising the sink, washing machine, fridge, oven, work surface(s), and wall/floor cupboard units from the outbuilding.
 - (iii) Dismantle and remove from the outbuilding the “shower room” comprising the shower, shower cubicle, shower tray and associated plumbing; the sink unit and associated plumbing; and the toilet pan and toilet cistern.
 - (iv) Dismantle and remove the internal studwork wall from the outbuilding, delineating the shower room from the kitchen/lounge/bedroom.
 - (v) Remove from the land all the debris, items, fixtures and fittings, building materials, plant and machinery resulting from the works listed in (ii), (iii) and (iv) above.
 - The period for compliance with the requirements is: 3 (three) months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a) and (d) 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. 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. A visit was arranged with the appellant to provide access to the site. No one was at the property when I visited at the arranged time and therefore, I was unable to inspect the appeal outbuilding in person. I wrote to the appellant’s agent to advise them of the situation and that it was my intention to proceed to a decision. The agent was provided with the opportunity to comment, but no response was received. My decision to proceed in this manner was based on my observations at my visit and the quantum of evidence provided in the documents for the enforcement appeal and the documents that formed part of the recent application and appeal for a lawful development certificate (LDC) for existing use.

3. My findings are therefore based on the evidence available to me, including the submitted plans, internal and external photographs of the building in situ and the parties' written representations. While I have not had the benefit of observing the outbuilding on site, I am satisfied that the available evidence is sufficiently clear and detailed to enable me to determine the appeal. Accordingly, I do not consider that there would be any injustice caused to either party by my decision to proceed in this manner.
4. The retention of the outbuilding and its use as a self-contained residential unit of accommodation was the subject of an LDC application which was refused by the Council. An appeal ref. APP/R5510/X/24/3353580 against the Council's decision was dismissed on 10 December 2025. The decision concluded that the evidence provided by the appellant was not sufficiently precise or unambiguous to justify a conclusion that the outbuilding had been continuously occupied as a self-contained residential unit for the requisite period, that is four years prior to the date of the application, so to be immune from enforcement action. However, it also concluded that the building itself was immune from enforcement action.
5. The enforcement notice appeal documents submitted by the appellant re-visit their claim that the outbuilding has been used for residential accommodation for several years and is therefore immune from enforcement action. When the enforcement notice was appealed on 13 January 2025, the appeal against the LDC had yet to be determined.
6. Although not formally responded to in the appeal form, the appellant was asked to confirm if their submissions amounted to a hidden appeal on ground (d), that is that at the date when the notice was issued, no enforcement action could be taken in respect of any breach of planning control. The appellant confirmed that they wished an appeal on ground (d) to be considered. No comments were received from the Council. Accordingly, and as I consider that there would be no injustice to either party, I will deal with this matter under ground (d).

The appeal on Ground (d)

7. An application for an LDC, as referred to in my preliminary matters, was refused by the Council on 5 July 2024 and a decision was issued to dismiss that appeal on 10 December 2025. Therefore, the matter of whether the use of the garden building as a self-contained residential unit of accommodation was lawful has been previously assessed. Notwithstanding this, I have reviewed the appellant's evidence provided in their appeal papers submitted against the enforcement notice.
8. In considering the appellant's submissions, I do not see any materially new evidence that significantly strengthens their claim that the building has been used as a self-contained residential unit continuously for the requisite period so to be immune from enforcement action. While there is a claim that the use has existed since 2014, there appears to be no additional documentary evidence to support this claim.
9. It is not disputed between the parties that the outbuilding is being used for residential purposes. However, the appellant's case is not entirely consistent, referring both to its use as a self-contained dwelling and as accommodation ancillary to the main house. These are materially different planning uses and the

evidence appears at times to jumble the claimed uses and does not clearly explain the relationship between the outbuilding and the house over the claimed period.

10. Nevertheless, to be immune from enforcement action, it would be for the appellant to show in an appeal on ground (d) that the breach of planning control as alleged in the notice, namely “the material change of use of an outbuilding to a separate self-contained residential unit”, has occurred and that the use has continued without material interruption for more than 4 years.
11. Drawing these matters together, I consider that the evidence before me is broadly similar to that considered in the earlier LDC appeal. While the appellant continues to assert that occupation commenced in 2014, the material submitted does not provide sufficiently precise, consistent and corroborative evidence capable of demonstrating, on the balance of probabilities, continuous occupation of the outbuilding as a self-contained dwelling throughout the relevant period. Accordingly, I find that the appellant has failed to discharge the burden of proof necessary to establish immunity from enforcement action.
12. The appeal on ground (d) therefore fails.

The appeal on Ground (a) and the deemed planning application

Main Issues

13. The main issues are the impact of the development on i) the character and appearance of the immediate locality; ii) the living conditions of the occupiers of neighbouring properties; iii) the present and future occupiers of the outbuilding in terms of its suitability for independent self-contained residential use; and iv) highway safety.

