



Town and Country Planning Act 1990
Section 78 Planning Appeal

London Borough of Hillingdon Appeal Statement

Appeal By:
Car Giant Ltd

Proposal:
Retrospective permission for the installation of six pole mounted lights sited six metres
above ground level

Appeal Site:
386 Glebe Farm West End Road Hillingdon HA4 6QX

Our Ref:
Your Ref:

14607/APP/2023/1912
APP/R5510/W/24/3346230

1. Introduction

1.1 This appeal statement is submitted by the London Borough of Hillingdon, as the Local Planning Authority (LPA), in respect of the appeal against its refusal to grant planning permission for the installation of six pole mounted lights sited 6 metres above ground level (retrospective).

1.2 The LPA refused planning permission on 6th February 2024 for the following reasons (as stated on the decision notice):

1 The development represents inappropriate development in the green belt to which no very exceptional circumstances exist. The development therefore conflicts with Policy DME1 4 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020), Policy G2 of the London Plan (2021) and Paragraphs 152 and 153 of the National Planning Policy Framework (2023).

2 The proposed six lighting columns due to their excessive height in this location results in significant visual intrusion and a highly conspicuous form of development that results in significant harm to the character and visual amenity of the area. The development therefore conflicts with Policy D3 of the London Plan (2021), Policy BE1 of the Hillingdon Local Plan: Part One Strategic Policies (2012) and Policy DMHB 11 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020).

3 The lighting would result in a significant level of harm to the amenities and quality of life of surrounding residents by reason of light pollution, light spillage and glare. The development therefore conflicts with Policy DMHB 11 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020), Policy D3 of the London Plan (2021) and Paragraph 191 of the National Planning Policy Framework (2023).

1.3 The LPA's case is set out in the Planning Officer's delegated report, which should be read in conjunction with this statement. A copy of the delegated report and relevant planning policies has been provided separately.

1.4 This statement will not repeat the delegated report and will focus on addressing matters raised in the Appellant's statement of case.

2. LPA Comments on Appellant's Statement of Case

- 2.1 Within their statement of case, the appellant has raised the following summarised points in response to the reasons for refusal, which are excerpted below.
- 2.2 Reason for refusal 1 states that the development represents inappropriate development in the green belt to which no very exceptional circumstances exist. In response to this reason for refusal, the appellants grounds of appeal (Statement of case paragraphs 3.17-3.25) makes the following points:
- The floodlights replace old fashioned floodlight erected haphazardly around the site.
 - The lawful use of the site has already departed from an appropriate Green Belt use (paragraph 154 NPPF). Permitted development rights would allow for the erection of industrial buildings and warehouses provided that the new building was no higher than 5m within 10m of the curtilage boundary. The open storage and lease provisions restrict the occupier from storage no higher than 4 metres adjacent to the nearest residential properties to the north and 5 metres elsewhere on the site.
 - The lights and columns upon which they are mounted are necessary for the safe operation of a lawful use. They are considered to be appropriate development for the lawful use of this particular piece of designated Green Belt given the site's location at the edge of a street lit urban area.
 - The appellant will be submitting representations for the operable part of the Appeal site to be removed from the Green Belt.
 - The demonstration of very special circumstances is not considered to be necessary. The appellant points to economic, operational and locational factors of the site.
 - As the site is permitted to be operable 24hrs, the lighting is needed for security purposes.
 - The development does not harm the Green Belt, as the site itself is within the Green Belt and the lawful use of the land already diverges from defined appropriate GB development. There would be harm caused to this Green Belt site if there was not sufficient lighting to operate it safely and securely.
 - The development is appropriate within the context of the lawful site operation, the need to ensure safe operation, existence of a previous lighting system, and that very special circumstances do play a role in this case due to the tenancy agreement, Certificate of Lawfulness and nature of site operation making it necessary for 24hr lighting to be available on site.
- 2.3 In the first instance, the Council does not dispute the site's planning history and it is accepted that the established storage use is not listed as an appropriate use in the green belt by virtue of the list of exceptions provided in the NPPF. Any permitted development rights for the erection of new industrial buildings and warehouses is also not considered to be material as the appeal proposal does not comprise these forms of developments nor is the application a certificate of lawfulness of a proposed development. The terms of any lease agreement is not material as it does not override any planning permission that may be required.
- 2.4 The NPPF provides a very clear list of exceptions to define what is or isn't inappropriate development in the green belt. The NPPF does not differentiate between uses and therefore the list of exceptions is accepted as being universally applicable based on a site's location within the green belt.

