APPELLANT'S STATEMENT OF CASE
ON BEHALF OF CAR GIANT LTD
SECTION 78 APPEALS AND
ENFORCEMENT APPEAL

APPEAL REFERENCES:
APP/R5510/W/24/3346230,
APP/R5510/W/24/3349506
APP/R5510/C/24/3346324

SITE AT: GLEBE FARM
WEST END ROAD
RUISLIP HA4 6QX

Date: 13th October 2024
Job No: 157

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1. INTRODUCTION AND DESCRIPTION OF DEVELOPMENT

i) Introduction

1.1 This Statement of Case ("SoC") has been updated to reflect the current NPPF (December 2024 amended on 7th February 2025) and the Green Belt Planning Practice Guidance updated on 27 February 2025 and is prepared by PowerHaus Consultancy Ltd on behalf of Car Giant Ltd ("the Appellant'") and the Appeal site located at Glebe Farm, West End Road, Ruislip, HA4 6QX (see Site Location Plan at Appendix 1). It relates to two planning appeals (the "S78 Appeals") against refusal of planning permission by the London Borough of Hillingdon ("the Council"), Reference 14607/APP/2023/1912, on 6 February 2024, for the "first" retrospective planning application for the unauthorised installation of six floodlights and reference 14607/APP/2024/1283 refused on 9th July 2024, for the "second" retrospective application for the retention of six floodlights. It also concerns an appeal (the "Enforcement Appeal), against an Enforcement Notice dated 16th May 2024, served by the London Borough of Hillingdon ("the Council"), Reference HS/ENF/023567 and received by the Appellant at its Registered Office on 20th May 2024, concerning the unauthorised installation without the benefit of planning permission of six floodlights.

1.2 PowerHaus sought to persuade the Council to defer the pursuit of enforcement procedures on the basis that the second retrospective application addressed all concerns about the alleged light spillage and the impact on residential amenity (correspondence attached at Appendix 6).

1.3 The second retrospective application was made on 14th May 2024 in response to the refusal of the first retrospective application, for the retention of six lighting columns and replacement of the six existing floodlights with six alternative energy efficient floodlights, sited six metres above ground level, (ref 14607/APP/2024/1283). This application sought to reduce the alleged light spillage and perceived impact of the lights on the neighbouring buildings by replacing the floodlights with different floodlamps offering additional controlled illumination with an LED luminar fitting. The second retrospective application was submitted before receipt of the enforcement notice.

1.4 Given that events have moved on since the submission of the first retrospective application/appeal, the appellant makes its statement of case in relation to the second retrospective application, given the improved control of the floodlamps and benefits to neighbouring residents and would accept conditions to replace the floodlamps according with the details included within the second retrospective application.

ii) Site Location

1.5 The Appeal site address is Glebe Farm, West End Road, Ruislip, HA4 6QX ("the Appeal site"). It comprises existing industrial storage units and open storage with ancillary uses. The site is located on the western side of West End Road as it approaches the A40 to the south. South Ruislip is positioned immediately to the north of the site and the Northolt Aerodrome is located directed to the west. The site has excellent links to the strategic road network and is located close to (approximately 0.1km) the A40, providing access to the M25 and M40 (location plan attached at Appendix 1).

1.6 The site has a Public Transport Accessibility Level (PTAL) of 1b. Bus routes are readily available on West End Road providing access to Ruislip and Ealing Broadway. South Ruislip Train Station is located to the north-east, approximately a 12 minute walk away, providing trains to London Marylebone, Gerrards Cross, Aylesbury and High Wycombe. Despite the low PTAL rating, the site is still easily accessible by public transport with cycle and walking options.

iii) Background

1.7 Car Giant purchased the Appeal site in May 2022. Although the Appeal site is owned by Car Giant, it does not form part of Car Giant's retail arm but forms part of its property portfolio of industrial landholdings. It owns a number of industrial sites across west London. It is emphasised that there is no intention to use the site for any part of Car Giant's operational needs including car sales, storage or repairs and maintenance.

1.8 The industrial uses of land and buildings at the Appeal site was confirmed via a Certificate of Lawfulness on 7 July 2006, for use as storage and ancillary purposes. A copy of the Inspectors decision is attached at Appendix 2 with a plan denoting the relevant land. The development falls within the denoted land.

1.9 The Appeal site was purchased as an existing estate but had historically been poorly managed, maintained and contained significant areas of fly tipping and unneighbourly uses. Since purchasing the site Car Giant has undertaken extensive clean up of the site and removal of waste, structures and uses that have enhanced residential amenity, replacing the ad hoc run site, with a well-managed and in demand employment site. The elements of the extensive refurbishment of the site are in part, far beyond the requirements of a Landlord but Car Giant are mindful of the aesthetics of the site given its location and surroundings.

1.10 The Appeal site previously contained seven number existing lighting columns and fixtures as identified in the photograph attached at Appendix 3, which were more than 20 years old and long pre-date Car Giant's purchase of the Appeal site. These old lights were not engineered to modern lighting specifications or energy efficient usage.

1.11 Car Giant has sought to replace this dated lighting as part of their continued upgrade of the Appeal site and considered that as the proposals were a replacement of the existing poor quality floodlighting with a lower number of more energy efficient and controlled floodlights, that permission was not required and the proposals were beneficial for both the site and its surroundings.

1.12 The current occupier Swing Driver Ltd transports freight and storage units across the south-east with a 24/7 operation and requires safe and secure operation of the site for storage purposes. It moves and stores film production sets and vehicles for the film industry including the BBC, Warner Brothers, Sky and HBO. In addition, it transports large freight logistics that requires specialist handling vehicles and these are also stored on site if not in operation. It currently employs 35 full-time skilled and semi-skilled employees with a further 20 staff employed on a casual basis to deal with peak periods of demands.

1.13 The site is not located in a Conservation Area. The former farmhouse building located south of the Appeal site, is a Locally Listed Building. There are no other statutorily or locally listed buildings on the site. The closest listed building to the site is the Polish Air Force Memorial (Grade II*), located at the junction with Western Avenue, West End Road and adjacent to the southern boundary of the wider Car Giant site ownership some 85m from the location of the lighting columns and screened by vegetation.

1.14 The entirety of the site is within the defined Flood Zone 1 (least probability of flooding) on the Environment Agency's Flood Map.

1.15 The site forms part of the Green Belt designation of the Local Plan Part 2 Development Management Policies (January 2020).

1.16 The submission of the First Retrospective Planning Application followed receipt of the Council's email dated 5 June 2023, from Daniel Lord and his site visit, advising of the need to make the retrospective application for the replacement light columns to the north of the site and along the eastern boundary with Wordsworth Court. The First Retrospective Planning Application was made on 30th June 2023 for retrospective permission for the installation of six pole mounted lights sited 6 metres above ground level. It was refused under delegated powers on 6th February 2024 (ref: 14607/APP/2023/1912 – now referred to as the "first retrospective application"). The officer's delegated report is attached at Appendix 4.

1.17 Following submission of the application, no progress was made by the Council to determine the application and many months passed. PowerHaus chased for an officer response, but none was received until 23rd January 2024, when a new case officer confirmed that the application was now being processed, that the height of the lighting columns was considered to be excessive and questioning whether the applicant would accept a condition to switch off the lights in the evening and overnight. Appendix 5 contains the email exchanges.

1.18 The Appellant given the existing unrestricted operation of the site, the improved lighting that was more energy efficient, adopted a lower number of light columns and reduced light spillage and the need to continue to allow the existing tenant to operate its business safely, securely and without restriction, was not prepared to accept a condition for the hours of use of the lighting as the current occupier runs a 24hr business, and the appeal site is not restricted in terms of the permitted hours of operation. Thus, the lighting assists with both safety and security during the hours of darkness.

1.19 The Appeal site, given its excellent connections with the wider transport networks supplies an in demand facility for the economic development sector and the same unrestricted use is likely to apply to any tenant associated with the lawful open storage use.

1.20 No further communication was received from the Council despite seeking to call the Council, until receipt of the refusal notice. The first retrospective application was refused on three grounds which are set down in Section 3 of this SoC and assessed therein. The Council consulted 79 neighbours and 6 letters of objection were received citing concerns about parking and the impact on residential amenity.

1.21 Instead of accepting conditions, the Appellant made further improvements to the lighting and applied for planning permission for the replacement of the floodlights with new ones that minimised light spillage through the Second Retrospective Planning Application, which was also refused. The delegated officer's report for the Second Retrospective Planning Application is attached at **Appendix 7**.

1.22 The Council consulted 96 neighbours and 3 letters of objection were received citing concerns about recent planning refusal for the site, and light pollution and impact on neighbour amenity. The Second Retrospective Planning Application therefore raised less objections from residents and given the numbers of residents consulted is a fraction of the numbers of people that have raised no objection to the lighting.

1.23 This Statement of Case sets out the Appellant's Case against the refusal of planning permission for both S78 Appeals in Section 2, which were refused for the same three reasons. Sections 3 and 4 set out the Appellant's grounds of appeal against the Enforcement Notice. Section 5 sets out the summary and conclusions.

2. APPELLANT'S S78 APPEALS CASE

i) Introduction

2.1 In accordance with Section 78 of the Town and Country Planning Act 1990, these S78 Appeals against the refusal of planning permission address the reasons for refusal given by the London Borough of Hillingdon and set out the Appellant's case to demonstrate why retrospective planning permission should be allowed.

2.2 Hillingdon Council's reasons for refusal of both the Retrospective Planning Applications are set out below:

> *"The development represents inappropriate development in the green belt to which no very exceptional circumstances exist. The development therefore conflicts with Policy DMEI 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);*
>
> *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); and*
>
> *The lighting would result in a significant level of harm to the amenities and quality of life 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)."*

ii) Relevant Planning Policies

2.3 Both Refusal Decision Notices refer to Policies from the Hillingdon Local Plan Part 1 (2012) and 2 (2020), the London Plan (2021) and the National Policy Planning Framework (2023).

Hillingdon Local Plan Part 1 (2012) and 2 (2020)

2.4 The Refusal Decision Notices issued by the Council refer to Policies DMEI 4, BE1 and DMHB 11 of the Local Plan.

2.5 Policy DMEI 4 *Development in the Green Belt or on Metropolitan Open Land* states that the Council will not permit inappropriate development in the Green Belt or on Metropolitan Open Land except in the case of very special circumstances. Extensions and redevelopments on sites will only be permitted where the development will not intrude on the openness of the Green Belt and Metropolitan Open Land.

2.6 Policy BE1 *Built Environment* requires all new development to improve and maintain the quality of the built environment in order to create successful and sustainable neighbourhoods, where

people enjoy living and working. Refusal reason 2, suggests that the lighting columns are considered excessive in height. Policy BE1 (11) requires that all new development should be designed to be appropriate to the identity and context of Hillingdon's buildings, townscapes, landscapes and views, and make a positive contribution to the local area in terms of layout, form, scale and materials and seek to protect the amenity of surrounding land and buildings, particularly residential properties (para 2).

2.7 Policy BE1 (8) also states that new development should create safe and secure environments that reduce crime and fear of crime, anti-social behaviour and risks from fire and arson, having regard to Secure by Design standards and address resilience to terrorism in major development proposals.

2.8 Policy DMHB 11 *Design of New Development* states that all developments are required to be designed to the highest standard and harmonise with the local context by taking in the scale of development, considering the height, mass and bulk of adjacent structures. The Policy refers in criterion i) to consideration given to the impact on neighbouring open spaces and their environment.

The London Plan (2021)

2.9 The Refusal Decision Notices refer to Policies G2 and D3 of the London Plan.

2.10 Policy G2 *London's Green Belt* states that in order to protect the Green Belt from inappropriate development, development proposals that would harm the Green Belt should be refused unless very special circumstances exist. The Policy also states that the enhancement of the Green Belt *'to provide appropriate multi-functional beneficial uses for Londoners should be supported'.*

2.11 Policy D3 Optimising Site Capacity Through the Design-led Approach states that all development should optimise the capacity of sites by 'ensuring that development is of the most appropriate form and land use for the site'. In terms of redevelopment, this means ensuring that any plans utilise and enhance the existing space so that the site can be used to its full potential.

National Planning Policy Framework (December 2024 amended 7 February 2025)

2.12 The Refusal Notice cites paragraphs 152, 153 and 191 of the National Planning Policy Framework (2023). The equivalent paragraphs are 153 and 198 of the NPPF 2024.

2.13 Paragraph 153 states that inappropriate development harms the Green Belt and will not be approved unless there are very special circumstances. It continues to state that *'very special circumstances'* in terms of the Green Belt exist when the enhancements of the proposed development outweigh any potential harm to the Green Belt. Local planning authorities should place great weight on any possible harm that could be caused to the Green Belt. Policy DMEI 4 of the Hillingdon Council Local Plan and Policy G2 of the London Plan are in line with the NPPF.

2.14 Paragraph 198 (formerly 191) states that development should be appropriate for its location. (198): c) states that new development should 'limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation'.

2.15 This section of the Appellant's Case sets out the reasons for refusal with demonstrations of acceptability of the proposal against the policies set out in the reasons for refusal by the Council.

National Planning Policy Framework (December 2024)

2.16 The new Government has published the National Planning Policy Framework (NPPF December 2024). The Government has defined "Grey Belt" in the NPPF 2024 Glossary as follows:

"Grey belt: For the purposes of plan-making and decision-making, 'grey belt' is defined as land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of purposes (a), (b), or (d) in paragraph 143. 'Grey Belt' excludes land where the application of the policies relating to the areas or assets in footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development".

2.17 The exceptions to inappropriate Green Belt development are set out in paragraph 154 (formerly 151). Whilst floodlight development is not a specifically referred to category, this S78 Appeal is seeking retention of floodlights that serve an economic development use on an established lawful site. It is considered that paragraph 154(g) is the relevant exception to inappropriate Green Belt development and to the determination of this Appeal:

"limited infilling or the partial or complete redevelopment of previously developed land…, whether redundant or in continuing use (excluding temporary buildings), which would not cause substantial harm to the openness of the Green Belt:"

2.18 NPPF paragraph 155 referring to Grey Belt land states the development of commercial development in the Green Belt should also not be regarded as inappropriate where:

- *The development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan:*
- *There is a demonstrable unmet need for the type of development proposed;*
- *The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework; and…*
- *Where applicable …."*

Green Belt Planning Practice Guidance updated on 27 February 2025

2.19 Guidance is clear on how harm to the Green Belt including harm to its openness should be considered if a development is not inappropriate development at paragraph 014. Reference is made to paragraph 55 of the NPPF 2024 which sets out that if development is determined to be not inappropriate development on previously developed land or grey belt, then it should be excluded from the policy requirement set within the NPPF to give substantial weight to any harm to the Geen Belt including its openness. The updated Green Belt PPG 2025 goes on to state that "*This is consistent with rulings from the courts on these matters that, where development (of any kind, now including development on grey belt or previously developed land) is not considered to be inappropriate in the Green Belt, it follows that the test of impacts to openness or to Green Belt*

purposes are addressed and that therefore a proposal does not have to be justified by "very special circumstances".

2.20 In addition, the Green Belt PPG 2025 further considers the circumstances in which proposals on grey belt land should be approved. Paragraph 010 is clear that considerations must apply where the site is judged to be grey belt and where the development is identified to be not inappropriate development in the Gren Belt. These considerations include whether the site is also sustainably located and whether it would meet the "Golden Rules" contributions where applicable) and whether there is a demonstrable unmet need for the type of development proposed.

Appellant's Case Against Refusal Reason 1 – Inappropriate Green Belt Development

2.21 The first reason for refusal of planning permission given by the Council is that 'the development represents inappropriate development in the green belt to which no very exceptional circumstances exist. The development therefore conflicts with Policy DMEI 4 of the Hillingdon Local Plan DMEI 4 of the Hillingdon Local Plan: Part 2 – Development Management Policies (2020), Policy G2 of the London Plan (2021) and Paragraph152 and 153 of the National Planning Policy Framework (2023)'. In line with the NPPF 2024 and following the steps within the updated Green Belt Planning Practice Guidance 2025, the Appellant's case is that the development should not be considered to be inappropriate commercial development given its lawful status, that it meets the Grey Belt definition and the criteria of paragraph 155. The considerations of the Grey Belt definition and paragraph 155 of the NPPF 2024 are now reviewed below.

2.22 The NPPF Glossary definition of Grey Belt includes land that is previously developed. Glebe Farm is previously developed and benefits from a lawful use certificate (see Appendix 2). The definition includes a requirement that the site does not strongly contribute to Green Belt purposes set out in paragraph 143, including the following criteria:

(a) **To check the unrestricted sprawl of large built-up areas**; the Appeal site has an urban form fronting onto West End Road which continues the linear suburban form of development from the A40 roundabout up to and beyond Ruislip to the north. The east/west dissection caused by the A40 trunk road between Ruislip to the north and Northolt and Yeading to the south creates an existing barrier to any future sprawl of these urban areas. RAF Northolt, albeit identified as white land on the Proposals Map, is an open expanse and the Appeal site does not form part of the airport open character. The continued use of the Appeal site for commercial use does not interfere with the check of urban sprawl in this location.

(b) **To prevent neighbouring towns merging into one another**; The merger or threat of the merger of South Ruislip with Northolt to the south and beyond the A40 is strategically prevented by this east/west trunk road and the open form of land use to the south of the A40. The continued commercial use of the Appeal site will not threaten the merger of South Ruislip with Northolt.

(d) **To preserve the setting and special character of historic towns**: The Appeal site is not part of the setting or special character of a historic town. South Ruislip arose from the growth of Ruislip, Ruislip Manor and arrival of the underground line with the expansion of Metroland and post war expansion of South Ruislip.

2.23 For the avoidance of doubt, the Appeal site is not affected by any other designation referred to in footnote 7 of NPPF 2024, the final consideration of the fit with a 'Grey Belt' definition. The continued commercial use and operation of Glebe Farm would not fundamentally undermine the purposes (taken together) of the remaining Green Belt in this location. The site contains a defined western boundary edge free from previously developed land use, which continues to define the existing Green Belt boundary in this location.

2.24 The Appeal site is therefore considered to meet the Grey Belt definition by the fact of its 20 year established lawful commercial use on previously developed land, it does not strongly contribute to any of purposes (a), (b) or (d) in paragraph 143 defining the five purposes of Green Belt and it is not captured by footnote 7 of the NPPF.

2.25 With regard to paragraph 155 of the NPPF 2024, criteria a, (and paragraph 010 of the Green Belt PPG 2025) the development continues to utilise Grey Belt land, the use of which does not undermine the purposes taken together, of the remaining Green Belt between South Ruislip and Northolt. There is a demonstrable unmet need as described further below, for this form of storage in this strategic location with excellent connections with the wider highway network in accordance with criterion b. Finally, the Appeal site is within a sustainable location as defined in paragraphs 110 and 115 of the Framework, being within walking distance of South Ruislip mainline and underground station and regular bus services (E7) that run between Ruislip in the north and towns to the south including Northolt, Uxbridge and Heathrow to name a few. The Appeal site is readily accessible on foot and cycle.

Demonstrable Unmet Need for Storage Use

2.26 The site benefits from an established use that has been in operation for over 20 years. It was lit by old fashioned floodlights erected haphazardly across the site. With the extensive site clean-up and tidy of the site since Car Giant's ownership, the floodlights were replaced by the current posts and lamps. The development in question replaced seven outdated lights with six modern LED lights offering improved energy efficiency. The current occupier Swing Driver Ltd transports freight and storage across the south-east with a 24/7 operation and requires safe and secure operation of the site for storage purposes. Following the Council's refusal concerning light spillage, impact on residential amenity and the Green Belt, the Appellant proposed the revised floodlamps, to further address the conditions of the lighting considered by the Council to arise. The proposed development seeks to replace the already modern LED lights with more technical asymmetric LED lights that further minimise light spillage.

2.27 The current occupier Swing Driver Ltd transports freight and storage units across the south-east with a 24/7 operation and requires safe and secure operation of the site for storage purposes. It moves and stores film production sets and vehicles for the film industry including the BBC, Warner Brothers, Sky and HBO. In addition, it transports large freight logistics that requires specialist handling vehicles and these are also stored on site if not in operation. It currently employs 35 full-time skilled and semi-skilled employees with a further 20 staff employed on a casual basis to deal with peak periods of demands.

2.28 The lawful use of the site fits within NPPF 2024 criterion g) of paragraph 154 as an appropriate Green Belt use, reflecting the site's location at the very edge of the Green Belt, at the edge of the urban area of South Ruislip and adjacent to the A4180 and A40. The lawful storage and distribution uses including hard standing, amount to previously developed land where an exception to inappropriate development would accord with para 154 of the NPPF, if redevelopment was being considered. These S78 Appeals relate to replacement floodlights only, that sustain the existing lawful use of the site in a safe and secure way and cannot be considered separate to these factual circumstances. 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.

2.29 The existing character of the area is urban/suburban with both sides of West End Road lined by residential, employment and leisure development comprising 2-4 storey residential, car parks and floodlighting, street lighting and telegraph poles all reflective of its edge of London growth and proximity to the strategic road network, Heathrow, RAF Northolt and the urban areas of Ruislip. The operational RAF Station to the west includes a runway for military and civilian flights and all facilities to run an operational military base, including floodlighting.

2.30 Spatially and in terms of Green Belt openness, due to its existing use, storage containers, parked vehicles and hardstanding, with hedgerows containing the eastern and southern boundaries, the site does not contribute to Green Belt openness. Its boundaries are secured by close boarded fencing and the location of the lighting columns along the northern boundary reflects its urban/suburban characteristics. The height of the columns whilst addressed separately below in relation to reason for refusal 2, do not limit or harm the site's contribution to openness. They are seen in the context of its industrial/storage use and not as an undeveloped open site providing a relief to the urban development of Ruislip.

2.31 In order that storage and materials being stored, can be safely moved around the site by forklifts the lighting needs to be located higher than the tallest storage height area to avoid being hit by moving forklifts. The Appeal site is therefore not a piece of designated Green Belt that serves the five purposes of the Green Belt set out in NPPF para 143. Whilst floodlights may in other Green Belt circumstances be considered to be inappropriate to the GB purposes i.e. floodlights for perimeter security purposes alone, this is not the case for these lights. 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. Taking this into account, the Appellant has made a conscious effort to be mindful of the site's surroundings and the light impact on the green belt by proposing further improvements to a lighting system which is already lawful and necessary for the safe operation of the site under its designated use as a storage site.

2.32 As an aside, the Council is consulting on revisions to its Local Plan and Car Giant has submitted representations for the operable part of the Appeal site to be removed from the Green Belt given

the fact it does not serve any of the Green Belt functions and its existing and established lawful use of the site and its location. The NPPF (December 2024) Green Belt Planning Practice Guidance 2025 and Green Belt policies further support the identification of this site as appropriate for continued employment uses or potentially redevelopment for residential use, which is clearly not a matter for these appeals.

2.33 The Refusal Notice Delegated Officer's Report for the Second Retrospective Application (attached at **Appendix 7**) states that the there are no very special circumstances present to overcome the harm of inappropriate development and any other harms. This is because the Officer states that the site has previously been used for agricultural holdings and is therefore exempt from being defined as previously developed land in para 154(g) of the NPPF – in which partial or redevelopment of previously developed land is granted very special circumstances and allowed. Given the Grey Belt definition of the NPPF 2024 and the Appeal site's accord with it, paragraph 155 of the NPPF 2024 and paragraph 014 of the Green Belt Planning Practice Guidance 2025, there is no requirement to demonstrate very special circumstances.

