



Town and Country Planning Act 1990
Section 78 Planning Appeal

London Borough of Hillingdon Appeal Statement

Appeal By:

Mr Andrew Travers

Proposal:

Re-use of a redundant building for residential use with a small curtilage [appellant's description]

Appeal Site:

Watercress Beds, Springwell Lane
Harefield WD3 8UX

Our Ref:
Your Ref:

24597/APP/2022/1763
APP/R5510/W/22/3307370

1. Introduction

- 1.1 This appeal statement is submitted by the London Borough of Hillingdon, as the Local Planning Authority (LPA), in respect of the appeal against its non-determination of planning application reference 24597/APP/2022/1763. The applicant describes the proposal as 'the re-use of a redundant building for residential use with a small curtilage.' However, it has not been demonstrated by the appellant that the lawful use of the building is 'redundant'. Certainly no evidence has been presented to meet the high bar to demonstrate abandonment. Therefore the Council consider that a more accurate description would be the 'retrospective change of use to a residential dwelling'.
- 1.2 The Council's case is set out in the Statement of Case detailed below. A copy of the relevant planning policies has been sent to PINS with the Appeal Questionnaire.
- 1.3 The time taken to validate planning application reference: 24597/APP/2022/1763 is a reflection of the complex planning and enforcement history of the site and consideration as to whether or not the Council should exercise their right under Section 70C of the Town and Country Planning Act 1990 to decline to determine the application. This is due to the proposed development having very little material difference with the one that was the subject of Planning Enforcement Notice HS/ENF/017841(A), against which an appeal was dismissed on 17/12/2021 (Ref: APP/R5510/C/21/3267601. The Council has not received a notice under Article 12 of the Development Management Procedure Order (in relation to validation disputes). Consequently, the Council would question whether the appeal against non-determination is valid.
- 1.4 Had an appeal on the grounds of non-determination not been received the Local Planning Authority would have refused planning permission for the following reasons:
 1. The change of use of the building to a self-contained residential unit represents inappropriate development within the Green Belt in terms of the guidance contained in the National Planning Policy Framework (NPPF) (2021) which is harmful by definition to its open character and appearance. Furthermore, the site is in the Metropolitan Green Belt wherein there is a general presumption against any development other than that appropriate facilities for agriculture, forestry, outdoor sport, outdoor recreation and for cemeteries as set out in policy DMEI 4 of the Hillingdon Local Plan: Part 2 – Development Management Policies (2020). The unauthorised development does not accord with those policies, it does not fall within any expectations contained therein, not are there any special circumstances or reasons which either singularly or cumulatively justify overriding the policies. The development is therefore considered to be contrary to Policy G2 of the London Plan (2021) and Policy DMEI 4 of the Hillingdon Local Plan: Part 2- Development Management Policies (2020).
 2. Satisfactory evidence that the use of the building for office and/or storage purposes (which would support the rural economy) is redundant has not been provided. In the

absence of such evidence, the development is contrary to the requirements of Policies DMH3 and DMEI 4 of the Hillingdon Local Plan: Part 2 – Development Management Policies 2020.

3. The development fails to demonstrate that future occupants would be safe over the lifetime of the proposed development and that flood risk would be suitably mitigated through the provision of an appropriate flood risk assessment. The proposal would therefore conflict with Policy EM6 of the Hillingdon Local Plan: Part 1 – Strategic Policies (2012), Policy DMEI 9 of the Hillingdon Local Plan Part 2 – Development Management Policies (2020), Policy SI 12 of the London Plan (2021), the National Planning Policy Framework 2021 and the Planning Practice Guidance.

2. LPA's Statement of Case

2.1. Site and Locality

The application site is located on the southwestern side of Springwell Lane, Rickmansworth, within a wider area that was formerly a garden nursery. A variety of uses both authorised and unauthorised can be found in this wider site. It is situated within the Green Belt, the Springwell Lock Conservation Area and is considered to be a Functional Floodplain (Flood Zone 3), Nature Conservation Site of Metropolitan or Borough Grade Importance (Springwell Reed Beds) and an Archaeological Priority Area (Colne Valley).

The site is accessed off a private road via gates onto Springwell Lane to the north. A hard surfaced track runs along the northern site boundary and serves an existing detached chalet style dwelling which is the northernmost building within the wider site. Adjacent to this is a detached office building. The buildings back onto a landscaped (predominately grass) area which continues down to the bank of the river. The track continues further to the west where it provides access to a yard area.

The wider surrounding area is predominately rural in nature. To the north, Springwell Lane is bordered by lakes, patches of woodland and small fields. The road curves to the south and east where it is flanked, on the eastern side, by the Grand Union Canal.