Reasons

Character and appearance

14. The appeal property is an end-terrace two-storey dwelling with a rear garden. At the rear of the garden and close to the common boundaries with neighbouring properties is an outbuilding for which an LDC was granted in 2014 for use as a gym and storage. The enforcement notice relates to the use of the building as a self-contained residential unit and the deemed planning application is for that use.
15. The prevailing form of development is characterised by dwellings arranged on regular plots with a clear relationship to Porters Way and South Close, with rear gardens providing separation between properties. The appeal building, by contrast, is situated in a backland position within an area that forms part of the established green environment experienced as private garden space. Being positioned at the end of the garden, although some distance from the host dwelling, it sits particularly close to 16 South Close whose shorter rear garden directly adjoins the appeal property.
16. The introduction of a separate dwelling within this garden land would represent a form of development that would be materially different from the character of the locality. While the outbuilding itself remains physically subordinate to the host dwelling and could continue to serve purposes incidental to the enjoyment of that dwellinghouse, its occupation as an independent residential unit fundamentally alters its role within the site.

17. The use of the outbuilding as a separate dwelling would introduce a materially different form of residential occupation within an area otherwise experienced as private garden space. As a consequence, the residential use of the building would be an incongruous and uncharacteristic form of development that would erode the established pattern, grain and spatial hierarchy of the area.
18. I recognise that the outbuilding would remain in situ if the requirements of the notice were complied with. However, it is not the mere presence of the building that gives rise to the identified harm. Rather it is its occupation as a separate self-contained dwelling, as opposed to a building used for purposes incidental to the enjoyment of the host dwellinghouse, that I find harmful.
19. Accordingly, the development would amount to an additional dwelling within a rear garden environment that was not planned as part of the area's established residential pattern. It would therefore fail to respond appropriately to its surroundings and local context and would detract from the character of the locality, contrary to Policy BE1 of the Hillingdon Local Plan Part 1 and Policy DMH6 of the Hillingdon Local Plan Part 2.

Living conditions

20. By virtue of its close position to surrounding neighbouring dwellings and private garden areas, the development would likely impact on the living conditions of those adjoining occupiers. Occupation of the unit as a separate dwelling in this predominantly private garden environment would inevitably introduce further noise and disturbance through domestic activity, including comings and goings, and an increased use of outdoor space. Given the close relationship between the unit and the surrounding gardens and dwellings, such activity would be readily perceptible to neighbouring occupiers and would diminish the privacy currently enjoyed within those gardens. In addition, the occupation of the outbuilding as a separate dwelling would be likely to increase opportunities for overlooking and would therefore have the potential to erode the reasonable expectation of privacy currently enjoyed by neighbouring occupiers. The development would therefore fail to safeguard residential amenity, and in this respect would conflict with Policy BE1 of the Hillingdon Local Plan Part 1 and Policy DMH6 of the Hillingdon Local Plan Part 2.

Suitability for independent residential use

21. The residential unit would provide less than 40 square metres of internal floor space. While the evidence demonstrates that the unit contains the basic facilities necessary for independent residential occupation, the accommodation falls below the minimum internal space standards expected for a self-contained dwelling as stipulated in Table 3.1 within London Plan Policy D6.
22. The limited floorspace would constrain the size and functionality of the principal living areas and would result in a cramped internal environment with limited scope for circulation, day-to-day living activities and storage. Consequently, the accommodation would not provide a satisfactory standard of living conditions for either current or future occupiers.
23. Policy D6 of the London Plan (2021) seeks to secure high-quality residential accommodation that is functional, fit for purpose and provides an appropriate standard of amenity for future residents. Similarly, Policies DMHB 16 and DMHD 2

of the Hillingdon Local Plan: Part Two require residential development to provide satisfactory living conditions through appropriately designed, functional and usable internal accommodation. Having regard to the limited floorspace and constrained layout, the development would conflict with Policy D6 of the London Plan and Policies DMHB 16 and DMHD 2 of the Hillingdon Local Plan: Part Two.

Highway safety

24. The Council expresses concern regarding the absence of a transport appraisal or travel plan and the limited on-site parking provision associated with the development. However, the proposal comprises a single residential unit and there is little substantive evidence before me to demonstrate that it would generate vehicle movements of such a level as to prejudice highway or pedestrian safety.
25. While occupiers may rely to some extent upon on-street parking, limited parking provision does not in itself demonstrate harm to highway safety. In the absence of evidence showing that the proposal would result in unsafe parking practices, obstruction of the highway or other material consequences for the operation of the local highway network, I am unable to conclude that highway safety would be adversely affected.
26. Consequently, on the evidence before me, I find that the Council's concerns have not been justified and I therefore find no conflict with Policy DMT6 of the Hillingdon Local Plan Part 2 insofar as that policy seeks to ensure that development does not prejudice highway safety or the safe and efficient operation of the transport network.

Conclusion

27. While I have not found substantive harm to highway safety, this does not outweigh my findings that the development would result in harm to the character of the locality, would fail to safeguard the living conditions of neighbouring occupiers and would provide an unsatisfactory standard of accommodation for present and future residents. For these reasons, and having regard to the development plan as a whole, I conclude that the appeal should not succeed. I shall uphold the enforcement notice and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act.

S A Hanson

INSPECTOR