2.34 The Council in its officer's report (**Appendix 7**) on page 11 paragraphs 4-6, considers that the existing use of the site cannot benefit from the exceptions policy in paragraph 154 of the framework as it considers that it was last occupied for agricultural use. Defining the site as last occupied by agricultural buildings is not correct given the Certificate of Lawfulness that was granted in 2006 for storage and ancillary use of the site. The site has operated as a storage site for over 20 years, with a Certificate of Lawfulness for the last 18 years. This is its lawful existing use and the agricultural definition set out in Annex 2 of the Framework does not apply to this site. The proposed installation of the lights, and unauthorised previous installation of lighting were not in conjunction or associated with a change of use of the site from agricultural to storage. The site is a long established lawful employment site.

2.35 The demonstration of very special circumstances to overcome the harm of inappropriate development and any other harms (Paragraph 153 of the NPPF 2024, Local Plan Policy DMEI 4 and London Plan Policy G2), is not considered to be necessary for the floodlights given the factual circumstances of the Appeal site, that it can be defined as Grey Belt, it meets the criteria of paragraph 155 being a sustainable location meeting a demonstrable unmet need. However, the operation of the site as a storage and distribution use is beneficial to the local economy of Hillingdon and London as a whole.

2.36 Such sites are few and far between due to the high value of land for other more profitable uses. The site's proximity to the A40, which provides access to the M25, M40, M4 etc, means that industrial economic activity can occur within Hillingdon, providing economic prosperity to the area which would be taken elsewhere if the site became inoperable due to a lack of sufficient lighting. The proximity of the site to the A40, M25 and M40 draws tenants to the site and allows efficient storage and access, which would become less efficient if the site was unable to operate 24hrs due to the removal of lighting.

2.37 As the site is permitted to be operable 24hrs, lighting is needed in order for the site to be used in conjunction with both the Certificate of Lawfulness and the tenancy agreement of the site. It would

be unsafe for the site to operate without the necessary lighting. Policy BE1 (8) encourages that development should create safe and secure environments that reduce crime and the fear of crime, anti-social behaviour and risks from fire and arson, having regard to Secured by Design standards.

2.38 The Council also fails to recognise that the site does not constitute the *'inappropriate development'* stated in Policy DMEI 4, Policy G2 and Paragraphs 153, 155 and the Grey Belt definition set out in NPPF 2024. The development is not inappropriate because it is necessary to the operation of the lawful use. 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. As mentioned, the lighting is asymmetric and therefore has low impact on the surrounding Green Belt and neighbouring buildings because it is designed to only light up the necessary areas of the site.

2.39 Overall, the first reason for refusal given by the Council is inadequate as it states that the development is inappropriate, and that no very special circumstances exist. This is incorrect as 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. The utilisation of Grey Belt land and that it does not strongly contribute to any of purposes a, b or d of NPPF 2024 paragraph 143 or undermine the purposes of the remaining Green Belt land, demonstrates that the development is not inappropriate.

Refusal Reason 2 - Height of Lighting Columns

2.40 The Council's second reason for refusal of both S78 Appeals is 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. 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)'.

2.41 Policy BE1 endorses high quality design, protection of residential amenity and the creation of secure environments for working and living within the Borough. The Council refer to this policy in response to the height of the lighting columns. The lighting columns are proposed for safe operation of an established employment site, to also aide with securing the facility which historically suffered from fly tipping and anti-social uses. The site can accommodate significant areas of storage. 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.

2.42 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. The site is also very much read within its context of the urban road of West End Lane, lined by streetlights, McGovern Park a Private Function Space and its floodlit car park fronting West End Land and the sports pitches (with floodlighting) for the London Gaelic Athletic Association. Northolt Aerodrome with high level perimeter floodlights, alongside the A40 trunk road with streetlights at regular intervals. It is a highly urbanised context.

2.43 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 site character is industrial and lighting columns are a typical form of safe operation, security and lighting of industrial areas. The adjoining character to the north is residential with streetlights lining road frontages and part of a car parking court and shared amenity space adjacent to the Appeal site. There is no formal planting or sitting out areas visible on Google Earth within the shared communal amenity space. To the east there are streetlights sited within 15m of the boundary of the Appeal site on the A4180, which is a well-lit main road. To the west is scrub land that is mainly unmanaged with trees and hedges mainly lining the site boundaries before the boundary with the secure Northolt Aerodrome. To the south, screened by vegetation, is the Polish War Memorial and quite public open space adjacent and slip roads from the A40 lit by streetlamps.

2.44 The second retrospective application provides improvements to the proposed floodlamps to minimising light spillage. The Council considers the height of the poles as excessive. The appellant has clearly set out why the poles are proposed at 6 metres, which includes the need for loading vehicles, the lifting in and out of materials and plant by forklift trucks and the need to avoid damage to lighting arising from this operational activity. The height of the poles also enables the control over the operational land for both security and safe operation of the site. 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 that are seen on West End Road and Glebe Avenue and similar to the flood lighting columns that are situated within the McGovern Park car park located on the opposite side of West End Lane.

2.45 The Council considers that the lighting causes harm to the streetscape, however they fail to recognise the plethora of the existing streetlights on the A4180, which is a well-lit main road and constantly lit during the hours of darkness.

2.46 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.

2.47 The nearby heritage assets are not considered to be impacted by the Appeal scheme and the Council states no heritage policies as a reason for refusal of the Appeal scheme.

2.48 Policy D3 states that all development should optimise the capacity of sites by *'ensuring that development is of the most appropriate form and land use for the site'*. In line with this, the lighting columns need to be of height, in order for the site to optimise its operation and allow for

appropriate land use. 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.

2.49 Therefore, the Council's use of Policy BE1 and Policy D3 as a reason for refusal conflict with each other. Policy BE1 seeks to balance a whole range of uses and good built environmental principles, whereas Policy D3 states that development should optimise the capacity of the site. The Council's reason for refusal 2 is not considered justified in the context of the established lawful use of the site, its mixed urban/suburban context and 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 scheme is therefore not considered to conflict with policies D3 and BE1.

2.50 Policy DMHB 11 states that development should take into account local context and be designed to the highest development standard being aware of both the height and mass of the development and neighbouring buildings. The A4180 West End Road is an urban/suburban setting and busy thoroughfare between Ruislip to the north and Southall to the south, as well as access to the strategic road network beyond. It is not perceived as open countryside. 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.

2.51 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.

2.52 McGovern Park, the London County Board of the Gaelic Athletic Association (London GAA), 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. McGovern Park is also located in the Green Belt and is located adjacent to residential properties. London GAA received approval from the Council on 23 January 2015 ref: 24373/APP/2014/1946 including the proposed floodlights. Flood lights and significantly taller lighting columns are therefore not uncommon in the local area with similar circumstances to the Appeal site.

2.53 Overall, the Council's second reason for refusal is inadequate as through the evidence understood above, the height of the lighting columns is neither excessive nor a visual intrusion on the local area. The lighting is of necessary height for the safe functional operation of the site, in accordance with Policy D3.

2.54 The Appellant in order to mitigate any perceived harm to residential amenity would accept that the floodlight poles are reduced by a metre in height and that this amendment must be implemented within three months of the date of the Inspector's decision. The appellant and the existing tenant understand that this lighting column height reduction is feasible utilising the existing lighting columns and given the perimeter location will not interfere with safe operation of the site.

Refusal Reason 3 – Harm Due to Light Pollution, Spillage and Glare

2.55 The Council's third reason for refusal is 'the lighting would result in a significant level of harm to the amenities and quality of life 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 now 2024)'.

2.56 The Council note 24/7 lighting as a significant reason for objection from residents, albeit that only three people objected to the second retrospective lighting application. The Council does not account for the lawful operation of the site for storage uses. Policy DMHB 11 states that development should harmonise with the local context and take into account the height and mass of adjacent structures. As discussed in the second reason for refusal, the lighting is in response to the safe lawful operation of the site and has therefore been developed in the context of the use of the site and Certificate of Lawfulness as a storage site. However, the Appellant has set out possible conditions on hours of lighting to limit the effect of the floodlights. Despite the tenancy agreement and nature of site operation, 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. To the east is the A4180 West End Road, which is a major thorough fare accessing the strategic highway network and the urban areas of Ruislip and Southall, amongst other areas. To the south is the remainder of the wider Glebe Farm storage site with no light spillage beyond the site boundaries.

2.57 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 Appellant's intention based on expert lighting advice was to both improve the safe lighting of the site and limit any light spillage beyond the site's boundaries.

2.58 The Appellant has gone on to further improve the lighting system, changing the lighting specification within the second retrospective application to further minimise impact on neighbouring amenity. It is worth noting that the second retrospective appeal application with the columns at 6metres complies with all intrusive light & dark skies guidelines. The 24hr operation of the site does not mean that the site needs to be lit up 24hrs. The Appellant would be willing if the Inspector considered this to be necessary to implement a sensor-based setting to the replacement floodlamps and agree to the following condition in order that when there is no activity on site the floodlights would automatically switch off:

"Between the hours of 21:00 to 05:00 daily, the floodlamps will be switched to a movement sensor-based setting.

2.59 Edmundson Lighting, who has advised Car Giant concerning an alternative floodlamp LED Luminar, as proposed in the second retrospective application, has examined the Lighting Reality supporting material. It notes that:

The 0.5 lux that crosses into the residential garden boundary to the north is a level that would be barely noticeable. It is compared to the lowest level of illumination generated by turning the dimmer switch of a house light switch to the first setting;

There is no penetration of floodlighting into adjoining residential habitable rooms as demonstrated by the contour maps submitted with the application;

The existing floodlamps marginally exceed the CIBSE guidelines;

Whilst the existing floodlamp is a less technical luminar, it would be a significant improvement to the uncontrolled floodlamps that previously lit the site;

That the alternative LED luminar fitting proposed by the second retrospective application, fully accord with the CIBSE guidelines for external lighting both pre curfew at 5 lux and post curfew at 1 lux;

The alternative LED luminar fitting in the second retrospective application, has 90% less impact on the same space as the existing floodlamps;

That the existing floodlamps have no impact on light pollution, spillage or glare on the Green Belt land to the west of the appeal site given the location of the floodlights and direction of lighting centred only on the site itself;

That the existing floodlamps have no impact on light pollution, spillage or glare on the locally listed building or the listed Polish War Memorial to the south of the appeal site.

2.60 The Council mention Wordsworth Court Amenity Area, which has side windows facing the northern side of the Appeal site boundary. The Second Retrospective Appeal scheme has revised the lighting further to provide more conservative lighting and the northern boundary is therefore less affected as demonstrated by Edmundson's Lighting Assessment. The effect of the lighting on the fence line of the boundary with Wordsworth Court is described by Edmundson lighting as equivalent to the lowest light level a dimmer switch would produce at its lowest setting and is barely perceptible.

2.61 The Edmundson Lighting Assessment has been undertaken into the impact of the lighting installation on Wordsworth Court amenity area and shows that the effects diminish substantially after the fence light and do not reflect on the residential buildings and any habitable rooms that may be present on the nearest elevations to the site. The Edmundson lighting design simulates the vertical illuminance (lux) on both nearby residential areas and shows no more than 2lux on the face of the properties. When compared with the results from BS EN12464-2, the results do not exceed the pre-curfew lux value (5 lux) for E2 environments, defined as representing low district brightness areas, such as industrial or residential suburbs. The columns at 6m will not be an issue with asymmetric floodlights, as the light is more controlled and reduces overall light spill.

2.62 The Officer's Delegated Report notes that the proposed lighting has a range of 60/120 degrees and the current lighting a range of 115 degrees. The Council state that this means the new lighting is more harmful than the current lighting. This is incorrect as the higher wattage does not correlate

to it being overly “brighter”, as when combined with a proper optic and controlled and aimed where it is needed, there is no increased light spillage or glare.

2.63 Table 2 of Edmundson Lighting’s Assessment demonstrates that the lighting system is compliant with the guidelines set out in CIBSE Guidelines BS EN12464-2:2014 for Lighting Levels. For an environmental zone E3 which is defined as “*represents medium district brightness areas, such as industrial or residential suburbs”* and the proposed second retrospective application lighting levels are below the maximum obtrusive light permitted for exterior lighting installations and this includes with the lighting columns at their existing 6m height. The disruption of lighting overnight will be minimal / within acceptable parameters to suit guidelines with the current product, the output is less than 2 lux on the adjacent building wall (1.2lx to be exact).

2.64 Overall, the Council’s third reason for refusal is not based on the evidence presented by Edmundson Lighting’s report and ignores the lawful use and function of the Appeal site, the need for safe and secure operation of the site and does not consider the effort from the Appellant to improve the lighting system installed on the basis of reducing light pollution and harm to residential amenity.

2.65 Policy D3 states that development should optimise operation of 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. Therefore, the installation of lighting complies with Policy D3, as without the lighting columns the site would not be able to operate to its full capacity.

2.66 Paragraph 191 states that new development should ‘limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation’. 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 Appellant took the impact of the site ‘s lighting on the local community under great consideration, as the lighting system has been designed to minimise the light spillage that occurs outside of the site boundaries.

2.67 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. The 24hr operation of the site does not mean that 24hr lighting of the site is necessary, but without the ability for the site to be lit up, the operation of the site as a 24hr storage and ancillary unit would not be possible.

2.68 Overall, the Council’s third reason for refusal ignores the lawful use and function of the Appeal site, the need for safe and secure operation of the site and does not consider the light contour maps submitted with the application to demonstrate the absence of light spillage and glare, in line with Policy DMHB 11. The council also do not recognise that the lighting system is asymmetric, and the impact on local amenity is minimal, as demonstrated in the Lighting Assessment prepared by Lighting Reality. 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.

3. APPELLANT'S GROUNDS AGAINST THE ENFORCEMENT APPEAL

i) Introduction

3.1 In accordance with Section 174 (2) of the Town and Country Planning Act 1990, this Appeal against the Enforcement Notice is submitted on three of the seven possible grounds of appeal:

- *Ground (e) 'that copies of the enforcement notice were not served as required by Section 172;*
- *Ground (f): 'that the steps required by the notice to be taken, or the activities required by the notion to cease, exceed what is necessary to remedy any breach of planning control which may be constituted by those matters or, as the case may be, to remedy any injury to amenity which has been caused by any such breach;' and*
- *Ground (g): 'that any period specified in the notice in accordance with Section 173 (9) falls short of what should reasonably be allowed.'*

3.2 The Appellant's case on ground (e) is that the tenant Swing Driver Limited was not served as required by Section 172, as a generic letter was sent addressed to "occupier/owner" and not addressed to the named tenant itself.

3.3 The Appellant's case on ground (f) is that the remedy of the breach by removal of the lighting columns along the northern boundary of the site in their entirety and the removal from the land all debris, items, building materials resulting from compliance with the removal of the lighting columns in their entirety, exceeds what is necessary to remedy the breach and any injury to amenity. The reasons set out by the Council for issuing the Enforcement Notice all permeate from the Council's contention that the illumination arising from the lights being switched on is harmful to visual amenity, character and quality of life from light pollution. A straightforward remedy would therefore be to control the hours of use of the lights to a level that is acceptable or simply not switch them on. The Appellant has already proposed motion sensors for the lights which will default to being off, unless activity is being undertaken and triggers the sensors for the lights to switch on.

3.4 The Appellant's response to ground (f) is as follows:

i) The six slender posts are not inappropriate development within the Green Belt and do not fall within the definition of inappropriate development as set out in paragraph 154 of the NPPF. The lights are used in conjunction with lawful permitted development and are required for safe and secure operation of the Appeal site.

ii) The lawful use of the site has already departed from an appropriate Green Belt use (para 154 NPPF) reflecting the site's location at the very edge of the Green Belt, at the edge of the urban area of South Ruislip and adjacent to the A4180 and the A40. The lawful storage and distribution uses including hard standing, amount to previously developed land, where an exception to inappropriate development would accord with para 154 of

the NPPF. The Appeal site meets the definition of Grey Belt land as set out in the NPPF 2024 Glossary and should not be regarded as inappropriate meeting the criteria of paragraph 155. This Enforcement Appeal relates to replacement floodlights only, that sustain the existing lawful use of the site in a safe and secure way and cannot be considered separate to these factual circumstances. 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.

iii) In order that storage and materials being stored, can be safely moved around the site by forklifts the lighting needs to be located higher than the tallest storage height to avoid being hit by moving forklifts. The Appeal site is therefore not a piece of designated Green Belt that serves the five purposes of the Green Belt set out in NPPF para 143 but meets the definition of Grey Belt land defined in NPPF 2024 Glossary. Whilst floodlights may in other Green Belt circumstances be considered to be inappropriate to the Green Belt purposes ie. floodlights for perimeter security purposes alone, this is not the case for these lights. 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 sites location at the edge of the street lit urban area.

iv) As the site is permitted to be operable 24hrs, lighting is needed in order for the site to be used in conjunction with both the Certificate of Lawfulness and the tenancy agreement of the site. It would be unsafe for the site to operate without the necessary lighting.

v) The six posts and lamps replace seven significantly harmful floodlights that were dated, ineffective and did not control light spillage and were therefore particularly harmful to adjacent residential amenity no harm to Green Belt openness arises from the retention of the six floodlights in conjunction with the permitted use of the site as a 24/7 storage and distribution units, in accordance with the Certificate of Lawfulness for use as storage and ancillary purposes,

vi) As an aside, the Council is consulting on revisions to its Local Plan and Car Giant will be submitting representations for the operable part of the Appeal site to be removed from the Green Belt given the existing and established lawful use of the site and its location, as it does not contribute to the openness of the Green Belt or the five functions of the Green Belt but meets the Grey Belt definition in NPPF 2024 Glossary.

vii) An alternative floodlamp included in the Second Retrospective Planning Application, to minimise light spillage would address the Council's considered harm to residential amenity set out in reason 2. of the Enforcement Notice.

3.5 The Appellant's case against Ground (g) is that the Enforcement Notice does not leave enough time for the Appellant to secure consent for alternative floodlighting proposals and that it would

be unsafe to operate the site after dark without suitable floodlighting, allowing for the continuation of business to operate on the site, as by the Certificate of Lawfulness. The removal of the lighting will cease 24/7 operation of the site, which the current tenants make use of, as there will be no lighting available for safe operation of work to occur when there is no natural daylight.

3.6 The Appellant would seek an extended period for compliance of 6 months should the Inspector dismiss the two S78 Appeals and this Enforcement Appeal.

4. APPELLANT'S CASE AGAINST REASONS FOR ISSUING THE ENFORCEMENT NOTICE

4.1 Hillingdon Council's reasons for issuing the Enforcement Notice are set out below:

"Under the provisions of Section 55 (1) of the Town and Country Planning Act 1990 (as amended) the six pole mounted lights constitute development for which planning permission has not been granted;

The light columns represent inappropriate development in the Green Belt to which no very exceptional circumstances exist. The development therefore conflicts with Policy DMEI 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);

The 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 1 Strategic Policies (2012) and Policy DMHB 11 of the Hillingdon Local Plan: Part 2 – Development Management Policies (2020);

The lighting columns 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); and

It appears to the Council that the six pole mounted lights have been substantially completed within the last four (4) years."

Planning Policy

4.2 The Enforcement Notice refers to the same Policies from the Hillingdon Local Plan Part 1(2012) and 2 (2020), the London Plan and the National Planning Policy Framework (2023). These policies have been set out in paragraphs 2.4 to 2.3 above for the S78 Appeals, along with the NPPF (2024) wording and is therefore not repeated in this section.

Appellant's Ground (f) Case

4.3 The Appellant considers that the retention of the six columns and floodlights installed with any injury to amenity resolved by conditions that the Council were unaware of at the time of the Enforcement Notice is enough to remedy any breach of planning control. The existing floodlights were outdated and caused more harm to the surrounding environment, and subsequently the Green Belt, than the recently installed lights do. The lighting operates by light sensors and is therefore only turned on when necessary. As the site is 24hr operable, it needs to be understood that the lighting is necessary for the operation of the site, but measures are already in place to limit any injury to amenity.

4.4 In addition, the reasons set out by the Council for issuing the Enforcement Notice all permeate from the Council's contention that it is the illumination that is harmful to visual amenity, character and quality of life from light pollution. A straightforward remedy would therefore be to control the hours of use to a level that is acceptable or simply not switch the lights on. The lights are proposed to operate on motion sensors and will, unless activity triggers the lights to illuminate, be in the default status of being off.

4.5 The change of lighting specification as proposed in the Second Retrospective Planning Application is enough, along with the existing light sensor system, to remedy any breach of planning control. However, the Appellant has suggested additional planning conditions as summarised in the conclusions, should the Inspector consider that such conditions are necessary to limit any perceived impact from the floodlights and floodlight columns.

Ground (g) Appeal Case

4.6 The Appellant considers that the enforcement notice does not leave enough notice to remedy any breach of planning control whilst still allowing for optimal operation of the site. The removal of the current lights will result in a cease of 24/7 operation of the site which will disrupt the current tenants and impact the optimal site capacity, as there will be no lighting to work under when there is no daylight.

Enforcement Notice Reason a)

4.7 The first reason for the Council's Enforcement Notice is that the installation of the six floodlights and columns constitutes development for which planning permission has not been granted, under Section 55 (1) of the Town and Country Planning Act 1990. The Appellant now recognises this and has sought to remedy the breach through the submission of two Retrospective Planning Applications.

Enforcement Notice Reason b)

4.8 The second reason for the Council's Enforcement Notice is that the light columns constitute inappropriate development in the Green Belt to which no very special circumstances exist. The Council see this as contrary to Policy DMEI 4, Policy G2 and paragraph 153 of the NPPF 2024.

4.9 The Council do not consider that Policy DMEI 4, Policy G2 and Paragraph 153 of the NPPF state that *'very special circumstances'* allow for development within the Green Belt. The Council state that in this case no very special circumstances exist.

4.10 The Appeal site benefits from an established use that has been in operation for over 20 years. It was lit by old fashioned floodlights erected haphazardly across the site. With the extensive site clean-up and tidy of the site since Car Giant's ownership, the floodlights were replaced by the current posts and lamps. The development in question replaced seven outdated lights with six modern LED lights offering improved energy efficiency. The current occupier Swing Driver Ltd transports freight and storage across the south-east with a 24/7 operation and requires safe and secure operation of the site for storage purposes. Following the Council's refusal concerning light spillage, impact on residential amenity and the Green Belt, the Appellant proposed the revised

floodlamps in the Second Retrospective Planning Application, to further address the conditions of the lighting considered by the Council to arise. The proposed development seeks to replace the already modern LED lights with more technical asymmetric LED lights that further minimise light spillage.

4.11 The current occupier Swing Driver Ltd transports freight and storage units across the south-east with a 24/7 operation and requires safe and secure operation of the site for storage purposes. It moves and stores film production sets and vehicles for the film industry including the BBC, Warner Brothers, Sky and HBO. In addition, it transports large freight logistics that requires specialist handling vehicles and these are also stored on site if not in operation. It currently employs 35 full-time skilled and semi-skilled employees with a further 20 staff employed on a casual basis to deal with peak periods of demands.

4.12 The lawful use of the site has already departed from an appropriate Green Belt use (para 154 NPPF) reflecting the site's location at the very edge of the Green Belt, at the edge of the urban area of South Ruislip and adjacent to the A4180 and A40. The lawful storage and distribution uses including hard standing, amount to previously developed land where an exception to inappropriate development would accord with para 154 of the NPPF, if redevelopment was being considered. The publication of the Green Belt Planning Practice Guidance 2025, the NPPF 2024, the definition of Grey Belt land and the criteria introduced in paragraph 155, identify that this Appeal site and its use should not be considered to be inappropriate. This Enforcement Appeal and the Appellant's two S78 Appeal's, relate to replacement floodlights only, that sustain the existing lawful use of the site in a safe and secure way and cannot be considered separate to these factual circumstances. 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.

