
Appeal Decision

Site visit made on 12 October 2020

by James Taylor BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 October 2020

Appeal Ref: APP/R5510/W/20/3244914

Land adjoining Haste Hill Nurseries, Fore Street HA5 2ND

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Hawkesmoore Investments against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 70717/APP/2019/1188, dated 7 April 2019, was refused by notice dated 22 July 2019.
 - The development proposed was originally described as 'change of use from unrestricted Class B8 open storage to a restricted use for positioning of up to 68 containers for self-storage use'.
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Decision

1. The appeal is dismissed.

Procedural matters

2. Since the Council issued its Decision Notice, the Hillingdon Local Plan: Part 2 – Unitary Development Plan Saved Policies (November 2012) has been withdrawn with the adoption of the London Borough of Hillingdon Local Plan Part 2, Development Management Policies, Adopted Version 16 January 2020 (LP2). The Council have updated their position and the appellant has had opportunity to comment in light of this material change in circumstances. I have proceeded to determine the appeal on the basis of the relevant policies of the development plan, including LP2.
3. During the course of the appeal the appellant has provided revised plans. These reduce the number of containers from 68 to 64 with minor alterations to the layout. The Council have commented in light of the revised plans. Moreover, given that the proposal reduces the number of storage containers, that the percentage reduction would be modest, and that the changes to layout would be nominal, I find that the development would not be so changed so as to prejudice the interests of interested parties. Therefore, notwithstanding the description of development set out above, which has been taken from the application form, I have proceeded to determine the appeal on the basis of the revised plan¹.
4. Additionally, the appellant has provided further evidence as part of the appeal regarding the Council's third reason for refusal on highway safety. The appellant's Transport Statement by Capital Traffic dated December 2019 has

¹ Drawing No 1775-D-02, Proposed site layout by Capital Traffic dated 09/12/2019

been considered by the Council and a number of third parties. This additional evidence seeks to address the reason for refusal, and I have proceeded to determine the appeal on the basis of the Transport Statement and the subsequent representations received.

Main Issues

5. The main issues are:

- i) whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
- ii) the effect on the openness of the Green Belt;
- iii) the effect of the proposal on the character and appearance of the area;
- iv) the effect of the proposal on highway safety; and
- v) would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether inappropriate development

- 6. The main parties agree that the existing lawful use of the site is for the purposes of B8 storage that is unrestricted. The appellant considers that the proposal involves a material change of use of land and that no operational development would be taking place with the siting of 64 containers. All but the one used for office/welfare facilities would be available for storage by individuals or businesses. Similarly, the existing provision is for storage by individuals or businesses. The appellant suggests that the proposed restrictions to the use would be secured by conditions and confirms in evidence that the proposal is for self-storage within Use Class B8. Based on the evidence provided there would be no significant difference in the character of the existing and proposed activities such as to consider that the provision of self-storage within containers would fall beyond the existing B8 use.
- 7. The Council consider that the containers to be sited on the land would be structures. The proposed containers are of a size such as to be portable, but they would be likely to require specialist lifting equipment in order to be delivered to, taken away, or moved within the site. They would be anchored in place by their own weight and permanent planning permission is being sought. For these reasons the containers would have a high degree of permanence. Furthermore, given the number and arrangement of the containers across the site, the proposal would physically change the character of the land and present contiguous rows of buildings on an open site. For these reasons, contrary to the appellant's assertions, the proposed development would involve the erection of new buildings.
- 8. The National Planning Policy Framework (the Framework) sets out at paragraph 143 that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Furthermore, paragraph 145 establishes that new buildings in the Green Belt are inappropriate save for a number of exceptions.

9. I have had regard to all the exceptions at paragraph 145 of the Framework and none of these apply to the proposal, including that at paragraph 145g). The Council highlights that buildings have previously existed on the site and consider that the appeal site should be treated as previously developed land. However, I have had regard to the definition of previously developed land set out at Annex 2 of the Framework. Whilst the land may have been occupied by a permanent structure, upon my site visit it was clear that any remains have been removed or blended into the landscape. As such, whilst I have noted the extent of hard standing and fencing at the site, based on the evidence provided the land does not meet the definition of being previously developed.
10. Therefore, in conclusion on the first main issue the proposal would be inappropriate development in the Green Belt. As such, the proposal would be contrary to Policy EM2 of the Hillingdon Local Plan: Part 1 – Strategic Policies (Adopted November 2012) (LP1); Policy DMEI 4 of LP2; Policy 7.16 of the London Plan, March 2016 (London Plan) and paragraph 143 of the Framework. These policies seek to ensure the protection of the Green Belt from inappropriate development.

Openness

11. The proposed siting of storage containers, in a contiguous and virtually unbroken arrangement around the periphery of the site would have a significant impact on openness. The existing palisade fencing to the boundary allows views in and out of the site and through to neighbouring land. Whilst open storage can further limit such views and spatial character, it is likely to fluctuate in spread and height over time. This results in a more varied impact on openness than the containers would. The containers would represent a permanent alteration that would significantly erode openness leaving little open land remaining within the site given the density and siting of them.
12. Therefore, in conclusion on this main issue the proposal would cause harm to the openness of the Green Belt. As such, the proposal would be contrary to Policy EM2 of LP1; Policy DMEI 4 of LP2; and section 13 of the Framework. These policies seek to ensure the protection of the Green Belt's essential characteristics, namely its openness and permanence.

