

TOWN & COUNTRY PLANNING ACT 1990

Appeal by Mr Andrew Travers

**Land at Summerfield Bungalow, Watercress Beds Springwell Lane,
Harefield, Rickmansworth, WD3 8UX**

DRAFT STATEMENT OF COMMON GROUND

September 2022



**Reuse of a redundant building for residential use with a small curtilage
Land at Summerfield Bungalow, Watercress Beds,
Springwell Lane, Harefield, Rickmansworth WD3 8UX
Draft Statement of Common Ground**

SITE AND SURROUNDING AREA

1. Watercress Beds is a former garden nursery site located in the Green Belt to the southwest of Rickmansworth. It is bordered by Springwell Lake to the west, and the River Colne to the east and south. The site is accessed via a private drive leading off Springwell Lane to the North.
2. Mr. Travers purchased the site in November 2013 and lives in the chalet bungalow, which is the northernmost building, close to the site entrance. Adjacent to the chalet bungalow is a former garage which has been converted into a residential annexe. Further to the south-west is a former office, now a residential dwelling, another garage, the former garden nursery building and a parking area.
3. The site is in the Green Belt, with high density residential use to the east and commercial uses to the northeast and south.

RELEVANT PLANNING HISTORY

4. The relevant planning history is as follows:

24597/D/92/1550 - Details of materials, surface water disposal and storage, land filling, access arrangements, landscaping, and boundary fencing in compliance with conditions 2,3,4,6,8,9 and 10 of planning permission ref. 24597A/89/1968 dated 7.8.90; Change of use of watercress beds to garden nursery; erection of associated shop and office building; erection of a bungalow and ancillary parking (Approval)

24597/APP/2009/2187 - Relocation and part change of use of previously approved nursery building for part use as Class A3 Cafe with patio and seating area (No Further Action)

24597/APP/2017/109 - Retention of a 3 Bedroom Chalet Style House as Residential Use from Ancillary Offices for a Garden Centre (Refusal)

24597/APP/2019/263 - Residential dwelling (Application for a Lawful Development Certificate for an Existing use) (Appeal Dismissed)

**Reuse of a redundant building for residential use with a small curtilage
Land at Summerfield Bungalow, Watercress Beds,
Springwell Lane, Harefield, Rickmansworth WD3 8UX
Draft Statement of Common Ground**

74576/APP/2019/435 - Use of former garage building as residential unit for holiday/short-term let (Application for a Certificate of Lawful Development for an Existing Development) (Appeal Dismissed)

76006/APP/2020/3659 - Change of use from office to residential to create a 3-bed dwelling (Prior Approval) (Refused)

In addition to the history of planning applications the site has the following enforcement history HS/ENF/11794(C) – the appeal decision was dated 16th January 2019, reference APP/R5510/C/17/3184266. In Paragraph 19 the inspector said *“Having regard to all of the above I am firmly of the view that the land and buildings have not been put to a mixed use, as alleged in the notice, but that a number of independent uses have been created, resulting in the formation of multiple planning units. The site as a whole may remain under the ownership of the appellant, but ownership is not indicative of use. Each of the uses seemingly takes place independently of any other use and each is in a clearly defined building and/or part of the land.”* The inspector therefore allowed the appeal and quashed the notice.

Appeals against enforcement notices HS/ENF/017841(A) and HS/ENF/01784(B) B were subsequently dismissed.

5. EN HS/ENF/017841(A) was drafted so as to relate to the whole of the land within Mr Travers' ownership – the red line on the EN plan. That is not consistent with the inspector's views in respect of HS/ENF/11794(C)
6. A second inspector specifically agreed with that view. In APP/R5510/X/19/3225198, paragraph 8, the inspector recorded

“I have read the Inspector's decision (Ref: APP/R5510/C/17/3184266) and note that the EN issued on 15 August 2017 was quashed under S174(2)(b) of the 1990 Act because the Inspector found that the matters alleged in the notice had not occurred. This finding was based on the view that the land and buildings had not been put to a mixed use, as alleged in the notice, but that several independent and unrelated uses had been created, resulting in the formation of multiple planning units. I

**Reuse of a redundant building for residential use with a small curtilage
Land at Summerfield Bungalow, Watercress Beds,
Springwell Lane, Harefield, Rickmansworth WD3 8UX
Draft Statement of Common Ground**

acknowledge the appellant's point that any future enforcement action against the use of the buildings would therefore need to be against the buildings and not the wider site. "

7. At paragraph 18 he stated: -

"I accept what the previous Inspector said about the building being a separate planning unit taking account of how the building was being occupied by the appellant's daughter and her family. Whilst they were relatives of the appellant, the Inspector found that they clearly had their own lives meaning that the occupation of the house by the family took place independently of the other uses taking place on the land."

