



**WRITTEN REPRESENTATIONS: RESPONSE TO LPA STATEMENT AND
THIRD PARTY REPRESENTATIONS**

BY

Mr Suty Bharrich

FOLLOWING THE PLANNING REFUSAL BY:

London Borough of Hillingdon Council

APPEAL REF:

67410/APP/2026/387

FOR:

***Use of outbuildings within the residential curtilage of nos. 18-20 Wilmar
Close as ancillary accommodation to the main dwellings***

AT:

18 and 20 Wilmar Close, Hayes, UB4 8ET

July 2026

1.0 INTRODUCTION

- 1.1 These Final Comments are submitted on behalf of the appellant in response to the London Borough of Hillingdon's Statement of Case and the representations received from interested parties.
- 1.2 The appellant relies upon the Written Statement of Case and supporting evidence already submitted and does not seek to repeat that case in full. These comments are therefore confined to matters arising from the Council's Statement and the third-party representations.
- 1.3 The central issue remains whether the proposed accommodation would operate as two independent residential units or as ancillary accommodation associated with Nos. 18 and 20 Wilmar Close. The appellant maintains that the revised proposal materially differs from the scheme considered under the previous appeal because the kitchenettes and dining facilities have been removed. The buildings would therefore remain dependent upon the host dwellings for the preparation and consumption of principal meals and would form part of the overall family accommodation.

2.0 RESPONSE TO LPA STATEMENT

- 2.1 The Council places considerable reliance upon the previous appeal decision. The appellant accepts that this decision is an important material consideration. However, the present appeal must be determined on the basis of the scheme now proposed rather than the superseded scheme previously considered by the Inspector.
- 2.2 The previous proposal provided each annexe with a bathroom, kitchenette, living area and sleeping accommodation. It was the combination of those facilities which led the Inspector to conclude that each building provided the basic facilities necessary for day-to-day private living. The current scheme deliberately removes the kitchenettes and dining facilities. This is a material alteration because future occupants would now be dependent upon the main dwellings for cooking and principal meals.
- 2.3 The Council argues that independent occupation nevertheless remains possible because portable appliances such as microwaves or air fryers could subsequently be introduced. This is not considered a sound basis upon which to determine the appeal. Almost any domestic outbuilding could theoretically be adapted or used differently from the approved plans. The Inspector must determine the development actually proposed. If a material change of use subsequently occurred, that would be a separate planning matter against which the Council retains its normal enforcement powers.
- 2.4 Indeed, the Council has itself recently adopted precisely this approach at 17 Lawson Gardens, where permission was granted for ancillary accommodation containing

sleeping and shower facilities subject to conditions preventing its independent occupation and the installation of kitchen, kitchenette or cooking facilities.

- 2.5 The Council also maintains that an ancillary occupation condition would be unenforceable. However, the appeal statement identified a substantial number of decisions within Hillingdon where Inspectors have reached the opposite conclusion. At 40 Greenacres Avenue, an appeal was allowed in January 2026 despite the annexe containing a bedroom, bathroom and kitchen facilities and the physical possibility of separate access, because the Inspector was satisfied that a sufficiently strong functional relationship existed with the host dwelling.
- 2.6 Similarly, at 47 Daleham Drive an Inspector imposed a condition expressly requiring the outbuilding not to be occupied other than for purposes ancillary to the host dwelling. At 24 Wood Lane and 16 Richards Close, Inspectors also accepted ancillary occupation conditions despite those annexes containing substantially greater facilities than presently proposed at Wilmar Close.
- 2.7 The appellant does not suggest that these decisions dictate the outcome of the present appeal. They demonstrate, however, that neither detached accommodation, separate external access nor the presence of primary living facilities inevitably creates a separate planning unit, and that ancillary occupation conditions are capable of being appropriate and enforceable depending upon the particular circumstances.
- 2.8 The Council's reference to dismissed appeals does not materially alter this position. For example, the recent appeal at 8 Cranborne Way concerned a proposed two-storey outbuilding of substantial scale which the Inspector found would appear incongruous, adversely affect neighbouring living conditions and provide unacceptable living conditions for its own occupants. The Inspector also specifically noted the absence of any explanation of a private need for the annexe. Those circumstances are materially different from the present proposal involving existing lawful single-storey structures and documented family care requirements.
- 2.9 The Council also questions the intended family occupation because the appellant and his brother had not moved into the properties at the point at which the application was determined. Circumstances have continued to progress. The appellant confirms that his parents have now moved into No. 20 Wilmar Close and have been referred by their GP to social care. The occupants of No. 18 are also in the process of leaving, although securing suitable alternative accommodation for their family has taken longer than anticipated.
- 2.10 This developing position is consistent with, rather than contrary to, the intentions previously set out in the statutory declarations. Those declarations did not suggest that the family occupation had already occurred; they expressly explained that occupation

would take place following the departure of the existing tenants. The fact that this process has taken longer than initially anticipated does not demonstrate that the stated intentions were incorrect.

