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## Appeal Decision

Site visit made on 4 July 2025

by **N Perrins MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 19 August 2025**

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### **Appeal Ref: APP/R5510/W/25/3361146 48 Falling Lane, West Drayton UB7 8AD**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 (as amended) for the development of land without complying with a condition subject to which a previous planning permission was granted.
  - The appeal is made by Bikramjeet Singh against the decision of The Council of the London Borough of Hillingdon.
  - The application Ref is 69765/APP/2024/960.
  - The application sought planning permission for the erection of a detached outbuilding to the rear at 48 Falling Lane, West Drayton UB7 8AD without complying with condition 4 attached to planning permission Ref: 69765/APP/2023/2874.
  - The condition in dispute is No. 4, which states: The outbuilding hereby approved shall only be used for the purposes shown on the approved plans, namely a breakout area / sitting area, W/C and storage area and shall not be used for purposes such as a living room, bedroom, kitchen, commercial use. Nor should it be used as a separate unit of accommodation or for any business purpose.
  - The reason given for the condition is to avoid any future fragmentation of the curtilage or the creation of a separate residential or business use, so as to protect the amenity of adjoining residential properties in accordance with Policies DNH4, DMHB11, DMHB16 and DMT6 of the Hillingdon Local Plan: Part Two – Development Management Policies (January 2020).
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### **Decision**

1. The appeal is allowed and planning permission is granted for the erection of a detached outbuilding to the rear at 48 Falling Lane, West Drayton UB7 8AD in accordance with the terms of the application, Ref 69765/APP/2024/960 and subject to the following conditions:
  1. The development hereby permitted shall begin not later than three years from the date of this decision.
  2. The development hereby permitted shall be carried out in accordance with the details shown on the approved plan Ref: DWG-NO. PA-01.
  3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification), no additional windows, doors or other openings shall be constructed in the walls or roof slopes of the development hereby approved.

4. The development hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 48 Falling Lane, West Drayton UB7 8AD.

### **Preliminary Matters**

2. A revised National Planning Policy Framework (the Framework) was published in December 2024. The updated Framework does not raise any new matters that are determinative to the outcome of this appeal.
3. The appellant provided additional information during the appeal including Council tax records and further explanation over their family needs for the proposal. I accepted this additional information and provided the Council opportunity to comment during the appeal process.

### **Background and Main Issues**

4. Planning permission was granted under Ref: 69765/APP/2023/2874 for the erection of a detached outbuilding at the appeal site. Condition 4 of Planning Permission Ref: 69765/APP/2023/2874 states that the outbuilding must not be used for purposes such as a living room, bedroom, kitchen, commercial use. The proposed application seeks to vary Condition 4 to allow for the outbuilding to be used as ancillary accommodation to the dwelling to allow the applicant's parents to stay in it for up to 6 months a year.
5. The main issues, therefore, are whether the proposed development would constitute a separate unit of residential accommodation rather than an ancillary use, and if so, the effect of the proposed development on the character and appearance of the area, living conditions for future occupiers and neighbouring properties and parking.

### **Reasons**

#### *Whether or not a new, separate dwelling would be created*

6. The appeal site comprises a two-storey semi-detached dwelling with rear garden. The outbuilding subject of this appeal has been constructed in the property's garden along the rear boundary. It is rectangular in shape and single-storey. Access is through a front door into the outbuilding from the garden.
7. The Council's reasons for refusal are based on the contention that the proposal would be a separate dwelling. If the outbuilding were occupied as an independent and separate dwelling, I agree that it would create an intrusive and uncomfortable environment for existing occupiers of the appeal site as well as future separate occupiers of the outbuilding by its close position to the host property within the rear garden area. Occupants of both would have to share the rear garden space as communal amenity space that would also double up as separate access for the outbuilding.
8. This would be an unacceptable environment for anyone to have to live in as two separate planning units. Moreover, the outbuilding dwelling would be directly overlooked by neighbouring properties that would further harm the living conditions for future occupants if occupied as a permanent and separate dwelling. The development also does not meet space and accessibility standards for a 1 bed

dwelling and would create a cramped and oppressive environment for anyone living within it as a permanent and separate dwelling.