4.13 The existing character of the area is urban/suburban with both sides of West End Road lined by residential, employment and leisure development comprising 2-4 storey residential, car parks and floodlighting, street lighting and telegraph poles all reflective of its edge of London growth and proximity to the strategic road network, Heathrow, RAF Northolt and the urban areas of Ruislip. The operational RAF Station to the west includes a runway for military and civilian flights and all facilities to run an operational military base, including floodlighting.

4.14 Spatially and in terms of Green Belt openness, due to its existing use, storage containers, parked vehicles and hardstanding, with hedgerows containing the eastern and southern boundaries, the site does not contribute to Green Belt openness. Its boundaries are secured by close boarded fencing and the location of the lighting columns along the northern boundary reflects its urban/suburban characteristics. The height of the columns whilst addressed separately below in relation to reason for refusal 2, do not limit or harm the site's contribution to openness. They are seen in the context of its industrial/storage use and not as an undeveloped open site providing a relief to the urban development of Ruislip.

4.15 In order that storage and materials being stored, can be safely moved around the site by forklifts the lighting needs to be located higher than the tallest storage height area to avoid being hit by moving forklifts. The Appeal site is therefore not a piece of designated Green Belt that serves the five purposes of the Green Belt set out in NPPF para 143. Whilst floodlights may in other Green Belt circumstances be considered to be inappropriate to the Green Belt purposes i.e. floodlights for perimeter security purposes alone, this is not the case for these lights. 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 Appeal site meets the definition of Grey Belt land and its use and development should therefore not be considered to be inappropriate. The continued lawful commercial use of the Appeal site does not undermine the purposes taken together of the remaining Green Belt land in this location.

4.16 Taking this into account, the Appellant has made a conscious effort to be mindful of the site's surroundings and the light impact on the green belt by proposing further improvements to a lighting system which is already lawful and necessary for the safe operation of the site under its designated use as a storage site.

4.17 As an aside, the Council is consulting on revisions to its Local Plan and Car Giant has submitted representations for the operable part of the Appeal site to be removed from the Green Belt given the fact it does not serve any of the Green Belt functions and its existing and established lawful use of the site and its location. The NPPF (2024) and Grey Belt policies further support the identification of this site as appropriate for continued employment uses or potentially redevelopment for residential use, which is clearly not a matter for these appeals.

4.18 The Council in its officer's report (**Appendix 7**) on page 11 paragraphs 4-6, considers that the existing use of the site cannot benefit from the exceptions policy in paragraph 154 of the framework as it considers that it was last occupied for agricultural use. Defining the site as last occupied by agricultural buildings is not correct given the Certificate of Lawfulness that was granted in 2006 for storage and ancillary use of the site. The site has operated as a storage site for over 20 years, with a Certificate of Lawfulness for the last 18 years. This is its lawful existing use and the agricultural definition set out in Annex 2 of the Framework does not apply to this site. The proposed installation of the lights, and unauthorised previous installation of lighting were not in conjunction or associated with a change of use of the site from agricultural to storage. The site is a long established lawful employment site, which meets the Grey Belt definition of the NPPF 2024.

4.19 The demonstration of very special circumstances to overcome the harm of inappropriate development and any other harms (Paragraph 153 of the NPPF, Local Plan Policy DMEI 4 and London Plan Policy G2), is not considered to be necessary for the floodlights given the factual circumstances of the Appeal site, the NPPF 2024 definition of Grey Belt which the Appeal site meets and that in accordance with paragraph 155 of the Framework, it should not be considered to be an inappropriate commercial use or development. However, the operation of the site as a

storage and distribution use is beneficial to the local economy of Hillingdon and London as a whole.

4.20 Such sites are few and far between due to the high value of land for other more profitable uses. The site's proximity to the A40, which provides access to the M25, M40, M4 etc, means that industrial economic activity can occur within Hillingdon, providing economic prosperity to the area which would be taken elsewhere if the site became inoperable due to a lack of sufficient lighting. The proximity of the site to the A40, M25 and M40 draws tenants to the site and allows efficient storage and access, which would become less efficient if the site was unable to operate 24hrs due to the removal of lighting.

4.21 As the Appeal site is permitted to be operable 24hrs, lighting is needed in order for the site to be used in conjunction with both the Certificate of Lawfulness and the tenancy agreement of the site. It would be unsafe for the site to operate without the necessary lighting. Policy BE1 (8) encourages that development should create safe and secure environments that reduce crime and the fear of crime, anti-social behaviour and risks from fire and arson, having regard to Secured by Design standards.

4.22 The Council also fails to recognise that the site does not constitute the *'inappropriate development'* stated in Policy DMEI 4, Policy G2 and Paragraphs 153 and 155. The development is not inappropriate because it is necessary to the operation of the lawful use. 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 Green Belt development. There would be harm caused to this Green Belt site if there was not sufficient lighting to operate it safely and securely. As mentioned, the lighting is asymmetric and therefore has low impact on the surrounding Green Belt and neighbouring buildings because it is designed to only light up the necessary areas of the site.

4.23 Overall, the second reason for the Council's Enforcement Notice is inadequate as it states that the development is inappropriate, and that no very special circumstances exist. This is incorrect as 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.

Enforcement Notice Reason c)

4.24 The third reason for the Council's Enforcement Notice is 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. 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)'.

4.25 Policy BE1 endorses high quality design, protection of residential amenity and the creation of secure environments for working and living within the Borough. The Council refer to this policy in

response to the height of the lighting columns. The lighting columns are proposed for safe operation of an established employment site, to also aide with securing the facility which historically suffered from fly tipping and anti-social uses. The Appeal site can accommodate significant areas of storage. 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.

4.26 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. The site is also very much read within its context of the urban road of West End Lane, lined by streetlights, McGovern Park a Private Function Space and its floodlit car park fronting West End Land and the sports pitches (with floodlighting) for the London Gaelic Athletic Association. Northolt Aerodrome with high level perimeter floodlights, alongside the A40 trunk road with streetlights at regular intervals. It is a highly urbanised context.

4.27 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 Appeal site character is industrial and lighting columns are a typical form of safe operation, security and lighting of industrial areas. The adjoining character to the north is residential with streetlights lining road frontages and part of a car parking court and shared amenity space adjacent to the Appeal site. There is no formal planting or sitting out areas visible on Google Earth within the shared communal amenity space. To the east there are streetlights sited within 15m of the boundary of the Appeal site on the A4180, which is a well-lit main road. To the west is scrub land that is mainly unmanaged with trees and hedges mainly lining the site boundaries before the boundary with the secure Northolt Aerodrome. To the south, screened by vegetation, is the Polish War Memorial and quite public open space adjacent and slip roads from the A40 lit by streetlamps.

4.28 The second retrospective application provides improvements to the proposed floodlamps to minimising light spillage. The Council considers the height of the poles as excessive. The appellant has clearly set out why the poles are proposed at 6 metres, which includes the need for loading vehicles, the lifting in and out of materials and plant by forklift trucks and the need to avoid damage to lighting arising from this operational activity. The height of the poles also enables the control over the operational land for both security and safe operation of the site. 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 that are seen on West End Road and Glebe Avenue and similar to the flood lighting columns that are situated within the McGovern Park car park located on the opposite side of West End Lane.

4.29 The Council considers that the lighting causes harm to the streetscape, however they fail to recognise the plethora of the existing streetlights on the A4180, which is a well-lit main road and constantly lit during the hours of darkness.

4.30 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.

4.31 The nearby heritage assets are not considered to be impacted by the Appeal scheme and the Council states no heritage policies as a reason for refusal of the Appeal scheme.

4.32 Policy D3 states that all development should optimise the capacity of sites by *'ensuring that development is of the most appropriate form and land use for the site'*. In line with this, the lighting columns need to be of height, in order for the site to optimise its operation and allow for appropriate land use. 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.

4.33 Therefore, the Council's use of Policy BE1 and Policy D3 as a reason for enforcement conflict with each other. Policy BE1 seeks to balance a whole range of uses and good built environmental principles, whereas Policy D3 states that development should optimise the capacity of the site. The third reason for the Council's Enforcement Notice is not considered justified in the context of the established lawful use of the site, its mixed urban/suburban context and 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 scheme is therefore not considered to conflict with policies D3 and BE1.

4.34 Policy DMHB 11 states that development should take into account local context and be designed to the highest development standard being aware of both the height and mass of the development and neighbouring buildings. The A4180 West End Road is an urban/suburban setting and busy thoroughfare between Ruislip to the north and Southall to the south, as well as access to the strategic road network beyond. It is not perceived as open countryside. 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 character other than a storage and distribution site.

4.35 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.

4.36 McGovern Park, the London County Board of the Gaelic Athletic Association (London GAA), 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. McGovern Park is also located in the Green Belt and is located adjacent to residential properties. London GAA received approval from the Council on 23 January 2015 ref: 24373/APP/2014/1946 including the proposed floodlights. Flood lights and significantly taller lighting columns are therefore not uncommon in the local area with similar circumstances to the Appeal site.

4.37 Overall, the Council's reason c) of the Enforcement Notice is inadequate as through the evidence set out above, the height of the lighting columns is neither excessive nor a visual intrusion on the

local area. The lighting is of necessary height for the safe functional operation of the site, in accordance with Policy D3.

4.38 The Appellant in order to mitigate any perceived harm to residential amenity would accept that the floodlight poles are reduced by a metre in height and that this amendment must be implemented within three months of the date of the Inspector's decision. The appellant and the existing tenant understand that this lighting column height reduction is feasible utilising the existing lighting columns and given the perimeter location will not interfere with safe operation of the site.

Enforcement Notice Reason d)

4.39 The fourth reason for the Council's Enforcement Notice given is that 'the lighting would result in a significant level of harm to the amenities and quality of life 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)'.

4.40 The Council note 24/7 lighting as a significant reason for objection from residents, albeit that only three people objected to the second retrospective lighting application. The Council does not account for the lawful operation of the site for storage uses. Policy DMHB 11 states that development should harmonise with the local context and take into account the height and mass of adjacent structures. As discussed in the second reason for refusal, the lighting is in response to the safe lawful operation of the site and has therefore been developed in the context of the use of the site and Certificate of Lawfulness as a storage site. However, the Appellant has set out possible conditions on hours of lighting to limit the effect of the floodlights.

4.41 Despite the tenancy agreement and nature of site operation, 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. To the east is the A4180 West End Road, which is a major thorough fare accessing the strategic highway network and the urban areas of Ruislip and Southall, amongst other areas. To the south is the remainder of the wider Glebe Farm storage site with no light spillage beyond the site boundaries.

4.42 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 Appellant's intention based on expert lighting advice was to both improve the safe lighting of the site and limit any light spillage beyond the site's boundaries.

4.43 The Appellant has gone on to further improve the lighting system, changing the lighting specification within the second retrospective application to further minimise impact on neighbouring amenity. It is worth noting that the second retrospective appeal application with the columns at 6metres complies with all intrusive light & dark skies guidelines. The 24hr operation of the site does not mean that the site needs to be lit up 24hrs. The Appellant would be willing if the Inspector considered this to be necessary to implement a sensor-based setting to the

replacement floodlamps and agree to the following condition in order that when there is no activity on site the floodlights would automatically switch off:

"Between the hours of 21:00 to 05:00 daily, the floodlamps will be switched to a movement sensor-based setting.

4.44 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. The 24hr operation of the site does not mean that 24hr lighting of the site is necessary, but without the ability for the site to be lit up, the operation of the site as a 24hr storage and ancillary unit would not be possible

4.45 As demonstrated in the Lighting Assessment prepared by Lighting Reality, the asymmetry of the lighting system means that light concentration falls onto the site. Around the site, the horizontal illuminance is considerably lower than the illuminance onto the site itself, with little to no illuminance occurring in the majority of the surrounding area.

4.46 Edmundson Lighting, who has advised Car Giant concerning an alternative floodlamp LED Luminar, as proposed in the second retrospective application, has examined the Lighting Reality supporting material. It notes that:

The 0.5 lux that crosses into the residential garden boundary to the north is a level that would be barely noticeable. It is compared to the lowest level of illumination generated by turning the dimmer switch of a house light switch to the first setting;

There is no penetration of floodlighting into adjoining residential habitable rooms as demonstrated by the contour maps submitted with the application;

The existing floodlamps marginally exceed the CIBSE guidelines;

Whilst the existing floodlamp is a less technical luminar, it would be a significant improvement to the uncontrolled floodlamps that previously lit the site;

That the alternative LED luminar fitting proposed by the second retrospective application, fully accord with the CIBSE guidelines for external lighting both pre curfew at 5 lux and post curfew at 1 lux;

The alternative LED luminar fitting in the second retrospective application, has 90% less impact on the same space as the existing floodlamps;

That the existing floodlamps have no impact on light pollution, spillage or glare on the Green Belt land to the west of the appeal site given the location of the floodlights and direction of lighting centred only on the site itself;

That the existing floodlamps have no impact on light pollution, spillage or glare on the locally listed building or the listed Polish War Memorial to the south of the appeal site.

4.47 The Council mention Wordsworth Court Amenity Area, which has side windows facing the northern side of the Appeal site boundary. The second retrospective Appeal scheme has revised the lighting further to provide more conservative lighting and the northern boundary is therefore less affected as demonstrated by Edmundson's Lighting Assessment. The effect of the lighting

on the fence line of the boundary with Wordsworth Court is described by Edmundson lighting as equivalent to the lowest light level a dimmer switch would produce at its lowest setting and is barely perceptible.

4.48 The Edmundson Lighting Assessment has been undertaken into the impact of the lighting installation on Wordsworth Court amenity area and shows that the effects diminish substantially after the fence light and do not reflect on the residential buildings and any habitable rooms that may be present on the nearest elevations to the site. The Edmundson lighting design simulates the vertical illuminance (lux) on both nearby residential areas and shows no more than 2lux on the face of the properties. When compared with the results from BS EN12464-2, the results do not exceed the pre-curfew lux value (5 lux) for E2 environments, defined as representing low district brightness areas, such as industrial or residential suburbs. The columns at 6m will not be an issue with asymmetric floodlights, as the light is more controlled and reduces overall light spill.

4.49 The Officer's Report notes that the proposed lighting has a range of 60/120 degrees and the current lighting a range of 115 degrees. The Council state that this means the new lighting is more harmful than the current lighting. This is incorrect as the higher wattage does not correlate to it being overly "brighter", as when combined with a proper optic and controlled and aimed where it is needed, there is no increased light spillage or glare.

4.50 Table 2 of Edmundson Lighting's Assessment demonstrates that the lighting system is compliant with the guidelines set out in CIBSE Guidelines BS EN12464-2:2014 for Lighting Levels. For an environmental zone E3 which is defined as "*represents medium district brightness areas, such as industrial or residential suburbs"* and the proposed second retrospective application lighting levels are below the maximum obtrusive light permitted for exterior lighting installations and this includes with the lighting columns at their existing 6m height. The disruption of lighting overnight will be minimal / within acceptable parameters to suit guidelines with the current product, the output is less than 2 lux on the adjacent building wall (1.2lx to be exact).

4.51 Overall, the Council's third reason for refusal is not based on the evidence presented by Edmundson Lighting's report and ignores the lawful use and function of the Appeal site, the need for safe and secure operation of the site and does not consider the effort from the Appellant to improve the lighting system installed on the basis of reducing light pollution and harm to residential amenity.

4.52 Policy D3 states that development should optimise operation of 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. Therefore, the installation of lighting complies with Policy D3, as without the lighting columns the site would not be able to operate to its full capacity.

4.53 Paragraph 191 states that new development should 'limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation'. 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 Appellant took the impact of the site 's lighting on the local

community under great consideration, as the lighting system has been designed to minimise the light spillage that occurs outside of the site boundaries.

4.54 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. The 24hr operation of the site does not mean that 24hr lighting of the site is necessary, but without the ability for the site to be lit up, the operation of the site as a 24hr storage and ancillary unit would not be possible.

4.55 Overall, the Council's reason d) of the Enforcement Notice ignores the lawful use and function of the Appeal site, the need for safe and secure operation of the site, and does not consider the light contour maps submitted with the application to demonstrate the absence of light spillage and glare, in line with Policy DMHB 11. The Council also do not recognise that the lighting system is asymmetric, and the impact on local amenity is minimal, as demonstrated in the Lighting Assessment prepared by Lighting Reality. 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.

Enforcement Notice Reason e)

4.56 The fifth reason given by the Council for the Enforcement Notice is that the six pole mounted lights have been substantially completed within the last four years. The lights were installed in June 2023, so it is correct of the Council to assume that the breach of planning control took place within the last four years.

4.57 The Council do not recognise that the site has had a lighting system installed for over 20 years, and the replacement of lighting made by the Appellant is an improvement on the original lighting. Despite the development going ahead without planning permission, the new lighting has improved on any harm caused to the surrounding area, as demonstrated in the Lighting Assessment prepared by Lighting Reality. Therefore, the installation of the lighting was a replacement of previous lighting, not an entirely new development, so it can be considered that the Appellant did not realise the need for approval of planning permission, as they assumed, and carried out, an improvement to an outdated lighting system. The lighting is necessary to the safe and secure operation of the site, so it can be considered by the Council that the Appellant was simply upgrading an element of the site that is vital for the site to be able to operate at its optimal capacity, in accordance with Policy D3. The Appellant has made multiple improvements to the site, including clearing derelict structures which has improved the visual impact on neighbouring buildings.

5. SUMMARY AND CONCLUSIONS

5.1 This SoC has addressed the reasons for refusal given by the Council for both Retrospective S78 Appeal Applications and the Enforcement Notice, and in turn, demonstrated the acceptability of the proposed development against the policies cited by the Council.

5.2 The Council has not acknowledged the fact that the lights work on a light sensor, so they are not on 24hrs despite the 24hr nature of the site. The Appellant considers this, along with the implementation of further improvements to the lighting as set out in the Second Retrospective Planning Application, enough to remedy any breach of planning control as set out in Appeal Grounds (f).

5.3 In addition, the reasons set out by the Council for issuing the Enforcement Notice all permeate from the Council's contention that it is the illumination that is harmful to visual amenity, character and quality of life from light pollution. A straightforward remedy would therefore be to control the hours of use to a level that is acceptable or simply not switch them on.

5.4 The Appellant considers the date of compliance with the Enforcement Notice (27 June 2024) as not enough time to remedy the breach of planning control without detrimentally affecting the operation of the site. The lighting has been proved necessary for the operation of the site. The Appellant requires more time to remedy the breach of planning control if the conditions to remedy any injury to amenity set out under grounds (f) are not deemed enough by the Council to remedy the breach of planning control. Under Appeal Ground (g), the Appellant asks for more time so that the breach of planning control can be remedied whilst not disrupting the optimal operation of the site. In the absence of any agreement the Appellant would seek an extended period for compliance of 6 months.

5.5 The Appellant asks the Inspector to consider that the reasons for Enforcement have been demonstrated in this Enforcement Appeal as invalid through the acceptability of the development as shown against the policies cited by the Council.

5.6 The operation of the site in line with its Certificate of Lawfulness demonstrates that the development is no more than is necessary for the safe and secure operation of the site. The development therefore does not represent inappropriate Green Belt development in these circumstances, in accordance with the Grey Belt definition and criteria of paragraph 155 of NPPF 2024 and following the assessment method defined within the Green Belt Planning Practice Guidance 2025. It is therefore, not inappropriate development. Very special circumstances are not required to be demonstrated where the development is not inappropriate, however, it is operationally and commercially important that this Appeal site operates safely and securely and to sustain businesses that sustain the wider economy. Such uses have limited locational choices and compete with higher value land uses but are equally vital for servicing the needs of London and the south-east, with the beneficial location of the site close to the strategic road network. The nature of the tenancy agreement and therefore operation of the site makes it clear that lighting is necessary, and that it is imperative that the lighting system is of 6m height.

5.7 The design of the lighting is an acceptable proposal at the Appeal site. The asymmetric lighting system installed demonstrates not only modern and energy efficient and effective lighting on site, which optimises the capacity for safe site operation, but also demonstrates that the Appellant has dealt with any potential harm caused to the local area through light pollution. This is furthered in the second retrospective application made which proposes further improvements to the lighting. The floodlights accord with CIBSE Guidelines BS EN12464-2:2014 and complies with all intrusive light and dark skies guidelines at the current 6m pole heights.

5.8 The light sensor system ensures that the lights are only used when they need to be. The lighting system takes into account the necessary requirements for lighting onsite by installing lights that are tall enough to ensure safe operation of the storage units, whilst also making sure that the lighting system causes the least harm possible to the surrounding area by installing asymmetric lights that barely illuminate any area that is not within the site boundaries.

5.9 The Appellant (and tenant) however, would accept the imposition of the following conditions should the Inspector consider this necessary:

- *"The existing floodlight poles will be reduced to 5metres in height within three months of the date of the appeal decision.*

Between the hours of 21:00 to 05:00 daily, the floodlamps will be switched to the movement sensor-based setting.

- *All existing floodlamps will be replaced with the Aztec Asymmetric floodlights specified within the Edmundson Lighting Consulting Design Report (10.04.2024) within three months of the date of the appeal decision.*

5.10 The appeal should therefore be allowed without delay as it accords with local, strategic and national planning policies.

