



## Appeal Decision

Site visit made on 29 September 2025

**by P Terceiro BSc MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 28 November 2025

**Appeal Ref: APP/R5510/W/25/3365335**

**The Old Coal Depot, Tavistock Road, West Drayton, Hillingdon UB7 7RS**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
- The appeal is made by Mr Harry Sran (Punjab Skips Limited) against the decision of the Council of the London Borough of Hillingdon.
- The application Ref is 18736/APP/2024/55.
- The development proposed is the construction and use of a temporary building for the transfer of waste with associated infrastructure and site office building for a temporary period of five years.

### Decision

1. The appeal is dismissed.

### Application for Costs

2. An application for costs was made by Mr Harry Sran against the Council of the London Borough of Hillingdon. This application is subject to a separate decision.

### Preliminary Matter

3. At my site visit I observed that two detached buildings similar to those proposed were on site. For the avoidance of doubt, I have determined the application based on the plans which accompany the appeal.

### Main Issues

4. The main issues are:
  - the effect of the proposed development on highway safety;
  - whether the proposed development would improve air quality;
  - whether the proposal would be required to deliver at least 10% biodiversity net gain (BNG);
  - whether the appeal site would be a suitable location for the proposed development, having regard to the Council's spatial strategy regarding waste.

### Reasons

#### *Highway safety*

5. The appeal site is a parcel of land that is located within the Old Coal Depot (OCD) site. The OCD is currently in use by several businesses which are primarily industrial in nature, including waste management operations, a scaffolding company and haulage business. Parts of the OCD are also used for vehicle

parking. The appellant currently operates a skip hire business on other land within the OCD, and this proposal seeks to relocate the business to the appeal site and introduce a more significant waste transfer station with waste sorting capability.

6. Vehicular/pedestrian access to the site would remain unchanged via a common two-way tarmacked internal carriageway which is truncated by a level rail crossing and shared by all operators within the OCD site. This roadway 'forks' directly and acutely from Tavistock Road and the evidence indicates that it has recently been enhanced to aid safety and movements into and out of the site. Tavistock Road itself joins the High Street (A408) in the form of an un-signalled priority 'T' road junction located some 50m due east of the OCD site access.
7. The Council advises that established traffic modelling principles consider a single HGV to be equivalent to a practical scenario of 2.5 passenger car units (PCU), because of the higher physical impact that HGV activities impose on the road network. This is not disputed by the appellant. The parties agree that if traffic increases on congested roads by 5% and on other roads by 10% as a result of a development, mitigation measures may be necessary.
8. The Transport Statement of Case (TSC) submitted with the appeal indicates that, between the hours of 7am to 6pm, the daily predicted number of two-way HGV movements associated with the proposal would be approximately 198, while the two-way trips relating to the existing business would be some 96. This is roughly an increase of 100%. When taking into account the existing daily traffic generation associated with the OCD site as set out within the TSC, the proposal would result in an overall predicted uplift in daily HGV trips of some 14%, which would increase to about 35% when the PCU factor is applied.
9. The proposal would result in about 10 two-way trips during the morning and afternoon peak hours, which would amount to an increase of some 3.7% in total two-way movements in the morning peak, whereas in the afternoon peak this increase would be about 4%. However, when applying the PCU factor, these percentages would correspond to a potential increase of approximately 9% and 10% respectively.
10. The above figures, which are not disputed by the appellant, would exceed the development threshold triggers set out above. On this basis, the proposal would likely result in an increase in overall traffic congestion, including during morning and afternoon peak traffic periods, thereby compromising road capacity and safety particularly in the area around the site access.
11. While the Transport Statement (TS) confirms that the accidents reported in the vicinity over the course of the last five years were limited, the additional volume of traffic associated with the proposal would nonetheless introduce additional danger. Therefore, whilst the OCD may have historically generated significant traffic volumes, on the evidence before me I am not persuaded that the proposal could be accommodated without resulting in a severe impact.
12. The proposal would have a harmful effect on highway safety, contrary to Policy T4 of the London Plan 2021 (LP), Policies DMT 1 and DMT 2 of the London Borough of Hillingdon Local Plan Part 2 - Development Management Policies 2020 (DMP) and Policies WLWP3 and WLWP4 of the West London Waste Plan 2015 (WLWP). These policies require proposals to address their transport impacts, have no significant adverse transport impact on the local and wider environment, integrate

with current and planned transport access, capacity and connectivity and seek to ensure that transport directly and indirectly associated with the development will not exceed the capacity of the local road network, amongst other things.