- 2.5 Any intention of the appellant to submit representations for the removal of the appeal site from the green belt boundary as part of the local plan review is given limited weight at this stage of the process.
- 2.6 Exterior lighting is not listed as an exception, therefore by definition is inappropriate development. The appellant however considers that in the case of the appeal proposal, they do not need to demonstrate very special circumstances, an argument that the Council does not accept.
- 2.7 The security and operational requirements are noted however these do not represent very special circumstances, which as per the Framework are required to be demonstrated to outweigh the inappropriateness. There are no public benefits arising from the appeal proposal and no very special circumstances have been put forward by the appellant.
- 2.8 For the reasons set out in the above, the Council consider that the appellant has not suitably addressed reason for refusal 1. In the absence of the demonstrating of very special circumstances, the reason for refusal should be sustained.
- 2.9 Reason for refusal 2 states that the proposed six lighting columns due to their excessive height in this location results in significant visual intrusion and a highly conspicuous form of development that results in significant harm to the character and visual amenity of the area. In response to this reason for refusal, the appellants grounds of appeal (Statement of case paragraphs 3.26-3.37) makes the following points:
- The lighting columns are proposed for safe operation of an established employment site. The tenancy agreement allows the tenant to store goods up to a height of 5m which means that lighting columns need to be positioned to allow for illumination of storage up to this height.
 - The perimeter lighting columns are spaced proportionally to give appropriate levels of lighting across the site for safe and secure operation of the site. The columns are slender and are similar to street lighting columns.
 - In the context of the lawful operation of the site, six slender lighting columns do not amount to significant visual intrusion and are not highly conspicuous.
 - The character of the Appeal site area is not unique and reflects its outer London suburban character, it is mixed with industrial sites close to residential streets, sports and educational facilities and the Northolt Aerodrome to the west. All the uses co-exist and have been established for many years.
 - The nearby heritage assets are not considered to be impacted by the Appeal scheme.
 - It would be unsafe to operate the lawful use without adequate lighting, and in this case, adequate lighting needs to be that of six 6m high lighting columns so that storage is lit up well enough for safe work to take place.
 - The minimal impact arising from the height of six 6 metre poles that are similar in character to street lighting which is prevalent in the local area.
 - The Appeal site floodlights are very much a site specific structure of a functional nature, much like street lights. They border the site boundary but there is no scenic view across the site and no particularly character other than a storage and distribution site.

- The lighting columns are slender structures and sit against the backdrop of open storage that is lawful on site. Read in the context of the lawful use of the site the columns do not cause significant visual intrusion as they are narrow and are seen against the backdrop of the open storage use.

- The site adjacent to Glebe Farm on the east side of West End Road, has a range of floodlighting systems installed including 12m high floodlights surrounding the training pitches and lighting poles very similar to these at the Appeal site, within the parking area fronting West End Road. London GAA received approval from the Council on 23 January 2015 ref: 24373/APP/2014/1946 including the proposed floodlights.

- 2.10 Any tenancy agreement related to the site is not considered to be a material consideration nor does it permit any works that require planning permission.
- 2.11 The appellants grounds of appeal hinges primarily on security and operational factors, which are noted. The established use of the site is not however considered to provide the justification for the lighting scheme that was erected without the benefit of planning permission.
- 2.12 The appellant alleges that there is a minimal impact harm resulting from the appeal proposal. As detailed in the decision notice and the case officer's report, the appeal proposal is considered harmful by the Council to warrant refusal of the application. Following on from the refusal was the serving of an enforcement notice requiring the unauthorised lighting columns to be removed in their entirety.
- 2.13 Whilst there are lighting columns on the street, these are read in the context of the public highway. They are not considered to be a precedent that supports the appeal proposal.
- 2.14 It is acknowledged that the scheme granted planning permission under ref: 24373/APP/2014/1946 included 6no 12metre high lighting columns serving a training pitch. This above-mentioned application reference is referred to in the appellants statement of case. The appellant however fails to mention Condition 19 which is attached to above-mentioned consent which restricts use of the floodlighting outside the hours of 7am and 9pm Monday to Saturday and 8 am to 9pm on Sundays and Bank Holidays. The appeal proposal seeks unrestricted 24hour illumination whereas the above-mentioned consent is subject to a condition that restricts illumination to preserve the amenity of the area. The site context and circumstances of the above-mentioned consent is different to the appeal proposal. Limited weight should be given to the above-mentioned consent, which also predates the current development plan.
- 2.15 For the reasons set out in the above, the Council consider that the appellant has not suitably addressed reason for refusal 2. In the absence of any information demonstrating that the proposal would not significantly harm the character and visual amenity of the area, the reason for refusal should be sustained.
- 2.16 Reason for refusal 3 states that the lighting would result in a significant level of harm to the amenities and quality of life of surrounding residents by reason of light pollution, light spillage and glare. In response to this reason for refusal, the appellants grounds of appeal (Statement of case paragraphs 3.38-3.48) makes the following points:

- The Council do not account for the lawful operation of the site for storage uses.
- The Appellant has proposed a lighting system that has the least impact to adjoining residential neighbours to the north and to the Green Belt to the west.
- The existing lights are asymmetric, meaning they do not evenly distribute lighting in all directions. This means that the lights are directed on site, with barely noticeable light spillage on any boundary of the site. The previous lighting was symmetric, causing uncontrolled light spillage.
- The Council has not noted that the lighting system is operated through motion light sensors, so when it is not necessary for the site to be lit up, the lights are not on.
- As demonstrated in the Lighting Assessment prepared by Lighting Reality, the asymmetry of the lighting system means that light concentration falls onto the site.
- The installation of these lights not only ensures that 24hr operation of the site can occur, but also improves the efficiency of the lights by providing a more modern lighting system with less light spillage occurrence than the lighting it replaced.
- The Council do not recognise that the lighting system is asymmetric, and therefore is working to limit the impact of light pollution on local amenity.
- The Council do not mention that the lights are controlled by light sensors so are not on 24hrs a day, which significantly decreases the potential for visual harm caused by light pollution to neighbouring buildings, the Green Belt and the surrounding area.

- 2.17 As previously mentioned in this statement, the Council does not dispute the lawful use of the site.
- 2.18 The appellant has failed to recognise that the appeal proposal represents a significant and material increase in the scale and output of lighting relative to the previous lighting scheme. Whilst the appellant contends that light spillage is reduced, no evidence was submitted to demonstrate a comparison of light spillage between the pre-existing lighting and the unauthorised installation.
- 2.19 The appellant has alluded to the site being in use 24hours a day and whilst the lighting system may be operated through motion sensors, in the absence of any such details and a condition being agreed to restrict the hours of illumination, neighbouring residents would be subject to light pollution throughout the night which is considered harmful to their amenity.
- 2.20 As detailed in the case officer's report the lighting assessment submitted with the application was deficient in its assessment of the impact on neighbouring residential receptors. The Council contends that the lighting assessment does not suitably demonstrate that the unauthorised lighting installation would not be harmful to neighbouring residential amenity.
- 2.21 For the reasons set out in the above, the Council consider that the appellant has not suitably addressed reason for refusal 3. The reason for refusal should be sustained.

3. Other Matters

- 3.1 The inspector's attention is drawn to an associated enforcement notice served under LPA ref: ENF/263/20. The Notice (Ref: HS/ENF/023567 refers to - Without planning permission, the installation of six pole mounted lights at Glebe Farm West End Road Ruislip HA4 6QX.
- 3.2 The above-mentioned enforcement notice has been appealed under PINS ref: APP/R5510/C/24/3346324. The LPA will be submitting a further response.

4. Conclusion

- 4.1 For the reasons set out in the delegated report and this statement, the development represents inappropriate development in the green belt to which no very exceptional circumstances exist; results in significant visual intrusion and a highly conspicuous form of development that results in significant harm to the character and visual amenity of the area; and, would result in a significant level of harm to the amenities and quality of life of surrounding residents. The Inspector is therefore respectfully requested to dismiss the appeal.
- 4.2 In the event that the Inspector considers the appeal should be allowed, and without prejudice to the Council's case, a list of recommended planning conditions is included at Appendix 1.

Appendices

Appendix 1 – The LPA's Recommended Conditions

Appendix 1 – The LPA’s Recommended Conditions

For the reasons set out in this appeal statement, the decision notice and the Officers Report, the Inspector is respectfully requested to dismiss the appeal. In the event that the Inspector is minded allowing the appeal, the Council ask that the following conditions be considered for inclusion on any permission:

1) The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plan numbers HS1117_101A Site Location Plan, HS1117_102A Lighting Column Plan, S-FR2506T01-01 General Arrangement of Forest Column, Brackenheath Rex Slim Datasheet, Technical Data Sheet, CU Phosco Lighting Ltd, Outdoor Lighting Report, Ref: BEI20230629, Dated: 398 June 2023, Lighting Reality and shall thereafter be retained/maintained for as long as the development remains in existence.

REASON

To ensure the development complies with the provisions of the Hillingdon Local Plan Part 1 (2012), Part 2 (2020) and the London Plan (2021).