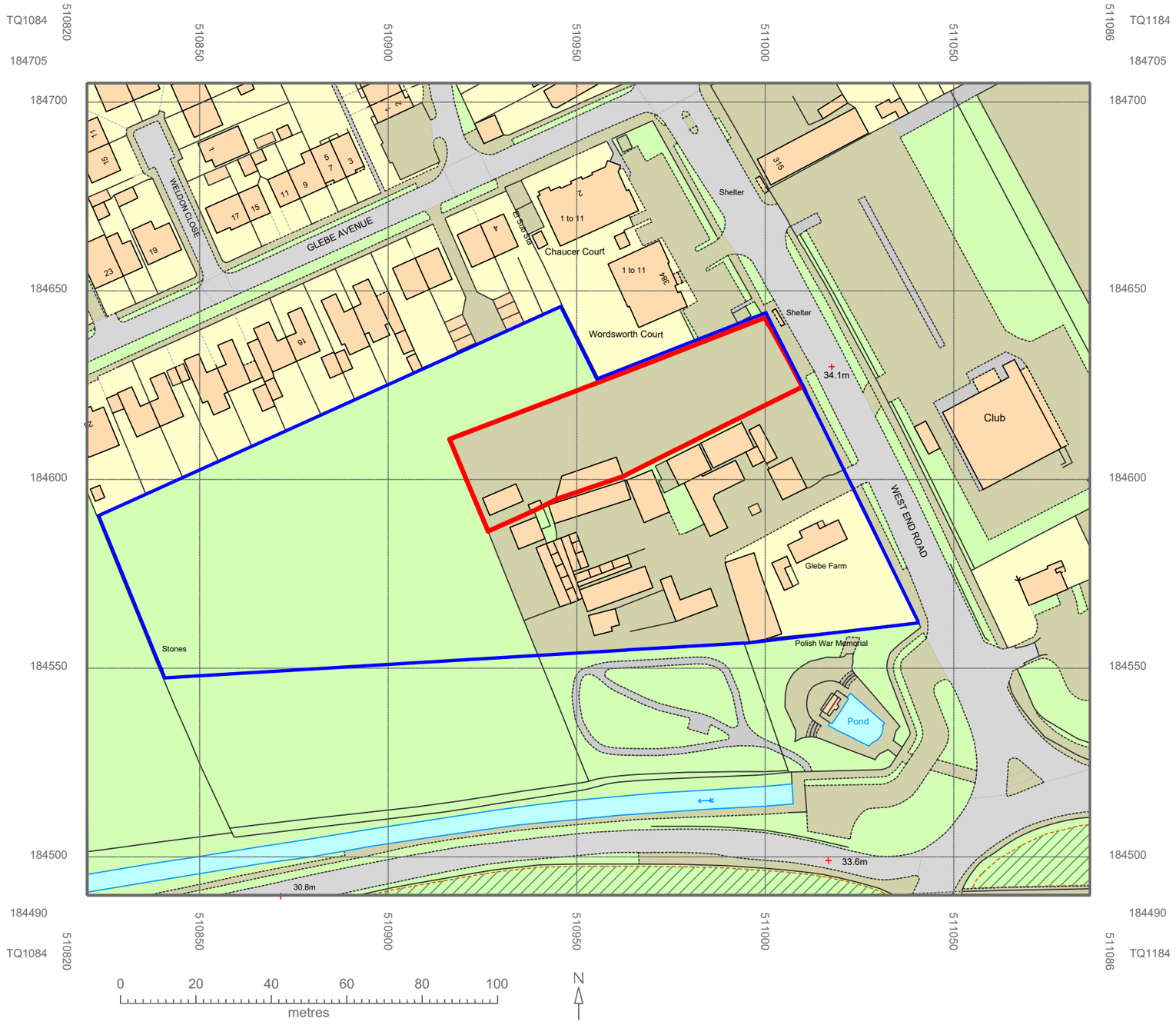
Signed: 

On behalf PowerHaus Consultancy

Date: 13th October 2025

6. APPENDICES

APPENDIX 1: Site Location Plan



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Abbreviations:

SITE EXTENTS

N

Client:	CAR GIANT
Project:	GLEBE FARM WEST END ROAD RUISLIP HA4 6QX
Title:	SITE LOCATION PLAN
Dwg. No:	HS1117_101
Revision:	A
Date	29.06.23
Scale	1:1250 @ A3
Status	INFORMATION
Sheet	1 of 1

AHP Surveys

90 Wolverton Road, Haversham, Bucks, MK19 7AB
Tel: 07522 540529 Email: alexis.h.pond@outlook.com

APPENDIX 2: Certificate of Lawfulness Inspector's Decision 2006

Appeal Decision

Inquiry held on 10 January, 25 and 26 April and 5 May 2006

Site visit made on 10 January 2006

by Wendy McKay LLB

an Inspector appointed by the Secretary of State for Communities and Local Government

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN
☎ 0117 372 6372
e-mail: enquiries@planning-inspectorate.gsi.gov.uk

Date
7 July 2006

Appeal A Ref: APP/R5510/C/05/2003305
Land at Glebe Farm, West End Road, Ruislip, Middlesex HA4 6RB

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Autodex Ltd against an enforcement notice issued by the London Borough Council of Hillingdon.
- The Council's reference is EN/05/25.
- The notice was issued on 27 June 2005.
- The breach of planning control as alleged in the notice is without planning permission, the erection of steel railings along the front boundary with West End Road in the approximate position indicated between the points marked "A" and "B" on the plan attached to the notice.
- The requirement of the notice is to remove the unauthorised steel railings that have been erected along the boundary with West End Road from the land.
- The period for compliance with the requirement is three months.
- The appeal is proceeding on the grounds set out in section 174(2)(d), (a) and (g) of the Town and Country Planning Act 1990 as amended.

Summary of Decision: The appeal is allowed, and the enforcement notice is quashed.

Appeal B Ref: APP/R5510/C/05/2003306
Land at Glebe Farm, West End Road, Ruislip, Middlesex HA4 6RB

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Autodex Ltd against an enforcement notice issued by the London Borough Council of Hillingdon .
- The Council's reference is EN/05/26.
- The notice was issued on 27 June 2005.
- The breach of planning control as alleged in the notice is without planning permission, the change of use of the land to an open storage use for container and skips and the siting of a portacabin for use as an office in the approximate position shown hatched black on the plan attached to the notice.
- The requirements of the notice are to (i) cease the use of the land as an open storage use for container and skips and the siting of a portacabin for use as an office; (ii) remove from the land all containers, skips, portacabin and all equipment and paraphernalia associated with the unauthorised use of the land for open storage of containers and skips as outlined in step (i) above; (iii) reinstate to land to its former state.
- The period for compliance with the requirements is three months.
- The appeal is proceeding on the grounds set out in section 174(2)(d) and (g) of the Town and Country Planning Act 1990 as amended. Since the prescribed fees have not been paid within the specified period, the application for planning permission deemed to have been made under section 177(5) of the Act as amended does not fall to be considered.

Summary of Decision: The appeal is dismissed and the enforcement notice is upheld with corrections and variations.

Appeal C Ref: APP/R5510/X/06/2011330
Land at Glebe Farm, West End Road, Ruislip, Middlesex HA4 6RB

- The appeal is made under section 195 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 against a refusal to grant a certificate of lawful use or development (LDC).
- The appeal is made by Autodex Ltd against the decision of the London Borough Council of Hillingdon .
- The application Ref 2005/2645, dated 15 September 2005, was refused by notice dated 15 November 2005.
- The application was made under section 191(1)(b) of the Town and Country Planning Act 1990 as amended.
- The development for which a certificate of lawful use or development is sought is the erection of steel palisade fencing to West End Road site boundary.

Summary of Decision: The appeal is allowed and a certificate of lawful use or development is issued, in the terms set out below in the Formal Decision.

Appeal D Ref: APP/R5510/X/06/2011331
Land at Glebe Farm, West End Road, Ruislip, Middlesex HA4 6RB

- The appeal is made under section 195 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 against a refusal to grant a certificate of lawful use or development (LDC).
- The appeal is made by Autodex Ltd against the decision of the London Borough Council of Hillingdon .
- The application Ref 2005/2696, dated 15 September 2005, was refused by notice dated 22 November 2005.
- The application was made under section 191(1)(a) of the Town and Country Planning Act 1990 as amended.
- The use for which a certificate of lawful use or development is sought is the use of land and buildings within the area outlined red on plan DJB/391/2 for storage and ancillary purposes.

Summary of Decision: The appeal is allowed and a certificate of lawful use or development is issued, in the terms set out below in the Formal Decision.

Procedural Matters

1. At the Inquiry an application for costs was made by Autodex Ltd against the London Borough Council of Hillingdon. This application is the subject of a separate Decision.

2. At the Inquiry the oral evidence was taken on oath.

3. The appellant's witnesses as to fact were excluded from the Inquiry room until they had given their oral evidence.

The LDC Appeal D

4. The LDC appeal site includes both the farm buildings area and the enforcement notice site but excludes the farmhouse and the open field to the rear (west). The appellant agreed that the latter area had not been used for storage purposes during the relevant period.

5. The appeal site is located within the Green Belt. However, Circular 10/97 advises that neither the identity of the applicant nor the planning merits of the operation, use or

activity, are relevant to the purely legal issues which are involved in determining an LDC application.

6. Circular 10/97, paragraph 8.12 advises that the onus of proof in an LDC application is firmly on the applicant. Paragraph 8.15 explains that the relevant test is "the balance of probability". It is therefore for the appellant to demonstrate that, on the balance of probabilities, the material change of use has existed for a period in excess of 10 years beginning with the date of breach without any enforcement action being taken and continued actively throughout the following 10 year period *(Thurrock BC v SSETR and Holding COA 28.2.02)*. There can be no "dormant" periods in the 10 year period. Whilst short periods of inactivity can be regarded as part of a continuing use, longer periods cannot.

7. At the Inquiry, the Chairman of Autodex Ltd, Mr Richard Oliver Fagan ("Ricky Fagan"), explained that Autodex Pension Fund purchased Glebe Farm on 28 December 1994, selling it to Blackfriars Holdings Ltd on 4 April 1997. He initially visited the site quite frequently after it had been purchased as part of the excitement of having a new acquisition; he then visited less frequently. He was unable to be precise about the number of visits before or after his serious illness in 1998. However, he made it clear that he visited the site on a regular basis both before and after 1998. He stated that prior to the purchase, the land had been used for the storage of film equipment, including horse-drawn vehicles and associated equipment. Since the date of the acquisition by Autodex Pension Fund, the LDC area has been used continuously by Autodex Limited for storage purposes. He identified the items stored and the locations within the site where they were kept. The items stored included bricks and a steel mezzanine storage structure, wood panelled doors, "Crittal" windows, hay bales, workshop equipment including ramps, compressors, drills, chassis straightening rigs, vehicles including "Total Loss" vehicles stored pending confirmation of write-off and disposal, and vehicle parts particularly bulky, low value items such as wheels, tyres and body panels. The vehicle storage included an arrangement with Peter Inwards to park vehicles associated with the Autodex motor vehicle repair business and other vehicles prior to disposal by him. Ricky Fagan explained that Charlie Ward of Gowing & Pursey had stored skips and other containers on the site at various times. These were stored in the buildings identified as D and C and also behind those buildings. He accepted that he worked closely with his son Richard Joseph Fagan but denied that his supplementary proof had been prepared by his son and simply signed by him. Whilst there are similarities between the two supplementary proofs Ricky Fagan gave precise and detailed evidence to the Inquiry on his own behalf. I find no reason to doubt the veracity of his recollections.

8. The evidence of Richard Joseph Fagan confirmed that items were stored on the LDC application site throughout the period 1994 to 2004. He gave specific details of the various items that were stored within the buildings and on the adjacent land and the periods during which these were stored. For example, he recalled that during the period 1994 to 2004 in building L there were 30 wood panelled doors and in building H there were numerous "Crittal" windows. The Total Loss cars were stored behind buildings C, E and I and over the years there were some 100 vehicles that passed through the site. During the period from 1996 to 1997 there were also stock bricks stored on-site by buildings H, G and by the side of building C. He estimated that the bricks which were stolen from the site in 1997 were worth about £20,000. The site had also been used to store items cleared from the

company's other sites before they were sold on or moved to other locations. He accepted that a "substantial amount" of the items on the site were there when Autodex bought it in 1994 and that the majority of the items were kept within the buildings. He was unable to provide evidence of commercial arrangements such as invoices or receipts, but explained that a "barter" system had operated and confirmed that there was a commercial element to the storage activity. It would not have been necessary to raise an internal invoice in respect of the storage use made of the site by Autodex. In the light of his explanation, I do not find the absence of invoices and receipts for the storage activity to be significant in this case.

9. The Council stated that there was no mention of a storage use in the police reports following the incidents of arson or the theft of the bricks in 1996 and 1997 respectively. The 1996 report describes the fire as having taken place within a "large wooden barn in derelict farm complex". The investigating officer records having spoken to Ricky Fagan and notes that "apparently site is an unoccupied agricultural complex". The 1997 report describes the premises as "vacant and awaiting development by owner." Ricky Fagan denied having described the site in those terms. The 1997 report records the theft of "approximately 6,000 old stock bricks cleaned and stacked ready for sale" and the value of the goods stolen is put at £20,000. Ricky Fagan dismissed both police reports which described the site as vacant in 1996 and 1997 as inaccurate. The reports are obviously inaccurate in one respect, for example, the "apparent age" of Ricky Fagan is recorded as being "35" and "38". It seems to me that the role of these reports was not to accurately record the planning status of the land and I do not place much reliance upon them for this purpose.

10. Mr Malcolm Christopher Grumbridge in his capacity as a solicitor, acted for Blackfriars Holdings Limited on the purchase of the site in 1997. His evidence was that, as part of his pre-contract enquiries, he ascertained that most of the site (excluding the field to the west) was being used by Autodex for storage purposes and ancillary use. As Blackfriars had no current plans for the site as a whole they were content for this use by Autodex to continue and he produced a copy of his letter to Autodex dated 4 April 1997 confirming the position. He stated that on his subsequent visits to the site he had seen stored in various barns and buildings items such as bricks, other building materials and structures, furniture, machinery and office equipment. He had also seen cars stored on the site. I recognise that he was not involved in the day-to-day operations of the site and his visits to the site were infrequent. Nevertheless, his description of the items present at the time of his visits corresponds with what the appellant alleges was stored at the site.

11. Mr Christopher John Simmons has worked for Peter Reglar, a local estate agency, for 26 years in the Ruislip area. He marketed the site for Hepple, Dent and Hutchinson in 1993 and sold it to the Autodex Pension Fund in 1994. He stated that included in the sale were various building materials and equipment stored on site at that time. He recalled that hay bales were stored externally between the pub and buildings D, E and C. From the amount of hay on the site he surmised that it was brought in with a view to being sold on. He also recalled seeing various items stored in different buildings at the time of his visits to the site including tack, saddles and uniforms in buildings F, J and I, "Crittal" windows and an old trailer and boiler in building H, stock bricks by buildings H, G and by the side of building C, vehicle parts and tyres in building N and bricks and a steel mezzanine storage

structure at building E. He made a distinction between junk (about 25% of the total items on the site) and storage (about 75% of the total items on the site).

12. Mr William Elliott is the Managing Director of William Elliott Accident Repair Centre. He stated that he has purchased vehicles and items from Autodex and was allowed to store the vehicles and other equipment at the Glebe Farm location until it was convenient for him to collect them. He recalled seeing items stored on the site during the period 1994 to 2004. These items included bricks and the mezzanine structure. There were skips inside buildings D and C and also behind those buildings. He also saw numerous old "Crittal" windows stacked very high, an old boiler and trailer in building H, and motorcycle and vehicle parts and tyres in building N. He observed bricks being stored on the site by buildings H, G and by the side of building C during visits to the site. Whilst he has only visited 2 or 3 times a year since 1994, his evidence confirms that of the appellant's other witnesses. The Council criticised his evidence in that he had discussed the matter with Mr Fagan before his proof was drafted. He denied having been prompted by Mr Fagan, and whilst there may have been similarities in the format and wording of his proof compared to that of Mr Simmons I find no reason to doubt that his recollections were genuine.

13. Mr Charlie Ward is the Managing Director of Gowing & Pursey and his company's business is the provision of skips and other containers to the building and construction industry. He stated that before 2003 Gowing and Pursey dealt in the smaller 5-6 cubic yard skips and these were stored predominantly inside the buildings D and C, stacked one within another. The Council were concerned that he had the same later recollection of bales of straw (thought to be the same as hay) as Mr Simmons that was absent from his earlier statutory declaration and formed the same conclusions as Mr Simmons that they could not have come from Glebe Farm alone. The Council claimed that there had been some measure of co-operation between witnesses. However, given that these witnesses were describing what they saw on the site there are likely to be similarities in their evidence. I find no reason to doubt the reliability of these individual witnesses.

14. In addition to those witnesses who gave evidence to the Inquiry, the appellant's LDC application was also supported by the statutory declarations of Peter Richard Inwards, an independent motor trader, Alan Bradley, Director of The Flower Design Company and Paul O'Brien, Director, P V Construction. Whilst the evidence contained in these statutory declarations was not tested by cross-examination they nevertheless provide some support for the appellant's case.

15. The Council have produced no substantial first-hand evidence from their own witnesses to contradict or undermine the appellant's version of events. The Council drew support from the fact that no evidence of any storage use was visible from any of the aerial photographs before the Inquiry. However, this is entirely consistent with the majority of the storage having taken place within the buildings and the overgrown condition of the vegetation. In any event, the aerial photographs provide only a "snap-shot" at a given moment in time.

16. The Council submitted that there was insufficient evidence to establish a storage use of the land. They contended that the items that had originally been left by the vendors of the site in 1994 were unwanted junk and not stored material. The vendors had instructed Mr Simmons to warn the purchasers in the letter of 4 November 1994 that the property was sold "as seen including the various items in the barns with the exception of the Wolsley motor car". However, even though the vendors did not seek to remove these items it does

not necessarily follow that they had no value to the purchaser or other persons. It seems to me that Mr Simmons made a clear and useful distinction between items stacked neatly awaiting re-use as opposed to piles of waste materials. I believe that his assessment of the proportion of junk material was reasonably accurate and that the great majority of the items on the site were being actively stored for some future use and benefit.

17. The Council also drew support from documentary evidence derived from the planning history of the site. On 10 May 1994, a planning application 14607/D/94/787 was submitted which sought consent for the erection of a meeting hall (Use Class D1). The application site included all of the Glebe Farm land, including the field to the rear (west) but excluded the farmhouse and its associated curtilage. The application form indicates that the use of the buildings and land (question 4) was "redundant agricultural smallholding". The statement which accompanied the application describes the site as comprising "a collection of redundant and derelict farm buildings surrounded by overgrown hardstanding." No mention is made of an existing active storage use. However, that application was made prior to the appellant's purchase of the site in December 1994. Whilst there are some indications of storage activity at the site before that date, the appellant's case does not rely upon this.

18. The Council produced a copy of the minutes of a meeting that took place on 21 May 2002 at their offices. Those recorded as being present were Kieran Rushe of Lichfield Planning, Ricky Fagan and Richard Fagan of Autodex and Jenny Seaman of the Council. This describes the site as "...a former farm and has been vacant for many years." It also mentions that "The site was previously used for a variety of small-scale businesses operating from the many different buildings on the site." There is no mention of an existing storage use. Richard Joseph Fagan stated that these notes had been drafted by his planning consultant, Kieran Rushe. He could not recollect if he had mentioned an existing storage use at that meeting. The case had been presented by his professional advisor in the way that he saw fit. Ricky Fagan stated that he did not mention storage taking place because he assumed that it was not relevant. He was not directly asked at that meeting whether there was storage taking place at that time on the site. Whilst neither Ricky Fagan nor Richard Fagan volunteered information regarding the existence of the storage use at the meeting on the 21 May 2002, it would seem that this was as a result of the professional advice given to them at that time and was not an attempt by them to deliberately mislead the Council.

19. An application on behalf of Autodex was submitted on 30 August 2002 by Lichfield Planning. The scheme proposed the change of use of Glebe Farm former agricultural buildings to B1 offices. The present use of the land and buildings (question 4) was described as "vacant and derelict buildings". The planning statement indicates that "land at Glebe Farm has been vacant for many years and has become an eyesore." It does not mention any existing storage use of the buildings or land. A further statement dated 9 April 2003 and photographs were submitted by Autodex, in order to justify their proposal. Paragraph 4 states that the last "quasi-agricultural use was as stables – horse riding with storage of vintage handcarts. The latter were stored and maintained on site and rented to Pinewood Studios". The Council submitted that the photographs show clearly that much of the land and buildings were in a poor state of repair and not maintained with no significant levels of storage taking place particularly on the open areas between buildings. However, Richard Joseph Fagan stated that he had been advised by his professional

planning consultant at that time not to over-emphasise the storage use of the site. The application was made on the basis that the site had not been farmed for some time and there was no other use for it. The photographs show limited views and are not inconsistent with the appellant's version of events.

20. Local residents disputed that the site had been used for storage purposes. Mr Ticehurst has lived in South Ruislip since 1939. He recalled the site being used for agricultural purposes in the past. During the appellant's period of occupation he did not observe any activity other than the occasional car visiting the site but acknowledged that the vegetation would have prevented him from seeing much. Mr Kauffman had travelled past the site for the last 20 years and at no time had he seen cars, bricks or other items on the land. However, his observations had generally been made from a passing car. Denise Gapp had walked along West End Road at various times during the past 8 years with her dogs. She had not seen any storage or business activity going on at Glebe Farm. Mr Lewington also walked his dog past the site on a regular basis. His evidence was that until the last 3-4 years Glebe Farm has been virtually desolate. It was overrun by undergrowth and he had seen very little other than the occasional car pulling up for someone to look the place over. The local residents drew attention to the overgrown condition of the site. The Council also relied upon letters submitted by local people which provide similar recollections of a lack of storage activity on the site.

21. Richard Joseph Fagan explained that throughout the majority of time that the appellant has been in occupation of the site, the foliage and trees have been allowed to become overgrown adjoining West End Road, so as to obscure the activities and in effect, provide passive security for items stored on the site. It was only following an incident of fly-tipping in December 2003, that a decision was made to remove the foliage thus exposing the site and, by default, the storage activities to West End Road. During the relevant period there were therefore physical obstructions to views into the site from public viewpoints. The foliage and trees around the boundaries would have severely restricted any such views into the site. Whilst many local people have passed by the site on a regular basis either on foot, by bus or by car they did not have access to the land or buildings. Apart from the direct view through the entrance gates, it would have been difficult for people passing-by to see what was taking place within the buildings and on other parts of the site. Given the limitations on what could be seen from outside the site, the observations of local residents do not preclude the existence of a storage use.

22. Although much of the storage has taken place within the buildings, the Council did not seek to argue that these should be regarded as separate planning units. In *Burdle v SSE [1972] 3AER 240* Bridge J set out three broad tests for determining the appropriate planning unit. He suggested, as a useful working rule, that it should be assumed that the unit of occupation is the appropriate planning unit unless and until some smaller unit could be recognised as the site of activities which amount in substance to a separate use both physically and functionally.

23. It is clear that the entire unit of occupation should be the starting point for assessing the planning unit. The planning unit has previously been regarded as being the whole of the Glebe Farm site. The 1995 UDP Inspector's report paragraph 3.57 describes the cluster of farm buildings together with the paddock as comprising the planning unit. However, that Inspector records that he understood the buildings to be vacant, last used for storing props

for the film industry. He did not have the benefit of the evidence given to this Inquiry as regards the functional separation of the two areas of land. The field at the rear of the site has not been used for storage purposes and has been fenced-off from the remainder of the land. I find, as a matter of fact and degree, that the appropriate planning unit in this case falls within the third category of *Burdle*, namely, within a single unit of occupation two or more physically separate and distinct areas are occupied for substantially different and unrelated purposes. Since 1994, the field and the area occupied by the buildings have been used for different main purposes and comprise separate planning units.

24. Circular 10/97 advises that if the local planning authority have no evidence of their own, or from others, to contradict or otherwise make the applicant's version of events less than probable, there is no good reason to refuse the application, provided the applicant's evidence alone is sufficiently precise and unambiguous to justify the grant of a certificate "on the balance of probability". The applicant's own evidence does not need to be corroborated by "independent" evidence in order to be accepted (*FW Gabbitas v SSE and Newham LBC [1985] JPL 630*). The appellant's witnesses described in clear and unambiguous terms the pattern of use over the period of 10 years since December 1994. I find no material inconsistencies or gaps in the evidence of the appellant's witnesses. I am satisfied that the storage use of the site was not merely casual, but extended throughout the relevant period. It involved the active storage of materials of some value as opposed to junk which had simply been dumped on the land. The Council's documentary evidence in the form of planning applications, statements and photographs and the first-hand evidence of local residents does not dissuade me from this view. Taken together, it does not make the appellant's version of events less than probable. I conclude that the material change of use of the land and buildings for storage and ancillary purposes took place in December 1994 at the latest and continued actively for over 10 years until the beginning of 2005.

25. The Council first received complaints in relation to the enforcement notice site in February 2005. Existing use rights may be lost when there is a material change in use to another use. However, section 57(4) of the 1990 Act provides that a change back to the former use is deemed not to constitute development if the change was unauthorised and an enforcement notice has been issued. I am satisfied that the storage use is immune from enforcement action and lawful. I shall allow this appeal and grant the appropriate LDC.

