
From: Andy Stevens <Andy@asplanning.co.uk>
Sent: 19 May 2023 16:02
To: North1
Subject: RE: Planning Inspectorate APP/R5510/W/22/3307370: Watercress Beds, WD3 8UX
Attachments: 230512 ASP to PINS - response to LPA and third parties.pdf; Flood Risk Map.docx; Caravan Exemption Certificate.docx; Caravan Certificate.docx

Importance: High

Dear Deb

In connection with the above, please find attached comments on behalf of the appellant in response to the council's statement of Case.

Regards

Andy

Andy Stevens
DipTP MRTPI MRICS
Managing Director



Old Bank Chambers
London Road
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TN6 2TT

Tel: 01892 610408

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Registered Office 3-4 Bower Terrace, Tonbridge Road, Maidstone, ME16 8RY.
VAT registration No 703 1804 75

From: North1 <north1@planninginspectorate.gov.uk>
Sent: Thursday, April 27, 2023 1:02 PM
To: Rebecca Hampton <rhampton@asplanning.co.uk>
Subject: RE: Planning Inspectorate APP/R5510/W/22/3307370: Watercress Beds, WD3 8UX

Good afternoon Rebecca

Thank you for your email below and I confirm receipt of the email from Mrs S Stevens on 24 April.

I can confirm that in the circumstances I look forward to receiving the final comments no later than 19 May.

Kind regards

Deb Smith, Case Officer
Planning Administration Team
North1@planninginspectorate.gov.uk
TEL: 03034445536

From: Rebecca Hampton <rhampton@asplanning.co.uk>
Sent: 27 April 2023 11:50
To: North1 <north1@planninginspectorate.gov.uk>
Cc: Sarah Stevens <sarah@asplanning.co.uk>
Subject: FW: Planning Inspectorate APP/R5510/W/22/3307370: Watercress Beds, WD3 8UX

Dear Deb Smith

Further to Sarah's email below, I have received an email from counsel this morning to say they are also abroad until 3rd May, with that in mind are you able to confirm whether the inspector is agreeable to the extension of time previously requested.

Kind regards
Rebecca

Rebecca Hampton
Office Manager



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From: Sarah Stevens
Sent: Monday, April 24, 2023 3:53 PM
To: north1@planninginspectorate.gov.uk
Subject: FW: Planning Inspectorate APP/R5510/W/22/3307370: Watercress Beds, WD3 8UX

Good afternoon Deb Smith

Thank you for your letter of 24th April regarding the above appeal, enclosing the LPA SoC and various other documents, and giving until 4th May for comments to be made. Unfortunately, Mr Stevens has today departed for two weeks' holiday and will not be back in the UK until 9th May. Is it possible, therefore, for the deadline for representation on the documents to be extended by, say 10 days, to enable comments to be made.

Kind regards

Sarah

Mrs S Stevens
Financial Administrator



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From: north1@planninginspectorate.gov.uk <north1@planninginspectorate.gov.uk>
Sent: Monday, April 24, 2023 1:59 PM
To: Andy Stevens <Andy@asplanning.co.uk>
Subject: Planning Inspectorate APP/R5510/W/22/3307370: Watercress Beds, WD3 8UX

The Planning Inspectorate (England)
Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN

The Planning Inspectorate (Wales)
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Twitter: [@PINSgov](https://twitter.com/PINSgov)

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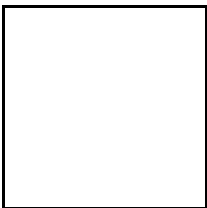
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15th May 2023

The Planning Inspectorate
3D Eagle Wing
Temple Quay House
2 The Square
Bristol
BS1 6PN

Our reference: A2235
Your Reference: APP/R5510/W/22/3307370

Dear Sir

TOWN AND COUNTRY PLANNING ACT 1990

APPEAL BY ANDREW TRAVERS

SITE ADDRESS: WATERCRESS BEDS, SPRINGWELL LANE, HILLINGDON, HAREFIELD, WD3 8UX

APPEAL REFERENCE APP/R5510/W/22/3307370

I refer to your letter of 24th April enclosing a copy of the local planning authority's statement on the above appeal, together with copies of the interested party correspondence received. I also refer to your subsequent email of 27th April confirming extension of the time period for receipt of final comments on behalf of the appellant to a date no later than 19 May. I would also like to convey my thanks for the flexibility given.

To confirm the position, the council's representations are the first and only reaction we have had from them since submission of the application, which was not validated but which was not subject at the time to any outstanding requests for information or additional clarification. It is therefore the case that I do need to comment at some length on the representations because the council's position is completely new to me. The case for the appellant accompanying the application was comprehensive, and I do not propose to go over that again, except insofar as places where there is apparent disagreement with it in the council's representations.

This letter follows the format of the council's statement and deals with it with the same paragraph reference numbers.