Character and appearance

13. The appeal site has a character and appearance commensurate with its open storage use, with some areas appearing unkempt. It does not make a positive contribution to the surrounding area which includes a variety of uses including residential housing on the opposite side of Fore Street, and a garden nursery and a stable yard on the appeal side of the road.
14. The siting of containers around the edges of the site would appear intensive and present a solid mass and bulk of development to the more open land beyond. The materials and form of the containers, whilst commensurate with storage would not reflect this edge of settlement context and other buildings on this side of Fore Street. The layout offers very limited opportunity for any meaningful soft landscaping, but the Fore Street hedge would provide some mitigation. Furthermore, the colour of the containers could be conditioned to be of a recessive nature. However, the spatial effect would be more permanent than the existing open storage which is likely to fluctuate in intensity.

15. Therefore, in conclusion on this main issue the proposal would cause moderate harm to the character and appearance of the area. As such, the proposal would be contrary to Policies DMHB 11 and DMHB 12 of LP2. These policies require amongst other aims that all new buildings be designed to the highest standards and are well integrated with the surrounding area.

Highway safety

16. Fore Street is a relatively narrow highway with no road markings, but it does allow conflicting vehicular movements to pass and pedestrians are well provided for by a pavement opposite the appeal site. The subtle curvature of the road alignment and presence of parked vehicles ensure that vehicular speeds are likely to be in keeping with the speed restrictions. I have observed that the site access is wide enough for smaller vehicles to pass and adequate visibility in both directions could be achieved.
17. The appellant's Transport Statement has been considered by the Council's highway officers and in light of this additional evidence the local planning authority have withdrawn their reason for refusal in relation to highway safety. I place significant weight on the expert views of the Council's highway officer, albeit noting that significant third-party concerns regarding this matter remain. These include concerns over children from local schools using the local road network. However, I find that pedestrian facilities are reasonable and located on the same side of the road as local housing. Whilst objectors report a number of accidents in Fore Street, I have little evidence that these were related to the appeal site or what caused the incidents. As such I afford this less weight.
18. Furthermore, concern has been raised over the potential increased frequency of trips, congestion and parking. Whilst the provision of containers could result in a greater number of individuals or businesses storing materials at the site, this may not translate to an increased frequency of trips. Indeed, the appellant's Transport Statement asserts that the proposal would reduce the number of trips. In any event the siting of the containers would be likely to result in smaller vehicles visiting the site. These would be more suitable to the width of Fore Street and be more easily manoeuvred and parked. Consequently, any potential increase in movements would be mitigated by the benefit of the vehicles being smaller. Moreover, the proposed development remains a B8 storage use and the types of vehicles and number of movements will vary depending on the site users at any given time.
19. Therefore, in conclusion on this main issue the proposal would not harm highway safety. As such, the proposal would not conflict with Policies DMT1, DMT2 and DMT6 of LP2; and Policy 6.12 of the London Plan. These policies amongst other aims seek to achieve highway safety by ensuring that developments meet their own transport needs (including safe vehicular access and parking) and address their own impacts in a sustainable manner.

Other considerations

20. The appellant has put forward a number of other considerations which they consider weigh positively such as to mean that planning permission should be granted. These include the provision of highway safety benefits. However, I have little evidence that the existing lawful use of the site is resulting in any significant highway safety issues. For example, the appellant's Transport

Statement concludes that there are no significant prevailing highway safety concerns. As such, I afford this very little weight.

21. Furthermore, the appellant has also suggested that any approval could be condition so as to restrict the hours of operation with the permanent retention of security-controlled gates. This would reduce site access, for example on weekdays early in the morning and later in the evening. Whilst the submissions contain references to on-going antisocial complaints in relation to the existing use at the site, I have little evidence of the nature, scale and validity of the issues. Furthermore, I have little evidence as to how effective the proposal would be in remedying the complaints, or clarity as to whether there are any other means to achieve similar betterment. As such, I afford this little weight.
22. The appellant has suggested a number of restrictions that may be imposed on the development including limiting the height of storage so as to prevent the stacking of containers. This may mitigate the effect on openness above the height of a storage container. However, whilst I have observed that some high storage currently occurs, including stacked palettes, the potential for this is limited. For example, there are no structures to support it.
23. Additionally, the appellant has also suggested conditions to prevent future open storage to reduce intrusive visual impacts. However, open storage fluctuates over time. For example, I observed on my site visit very intensive storage to the front of the site, but to the rear the site was used lightly. As such, whilst there may be scenarios when the siting of containers would have less of an effect than open storage this would not be a permanent situation. In any event, any benefits would be tempered by the landscaping along Fore Street which already mitigates the visual impact of the open storage to a large degree. I have no reason to consider that this landscaping is likely to be removed. Furthermore, a less cluttered and unkempt appearance to the site could also be achieved, at least in part, through more effective site management. As such, I afford these matters only moderate weight.
24. Paragraph 144 of the Framework states that 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. Whilst there are other considerations in favour of the proposal, even if taken cumulatively they do not clearly outweigh the identified harm. The Framework states that any harm to the Green Belt should be attributed substantial weight.
25. Therefore, in conclusion on the final main issue the other considerations in this case do not clearly outweigh the identified harm. Consequently, the very special circumstances necessary to justify the development do not exist.

Conclusion

26. For the reasons given above I conclude that the appeal should be dismissed.

James Taylor

INSPECTOR