The LDC Appeal C

26. The erection of the steel railings amounts to operational development and, by virtue of section 171B(1) of the 1990 Act, such development becomes immune from enforcement action after the end of the period of 4 years beginning with the date on which the operations were substantially completed.

27. The evidence of Ricky Fagan and Richard Joseph Fagan was that following incidents of trespass and damage to a building, stored goods and vehicles, Autodex took steps in late 1998 to secure the site frontage to West End Road. They gave instructions for the front of the site to be secured. The quotation from Betta Fencing was accepted with the addition of a further 23 m of fencing and the fencing was erected in December 1998. The appellant submitted copy invoices from Betta Fencing dated 26 February 1999 for £6,110.00 and dated 16 March 1999 for £1,292.50. The Council were critical of the appellant's inability to produce original copies of the invoices. Whilst it is obviously desirable to produce original documents whenever possible, I find no substantial evidence to suggest that the

original invoices had been altered or tampered with in any way or that the copies could not be safely relied upon. Although the invoices do not, in themselves, provide evidence of when the fence was erected they support the recollections of the appellant's witnesses.

28. Mr Simmons produced a photograph showing the fence with a sign board displaying his firm's old (pre-2000) phone number. He also submitted an aerial photograph taken in 1999 when he was marketing the site. He contended that this showed the new fence in position.

29. The Council drew support from the response of Malcolm Grumbridge to the 1999 aerial photograph. He could not identify the fencing on that photograph as being the new fencing. He initially dated the new fencing as having gone up after 1999 then, recollecting the 2002 World Cup having gone to the final, he put its erection after that time in late June/early July 2002. This coincides with the evidence of some local residents as to when the fence was put up. The Council referred to letters received from local residents that claimed that the new fence had not been in position at the time of the Queen's Golden Jubilee and the World Cup in 2002. However, I consider that there were some inconsistencies in their evidence and a lack of precision as to the date when they believed the fence was erected.

30. Furthermore, with the assistance of a magnifying glass, the Council's witness, Sara Bagshaw agreed that the new fence could be seen in the 1999 aerial photograph produced by Mr Simmons. She conceded that from the photographic evidence it would seem that the fence was in position by the summer of 2000. She had no reason to doubt the information provided by Mr Simmons. In my view, the 1999 aerial photograph provides very weighty evidence that the new fence was in position at that time. I find, on the balance of probabilities, that the development took place more than 4 years prior to the date of the enforcement notice. By virtue of section 171B(1) of the 1990 Act that operational development is immune from enforcement action and lawful. I shall allow this appeal and grant the appropriate LDC.

The enforcement notice Appeal A

The appeal on ground (d)

31. As indicated above, in relation to Appeal C, I am entirely satisfied that the fence was erected more than 4 years prior to the date of the enforcement notice and that it is therefore immune from enforcement action. The appeal succeeds on ground (d) and the enforcement notice will be quashed. The appeal on grounds (a) and (g) does not therefore fall to be considered.

The enforcement notice Appeal B

Whether the enforcement notice is a nullity

32. The appellant complained that the enforcement notice failed to identify the previous lawful use. The appellant referred to the case of *The Lord Mayor and Citizens of the City of Westminster v SSE and Peter Aboro [1983] JPL 602* and submitted that the underlying point was the need to spell out the previous use. Whilst it was accepted that, in principle, the error was capable of remedy by amendment it was not accepted that that could be

achieved without injustice given the historic use of the appeal site and the manner in which the Council had chosen to categorise it at a very late stage.

33. The *Aboro* case makes clear that the notice does not necessarily have to set out a description of the previous use of the land and/or buildings. However, it should tell the person to whom it was addressed, in reasonably clear terms, what it was alleged that he had done wrong, what he was required to do to put the matter right and the time allowed for him to do that. The notice alleged that there had been a change of use of the land to an open storage use for container and skips and the siting of a portacabin for use as an office. The steps which were required to be taken to remedy the breach were in clear terms. Whilst the appellant disagreed with the Council as to the appropriate planning unit, it is clear from the presentation of the appellant's case that there was no genuine confusion as to the activities which comprised the alleged breach of planning control. The appellant was well aware of the nature of the Council's objections. The appellant has occupied the site throughout the 10 year period prior to the date of issue of the notice. The Council's failure to indicate the previous lawful use at the outset did not prevent the appellant from setting out in detail what it regarded as being the historic and lawful use of the site. At the Inquiry, the Council submitted that the last lawful use of the site was agricultural. The late introduction of this submission made little or no difference to the case presented by the appellant. Mr Dickenson, in his proof of evidence, acknowledged that there had been a "previous agricultural use" and put forward the appellant's case that the lawful use was now storage. As indicated above in relation to Appeal D, I concur with the appellant's view on this point. Notwithstanding the Council's failure to identify the previous lawful use on the face of the notice I do not consider that there was any real uncertainty as to its terms. The notice is not invalid or a nullity. I believe that the Council's omission to specify the previous lawful use is a matter that can be corrected without causing any injustice to the appellant and I shall do so.

The planning unit and whether the allegation set out in the notice is correct

34. The land affected by the enforcement notice dated 27 June 2005 comprises a broadly rectangular area of land measuring about 0.1725 ha. It forms the northern part of the whole Glebe Farm site that is owned by Blackfriars Holdings Ltd.

35. The planning unit determines the most appropriate physical area against which to assess the materiality of change. The appellant submitted that in this case it comprised the whole site of Glebe Farm. The appellant drew support from the committee report of 7 June 2005 which states that "Part of the site, to the north of the Farm buildings has been cleared and sectioned off....". The plan attached to that report shows the entire farm buildings area but excludes the field to the west. The committee report did not use the phrase "planning unit" and the appellant contended that the Council had failed to first identify the lawful use of the planning unit as a whole.

36. The Council submitted that the enforcement site was effectively separated from the rest of the land in about February 2005 when the unauthorised use of that land commenced.

37. The *Burdle* case is relevant to the consideration of this matter. I shall now look at whether the activities taking place within the notice site amount in substance to a separate use both physically and functionally. Glebe Farm was inspected by the Council's officers in October 2004 and it was found that part of the site to the north of the farm buildings had

been cleared of overgrown trees and shrubs. A letting board had been displayed advertising the site for open storage. The site was again inspected in November 2004 and it was found that close-boarded fencing about 2 m high had been erected. The notice site was fenced-off from the remainder of the farm buildings area. However, it was not occupied by Gowing and Pursey at that time. On 10 February 2005, the Council was informed by the South Ruislip Residents' Association that lorries were taking skips into the site. The notice site was created where it was, Charlie Ward said, in order to maximise its visibility for security reasons and "to detach them from the other part". It is now occupied, albeit only under a licence and not exclusively, by Gowing and Pursey. There is a separate entrance to the notice site with no link between it and the remainder of the Glebe Farm site. In my view, there is clearly physical separation between the two adjoining areas of land.

38. Turning now to the question of functional separation, the notice alleges that the site has been used for open storage purposes. As is evident from my decision on the LDC Appeal D, I am satisfied that the area occupied by the farm buildings including the notice site has a lawful use for storage and ancillary purposes. Before February 2005, there was no functional separation of the two areas. I shall now consider the nature of the skip activities and whether the allegation set out in the notice correctly describes what has taken place within the site.

39. The appellant contended that if the lawful use of the LDC appeal site was Class B8 then that use also embraced the nature of the activities currently taking place on the enforcement notice site. The appellant submitted that the skip activities fell within Class B8 of the Town and Country Planning (Use Classes) Order 1987. They did not involve a material change of use since the land and buildings had continued to be used for the same planning use that has existed on the site since at least 1994.

40. The 1997 Land Use Gazetteer categorises a skip hire place, a skip hire yard and a skip vehicle depot as sui generis uses with a skip hire firm's office falling within Class B1. A skip hire storage or distribution place is categorised as B8 subject to the remark that a "mixed use (i.e. no identifiable primary use) is sui generis".

41. When I visited the site I saw that the interior of portacabin was laid out as an office with desks, chairs, computer screens, telephone, fax and filing cabinets. The yard was also occupied by a container containing an old desk and chairs. There were both empty and full skips on the site. A number of cars were parked on the site together with skip lorries and a minibus. The items and equipment on the site included engine oil, hydraulic oil, anti-freeze, tools, steam cleaner, vehicle parts and a generator.

42. The evidence of Mr Charlie Ward was that members of the public did not attend the site and the administration of the business takes place from his Acton Headquarters. The portacabin office provides a security and stock control function. It is a condition of his insurance policy that someone has to be on-site at all times and the portacabin is manned day and night. All bins are numbered and an employee checks them in and out of the site. There is a computer link to Head Office and lists of what has to be collected are sent by fax. The drivers' personal belongings are also kept in the office. There is a contract with Leyland Daf to undertake the main repairs to vehicles, nevertheless some minor maintenance activities and running repairs are undertaken on the site. The drivers also use the steam cleaner to wash down the vehicles from time to time. The generator is used to

drive the compressor. There are 6 drivers and skip lorries based at the site. Whilst they are working, some drivers park their cars at the site and some park on the other side of the road.

43. The letter dated 6 December 2005 sent by the Office of the Traffic Commissioner to Mr Ticehurst indicates that an application by Martin Stack trading as Stack Grab Services for the use of Glebe Farm as an operating centre for 6 vehicles has been granted subject to conditions. A business "Paxton Skip & Grab Hire" is listed by the BT website with the Glebe Farm address. The proof evidence of Charlie Ward states that on 2 December 2005, an operator's licence was granted to park and operate HGV's from the site. The letter from Osborne Clarke dated 4 May 2006, advises that "Glebe Farm is denoted as the Operating Centre because six of Mr Stack's lorries are stored there overnight when they are not in use". However, in *Crawley Borough Council v Hickmet Ltd [1988] JPL 210* the Court of Appeal held that there was a clear distinction in planning law between car parking and commercial storage. It is also stated that "Gowing and Pursey pay Martin Stack a consultancy fee on a monthly basis and lease the HGVs from him in connection with their skip business. Mr Stack is based in the portacabin on the Glebe Farm site. The reason that the licence is in the name of Martin Stack rather than Gowing and Pursey is that under the Act the person who holds the certificate of professional competence must be the person to whom the licence is registered."

44. The skip operation is being carried out by Gowing and Pursey, the trading name of Bridgemart Limited under the terms of a licence agreement dated 16 March 2005. The licence permits the licensee to utilise the premises for open storage and parking. Nevertheless, I consider that the activities taking place within the notice site are fundamentally different in character compared to the previous ad hoc storage of skips and some building materials both inside and outside the farm buildings. In addition to skip storage, the use involves office activities, vehicle maintenance, washing of lorries, parking of employees' cars and skip lorries. The site operates as the base for 6 skip lorries; a number of employees and a consultant.

45. At the Inquiry, Mr Dickinson for the appellant suggested that the activities taking place within the site should be regarded as being similar to a plant hire yard. A plant hire yard or depot is categorised as a sui generis use by the 1997 Land Use Gazetteer. In my view, there is a mixed use taking place and the skip storage activity cannot be identified as the primary use of the land. In my opinion, the description of the alleged breach set out in the notice does not accurately reflect what has taken place within this area. Although the main administration and repair functions are undertaken elsewhere I find, as a matter of fact and degree, that the site operates as a skip hire yard. I consider that the unauthorised use should be described as "use as a skip hire yard and the siting of a portacabin for use as an office".

46. A notice complies with section 171A of the 1990 Act if it "enables any person on whom a copy of it is served to know what those matter are". Now that the full facts are known it would appear that the Council's original allegation was wrong. In my view, the notice requires correction using the broad powers available under section 176 of the 1990 Act to reflect the actual situation as it was when the notice was issued. This is not a case where the allegation in the notice is not supported at all by the facts. The issues arising in the two cases of development are similar and the time limit for enforcement action is the

same. This matter was the subject of debate and evidence at the Inquiry. The appellant was given adequate opportunity to address the question of whether the skip operation fell within Class B8 or amounted to a sui generis use. The Council are still in time to enforce again and there would be little to be gained by my quashing notice and the Council re-issuing an amended one. I therefore propose to correct the notice and make a corresponding variation to the requirements to reflect what has taken place. In the particular circumstances of this case, I am satisfied that that the appellant would not be prejudiced by my correcting and varying the notice in this way and that no injustice would be caused.

47. The breach of planning control set out in the corrected notice would therefore be a sui generis use. I find that the activities taking place within the notice site amount in substance to a separate use both physically and functionally and that this area comprises a separate planning unit. The notice plan correctly identifies the appropriate planning unit for the purposes of this appeal.

The appeal on ground (d)

48. On ground (d), the activities alleged by the corrected notice began in February 2005 when a new planning unit was created. They represent a material change in the use of the site compared to the previous storage use. Since the breach of planning control took place less than 10 years before the date of the enforcement notice, the development is not immune from enforcement action. However, by virtue of section 57(4) of the 1990 Act, there is a right to revert to the last lawful use. The appeal on ground (d) fails.

The appeal on ground (g)

49. On ground (g), the appellant submitted that the compliance period did not allow Gowing and Pursey sufficient time to make alternative arrangements. At the Inquiry, the appellant produced letters in support of its argument on this ground. The letter from commercial property consultants Thomas Clive and Co dated 9 March 2006 and addressed to Gowing and Pursey states that "I cannot see any premises coming up in the near future which are likely to suit your requirements, however, it may be that you will eventually have to purchase a property and demolish it in order to satisfy your requirements." The e-mail letter dated 28 January 2006 from Mr Simmons to Gowing and Pursey states "I have to inform you that at the present time there are no similar sites in the Ruislip area to let and as far as I am concerned there are none in the foreseeable future, which would make relocation a lengthy business."

50. I consider that the appellant was entitled to await the outcome of this appeal before requiring Gowing and Pursey to make other arrangements. The available evidence suggests that it is likely to be difficult to find another suitable location in the area. In my view, it would be unreasonable to expect Gowing and Pursey to vacate the site within three months. I believe that eight months would be a realistic period for them to seek alternative premises and I propose to vary the notice in this respect. Even if they were unable to find a suitable site within this period I do not consider that any greater extension of the compliance period could be justified. The appeal succeeds on ground (g) to this limited extent.

Formal Conclusions

Appeal A

51. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should succeed on ground (d). Accordingly, the enforcement notice will be quashed. In these circumstances the appeal under the various grounds set out in section 174(2) to the 1990 Act as amended and the application for planning permission deemed to have been made under section 177(5) of the 1990 Act as amended do not need to be considered.

Appeal B

52. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should not succeed. I shall uphold the enforcement notice with corrections and variations.

Appeal C

53. For the reasons given above and having regard to all other matters raised, I conclude, on the evidence now available, that the Council's refusal to grant a certificate of lawful use or development in respect of the erection of steel palisade fencing to West End Road site boundary was not well-founded and that the appeal should succeed. I will exercise the powers transferred to me under section 195(2) of the 1990 Act as amended.

Appeal D

54. For the reasons given above and having regard to all other matters raised, I conclude, on the evidence now available, that the Council's refusal to grant a certificate of lawful use or development in respect of the use of land and buildings within the area outlined red on plan DJB/391/2 for storage and ancillary purposes was not well-founded and that the appeal should succeed. I will exercise the powers transferred to me under section 195(2) of the 1990 Act as amended.

Formal Decisions

Appeal A Ref: APP/R5510/C/05/2003305

55. I allow the appeal and direct that the enforcement notice be quashed.

Appeal B Ref: APP/R5510/C/05/2003306

56. I direct that the enforcement notice be corrected by deleting from paragraph 3 the words "to an open storage use for container and skips" and substituting therefor the words "from storage to use as a skip hire yard" and varied by deleting from paragraph 4.(i) the words "for storage" and substituting therefor the words "as a skip hire yard" and by deleting from paragraph 4.(ii) the words "for open storage" and by deleting from paragraph 5.(i) the words "an open storage use for containers and skips" and substituting therefor the words "a skip hire yard" and by deleting from paragraph 5.(ii) the words "for open storage of containers and skips" and substituting therefor the words "as a skip hire yard" and by deleting from paragraph 5. the word "THREE" and substituting therefor the word "EIGHT". Subject to these corrections and variations I dismiss the appeal, 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 as amended.

Appeal C Ref: APP/R5510/X/06/2011330

57. I allow the appeal, and I attach to this decision a certificate of lawful use or development describing the existing operation which I consider to be lawful.

Appeal D Ref: APP/R5510/X/06/2011331

58. I allow the appeal, and I attach to this decision a certificate of lawful use or development describing the existing use which I consider to be lawful.



INSPECTOR

Lawful Development Certificate

The Planning Inspectorate
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN
☎ 0117 372 6372

TOWN AND COUNTRY PLANNING ACT 1990: SECTION 191
(as amended by Section 10 of the Planning and Compensation Act 1991)

TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE) ORDER 1995: ARTICLE 24

IT IS HEREBY CERTIFIED that on 15 September 2005 the operations described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto and delineated by a thick black line on the plan attached to this certificate, were lawful within the meaning of section 191(2) of the Town and Country Planning Act 1990 (as amended), for the following reason:

The erection of the steel palisade fencing was substantially completed more than 4 years before the taking of any enforcement action. It is therefore immune from enforcement action and lawful by virtue of section 171B(1) of the Town and Country Planning Act 1990 (as amended).

Signed

Wendy McKay
Inspector

Date
Reference: APP/R5510/X/06/2011330

First Schedule
The erection of steel palisade fencing to West End Road site boundary

Second Schedule
Land at Glebe Farm, West End Road, Ruislip, Middlesex HA4 6RB

NOTES

1. This certificate is issued solely for the purpose of section 191 of the Town and Country Planning Act 1990 (as amended).
2. It certifies that the operations described in the First Schedule taking place on the land specified in the Second Schedule were lawful, on the certified date and, thus, were not liable to enforcement action, under section 172 of the 1990 Act, on that date.
3. This certificate applies only to the extent of the operations described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any operation which is materially different from that described, or which relates to any other land, may result in a breach of planning control which is liable to enforcement action by the local planning authority.

Plan

This is the plan referred to in the Lawful Development Certificate dated: 7 JUL 2006

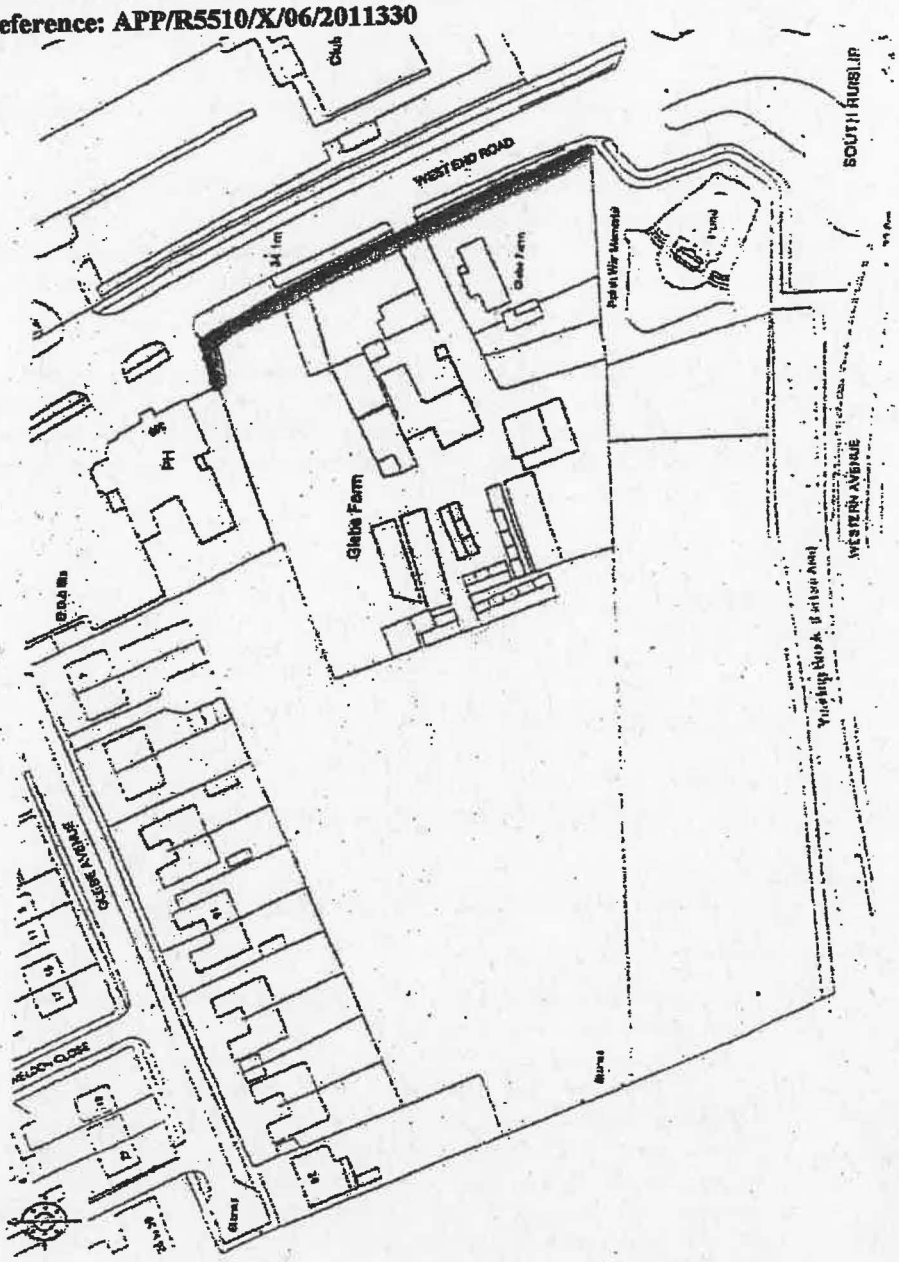
by Wendy McKay LLB

Land at: Glebe Farm, West End Road, Ruislip HA4 6RB

Reference: APP/R5510/X/06/2011330

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
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Scale:



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PROPERTY AND PLANNING CONSULTANTS

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Bucks HP16 9PN
Tel: 01494 890122
Fax: 01494 868258
e-mail:
DavidBrown@brownassociates.co.uk

JOB TITLE	DRAWN BY	SCALE
GLEBE FARM	DATE 15/9/05	1:1250
DRAWING TITLE	DRAWING NO	REV
SITE PLAN	DJB/391/1	

Lawful Development Certificate

The Planning Inspectorate
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN
☎ 0117 372 6372

TOWN AND COUNTRY PLANNING ACT 1990: SECTION 191
(as amended by Section 10 of the Planning and Compensation Act 1991)

TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE) ORDER 1995: ARTICLE 24

IT IS HEREBY CERTIFIED that on 15 September 2005 the use described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto and edged and hatched in black on the plan attached to this certificate, was lawful within the meaning of section 191(2) of the Town and Country Planning Act 1990 (as amended), for the following reason:

The land and buildings have been used for storage and ancillary purposes for a continuous period of 10 years beginning on 28 December 1994. These existing use rights have not subsequently been lost and by virtue of section 171B(3) of the Town and Country Planning Act 1990 (as amended) no enforcement action can any longer be taken in respect of them.