#### *Air Quality*

13. The site is within the declared Hillingdon Air Quality Management Area (AQMA). DMP Policy DMEI14 states that development should be at least air quality neutral. Also, it requires development to actively contribute towards the improvement of air quality, especially within the AQMA. LP Policy SI1 sets out that, to tackle poor air quality, development proposals should not lead to further deterioration of existing poor air quality and that development plan policies should seek opportunities to deliver improvements to air quality. The supporting text to this policy highlights that the delivery of an air quality positive approach may rely on opportunities in the surrounding area as well as on-site measures to reduce emissions.
14. The National Planning Policy Framework states that planning decisions should ensure that any new development in Air Quality Management Areas is consistent with the local air quality action plan. In this regard, I am directed to the London Borough of Hillingdon Air Quality Action Plan 2019-2024 (2019) which identifies Air Quality Focus Areas (AQFA). These are described as areas where the risk of exceeding pollution limits is high and there is relevant public exposure.
15. The figures contained in the Air Quality Rebuttal Note provided by the Council show that, while the proposed buildings and the part of the site on which the waste operations would take place would be outside the West Drayton/ Yiewsley AQFA, part of the access road into the site falls within the AQFA. This is recognised by the appellant in the Air Quality Technical Note (AQTN) that accompanies their appeal submission. As a consequence, traffic emissions originating from the operation of the proposed development would be released within the West Drayton/ Yiewsley AQFA. The AQFA designation emphasises the need to ensure the development contributes towards improving air quality.
16. The AQTN undertook an air quality neutral assessment in accordance with the requirements of the LP, and it concluded that the proposed strategy energy for the proposed buildings would not produce direct emissions to the atmosphere. In addition, the results indicated that the level of transport emissions from the development would not be significant. Therefore, the proposal would be air quality neutral and would accord with part of DMP Policy DMEI14.
17. However, the appellant has failed to show how the development would contribute towards improving air quality. This is a particular concern in light of the recognised air quality issues in the locality of the site and its location within an AQMA. LP paragraph 9.1.15 states that legal agreements should be used to secure measures to improve air quality. In line with this, the Council suggests that a planning obligation to secure the payment of a contribution towards the delivery of the Council's air quality local action plan or implementation of measures on the local road network to reduce vehicle emissions or human exposure to pollution would be required. The Council suggests a figure for the contribution, which is not robustly substantiated. Nonetheless, it is clear that a contribution would be necessary, and no mechanism to secure one has been provided.
18. The appellant suggests that any required mitigation to contribute towards the improvement of air quality could be secured through a suitably worded planning

condition requiring a Low Emissions Strategy to be produced in support of the development. However, even if accepted, I cannot rule out the need for additional measures to address air quality issues beyond those that could be incorporated as part of the development. As such, I am unconvinced the imposition of planning conditions would fully address the potential air quality issues.

19. Therefore, the proposed development would have a harmful effect on air quality. It would be contrary to LP Policies DF1 and SI1, Policy EM8 of the Local Plan: Part 1 Strategic Policies 2012 (SP), DMP Policies DMC17 and DMEI14, WLWP Policies WLWP3 and WLWP4, which among other things require development proposals to address air quality.

#### *Biodiversity Net Gain (BNG)*

20. Current guidance<sup>1</sup> indicates that statutory BNG has only been required for planning permissions granted in respect to an application made on or after 12 February 2024. The planning application was submitted to the Council on 8 January 2024. Accordingly, the statutory requirement to provide at least 10% BNG increase does not apply in this case.
21. While the Council's third reason for refusal refers to a few policies that form part of the development plan, the officer report did not expand upon any concerns in relation to these policies.
22. As such, the proposal would not be required to deliver at least 10% BNG increase and, in the absence of compelling evidence to the contrary, the proposal would accord with LP Policy G6, SP Policy EM7 and DMP Policy DMEI7, which amongst other things relate to biodiversity protection and enhancement.