Paragraph 1.1 – With regard to the description of development, the appellant disagrees with the council, both in respect of the allegation that the appellant's view on the use of the building is unsupported and on the proposed amended description of development. On the first point, paragraph 16 of the Planning

Statement submitted with the application explained the fact that the authorised use of the building ceased when the former nursery on the site closed. At that point, therefore, the building became redundant, in that it had no authorised use. The appellant has not sought to argue abandonment, as mentioned by the council. This is a fundamental issue in planning policy terms, which is dealt with later in relation to further points made by the council in its statement.

1.3 – this paragraph seeks to justify the fact that the council failed to provide any response to the application, having had more than two months to do so after submission. The council has still not dealt with the S70 issue, and the appeal has in any case been validated. Article 12 of the DMPO does not apply, and the council's point regarding whether the appeal is valid is therefore irrelevant.

1.4 – This sets out the council's retrospective reasons for refusal of the application had it been in a position to deal with it. It could not have determined the application even in the absence of the present appeal, because it had not validated it in the first place. The following comments are offered to the three suggested reasons for refusal: -

Reason 1 – This is in two parts. The first argues that the development is inappropriate. The second argues that the development is contrary to specific policies. These issues have been specifically addressed in paragraphs 25 to 28 of the Planning Statement that accompanied the application, and in particular the context of policy DMEI 4, and do not need to be repeated here.

Reason 2 – The question of redundancy is dealt with in paragraph 16 of the Planning Statement, and the allegation in this reason that satisfactory evidence of redundancy has not been provided is therefore incorrect. Paragraph 24 states the reasons why policies DMH 3 and DME 2 are not relevant. What should be noted is that the council has not sought to question the case for the appellant regarding the status of the building, notwithstanding that case was set out in the application submitted to it.

Reason 3 – The development property is not in the flood plain- see the attached Environment Agency plan showing the extent of the flood plain. No evidence has therefore been submitted with the application dealing with flood risk and there is no justification for refusal of the application on the grounds set out in proposed reason 3.

2.4 – The council alleges that the use of the site as a garden centre was not 'fully completed' before the use ceased. No evidence is offered to support that statement, which should therefore be set aside. The council acknowledges that the garden centre permission was implemented and operated for a period.

2.7.2 – the council states that the proposed development is inappropriate in the green belt on the basis of Policy DMEI 4 of the local plan. That policy is, however, inconsistent with the NPPF, and the case for the appellant is that the development is not inappropriate when considered in relation to the NPPF paragraph 150.

Paragraph 150 confirms that *“Certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it.”* That includes - d) *the re-use of buildings provided that the buildings are of permanent and substantial construction.*

The proposal falls clearly within that category and the proposed development is not inappropriate. Matters relating to openness are discussed in the appellant's original statement, with particular reference to the planning history of the site and other considerations. Notwithstanding the issue of very special circumstances, these have been referred to in the appellant's evidence, and for the record it is the case that the appellant does not rely on those circumstances in the decision-making process. Development that is not inappropriate does not require such circumstances to be demonstrated.

On page 9 the council persists in the argument that the lawful use of the building could be continued. The lawful use of the building was restricted by planning condition to operation in association with a garden centre that ceased to exist in 2012. The building clearly could not be used for the approved purpose today. The council states that the building could be used for office purposes if planning permission were granted for such use, but it is not the case that one form of development that might be preferred over another could justify a decision in the latter case. The council acknowledges that a future use of the building might not be found, seemingly identifying that it might not have any future use at all. That is not an acceptable position.

In this case, notwithstanding the council's position, the re-use of the building for residential purposes is in accordance with paragraph 150 of the NPPF. There is no effect on openness because the building already exists and the very limited nature of the curtilage is such that there would be no adverse effect on openness, let alone 'contribution to urban sprawl' as alleged by the council.

It is noted the council raises no objections to the development on conservation area, residential amenity, traffic or residential amenity grounds. The council has in the past taken the view that the planning unit extended over the whole site and that harm to green belt openness would occur as a result. As the planning history shows, however, the site is a number of smaller planning units, of which the present site is one. Past findings regarding openness over the whole site are therefore not valid to this application.

The proposed, and this aspect of the use does not therefore have any additional effect on the green belt than previous uses. The dwelling has a small curtilage adjacent to the building and its use for residential purposes would therefore have little or no effect on the setting of the green belt. Use of the building as originally approved had parking provision included.

This is particularly so since the site has a Freedom Camping Club exemption certificate under paragraph 5 of schedule 1 of the Caravan Sites And Control Of Development Act 1960. This gives permission for recreational use for 5 non-permanent caravan type structures (in this case shepherds huts) and was issued from Freedom Camping after consultation with Hillingdon council. At present there is one hut,

which has been on site since August 2022. An additional one is planned. The certificate and signage are at the front gate, as per the attached photographs.