8. The planning unit of Building A is the built structure and small, grassed areas to the front and rear of the building used in conjunction with it, together with a parking area for a car.
9. Condition 12 of planning permission 24597/A/89/1968 states *"The sales building/office/store shall be used for purposes solely in connection with the garden centre operations"*.
10. The owners of the site prior to the appellant's purchase went into administration and filed for insolvency in August 2012. The garden nursery business became operational but had ceased to operate before the site was purchased by Mr Travers.
11. Building A has not been used "solely in connection with the garden centre operation" (condition 12 of 24597/A/89/1968) for a period of at least 9 years, and no application has been made for variation or removal of that condition. As such, the office use effectively ceased when the garden nursery business closed. Building A is not, therefore, an office or a sales building. It has become redundant.

PLANNING POLICY CONTEXT

12. Section 38(6) of the Planning and Compensation Act 2004 requires planning decisions to be made in accordance with the development plan unless material considerations indicate otherwise. The development plan for Hillingdon Borough Council consists of the Local Plan Part 1 (HLP1) and 2 (HLP2), as well as the London Plan (LP).

**Reuse of a redundant building for residential use with a small curtilage
Land at Summerfield Bungalow, Watercress Beds,
Springwell Lane, Harefield, Rickmansworth WD3 8UX
Draft Statement of Common Ground**

13. Paragraph 150 of the NPPF sets out forms of development that are not considered to be inappropriate in the Green Belt, provided they preserve its openness and do not conflict with the purposes of including land within it.
14. One such form of development which includes the re-use of buildings provided that the buildings are of permanent and substantial construction.
15. There are inconsistencies between the NPPF and the Green Belt policies set out in the HLP2. The NPPF 2021 sets out several forms of development which are not considered inappropriate in the Green Belt, including the re-use of buildings provided that the buildings are of permanent and substantial construction. Neither Policy DMEI 4 of the HLP2 nor the supporting text at paragraph 6.18 refer to this list, only to extensions and re-development of sites. This inconsistency means less weight can be attributed to Policy DMEI 4 than to the NPPF.
16. Policy DMHB 18 of the HLP2 - Development Management Policies - deals with Private Outdoor Amenity Space.
17. All new residential development and conversions will be required to provide good quality and useable private outdoor amenity space. Amenity space should be provided in accordance with the standards set out in Table 5.3.
18. For the development to which this appeal relates the standard requires 100m². This is very considerably in excess of the standard set out in the Housing Design Quality and Standards SPG. That is what is provided in the application.
19. Policies DMH3 and DME2 are not relevant to the appeal. What is proposed is neither the demolition and redevelopment of an office building nor the loss of employment floorspace.

PLANNING POLICY ASSESSMENT

20. The building to which the attached application relates is a substantial and permanent structure and there are no plans to extend its footprint. The appeal proposal complies with Policy G2 of the LP

**Reuse of a redundant building for residential use with a small curtilage
Land at Summerfield Bungalow, Watercress Beds,
Springwell Lane, Harefield, Rickmansworth WD3 8UX
Draft Statement of Common Ground**

which states that permanence is an essential characteristic of the Green Belt. When the applicant bought the site in 2013, although in office use, the property already had a residential layout with a fitted kitchen, bathroom and three bedrooms - no internal changes were therefore required. A small residential curtilage has been defined in order to provide the applicant with an adequate amount of garden space and car parking. In order to maintain the openness of the Green Belt, the applicant would be happy to forsake his Permitted Development rights, so he is unable to install fences, walls, gates etc. or extend the building without seeking planning permission first.

21. In respect of paragraph 138 of the NPPF the proposal does not conflict with the purposes of Green Belt land relating to an existing building.
22. The NPPF states that when considering any planning application, substantial weight should be given to any harm to the Green Belt and that very special circumstances will not exist unless the potential harm to the Green Belt is clearly outweighed by other considerations.
23. Reuse of buildings within the Green Belt is not inappropriate development as long as certain criteria are met. Less weight can be attributed to Policy DME1 4 for not being consistent with the NPPF.
24. There are personal circumstances in this case that must be weighed in the balance