#### *Suitability of location*

23. WLWP Policy WLWP2 identifies existing and proposed management facilities to meet the pooled apportionment for the six West London Boroughs up to 2031. Policy WLWP3 supports the principle of waste development on sites not identified in Policy WLWP2, such as the appeal site, subject to provisos.
24. The Council acknowledges that the appellant has satisfactorily justified that the allocated sites within the WLWP are unavailable to accommodate the proposed development, and I see no reason to disagree. Therefore, WLWP Policy WLWP3 criterion a. is satisfied.
25. The Planning Statement (PS) provided an assessment of need. The PS confirmed that the Environment Agency's Waste Data Interrogator 2022 indicated that, in 2022, the quantity of household, commercial and industrial waste received by waste facilities within the 6 West London boroughs amounted to some 1,574,039 tonnes. This is significantly lower than the 2021 apportionment figure for West London of approximately 2,092,000 tonnes. Therefore, there is a capacity gap of around half a million tonnes.
26. While the Council refers to an increase capacity at the Western International Market site, which would reduce the capacity gap, it has not produced robust evidence to dispute the figures put forward by the appellant or suggest that this

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<sup>1</sup> Guidance Biodiversity net gain. MHCLG. 2025.

facility is meeting the capacity gap. Given such, I am therefore satisfied that the proposal would meet WLWP Policy WLWP3 criterion b.

27. In relation to the cumulative effect of the proposal with existing waste management facilities, the nearby civic amenity site operates on weekends only, which would assist in limiting the cumulative operational impacts. However, whilst the appellant suggests that the appeal site would provide a preferable alternative to the Trout Lane facility, which is more remote, there is no evidence before me to suggest that the proposal would result in the closure of this facility, or in a significant reduction in its use. Therefore, I cannot rule out that there would be an adverse cumulative effect on the well-being of the local community, including in terms of highway safety and air quality, when taken together with existing waste management facilities. This in turn would harm the WLWP sustainability objectives, including to minimise the impacts of waste related transport. As such, the proposal would not meet criterion c. of WLWP Policy WLWP3.
28. WLWP Policy WLWP3 criterion d. requires the proposed site to meet the criteria set out in the subsequent WLWP policies if applicable. WLWP Policy WLWP4 lists the requirements that need to be met to ensure that any development is of the required high quality. These cover a range of issues, including transport and local biodiversity. While I have found that the proposal would not be harmful in respect of biodiversity, I have found harm in terms of highway safety, and limited details have been provided to demonstrate that consideration was given to the transportation of waste by modes other than the road. Therefore, the proposal would not meet WLWP Policy WLWP4 criteria d. and e., nor WLWP Policy WLWP3 criterion d.
29. Having regard to the above, the appeal site would not be a suitable location for the proposed development, having regard to the Council's spatial strategy regarding waste. The proposal would therefore be contrary to WLWP Policies WLWP3 and WLWP4, which set out the location of waste development and provide a range of criteria to ensure developers consider and mitigate the impacts of their development on the environment and on the community.

### **Planning Balance**

30. The proposed development would be acceptable in regard to aspects including noise, visual impact and flood risk. However, these are neutral factors that neither weigh for or against the development.
31. The proposed facility would provide much needed waste management capacity on a brownfield site in an accessible location. It would support the appellant's business by providing the means to accept and treat its own waste. Additional jobs would be created. Taken together, these benefits would carry moderate weight in favour of the appeal scheme.
32. On the other hand, I have found that the proposal would be harmful in terms of highway safety, air quality and the proposed location would not be suitable to accommodate the proposed development. I attach these harms substantial weight. While the temporary nature of the proposal would temper the weight I attribute to the identified harm, it would not be sufficient to overcome the harm that I have identified.

## **Conclusion**

33. The proposal conflicts with the development plan read as a whole and the material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above the appeal should be dismissed.

*P Terceiro*

INSPECTOR