Signed

Wendy McKay
Inspector

Date

Reference: APP/R5510/X/06/2011331

First Schedule
The use of land and buildings for storage and ancillary purposes

Second Schedule
Land at Glebe Farm, West End Road, Ruislip, Middlesex HA4 6RB

NOTES

1. This certificate is issued solely for the purpose of section 191 of the Town and Country Planning Act 1990 (as amended).
2. It certifies that the use described in the First Schedule taking place on the land specified in the Second Schedule was lawful, on the certified date and, thus, was not liable to enforcement action, under section 172 of the 1990 Act, on that date.
3. This certificate applies only to the extent of the use described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any use which is materially different from that described, or which relates to any other land, may result in a breach of planning control which is liable to enforcement action by the local planning authority.

Plan

This is the plan referred to in the Lawful Development Certificate dated: 27 JUL 2006

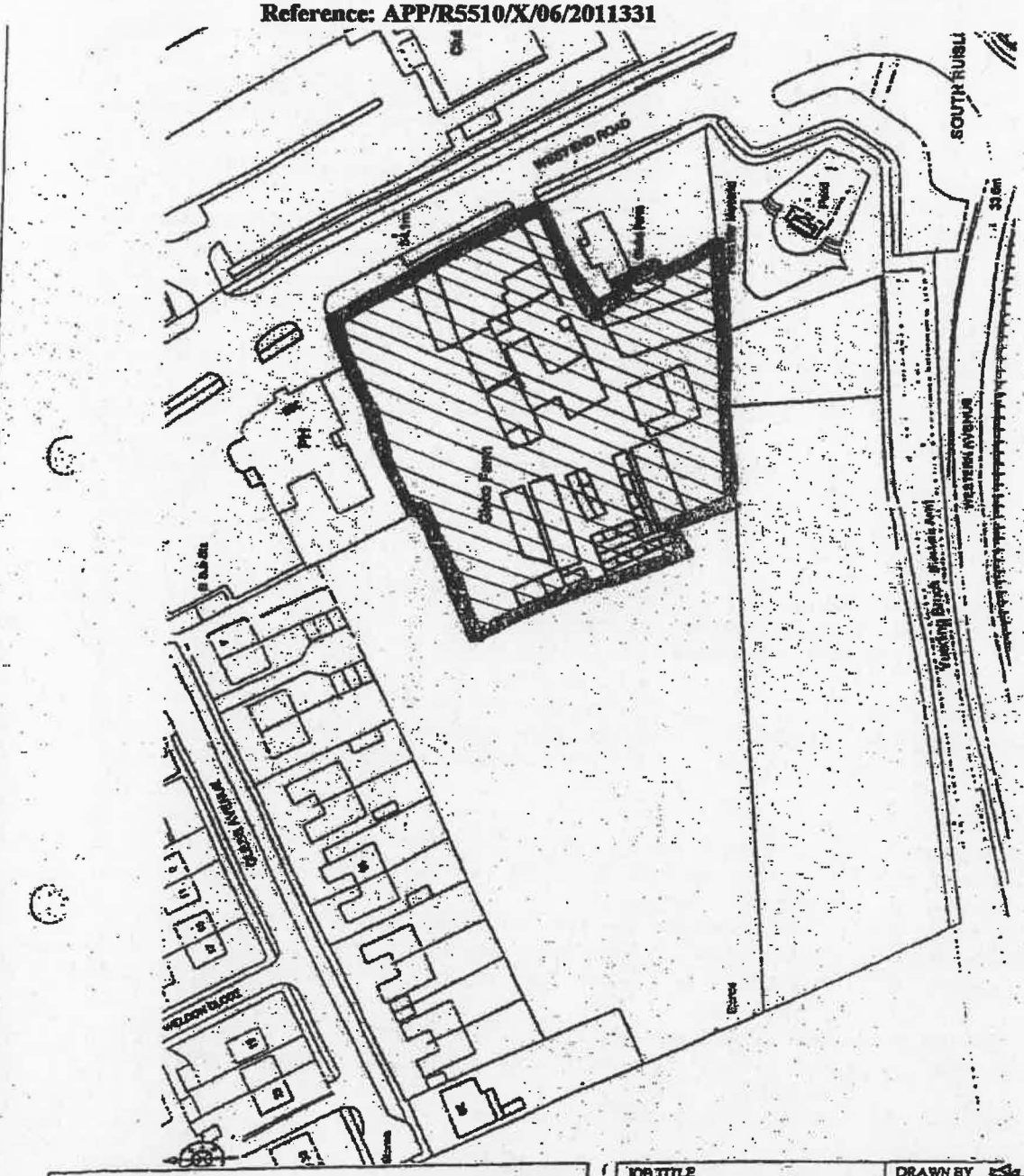
by Wendy McKay LLB

Land at: Glebe Farm, West End Road, Ruislip HA4 6RB

Reference: APP/R5510/X/06/2011331

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Tel: 01494 890122
Fax: 01494 868258

JOB TITLE: GLEBE FARM	DRAWN BY: ESB DATE: 27/9/05	SCALE: 1:12
DRAWING TITLE: SITE PLAN	DRAWING NO: DJB/391/2	REV

APPEARANCES

FOR THE APPELLANT:

Mr John Pugh-Smith of Counsel	Instructed by Osborne Clarke, Solicitors, One London Wall, London EC2Y 5EB
He called	
Mr Richard Joseph Fagan	Managing Director, Autodex Ltd
Mr Christopher Simmons	Peter Reglar, 127 High Street, Ruislip, Middlesex HA4 8JN
Mr William Elliott	Spring Valley, Summerhill, County Meath, Ireland
Mr Malcolm Christopher Grumbridge Solicitor	The Hogarth Group, Airedale Avenue, London W4 2NW
Mr Charles Francis Ward	25 Fulmer Drive, Gerrards Cross, SL9 7HQ
Mr Richard Oliver Fagan	Chairman, Autodex Ltd
Mr Paul Nigel Dickenson BA(Hons) MRTPI MRICS F LAND INST MCMI	Principal, Paul Dickenson & Associates, Sunbury International Business Centre, Brooklands Close, Windmill Road, Sunbury-on-Thames, Middlesex TW16 7DX

FOR THE LOCAL PLANNING AUTHORITY:

Mr Giles Atkinson of Counsel	Instructed by the London Borough of Hillingdon
He called	
Sara Bagshaw BSc(Hons) DipTP MRTPI	Senior Planning Appeals Officer, London Borough of Hillingdon

INTERESTED PERSONS:

Mr Allan George Kauffman	43 Jubilee Drive, South Ruislip, HA4 OPA
Mr Donald John Ticehurst on behalf of South Ruislip Residents Association	23 Bridgewater Road, South Ruislip HA4 OED
Denise Jane Capp	74 Mahlon Avenue, South Ruislip HA4 6TE
Mr Douglas James Lewington	48 Mahlon Avenue, South RuislipHA4 6TE
Cllr Oliver Curley	c/o Lib Dem Offices, Civic Centre, Uxbridge

DOCUMENTS

Document	1	Lists of persons present at the inquiry on each day of sitting
Document	2	Copy letters notifying local people of the inquiry and circulation list
Document	3	Statement of Common Ground
Document	4	Extract Hillingdon UDP Inspector's report December 1995
Document	5	Letter from Thomas Clive and Co to C Ward dated 9 March 2006
Document	6	E-mail from Peter Reglar Commercial to Gowing and Pursey dated 28 January 2006
Document	7	Copy police reports relating to Glebe Farm, West End Road, South Ruislip
Document	8	Non-domestic rate demand dated 20 April 2006 relating to Paxton Skips, Glebe Farm
Document	9	Land Use Gazetteer 2nd Edition extract

Document	10	Business number search relating to Paxton Skip & Grab Hire
Document	11	Statement of Roland David Perring
Document	12	Statement of Don Ticehurst on behalf of South Ruislip Residents Association
Document	13	Letter dated 6 December 2005 from the Office of the Traffic Commissioners to Mr Ticehurst
Document	14	Letter from Osborne Clarke to the Inspector dated 4 May 2006
Document	15	Letter from Osborne Clarke to the Borough Solicitor dated 28 April 2006
Document	16	Letter from Hilllingdon London Borough Council Legal Services to Osborne Clarke dated 4 May 2006
Document	17	Encyclopedia of Planning Law and Practice extract
Document	18	Case Note: The Lord Mayor and Citizens of the City of Westminster v Secretary of State for the Environment and Peter Aboro
Document	19	Case Note: Richmond-upon-Thames LBC v SSE et al.
Document	20	Case Note: Hawkey and Others v SSSE and Another
Document	21	Closing Statement on behalf of Local Planning Authority
Document	22	Notes of closing submissions on behalf of Appellants

PLANS

Plan	A	Appeal A enforcement notice plan
Plan	B	Appeal B enforcement notice plan
Plan	C	Appeal C submitted application plan
Plan	D	Appeal D submitted application plan

PHOTOGRAPHS

Photo	1	Photo showing entrance to the site

APPENDIX 3: Photograph of Previous Lighting Columns

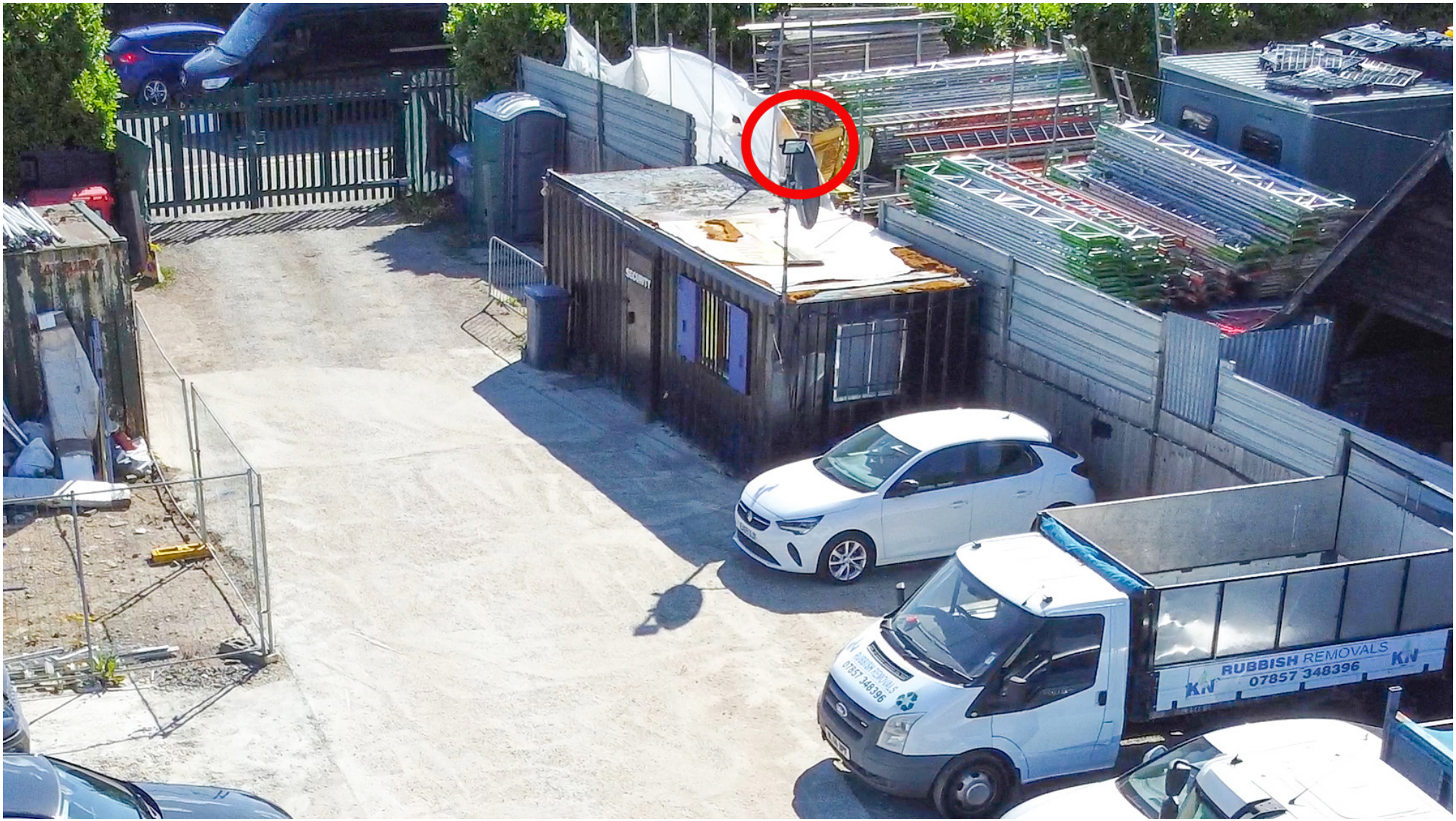



NO FIRES




Falleco
NO ASBESTOS
NO FIRE
LEVEL FIELD ONLY


tex
BSC
357616


SECURITY
RUBBISH REMOVALS
07857 348396
KN
KN

APPENDIX 4: Officer's Delegated Report for First Retrospective Planning Application

Development Management

APP REF No. 14607/APP/2023/1912

DELEGATED DECISION

- Please select each of the categories that enables this application to be determined under delegated powers
- Criteria 1 to 5 or criteria 7 to 9 must be addressed for all categories of application, except for applications for Certificates of Lawfulness, etc.

APPROVAL RECOMMENDED: GENERAL		Select an Option
1.	No valid planning application objection in the form of a petition of 20 or more signatures, has been received	☐
2.	Application complies with all relevant planning policies and is acceptable on planning grounds	☐
3.	There is no Committee resolution for the enforcement action	☐
4.	There is no effect on listed buildings or their settings	☐
5.	The site is not in the Green Belt (but see 11 below)	☐
REFUSAL RECOMMENDED: GENERAL		
6.	Application is contrary to relevant planning policies/standards	☐
7.	No petition of 20 or more signatures has been received	☐
8.	Application has not been supported independently by a person/s	☐
9.	The site is not in Green Belt (but see 11 below)	☐
RESIDENTIAL DEVELOPMENT		
10.	Single dwelling or less than 10 dwelling units and/or a site of less than 0.5 ha	☐
11.	Householder application in the Green Belt	☐
COMMERCIAL, INDUSTRIAL AND RETAIL DEVELOPMENT		
12.	Change of use of retail units on site less than 1 ha or with less than 1000 sq. m other than a change involving a loss of A1 uses	☐
13.	Refusal of change of use from retail class A1 to any other use	☐
14.	Change of use of industrial units on site less than 1 ha or with less than 1000sq.m. of floor space other than to a retail use.	☐
CERTIFICATE OF LAWFULNESS		
15.	Certificate of Lawfulness (for proposed use or Development)	☐
16.	Certificate of Lawfulness (for existing use or Development)	☐
17.	Certificate of Appropriate Alternative Development	☐
CERTIFICATE OF LAWFULNESS		
18.	ADVERTISMENT CONSENT (excluding Hoardings)	☐
19.	PRIOR APPROVAL APPLICATION	☐
20.	OUT-OF-BOROUGH OBSERVATIONS	☐
21.	CIRCULAR 18/84 APPLICATION	☐
22.	CORPSEWOOD COVENANT APPLICATION	☐
23.	APPROVAL OF DETAILS	☐
24.	ANCILLARY PLANNING AGREEMENT (S.106 or S.278) where the Heads of Terms have already received Committee approval	☐
25.	WORKS TO TREES	☐
26.	OTHER (please specify)	☐

The delegation powers schedule has been changed. Interim Director of Planning, Regeneration & Public Realm can determine this application

Case Officer:

Signature:

Date:

A delegated decision is appropriate and the recommendation, conditions/reasons for refusal and informative's are satisfactory.

Team Manager:

Signature:

Date:

The decision notice for this application can be issued.

Director / Member of Senior Management Team:

Signature:

Date:

NONE OF THE ABOVE DETAILS SHOULD BE USED IN THE PS2 RETURNS ODPM

A

Item No.	**Report of the Head of Development Management and Building Control**
Address:	GLEBE FARM WEST END ROAD RUISLIP
Development:	Retrospective permission for the installation of six pole mounted lights sited 6 metres above ground level
LBH Ref Nos:	**14607/APP/2023/1912**
Drawing Nos:	HS1117_101A Site Location Plan HS1117_102A Lighting Column Plan S-FR2506T01-01 General Arrangement of Forest Column Brackenheath Rex Slim Datasheet Cover Letter, 30th June 2023, PowerHaus Outdoor Lighting Report, Ref: BEI20230629, Dated: 398 June 2023, Lighting Reality Technical Data Sheet, CU Phosco Lighting Ltd
Date Plans received:	30-06-23 **Date(s) of Amendments(s):**
Date Application valid	30-06-23

1. SUMMARY

The application seeks retrospective permission for the installation of six pole mounted lights sited 6 metres above ground level. The development represents inappropriate development in the green belt and would be harmful to the character and visual amenity of the area and harmful to neighbouring residential amenity. The application is recommended for refusal.

2. RECOMMENDATION

REFUSAL for the following reasons:

1. NON2 Green belt

The development represents inappropriate development in the green belt to which no very exceptional circumstances exist. The development therefore conflicts with Policy DMEI 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. NON2 Character and appearance

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. NON2 Amenity

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).

INFORMATIVES

3. CONSIDERATIONS

3.1 Site and Locality

The application site comprises a 0.7 hectare parcel of land to the west of West End Road, to the north of the Grade II* listed Polish Air Force Memorial and Park, to the east of scrubland and to the south of residential properties. The site falls within a large expanse of Green Belt, which separates Northolt in the east from Hillingdon to the west, partly above and partly below the A40. The Eastern Arm of Yeading Brook is approximately 20 metres to the south of the site (but the site is not at risk of surface water flooding and is in Flood Zone 1).

The wider area to the north of the application site is characterised by low-scale residential housing, whilst to the south and east are large areas of undeveloped grassland, used for various sports and recreational activities. RAF Northolt, a military-operated airfield is to the west.

Within the site, there are a collection of small-scale structures and buildings, some appearing temporary whilst others are more established, such as the locally listed Glebe Farm cottage. The site has evolved over time and benefits from a lawful B8 use extending over most of the site, relating mostly to the storage of various building materials. The site has two vehicle access points approximately 10 metres apart facing onto West End Road, the northernmost of which is adjacent to a bus stop.

3.2 Proposed Scheme

The application seeks retrospective permission for the installation of six pole mounted lights sited 6 metres above ground level. From the application form, the development was completed on 15/02/2023.

3.3 Relevant Planning History

14607/APP/2020/3619 GLEBE FARM WEST END ROAD RUISLIP

RE-CONSULTATION ON AMENDED PLANS: Demolition of existing industrial buildings, removal of all external industrial storage and redevelopment of site to provide 31 dwellings (7 x 1-bed and

12 x 2- bed, 9 x 3-bed houses and 3 x 4-bed houses) and the restoration and conversion of locally listed building to create two office suites, provision of open space, associated parking and landscaping, including creation of footpath to adjacent war memorial and gardens.

Decision: 29-04-2022 Withdrawn (P)

14607/ADV/2019/29 GLEBE FARM WEST END ROAD RUISLIP

Erect a large uPVC banner 2.5m x 1.5m (removable at any time) attached to our main gate

Decision: 25-07-2019 Withdrawn (P)

14607/PRC/2019/96 GLEBE FARM WEST END ROAD RUISLIP

Replacement of the existing storage (formally agricultural) buildings with a bespoke residential development of 30 dwellings

Decision: 30-08-2019 Objection

14607/APP/2005/2696 GLEBE FARM WEST END ROAD RUISLIP

CHANGE OF USE OF LAND FROM AGRICULTURAL TO USE OF LAND AND BUILDINGS FOR STORAGE AND ANCILLARY PURPOSES (APPLICATION FOR A CERTIFICATE OF LAWFULNESS FOR AN EXISTING USE OR OPERATION OR ACTIVITY IN BREACH OF A PLANNING CONDITION)

Decision: 22-11-2005 Refusal **Appeal:** 07-07-06 Allowed

14607/APP/2005/2645 GLEBE FARM WEST END ROAD RUISLIP

ERECTION OF STEEL PALISSADE FENCING TO WEST END ROAD SITE BOUNDARY (APPLICATION FOR A CERTIFICATE OF LAWFULNESS FOR AN EXISTING USE OR OPERATION OR ACTIVITY IN BREACH OF A PLANNING CONDITION)

Decision: 15-11-2005 Refusal **Appeal:** 07-07-06 Allowed

14607/APP/2005/2371 GLEBE FARM WEST END ROAD RUISLIP

CHANGE OF USE OF THE LAND TO AN OPEN STORAGE USE FOR CONTAINER AND SKIPS AND THE SITING OF A PORTACABIN FOR USE AS AN OFFICE (APPEAL AGAINST ENFORCEMENT NOTICE; APPLICATION FOR PLANNING PERMISSION DEEMED TO HAVE BEEN MADE PURSUANT TO SECTION 174 OF THE TOWN AND COUNTRY PLANNING ACT 1990)

Decision: 07-07-2006 Refusal **Appeal:** 07-07-06 Dismissed

14607/APP/2005/2372 GLEBE FARM WEST END ROAD RUISLIP

ERECTION OF STEEL RAILINGS ALONG THE FRONT BOUNDARY WITH WEST END ROAD (APPEAL AGAINST ENFORCEMENT NOTICE; APPLICATION FOR PLANNING PERMISSION DEEMED TO HAVE BEEN MADE PURSUANT TO SECTION 174 OF THE TOWN AND COUNTRY PALNNING ACT 1990)

Decision: 07-07-2006 Approval **Appeal:** 07-07-06 Allowed

14607/APP/2002/2130 GLEBE FARM WEST END ROAD RUISLIP

CHANGE OF USE OF FROM FORMER AGRICULTURAL BUILDINGS TO CLASS B1 OFFICES,

INVOLVING RETENTION OF FORMER GLEBE FARMHOUSE, DEMOLITION OF ALL REMAINING BUILDINGS AND ERECTION OF TWO PART SINGLE STOREY, PART TWO STOREY BUILDINGS AND NEW ACCESS AND LANDSCAPING

Decision: 25-04-2003 Withdrawn (P)

14607/G

14607/F

14607/E

14607/D/94/0787 GLEBE FARM WEST END ROAD RUISLIP

Erection of meeting hall with associated parking and erection of single garage for existing farmhouse (involving demolition of existing farm buildings)(outline application)

Decision: 14-10-1994 Refusal

14607/C

14607/B/93/0533 GLEBE FARM WEST END ROAD RUISLIP

Residential development at a density of 80 habitable rooms per acre (outline application)

Decision: 04-08-1993 Refusal

14607/A

14607/XX/11586

Comment on Planning History

The relevant planning history is listed above.

4. Advertisement and Site Notice

4.1 Advertisement Expiry Date: Not applicable

4.2 Site Notice Expiry Date: Not applicable

5. Comments on Public Consult

79 neighbours were consulted by letter dated 11-07-23. A newspaper advertisement and a site notice were posted on 19-07-23. 6 letters of objection were received citing concerns regarding parking and the impact on residential amenity.

Officer comments:

Parking is not considered to be a material planning matter relevant to this application which is just for the external lighting. The impact on neighbouring residential amenity is discussed in the 'Impact on Neighbours' section.