In relation to the section 4 Conclusion paragraph of the council's statement and the three elements mentioned, the appellant comments

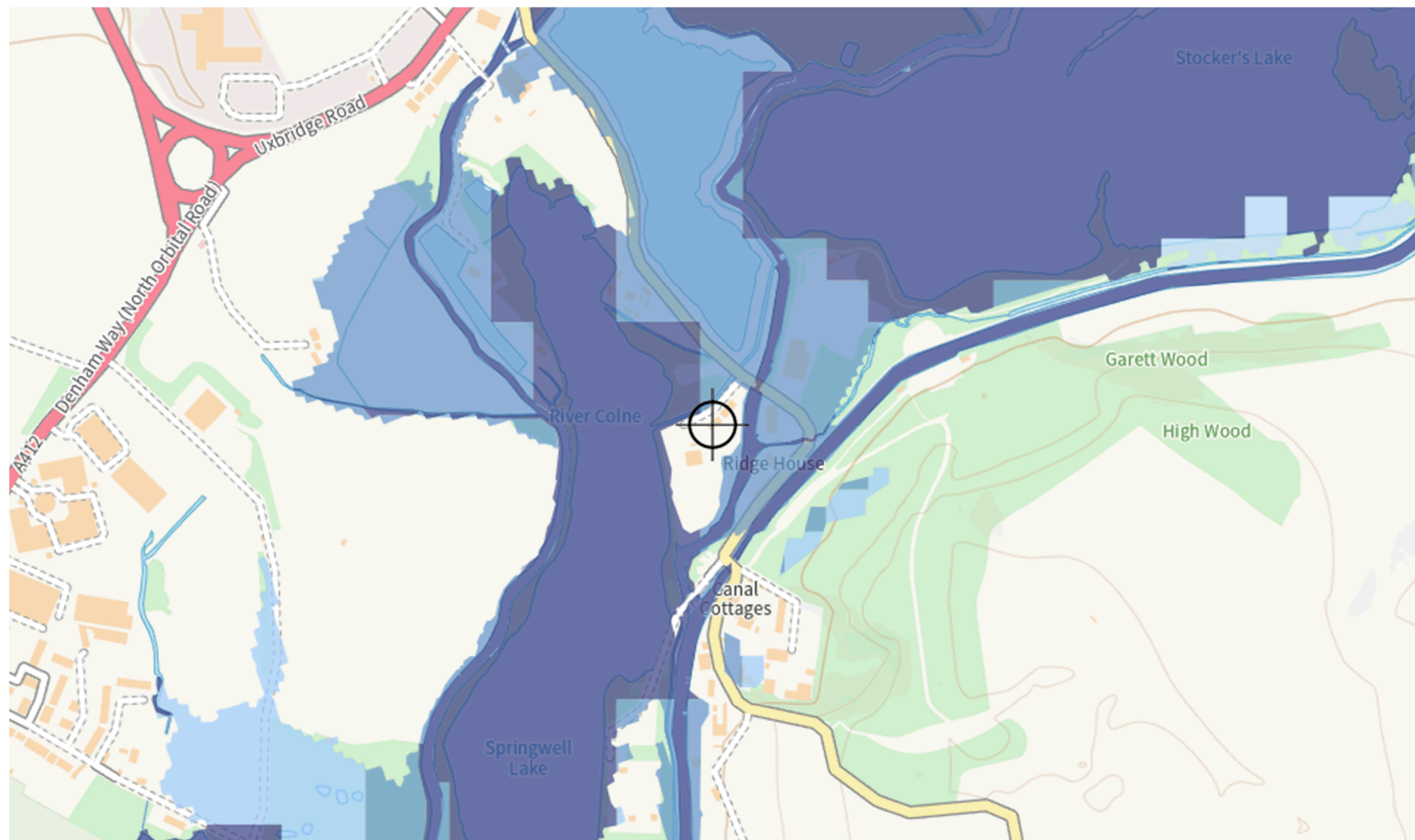
- the site is not in the flood plain,
- paragraph 150 of the NPPF does not refer to the need for a building to be redundant in order for it to be available for conversion to another use, and in any case the evidence provided by the appellant clearly confirms that the building is redundant in relation to its permitted use, and
- the proposal is not inappropriate development in the green belt by virtue of paragraph 150 of the NPPF.

In relation to the conditions proposed by the council, condition 4 requiring the submission of a FRA is inappropriate because the site is not in the flood plain at all, and is certainly not in flood zone 3b, as alleged. The Environment Agency plan included with the appeal clearly confirms that, and the EA has previously has independently confirmed that to be the case in the past, about which the council is well aware from the planning history.

Yours faithfully



Andy Stevens
DIPMRTP I MRICS





Freedom Camping Club
Free membership

Freedom Camping Club

Standen Lodge
Theddlethorpe Road
Mablethorpe
LN12 1PZ
www.freedomcampingclub.org

Freedom Camping Club exemption certificate : 9958

Freedom Camping Club hereby issue a certificate of exemption under Paragraph 5 of Schedule 1, The Caravan Sites and Control of Development Act 1960 to:

Andrew Travers

Allowing for the purpose of recreation only, caravanning to commence at:

Watercress beds , Harefield

from 20/07/2022 to 19/07/2023

D Hanson
Secretary