9. However, the appellant has not applied for the outbuilding to be used as a separate dwelling. They have clearly applied for the development to be retained as an outbuilding to be used for ancillary accommodation as was originally granted albeit with the ability to allow for their parents to stay in it overnight when visiting for between 3 and 6 months during the year, which is currently restricted by the wording of condition 4.
10. In terms of the functional and physical relationship with the host property, the outbuilding is located at the rear of the back garden area but still near the dwelling. The rear garden is enclosed and appears functionally as part of the host property's domestic curtilage. Access to the rear garden area, and outbuilding, is from both the host property as well as a side entrance. The side entrance runs adjacent to the host property and is accessed from its frontage and, therefore, does not appear to be in any way functionally separate from it. The outbuilding is also significantly smaller than the host property and appears visually subservient to it in footprint and scale. It has been constructed to what appears to be an acceptable standard other than I noted some aspects were not fully complete such as water supply through the garden.
11. It is clear to me that the outbuilding has not been designed to be an independent dwelling due to its size, the limited facilities that exist within and its positioning within the garden area close to the host property. Moreover, the appellant has confirmed in their submissions that it would only be used by their elderly parents when they come to visit for up to 6 months a year. The evidence presented confirms that when visiting, the parents would still use the facilities in the main house and operate together as a single household; this would clearly be within the scope of an ancillary use.
12. With the building built and proposed to be used for only ancillary purposes, I also find there would not be adverse impacts in terms of living conditions or neighbouring amenity as its occupation would be occasional and as part of a normal single use of the site with much of family life taking place in the host property. As such, I find that occupation of the development for sleeping for limited periods during the year would not result in any more material harm than if it were used as a home office or for other forms of ancillary living space.
13. In such circumstances, it is normal practice for ancillary accommodation including overnight sleeping to be controlled by a suitably worded condition to ensure it remains ancillary to the main dwelling, which can be enforced against as necessary. I see no reason why this could not be successfully imposed in this case and discuss this further below.
14. I note also the Council has raised a concern over parking provision. However, as observed on my site inspection, the on-street parking provision and capacity that exists nearby would easily accommodate what would only ever be very minor parking demands from the proposed development.
15. To conclude, the proposed development would be used for ancillary accommodation and not as a separate, independent dwelling. Accordingly, the proposed development does not conflict with the Policies referred to in the decision notice as they were applied on the basis that the Council considered the

development to be a separate and independent dwelling. The principal policy for considering outbuildings to dwellings as proposed in this case is Policy DMHD 2 of Local Plan Part 2 – Development Management Policies 2020 (DMP). This requires development to be built to a good standard, would not harm living conditions of neighbouring properties, would be of a proportionate footprint to the main dwelling house, not capable for use as independent residential accommodation and must not include primary living accommodation. For the reasons set out I have found that the proposed development would not materially conflict with any of the strands of Policy DMHD 2 of the DMP.

### **Other matters**

16. I note the objection received from a neighbour that has queried whether the development has been fully completed including connection to services. This matter, however, is incumbent on the appellant ensuring that the development is completed in accordance with the requirements of building regulations and not a matter for me to consider addressing in this appeal decision by conditions or other measures. This is consistent with Planning Practice Guidance<sup>1</sup> that states that conditions requiring a development to be carried out in its entirety will fail the test of necessity by requiring more than what is needed to deal with the problem they are designed to solve. PPG also states that conditions requiring compliance with other regulatory regimes will not meet the test of necessity and may not be relevant to planning.

### **Conditions**

17. I have considered what conditions are required having regard to paragraph 57 of the Framework and Planning Practice Guidance as well as those that were attached to the parent planning permission Ref 69765/APP/2023/2874.
18. As the proposed ancillary use of the outbuilding as applied for has not yet started, it is necessary to include the standard time limit condition. It is not essential for the approved plans to specify exact details of the internal layout, as the outbuilding is intended to be ancillary to the main property. However, it is necessary that the outbuilding remains as built according to the plans submitted with the application. I, therefore, include a condition listing the approved plans to clarify what has received planning permission.
19. I have included a revised condition 4 to ensure that the outbuilding can be used for the purposes applied for but will remain ancillary to the host property. This would also give the Council the option of enforcement action if there were any breaches of the terms of that condition.

### **Conclusion**

20. For the reasons given and considering all matters raised, the proposal would not result in a separate dwelling and with conditions accords with the development plan. Accordingly, I conclude that the appeal should be allowed.

*N Perrins*

INSPECTOR

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<sup>1</sup> Planning Practice Guidance Paragraph 005 Reference ID:21a-005-20190723