6. Local Plan Designation and London Plan

The following Local Plan Policies are considered relevant to the application:-

Part 1 Policies:

PT1.BE1	(2012) Built Environment
PT1.E1	(2012) Managing the Supply of Employment Land
PT1.EM11	(2012) Sustainable Waste Management
PT1.EM2	(2012) Green Belt, Metropolitan Open Land and Green Chains
PT1.EM6	(2012) Flood Risk Management
PT1.EM7	(2012) Biodiversity and Geological Conservation
PT1.EM8	(2012) Land, Water, Air and Noise

Part 2 Polices:

DMAV 1	Safe Operation of Airports
DMAV 3	RAF Northolt
DMCI 7	Planning Obligations and Community Infrastructure Levy
DME 1	Employment Uses in Designated Sites
DME 2	Employment Uses Outside of Designated Sites
DMEI 1	Living Walls and Roofs and Onsite Vegetation
DMEI 10	Water Management, Efficiency and Quality
DMEI 12	Development of Land Affected by Contamination
DMEI 14	Air Quality
DMEI 2	Reducing Carbon Emissions
DMEI 3	Decentralised Energy
DMEI 4	Development on the Green Belt or Metropolitan Open Land
DMEI 7	Biodiversity Protection and Enhancement
DMEI 9	Management of Flood Risk

DMHB 1	Heritage Assets
DMHB 11	Design of New Development
DMHB 14	Trees and Landscaping
DMHB 3	Locally Listed Buildings
DMHB 9	War Memorials
DMT 1	Managing Transport Impacts
DMT 2	Highways Impacts
DMT 6	Vehicle Parking
LPP D13	(2021) Agent of change
LPP D14	(2021) Noise
LPP D3	(2021) Optimising site capacity through the design-led approach
LPP D4	(2021) Delivering good design
LPP D5	(2021) Inclusive design
LPP E4	(2021) Land for industry, logistics and services to support London's economic function
LPP E7	(2021) Industrial intensification, co-location and substitution
LPP G2	(2021) London's Green Belt
LPP G5	(2021) Urban greening
LPP G6	(2021) Biodiversity and access to nature
LPP G7	(2021) Trees and woodlands
LPP GG2	(2021) Making the best use of land
LPP GG5	(2021) Growing a good economy
LPP SI1	(2021) Improving air quality
LPP SI12	(2021) Flood risk management
LPP SI13	(2021) Sustainable drainage
LPP SI2	(2021) Minimising greenhouse gas emissions
LPP SI3	(2021) Energy infrastructure
LPP SI7	(2021) Reducing waste and supporting the circular economy
LPP SI8	(2021) Waste capacity and net waste self-sufficiency
LPP T1	(2021) Strategic approach to transport
LPP T2	(2021) Healthy Streets
LPP T3	(2021) Transport capacity, connectivity and safeguarding
LPP T4	(2021) Assessing and mitigating transport impacts
LPP T5	(2021) Cycling
LPP T6	(2021) Car parking
LPP T6.2	(2021) Office parking
LPP T6.5	(2021) Non-residential disabled persons parking
LPP T7	(2021) Deliveries, servicing and construction

In addition: Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

The Development Plan for the London Borough of Hillingdon currently consists of the following documents:

The Local Plan: Part 1 - Strategic Policies (2012)
The Local Plan: Part 2 - Development Management Policies (2020)
The Local Plan: Part 2 - Site Allocations and Designations (2020)
The London Plan (2021)
The West London Waste Plan (2015)

The National Planning Policy Framework (NPPF) (2023), Planning Practice Guidance, as well as relevant supplementary planning documents and guidance are all material consideration in planning decisions.

The proposed development has been assessed against development plan policies and relevant material considerations, discussed below.

7. MAIN PLANNING ISSUES

7.1 Impact on the amenities of the occupiers of neighbouring residential properties

IMPACT ON NEIGHBOURING RESIDENTIAL AMENITY:

Paragraph 191 of the NPPF (2023) states - Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should: c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

Policy D3 of the London Plan (2021) states Part D7) that development proposals should deliver appropriate outlook, privacy and amenity.

Policy DMHB 11 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) seeks to ensure that development proposals do not adversely impact on the amenity, daylight and sunlight of adjacent properties and open space. The supporting text for this policy states that the Council will expect new development proposals to carefully consider layout and massing in order to ensure development does not result in an increased sense of enclosure and loss of outlook.

The case officer has noted the objections made by nearby residents and sought to clarify the hours of use of the lighting with the agent. In response the agent has indicated that the site would be operated 24 hours a day. They have also mentioned occurrences of fly-tipping and new security and lighting would have dealt with the issue.

It is noted from the planning history, that certificate of lawfulness application ref: 14607/APP/2005/2696 which was allowed on appeal (PINS ref: APP/R5510/X/06/2011331) established the use of the site as open storage and ancillary purposes. No conditions were attached

that the certificate approval with regards to site's hours of operation, however the material considerations dictate that the hours of use of the lighting is relevant to this application given the close proximity to neighbouring residential dwellings and the site's location within the Green belt.

The outdoor lighting report demonstrates that the lighting would be positioned in a southernly direction towards the site. The light spillage diagrams on pages 3 and 5 within the outdoor lighting report illustrate there would be light spillage outside of the site over the northern boundary which abuts part of Glebe Farm and the amenity area serving Wordsworth Court which is located 10metres away. It is noted that this flatted development has side windows facing towards the site. It is however noted that the diagrams refer to horizontal illuminance however no information is provided with regards to vertical illuminance, which would measure the impact on the windows of the flatted development.

When in use throughout the night, the lighting would be seen and disruptive to the residential amenity of nearby occupiers, and in a location where such lighting of this scale did not previously exist. The boundary treatment to the north of application site is noted to comprise a closed boarded fence which would not provide any screening to block out light. Taking into consideration the height of the lighting columns and the power output of the new lighting and the fact that the new lighting is proposed to be used without any restriction of use into late night hours, the lighting would significantly affect the visual amenity and residential amenity of the area.

It is considered that unrestricted lighting that could be used 24 hours a day in this location would be detrimental to the amenity of the area by reason of light pollution, light spill and glare. The proposal would therefore harm neighbouring residential amenity and conflict 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 NPPF (2023).

7.2 Impact on Street Scene

IMPACT ON THE CHARACTER AND APPEARANCE OF THE AREA :

Policy D3 of the London Plan (2021) states that: Development proposals should: D1) enhance local context by delivering buildings and spaces that positively respond to local distinctiveness through their layout, orientation, scale, appearance and shape, with due regard to existing and emerging street hierarchy, building types, forms and proportions.

Policy BE1 of the Hillingdon Local Plan: Part One Strategic Policies (2012) seeks a quality of design in all new development that enhances and contributes to the area in terms of form, scale and materials; is appropriate to the identity and context of the townscape; and would improve the quality of the public realm and respect local character.

Policy DMHB 11 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) states that all development, including extensions, alterations and new buildings will be required to be designed to the highest standards and, incorporate principles of good design including: i) harmonising with the local context by taking into account the surrounding: · scale of development, considering the height, mass and bulk of adjacent structures; · building plot sizes and widths, plot coverage and established street patterns; · building lines and setbacks, rooflines, streetscape rhythm, for example, gaps between structures and other streetscape elements, such as degree of enclosure; architectural composition and quality of detailing; local topography, views both from and to the site; and impact on neighbouring open spaces and their environment. ii) ensuring the use of high quality building materials and finishes; iii) ensuring that the internal design and layout of development maximises sustainability and is adaptable to different activities; iv) protecting features of positive value within and adjacent to the site, including the safeguarding of heritage assets,

designated and un-designated, and their settings; and v) landscaping and tree planting to protect and enhance amenity, biodiversity and green infrastructure.

It is noted that the pre-existing lighting was of a much smaller scale comprising seven small roof mounted floodlights that would have been between 2.5-3.5metres above ground level. Being what appears to be an ad-hoc lighting installation and no longer in existence, no information is provided with regards to the power output of the pre-existing floodlights. The submission suggests the pre-existing lighting was installed over 20 years ago, which is not verified. Further, it is noted that there is no record in the planning history of the previously existing floodlights.

The lack of information on the pre-existing lighting makes a comparison between the old and new lighting systems difficult. Despite a reduction of lighting units with a net decrease of one lighting unit, the new lighting columns would be 6metres in height and fitted with 100W Led lights and it is considered a fair assumption that lighting levels would be significantly increased as a result of the development.

The height of the columns has been questioned, as in officers view, having six 6metre high lighting columns seems a bit excessive for the scale of the site which is used for open storage. The agent has suggested that the height of the columns needs to be this height to provide clearance for delivery vehicles. This is not considered to provide adequate justification. The new columns are located in a series alongside the north boundary and it is considered that columns of a lower height would be more suitable and just as effective in serving the needs of the site and would not impede delivery vehicles.

The visual amenity of the site would be negatively affected by increased activity across the visible areas of the site. Views of the lighting would be obtainable from the surrounding street scene, and the lighting being unrestricted in hours of use would provide a constant source of light which would be harmful to the amenity of the area. The lighting poles would be of an excessive height in this location resulting in a highly conspicuous and prominent form development that would lead to significant visual intrusion causing harm to the character and visual amenity of the area.

For the above reasons, the development is considered to be harmful to the character and visual amenity of the area, contrary to 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).

IMPACT ON THE OPENNESS OF THE GREEN BELT:

Paragraph 152 of the National Planning Policy Framework (2023) states - Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Paragraph 153 of the National Planning Policy Framework (2023) states - When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

Paragraph 154 of the National Planning Policy Framework (2023) states -. A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

a) buildings for agriculture and forestry;
b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
e) limited infilling in villages;
f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
-not have a greater impact on the openness of the Green Belt than the existing development; or
-not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

Policy G2 of the London Plan (2021) states - A) The Green Belt should be protected from inappropriate development: 1) development proposals that would harm the Green Belt should be refused except where very special circumstances exist,
2) subject to national planning policy tests, the enhancement of the Green Belt to provide appropriate multi-functional beneficial uses for Londoners should be supported.

Policy DMEI 4 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) states - A) Inappropriate development in the Green Belt and Metropolitan Open Land will not be permitted unless there are very special circumstances.

In the application submission, it is suggested by the agent that the principle of the development for replacement external lighting would fall under the exceptions criteria under Paragraph 154g) which lists - limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would: - not have a greater impact on the openness of the Green Belt than the existing development.

The wording of Paragraph 154g) is clear and refers specifically to the partial or complete redevelopment of previously developed land and not to the partial or complete redevelopment of land that is partly previously developed. Annex 2 of the Framework specifically excludes land that is or was last occupied by agricultural buildings from the definition of previously developed land.

The site is currently noted to be in storage use, however from the planning history, the site was in agricultural use in the past i.e. was last occupied by agricultural buildings. The site would therefore not fall into the exceptions list of Paragraph 154g) of the Framework. The test of Paragraph 154g) is not engaged.

Consequently in light of the above, it is therefore considered that the development represents inappropriate development in the green belt to which no very exceptional circumstances exist. The development therefore conflicts with Policy DMEI 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)

7.3 Traffic Impact/Pedestrian Safety

Not applicable.

7.4 Carparking & Layout

Not applicable.

7.5 Urban Design, Access and Security Considerations

Not applicable.

7.6 Other Issues

No other issues are identified.

8. Reference Documents

Hillingdon Local Plan: Part 1 - Strategic Policies (2012)
Hillingdon Local Plan: Part 2 - Development Management Policies (2020)
London Plan (2021)
National Planning Policy Framework (2023)

Contact Officer: Christos Chrysanthou **Telephone No:** 01895 250230

APPENDIX 5: Email Correspondence between PowerHaus and the Case Officer regarding the First Retrospective Application

PowerHaus Consultancy

Mary Power <mp@powerhausconsultancy.co.uk>

Re: 14607/APP/2023/1912 GLEBE FARM WEST END ROAD

1 message

Mary Power <mp@powerhausconsultancy.co.uk> 24 January 2024 at 13:11
To: Christos Chrysanthou <CChrysanthou@hillingdon.gov.uk>
Bcc: Tony Mendes <tony.mendes@cargiant.co.uk>

Dear Christos

Thank you for the email confirming that you are now the case officer. I had wondered what was going to happen with the application as despite months of chasing by telephone and email I have had no response from the Council.

You will probably be aware that the site has a long established use and history for its use for storage and ancillary purposes and that it has a 24 hour use without control by conditions. Given the site's location near to the strategic highway network, it must be able to continue to operate night and day to service the existing tenants leases and safe and secure operation of the site. Historically the site has unfortunately attracted unwanted fly tipping, which the new owners have fully under control with the operation of new security and lights.

The former lights were between approx 2.5 - 3.5 metres high, attached on many of the structures on site ie surrounding buildings or storage or on make shift poles on all four sides. They were inefficient, threw uncontrolled light across the site and into neighbours gardens and were far more intrusive than the erected new lights. The new owners have not been made aware of any complaints of nuisance.

There were significantly more than 7 lights that have been removed from the site, with only 6 new LED lights proposed. The positioning of the new lights means that there is no further need for more lighting and no impact on residential amenity. The site is of a size that requires this number of lights to ensure that there are no areas of the site which could attract uncontrolled access or illegal access to the site. For the purposes of safe loading and unloading of stored materials, the lights need to be available 24 hours as the nature of some of the stored materials means that goods are loaded late at night and in the early hours in order to service their customers across the London and south area often requiring early deliveries.

The height of the columns also need to be clear of any delivery vehicle and its goods/plant to avoid damage to the lighting columns themselves. In addition, the lighting assessment submitted with the application demonstrates that the light spill is directional across the application site and not across adjacent gardens or into adjacent buildings.

The lights that have also been installed are of a far higher energy use specification and control than the lights they replace.

The applicant agrees to the extension of time and requests that you consider the submission on its merits with the clear benefits arising from the new installed lights. We are happy to discuss further with you.

Kind regards

Mary Power
Director
PowerHaus Consultancy
The Stanley Building
7 Pancras Square
London N1C 4AG

E: mp@powerhausconsultancy.co.uk
W: www.powerhausconsultancy.co.uk

T: 0207 724 0510
M: 07496 611110

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On Tue, 23 Jan 2024 at 12:15, Christos Chrysanthou <CChrysanthou@hillingdon.gov.uk> wrote:

> Dear Ms Power
>
> Please be advised that the above application has been reallocated to me.
>
> I note from the submission that there are existing roof mounted floodlights, however the development is clearly going to have some impact in terms of additional light pollution as the existing lighting are small floodlights 2.5metres above ground level. Having six 6metre high lighting columns seems a bit excessive for the scale of the site which is used for open storage. It would appear that columns of a lower height would be more suitable and just as effective for the purpose. Please could you confirm whether there are any reasons why the new columns need to be six metres in height and why there needs to be six columns?
>
> I note from the system that we have received several objection concerning the lighting going off at night. Please could you confirm the hours of operation for the lighting and whether you would be agreeable to a condition requiring the lighting to be switch off during the evening/night time hours?
>
> Please could you reply before the end of the week.
>
> Pending clarification on the above, I would propose a provisional target date of 06-02-24. Please reply to confirm your agreement to the time extension.
>
> Kind regards
>
> Christos Chrysanthou
>
> Planning Officer
>
> Planning, Regeneration and Environment
>
> Corporate Resources
>
> Hillingdon Council
>
> HILLINGDON
> LONDON
>
> Please note that the comments made in this email represent officer opinion and cannot be seen to prejudice the Local Planning Authority's formal determination in relation to any application or planning matter.
>
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> expressed they are not necessarily those of the London Borough of Hillingdon. Service by email is not accepted unless by prior agreement.

APPENDIX 6: Email correspondence between PowerHaus and the Case Office regarding the Enforcement Notice

PowerHaus Consultancy

Mary Power <mp@powerhausconsultancy.co.uk>

RE: Glebe Farm West End Road Ruislip - Reference 3E04/HS/023567

1 message

Harjinder Samra <HSamra@hillingdon.gov.uk> 3 June 2024 at 17:11
To: Mary Power <mp@powerhausconsultancy.co.uk>

Dear Mary,

Further to service of the Enforcement Notice (EN) with its accompanying r5 Explanatory Statement we would refer you to s174(2A) Town and Country Planning Act 1990 which removes the ability for a person to lodge a ground (a) appeal against an EN issued in England in certain circumstances. These circumstances are that an EN was issued after a related planning application had been made but before the statutory time for making a decision on the application has expired. Please consider the legislation under s174 TCPA 1990 in respect of your appeal of the EN and whether you are precluded from making a ground (a) application.

We would advise seeking independent legal advice if necessary.

Regards

Harjinder Samra

Paralegal
Planning and Corporate Team(3E04)
Hillingdon Legal Services
Tele 01895-250753
Fax 01895 250784

From: Mary Power <mp@powerhausconsultancy.co.uk>
Sent: Monday, June 3, 2024 3:53 PM
To: Harjinder Samra <HSamra@Hillingdon.Gov.UK>
Subject: Re: Glebe Farm West End Road Ruislip - Reference 3E04/HS/023567

Harjinder - thank you - my client will be submitting an appeal before the enforcement notice takes effect.

Kind regards

Mary Power

Director

PowerHaus Consultancy

The Stanley Building

7 Pancras Square

London N1C 4AG

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On Mon, 3 Jun 2024 at 15:42, Harjinder Samra <HSamra@hillingdon.gov.uk> wrote:

> Hello Mary,
>
> Further to my below email, please see attached regulation 5 explanatory note for information setting out new legislation brought in by Levelling Up Regeneration Act 2023.
>
> Regards
>
> Harjinder Samra
>
> Paralegal
> Planning and Corporate Team(3E04)
> Hillingdon Legal Services
> Tele 01895-250753
> Fax 01895 250784
>
> ---
>
> **From:** Harjinder Samra
> **Sent:** Friday, May 31, 2024 4:32 PM
> **To:** Mary Power <mp@powerhausconsultancy.co.uk>
> **Subject:** RE: Glebe Farm West End Road Ruislip - Reference 3E04/HS/023567
>
> Hello Mary,
>
> Thank you for your email.

The council has issued the Enforcement Notice in respect of Glebe Farm West End Road Ruislip in accordance with its policy and powers to do so. Currently there is no convincing evidence, that the development is acceptable in planning terms, is not in breach of planning or is immune from prosecution. The Enforcement Notice specifies what action is required to remedy the problem and gives the period for compliance.

Regards

Harjinder Samra

Paralegal
Planning and Corporate Team(3E04)
Hillingdon Legal Services
Tele 01895-250753
Fax 01895 250784

From: Mary Power <mp@powerhausconsultancy.co.uk>
Sent: Thursday, May 30, 2024 5:28 PM
To: Harjinder Samra <HSamra@Hillingdon.Gov.UK>
Cc: Tony Mendes <tony.mendes@cargiant.co.uk>
Subject: Re: Glebe Farm West End Road Ruislip - Reference 3E04/HS/023567

Dear Harjinder

Thank you for your email.

I would like to hope that we are all seeking to avoid any enforcement action here, if the applicant can demonstrate an acceptable scheme to the Council that removes the need for enforcement action. This saves wasting unnecessary public money (and the applicant's) that may be avoided.

Clearly the Council must be able to make its own judgement about the second application that has a determination date of 9th July 2024 and that process must run its own course. It was submitted on 14th May 2024 before Car Giant had received the formal letter from the Council about enforcement action on 16th May. It was submitted as a proactive and positive response to the refusal of the first retrospective application.

I have known many Council's that allow such circumstances to delay the formal enforcement procedures to allow for such retrospective applications to run their course.

The owners complied with the informal compliance notice of a breach of planning control set out in an email from the Council dated 5th June 2023 by the submission of the first retrospective application. The first application was unsuccessful and given the Council's decision Car Giant are seeking to find a remedy that is acceptable - hence the second application.

The latest guidance published by NAPE "Planning Enforcement Handbook for England" April 2024 in conjunction with the RTPI and funded by DLUHC, recommends such an approach where there may be a means of remedying the breach. This is seen as good practice.

The owners are seeking to find a remedy by proposing acceptable floodlights and it would be helpful to the owners to defer any formal enforcement procedures until after 9th July 2024 to see whether a remedy is possible.

If it is unacceptable, the Council could issue enforcement notices after this date and it will be for the owners to decide whether to appeal or remedy the breach by removal of the lights.

Where the owners are seeking to proactively remedy, it would seem reasonable not to allow the second application to run its course. The first application made no amendments to the existing floodlights, whereas the second application seeks to replace the floodlight with an improved floodlight product with no material impact on neighbouring residential amenity. The Council has the discretion to delay the formal enforcement procedure in these evidenced circumstances.

Should the second application also be unsuccessful then formal enforcement procedures could commence at that time and this would only be a matter of weeks after the timescales of the current enforcement notice. The alternative is that the Council is forcing both parties to an appeal on a scheme where there is a better remedy, as set out in the second application.

Please could you consider this email and defer formal enforcement procedures until after the second retrospective application has run its course. If any enforcement appeal is necessary or pursued then it would be better that it was based on the details of the second retrospective application. I note that the Council would impose 28 days for the submission of an appeal or removal of the breach.

I look forward to your further consideration of this position.

Kind regards

Mary Power

Director

PowerHaus Consultancy

The Stanley Building

7 Pancras Square

London N1C 4AG

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On Fri, 24 May 2024 at 17:12, Harjinder Samra <HSamra@hillingdon.gov.uk> wrote:

> Dear Ms Power,
>
> Thank you for your email dated 20 May.
>
> We note your comments on the current planning application ref: 14607/APP/2024/1283 and the application under ref: 14607/APP/2023/1912 which was refused on 6 February 2024. The council intends to bring enforcement action as the operations are in breach of planning control.
>
> Paragraph 4.2 Planning Inspectorate Guidance 2024 provides that an enforcement notice served after the date, the decision on the application was made, and where the enforcement notice is served earlier than 28 days before the expiry of the period within which the appellant can make their appeal (depending on the appeal type and circumstances) , **PINS must receive notice of the appeal within 28 days from the date the enforcement notice was served.** I would be grateful if you could explain why enforcement action should not take effect until the expiry of the 6-month appeal period?
>
> Look forward to hearing from you on the response.
>
> Regards
>
> Harjinder Samra
>
> Paralegal
> Planning and Corporate Team(3E04)
> Hillingdon Legal Services
> Tele 01895-250753
> Fax 01895 250784
>
> ---
>
> **From:** Mary Power <mp@powerhausconsultancy.co.uk>
> **Sent:** Monday, May 20, 2024 11:09 AM
> **To:** Harjinder Samra <HSamra@Hillingdon.Gov.UK>
> **Cc:** Tony Mendes <tony.mendes@cargiant.co.uk>; gegan@hillingdon.gov.uk
> **Subject:** Re: Glebe Farm West End Road Ruislip - Reference 3E04/HS/023567
>
> You don't often get email from mp@powerhausconsultancy.co.uk. Learn why this is important
>
> Harjinder
>
> Thank you for your prompt response and confirming receipt of the call and email.
>
> If it is easier to discuss together by telephone, please do let me know. Thank you

Kind regards

Mary Power

Director

PowerHaus Consultancy

The Stanley Building

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On Mon, 20 May 2024 at 11:03, Harjinder Samra <HSamra@hillingdon.gov.uk> wrote:

> Dear Ms Power,
>
> Thank you for your email, I am seeking client instructions and shall revert to you in due course.
>
> With regard to your missed call of 10:16 this morning please be assured I would have returned this call later this morning, but have now advised next steps through this email.
>
> Regards
>
> Harjinder Samra
>
> Paralegal
> Planning and Corporate Team(3E04)
> Hillingdon Legal Services
> Tele 01895-250753
> Fax 01895 250784

From: Mary Power <mp@powerhausconsultancy.co.uk>
Sent: Monday, May 20, 2024 10:46 AM
To: Harjinder Samra <HSamra@Hillingdon.Gov.UK>
Cc: Tony Mendes <tony.mendes@cargiant.co.uk>; gegan@hillingdon.gov.uk
Subject: Glebe Farm West End Road Ruislip - Reference 3E04/HS/023567

You don't often get email from mp@powerhausconsultancy.co.uk. Learn why this is important

Dear Mr Egan

I have tried to call your office today, using the telephone number on the letter received by my client, but the telephone was not answered. I email to discuss the pending enforcement action noted in the letter and to suggest that the enforcement action is further delayed, pending the determination of a second application submitted to the Council on 14th May 2024.