- 2.11 The Council's character and amenity case continues to depend substantially upon treating the buildings as independent dwellings. No external alterations are proposed and the outbuildings themselves are lawful existing structures. The Council's delegated report expressly acknowledges that the application therefore concerns the acceptability of their intended use rather than their physical construction.
- 2.12 The proposed occupation by elderly family members as part of the households at Nos. 18 and 20 would not generate the intensity of activity associated with two additional independent households. Movement between an annexe and its host dwelling is itself characteristic of an ancillary arrangement and should not be equated with the comings and goings generated by separate backland dwellings.
- 2.13 Of particular significance, the Council's own Statement confirms that the Highway Authority assessed the proposal on the basis of ancillary accommodation and concluded that it would not increase parking pressure. The Council's highway objection arises only because the planning officer assumes that ancillary occupation cannot successfully be secured by condition.
- 2.14 The second reason for refusal is therefore derivative of the first rather than representing an independently identified highway impact. If the Inspector is satisfied that the buildings would remain ancillary, or that ancillary occupation can appropriately be secured by condition, the evidential basis for the second reason for refusal falls away

3.0 RESPONSE TO THIRD PARTY REPRESENTATIONS

- 3.1 The appellant acknowledges the concerns expressed by neighbouring residents. However, a number of representations proceed upon the assumption that the proposal is intended to provide additional rented accommodation or independent dwellings. That is not the development for which planning permission is sought.
- 3.2 Concerns have also been raised regarding different addresses appearing within documentation concerning the appellant's parents. There is a straightforward explanation. The appellant's parents are elderly, speak limited English and have continued to rely upon family members for assistance with correspondence, appointments, paperwork and translation. Correspondence continued to be directed to 20 Dorchester Way where that assistance could be provided. Their GP registration was also retained because they wished to continue seeing a Punjabi-speaking doctor familiar with their medical history. Different correspondence addresses do not

therefore establish that the evidence concerning the proposed family arrangements is unreliable.

- 3.3 The medical evidence itself is not seriously disputed. Indeed, one interested party expressly accepts that the GP evidence demonstrates genuine medical and mobility needs. The submitted medical evidence confirms significant mobility difficulties and reliance upon the appellant and his brother and their wives for care.
- 3.4 Reference has also been made to the father's earlier statutory declaration mentioning the preparation of "light meals and snacks". This declaration related to the earlier proposal and predates the revised scheme now before the Inspector. The current plans contain no kitchenette or cooking facilities. The appellant accepts that the appeal must be determined by reference to the revised plans and has expressly confirmed his willingness to accept a condition preventing kitchen or cooking facilities from being installed.
- 3.5 Interested parties also refer to correspondence concerning vehicular access to the rear of the properties and suggest that this demonstrates an intention to establish independent residential accommodation. The appellant confirms that this correspondence concerned an existing boundary/right-of-way dispute and the ability to obtain vehicular access to the rear in connection with a proposed garage. It did not concern the proposed occupation of the outbuildings as independent dwellings and should not be interpreted as evidence of such an intention.
- 3.6 Assertions concerning the present or historic occupation of Nos. 18 and 20 as HMOs do not alter the development for determination. The appellant has confirmed that his parents have now moved into No. 20 and that the occupants of No. 18 are in the process of leaving. The Inspector is required to determine the proposed use shown on the submitted plans and described in the application rather than speculate that the buildings might subsequently be occupied in some unauthorised manner.
- 3.7 Several representations suggest that the proposal would result in additional parking demand. However, this is contrary to the assessment of the Council's own Highway Authority, which concluded that ancillary occupation would not result in increased congestion, parking stress or highway safety concerns.
- 3.8 Concerns regarding overlooking, noise and increased activity similarly assume occupation as additional independent residential units. No new windows or external alterations are proposed and the lawful structures already exist. Occupation by two elderly family members as part of the households occupying the host properties would represent domestic family activity rather than the creation of two additional households.

- 3.9 Finally, the fact that the appeal concerns two annexes rather than one does not itself determine whether either constitutes an independent planning unit. Each annexe relates to one of the two existing host dwellings and must be considered according to its physical and functional relationship with that dwelling. The relevant appeal decisions demonstrate that this is ultimately a matter of fact and degree rather than one determined simply by the number of structures involved.

4.0 CONCLUSION

- 4.1 The Council's Statement and third-party representations do not alter the appellant's case. The present proposal materially differs from the scheme previously dismissed because the kitchenettes and dining facilities have been removed, creating a clear functional dependency upon the host dwellings.
- 4.2 The evidence before the Inspector demonstrates genuine family care circumstances and an intention to integrate the accommodation with Nos. 18 and 20 Wilmar Close. Recent decisions within Hillingdon also demonstrate that ancillary occupation can appropriately be secured by condition where the particular circumstances justify that approach.
- 4.3 Furthermore, the Council's own Highway Authority has confirmed that ancillary occupation would not result in unacceptable parking or highway impacts. Accordingly, if the Inspector accepts that the proposed use is ancillary, the basis of both reasons for refusal falls away.
- 4.4 For the reasons set out within the appellant's original Statement of Case and these Final Comments, it is respectfully requested that the appeal is allowed, subject to such conditions as the Inspector considers necessary to secure the continued ancillary use of the outbuildings.