I have confirmation of submission via the Planning Portal, although do not yet have a formal validation letter from the Council (see attached Portal receipt).

It is our client's view that the second application addresses the reasons for refusal of the first retrospective application and that it is capable of approval by the Council. It clearly needs to go through the formal consideration process as an 8 week application.

I note that the enforcement action is intended to take effect on the 27 June 2024, which does not reflect the applicant's right to appeal the first refusal, within 6 months of the determination of that application (6th February 2024 - Reference 14607/APP/2023/1912).

The enforcement action should not take effect until the expiry of the 6 month appeal period, albeit that my client is unlikely to appeal that decision, pending determination of the revised floodlighting scheme just submitted.

Please could we arrange a call to discuss as we suggest that the current application should be given sufficient time for determination as we believe that the revised scheme is acceptable and could avoid any further action on your Team's behalf.

Please confirm receipt of this letter and whether we can arrange a call to discuss further. Thank you

Kind regards

Mary Power

Director

PowerHaus Consultancy

The Stanley Building

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London N1C 4AG

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APPENDIX 7: Officer's Delegated Report for Second Retrospective Planning Application

Development Management

APP REF No. 14607/APP/2024/1283

DELEGATED DECISION

- Please select each of the categories that enables this application to be determined under delegated powers
- Criteria 1 to 5 or criteria 7 to 9 must be addressed for all categories of application, except for applications for Certificates of Lawfulness, etc.

APPROVAL RECOMMENDED: GENERAL		Select an Option
1.	No valid planning application objection in the form of a petition of 20 or more signatures, has been received	☐
2.	Application complies with all relevant planning policies and is acceptable on planning grounds	☐
3.	There is no Committee resolution for the enforcement action	☐
4.	There is no effect on listed buildings or their settings	☐
5.	The site is not in the Green Belt (but see 11 below)	☐
REFUSAL RECOMMENDED: GENERAL		
6.	Application is contrary to relevant planning policies/standards	☐
7.	No petition of 20 or more signatures has been received	☐
8.	Application has not been supported independently by a person/s	☐
9.	The site is not in Green Belt (but see 11 below)	☐
RESIDENTIAL DEVELOPMENT		
10.	Single dwelling or less than 10 dwelling units and/or a site of less than 0.5 ha	☐
11.	Householder application in the Green Belt	☐
COMMERCIAL, INDUSTRIAL AND RETAIL DEVELOPMENT		
12.	Change of use of retail units on site less than 1 ha or with less than 1000 sq. m other than a change involving a loss of A1 uses	☐
13.	Refusal of change of use from retail class A1 to any other use	☐
14.	Change of use of industrial units on site less than 1 ha or with less than 1000sq.m. of floor space other than to a retail use.	☐
CERTIFICATE OF LAWFULNESS		
15.	Certificate of Lawfulness (for proposed use or Development)	☐
16.	Certificate of Lawfulness (for existing use or Development)	☐
17.	Certificate of Appropriate Alternative Development	☐
CERTIFICATE OF LAWFULNESS		
18.	ADVERTISMENT CONSENT (excluding Hoardings)	☐
19.	PRIOR APPROVAL APPLICATION	☐
20.	OUT-OF-BOROUGH OBSERVATIONS	☐
21.	CIRCULAR 18/84 APPLICATION	☐
22.	CORPSEWOOD COVENANT APPLICATION	☐
23.	APPROVAL OF DETAILS	☐
24.	ANCILLARY PLANNING AGREEMENT (S.106 or S.278) where the Heads of Terms have already received Committee approval	☐
25.	WORKS TO TREES	☐
26.	OTHER (please specify)	☐

The delegation powers schedule has been changed. Interim Director of Planning, Regeneration & Public Realm can determine this application

Case Officer:

Signature:

Date:

A delegated decision is appropriate and the recommendation, conditions/reasons for refusal and informative's are satisfactory.

Team Manager:

Signature:

Date:

The decision notice for this application can be issued.

Director / Member of Senior Management Team:

Signature:

Date:

NONE OF THE ABOVE DETAILS SHOULD BE USED IN THE PS2 RETURNS ODPM

A

Item No.	**Report of the Head of Development Management and Building Control**
Address:	GLEBE FARM WEST END ROAD RUISLIP
Development:	Installation of six lighting columns and replacement of the six existing floodlights with six alternative floodlights (Retrospective application).
LBH Ref Nos:	**14607/APP/2024/1283**
Drawing Nos:	HS1117_101 Rev. A HS1117_10 Rev. A S-FR2506T01-01 Aztec Asymmetric, Ansell Lighting Lighting Design Report,10-04-2024, Edmundson Lighting Consultancy Cover letter, Ref: 157, 14-05-24, PowerHaus
Date Plans received:	14-05-24 **Date(s) of Amendments(s):**
Date Application valid	14-05-24

1. SUMMARY

The application seeks retrospective permission for the retention of six lighting columns and replacement of the six existing floodlights with six alternative floodlights, sited six metres above ground level.

This is a resubmission to the recent refusal of planning permission under ref: 14607/APP/2023/1912. The scheme proposes alternative floodlights and provides an updated lighting assessment. The resubmission is not considered to suitably address the previous reasons for refusal.

The development represents inappropriate development in the green belt and would be harmful to the character and visual amenity of the area and harmful to neighbouring residential amenity.

The application is recommended for refusal.

2. RECOMMENDATION

REFUSAL for the following reasons:

1. NON2 Green belt

The development represents inappropriate development in the green belt to which no very exceptional circumstances exist. The development therefore conflicts with Policy DMEI 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. NON2 Character and appearance

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. NON2 Amenity

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).

INFORMATIVES

3. CONSIDERATIONS

3.1 Site and Locality

The application site comprises a 0.7 hectare parcel of land to the west of West End Road, to the north of the Grade II* listed Polish Air Force Memorial and Park, to the east of scrubland and to the south of residential properties. The site falls within a large expanse of Green Belt, which separates Northolt in the east from Hillingdon to the west, partly above and partly below the A40. The Eastern Arm of Yeading Brook is approximately 20 metres to the south of the site (but the site is not at risk of surface water flooding and is in Flood Zone 1).

The wider area to the north of the application site is characterised by low-scale residential housing, whilst to the south and east are large areas of undeveloped grassland, used for various sports and recreational activities. RAF Northolt, a military-operated airfield is to the west.

Within the site, there are a collection of small-scale structures and buildings, some appearing temporary whilst others are more established, such as the locally listed Glebe Farm cottage. The site has evolved over time and benefits from a lawful B8 use extending over most of the site, relating mostly to the storage of various building materials. The site has two vehicle access points approximately 10 metres apart facing onto West End Road, the northernmost of which is adjacent to a bus stop.

3.2 Proposed Scheme

The application seeks retrospective permission for the retention of six lighting columns and replacement of the six existing floodlights with six alternative floodlights, sited six metres above ground level. From the application form, the development was completed on 15/05/2023.

3.3 Relevant Planning History

14607/APP/2023/1912 GLEBE FARM WEST END ROAD RUISLIP

Retrospective permission for the installation of six pole mounted lights sited 6 metres above ground level

Decision: 06-02-2024 Refusal

14607/APP/2005/2696 GLEBE FARM WEST END ROAD RUISLIP

CHANGE OF USE OF LAND FROM AGRICULTURAL TO USE OF LAND AND BUILDINGS FOR STORAGE AND ANCILLARY PURPOSES (APPLICATION FOR A CERTIFICATE OF LAWFULNESS FOR AN EXISTING USE OR OPERATION OR ACTIVITY IN BREACH OF A PLANNING CONDITION)

Decision: 22-11-2005 Refusal **Appeal:** 07-07-06 Allowed

Comment on Planning History

14607/APP/2023/1912 Retrospective permission for the installation of six pole mounted lights sited 6 metres above ground level. Refused for the following reasons:

1 The development represents inappropriate development in the green belt to which no very exceptional circumstances exist. The development therefore conflicts with Policy DMEI 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).

4. Advertisement and Site Notice

4.1 Advertisement Expiry Date: **19th June 2024**

4.2 Site Notice Expiry Date: Not applicable

5. Comments on Public Consult

PUBLIC CONSULTATION

96 neighbours were consulted by letter dated 24-05-24. A site notice was posted outside the site on 23-05-24 and a newspaper advert was placed on 29-05-24. 3 letters of objection were received. The matters raised are summarised below:

- Recent planning refusal
- Light pollution and impact on neighbour amenity

OFFICER COMMENTS

The comments made by the residents are noted. The planning history is a material consideration. impact on neighbouring residential amenity is discussed in the 'Impact on Neighbours' section.

CONSULTEE RESPONSES

Access:

This application for the installation of replacement columns and floodlights has been reviewed with no accessibility concerns raised. Conclusion: no objection is raised from an accessibility standpoint.

Highways:

There are no transport/highway related comments relevant to this application.

6. Local Plan Designation and London Plan

The following Local Plan Policies are considered relevant to the application:-

Part 1 Policies:

PT1.BE1	(2012) Built Environment
PT1.E1	(2012) Managing the Supply of Employment Land
PT1.EM11	(2012) Sustainable Waste Management
PT1.EM2	(2012) Green Belt, Metropolitan Open Land and Green Chains
PT1.EM6	(2012) Flood Risk Management
PT1.EM7	(2012) Biodiversity and Geological Conservation
PT1.EM8	(2012) Land, Water, Air and Noise

Part 2 Polices:

DMAV 1	Safe Operation of Airports
DMAV 3	RAF Northolt
DMCI 7	Planning Obligations and Community Infrastructure Levy
DME 1	Employment Uses in Designated Sites

DME 2	Employment Uses Outside of Designated Sites
DMEI 1	Living Walls and Roofs and Onsite Vegetation
DMEI 10	Water Management, Efficiency and Quality
DMEI 12	Development of Land Affected by Contamination
DMEI 14	Air Quality
DMEI 2	Reducing Carbon Emissions
DMEI 3	Decentralised Energy
DMEI 4	Development on the Green Belt or Metropolitan Open Land
DMEI 7	Biodiversity Protection and Enhancement
DMEI 9	Management of Flood Risk
DMHB 1	Heritage Assets
DMHB 11	Design of New Development
DMHB 14	Trees and Landscaping
DMHB 3	Locally Listed Buildings
DMHB 9	War Memorials
DMT 1	Managing Transport Impacts
DMT 2	Highways Impacts
DMT 6	Vehicle Parking
LPP D13	(2021) Agent of change
LPP D14	(2021) Noise
LPP D3	(2021) Optimising site capacity through the design-led approach
LPP D4	(2021) Delivering good design
LPP D5	(2021) Inclusive design
LPP E4	(2021) Land for industry, logistics and services to support London's economic function
LPP E7	(2021) Industrial intensification, co-location and substitution
LPP G2	(2021) London's Green Belt
LPP G5	(2021) Urban greening
LPP G6	(2021) Biodiversity and access to nature
LPP G7	(2021) Trees and woodlands
LPP GG2	(2021) Making the best use of land
LPP GG5	(2021) Growing a good economy
LPP SI1	(2021) Improving air quality
LPP SI12	(2021) Flood risk management
LPP SI13	(2021) Sustainable drainage
LPP SI2	(2021) Minimising greenhouse gas emissions
LPP SI3	(2021) Energy infrastructure
LPP SI7	(2021) Reducing waste and supporting the circular economy
LPP SI8	(2021) Waste capacity and net waste self-sufficiency
LPP T1	(2021) Strategic approach to transport

LPP T2	(2021) Healthy Streets
LPP T3	(2021) Transport capacity, connectivity and safeguarding
LPP T4	(2021) Assessing and mitigating transport impacts
LPP T5	(2021) Cycling
LPP T6	(2021) Car parking
LPP T6.2	(2021) Office parking
LPP T6.5	(2021) Non-residential disabled persons parking
LPP T7	(2021) Deliveries, servicing and construction

In addition: Development plan:

Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

The Development Plan for the London Borough of Hillingdon currently consists of the following documents:

The Local Plan: Part 1 - Strategic Policies (2012)
The Local Plan: Part 2 - Development Management Policies (2020)
The Local Plan: Part 2 - Site Allocations and Designations (2020)
The London Plan (2021)
The West London Waste Plan (2015)

Material considerations:

The National Planning Policy Framework (NPPF) (2023), Planning Practice Guidance, as well as relevant supplementary planning documents and guidance are all material consideration in planning decisions.

The proposed development has been assessed against development plan policies and relevant material considerations, discussed below.

7. MAIN PLANNING ISSUES

7.1 Impact on the amenities of the occupiers of neighbouring residential properties

IMPACT ON NEIGHBOURING RESIDENTIAL AMENITY:

Paragraph 191 of the NPPF (2023) states - Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should: c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

Policy D3 of the London Plan (2021) states Part D7) that development proposals should deliver

appropriate outlook, privacy and amenity.

Policy DMHB 11 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) seeks to ensure that development proposals do not adversely impact on the amenity, daylight and sunlight of adjacent properties and open space. The supporting text for this policy states that the Council will expect new development proposals to carefully consider layout and massing in order to ensure development does not result in an increased sense of enclosure and loss of outlook.

The case officer has noted the objections made by nearby residents. It is understood from the submission that the lighting is required to be in operation 24 hours a day.

It is noted from the planning history, that certificate of lawfulness application ref: 14607/APP/2005/2696 which was allowed on appeal (PINS ref: APP/R5510/X/06/2011331) established the use of the site as open storage and ancillary purposes. No conditions were attached that the certificate approval with regards to site's hours of operation, however the material considerations dictate that the hours of use of the lighting is relevant to this application given the close proximity to neighbouring residential dwellings and the site's location within the Green belt.

The lighting design report demonstrates that the lighting would be positioned in a southernly direction towards the site. The light spillage diagrams appended to the lighting design report illustrate there would be light spillage outside of the site over the northern boundary which abuts part of Glebe Farm and the amenity area serving Wordsworth Court which is located 10metres away. It is noted that this flatted development has side windows facing towards the site.

It is however noted that the lighting design report references guidance regarding maximum obtrusive lighting however no information or assessment has been submitted with regards to compliance with this guidance, which would measure the impact on the windows of the flatted development. The guidance provides limits in units of lux, luminaire intensity, upward light ratio and luminance; whereas the tables and diagrams contained in the lighting design report refer to luminous flux, power, illuminance, uniformity and diversity. The lighting design report therefore does not demonstrate clearly that the development would not have an unacceptable impact on the amenity of neighbouring residential occupants.

When in use throughout the night, the lighting would be seen and disruptive to the residential amenity of nearby occupiers, and in a location where such lighting of this scale did not previously exist.

The boundary treatment to the north of application site is noted to comprise a closed boarded fence which would not provide any screening to block out light. Whilst the cover letter refers to asymmetric lighting and that the proposed units are superior to those installed and considered under the previously refused application, it is noted from the datasheets that the beam angle of the proposed replacement floodlighting has a range between 60/120 degrees and the installed lighting a beam range of 115degrees. Importantly the replacement floodlighting is noted to have an output of 143lm/w which is significantly higher than the installed unauthorised floodlighting (90lm/w).

Taking into consideration the height of the lighting columns and the power output of the new lighting and the fact that the new lighting is proposed to be used without any restriction of use into late night hours, the lighting would
significantly affect the visual amenity and residential amenity of the area.

In this regard, it is considered that reason for refusal 3 of planning application ref: 14607/APP/2023/1912 has not been suitably addressed.

It is considered that unrestricted lighting that could be used 24 hours a day in this location would be detrimental to the amenity of the area by reason of light pollution, light spill and glare. The proposal would therefore harm neighbouring residential amenity and conflict 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 NPPF (2023).

7.2 Impact on Street Scene

IMPACT ON THE CHARACTER AND APPEARANCE OF THE AREA :

Policy D3 of the London Plan (2021) states that: Development proposals should: D1) enhance local context by delivering buildings and spaces that positively respond to local distinctiveness through heir layout, orientation, scale, appearance and shape, with due regard to existing and emerging street hierarchy, building types, forms and proportions.

Policy BE1 of the Hillingdon Local Plan: Part One Strategic Policies (2012) seeks a quality of design in all new development that enhances and contributes to the area in terms of form, scale and materials; is appropriate to the identity and context of the townscape; and would improve the quality of the public realm and respect local character.

Policy DMHB 11 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) states that all development, including extensions, alterations and new buildings will be required to be designed to the highest standards and, incorporate principles of good design including: i) harmonising with the local context by taking into account the surrounding: · scale of development, considering the height, mass and bulk of adjacent structures; · building plot sizes and widths, plot coverage and established street patterns; · building lines and setbacks, rooflines, streetscape rhythm, for example, gaps between structures and other streetscape elements, such as degree of enclosure; architectural composition and quality of detailing; local topography, views both from and to the site; and impact on neighbouring open spaces and their environment. ii) ensuring the use of high quality building materials and finishes; iii) ensuring that the internal design and layout of development maximises sustainability and is adaptable to different activities; iv) protecting features of positive value within and adjacent to the site, including the safeguarding of heritage assets, designated and un-designated, and their settings; and v) landscaping and tree planting to protect and enhance amenity, biodiversity and green infrastructure.

It is noted that the pre-existing lighting was of a much smaller scale comprising seven small roof mounted floodlights that would have been between 2.5-3.5metres above ground level. Being what appears to be an ad-hoc lighting installation and no longer in existence, no information is provided with regards to the power output of the pre-existing floodlights. The submission suggests the preexisting lighting was installed over 20 years ago, which is not verified. Further, it is noted that there is no record in the planning history of the previously existing floodlights.

The lack of information on the pre-existing lighting makes a comparison between the old and new lighting systems difficult. Despite a reduction of lighting units with a net decrease of one lighting unit, the new lighting columns would be 6metres in height and fitted with 100W Led lights and it is considered a fair assumption that lighting levels would be significantly increased as a result of the development.

The requirement for columns of this height is questionable, as in officers view, having six 6metre high lighting columns seems a bit excessive for the scale of the site which is used for open storage. The agent has previously suggested that the height of the columns needs to be this height to provide clearance for delivery vehicles. This is not considered to provide adequate justification. The

new columns are located in a series alongside the north boundary and it is considered that columns of a lower height would be more suitable and just as effective in serving the needs of the site and would not impede delivery vehicles.

The visual amenity of the site would be negatively affected by increased activity across the visible areas of the site. Views of the lighting would be obtainable from the surrounding street scene, and the lighting being unrestricted in hours of use would provide a constant source of light which would be harmful to the amenity of the area. The lighting poles would be of an excessive height in this location resulting in a highly conspicuous and prominent form development that would lead to significant visual intrusion causing harm to the character and visual amenity of the area.

The elevation drawing (number S-FR2506T01) is the same as that submitted under the previous application ref: 14607/APP/2023/1912 which was refused. The lighting columns are fundamentally of the same design as the previously refused scheme with a height of 6metres.

In this regard, it is considered that reason for refusal 2 of planning application ref: 14607/APP/2023/1912 has not been suitably addressed.

For the above reasons, the development is considered to be harmful to the character and visual amenity of the area, contrary to 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).

7.3 Traffic Impact/Pedestrian Safety

Not applicable.

7.4 Carparking & Layout

Not applicable.

7.5 Urban Design, Access and Security Considerations

Not applicable.

7.6 Other Issues

IMPACT ON THE OPENNESS OF THE GREEN BELT:

Paragraph 152 of the National Planning Policy Framework (2023) states - Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Paragraph 153 of the National Planning Policy Framework (2023) states - When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

Paragraph 154 of the National Planning Policy Framework (2023) states -. A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

a) buildings for agriculture and forestry;
b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of

including land within it;
c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
e) limited infilling in villages;
f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
-not have a greater impact on the openness of the Green Belt than the existing development; or
-not cause substantial harm to the openness of the Green Belt, where the development would reuse previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

Policy G2 of the London Plan (2021) states - A) The Green Belt should be protected from inappropriate development: 1) development proposals that would harm the Green Belt should be refused except where very special circumstances exist, 2) subject to national planning policy tests, the enhancement of the Green Belt to provide appropriate multi-functional beneficial uses for Londoners should be supported.

Policy DMEI 4 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) states - A) Inappropriate development in the Green Belt and Metropolitan Open Land will not be permitted unless there are very special circumstances.

In the application submission, it is suggested by the agent that the principle of the development for replacement external lighting would fall under the exceptions criteria under Paragraph 154g) which lists - limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would: - not have a greater impact on the openness of the Green Belt than the existing development.

The wording of Paragraph 154g) is clear and refers specifically to the partial or complete redevelopment of previously developed land and not to the partial or complete redevelopment of land that is partly previously developed. Annex 2 of the Framework specifically excludes land that is or was last occupied by agricultural buildings from the definition of previously developed land.

The site is currently noted to be in storage use, however from the planning history, the site was in agricultural use in the past i.e. was last occupied by agricultural buildings. The site would therefore not fall into the exceptions list of Paragraph 154g) of the Framework. The test of Paragraph 154g) is not engaged.

The cover letter suggests 'the columns with a width of 76cms cannot amount to impact on the openness of the Green Belt when considered in the context of the lawful use of the site for storage (containers and racking up to 5 metres high) and the lighting system they replace'. In the first instance, the height of the storage containers used within the site is not considered to be a benchmark to determine what height of columns would be acceptable. Secondly, the pre-existing lighting system was known to comprise small floodlights that were roof mounted onto single storey structures. The 6metre high replacements are evidently far more visually prominent than the pre-existing installation in all respects. It therefore follows that there would be a greater impact on the openness of the Green belt as a result of the development.

In this regard, it is considered that reason for refusal 1 of planning application ref:

14607/APP/2023/1912 has not been suitably addressed.

Consequently in light of the above, it is therefore considered that the development represents inappropriate development in the green belt to which no very exceptional circumstances exist. The development therefore conflicts with Policy DMEI 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).

BIODIVERSITY NET GAIN:

Biodiversity net gain is a way of creating and improving biodiversity by requiring development to have a positive impact ('net gain') on biodiversity.

In England, biodiversity net gain is required under a statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021). This statutory framework is referred to as 'biodiversity net gain' in Planning Practice Guidance to distinguish it from other or more general biodiversity gains.

Under the statutory framework for biodiversity net gain, subject to some exceptions, every grant of planning permission is deemed to have been granted subject to the condition that the biodiversity gain objective is met ("the biodiversity gain condition"). This objective is for development to deliver at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat.

One exemption is Development below a de minimis threshold. This exemption applies to development that does not impact a priority habitat and impacts less than 25 square metres (e.g. 5m x 5m) of non-priority onsite habitat (such as modified grassland) or 5m for non-priority onsite linear habitats (such as native hedgerows).

The development would be occurring on an area of hardstanding within a site that is in open storage use and no trees or hedgerows would be affected. Therefore the development would not exceed the de minimis threshold and is considered to be BNG exempt and a biodiversity gain plan is not required.

8. Reference Documents

Hillingdon Local Plan: Part 1 - Strategic Policies (2012)
Hillingdon Local Plan: Part 2 - Development Management Policies (2020)
London Plan (2021)
National Planning Policy Framework (2023)
Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021)

Contact Officer: Christos Chrysanthou **Telephone No:** 01895 250230