There is mixed residential development located on the opposing bank of the River Colne to the east. This includes two modern blocks of flats, Willow Court and Ridge Hose, and Lock Cottages which is a terrace of two storey dwellings, also modern in appearance. There is further sporadic residential, light industrial and agricultural development to the south. The collection of buildings and surrounding woods and scrub land make up the Springwell Lock Conservation Area.

2.2. Proposed Scheme

The application seeks planning permission for the change of use of the building for residential use.

2.3 Relevant Planning History

24597/APP/2019/263 - Residential dwelling (Application for a Lawful Development Certificate for an Existing use). (Refused and Appeal dismissed 21/02/2020).

24597/APP/2018/2452 - Installation of a biomass boiler and wood chip fuel store within an existing building. (Refused and Appeal Dismissed 22/11/2019).

24597/APP/2018/2373 - Change of use of site to a camping site (Use Class D2), alteration of existing building to provide visitors' centre, erection of seven camping pods, associated landscaping and car parking with 18 spaces. (Refused 21/11/2019)

24597/APP/2017/109 - Retention of a 3 Bedroom Chalet Style House as Residential Use from Ancillary Offices for a Garden Centre. (Refused 28/03/2017)

24597/APP/2013/3101 - Change of use to residential (Prior Approval). (Refused 05/12/2013).

24597/A/89/1968 - Change of use of watercress beds to garden nursery and erection of associated shop and office building with parking for 28 vehicles; erection of a 4 bedroom bungalow. (Approval 07/08/1990).

Enforcement History:

HS/ENF/017841(A) - Enforcement Notice (EN) was served on 16/12/2020 against the use of the building (described as Building A) Enforcement Appeal A under appeal reference: APP/R5510/C/21/3267601 was dismissed on 17.12.2021, upholding the enforcement notice.

2.4 Comment on Relevant Planning History

The wider site was historically used for growing watercress, with a dwelling known as 'Summerfield' located towards the north of the site. An application was then approved to redevelop the site as a garden centre. This involves the demolition of Summerfield and replacement with the current dwelling on site on a broadly similar position. Further buildings were approved to provide ancillary office and storage space. The building that is subject of this application was one of these ancillary storage buildings. A condition prohibiting the use of these buildings for any purposes other than ancillary office/storage space was attached to the approval for the garden centre. The site was also levelled, and the majority of the Watercress Beds filled in.

The garden centre operated for only a short time and the site does not appear to have been fully completed before the use ceased. No part of the site is currently in use as a garden centre.

2.5 Comments on Public Consultation

Given that the planning application has not been validated, no public consultation has been carried out. However, 7 letters of objection have been received in response to consultation on the appeal. Those comments have been summarised below:

- There appears to be a number of buildings now erected on the site without the correct planning authority and planning procedures and the residents who overlook this property both in Lock Cottages and Ridge House.
- There currently appears to be a number of caravan type vehicles on the site and suspect the buildings are being used to generate income for the owner of the property.

- Several inaccuracies identified within the application form:

Flood Zone - The application form is incorrect as the site falls within Flood Zone 3.

Foul Sewage - The document states that foul sewage is disposed of by "Mains Sewer". There is no mains sewage available on the site or the surrounding area.

Biodiversity and Geological Conservation – The statements are incorrect given that badgers and differing deer types frequently seen in the area and its surroundings.

- The Planning Statement contains misleading claims:

Paragraph 9 infers that a prior decision based upon "several independent and unrelated uses had been created, resulting in the formation of multiple planning units" provides justification for the Appeal under consideration. The building has also never been used by any 3rd party other than the family. The residents dispute this rationale as untrue.

Paragraph 3 states that Watercress beds is a former "Garden Nursery site". Residents will confirm that such an activity did not occur. The garden nursery consisted of signage on the entrance to the site only.

The Garden Nursery construct was to justify the building of structures which would later be redundant as part of the Garden Nursery liquidation thereby enabling application for change of use to residential dwellings.

Paragraph 4 states that the site contains a "former garage which has been converted to a residential annexe". The garage was built by the Applicant without planning permission with the express intention of conversion to a residential annexe.

Paragraph 5 states "high density of Residential use to the East and commercial uses to the northeast and south". The density of activity is not high and such a claim attempts to justify the appeal for inappropriate development in a Flood Zone, Green Belt and Conservation Area.

- The applicant continually develops the Watercress Beds without planning permission and disregarding The National Planning Policy Framework directives.
- The Applicants development plans certainly do not “assist in safeguarding the countryside from encroachment” (NFFP,2012). The Applicant plans also do not support the Policy Monitoring criteria EM6 which state “No planning permission will be granted contrary to the advice of the Environmental Agency on either flood defence grounds or water quality”

Officer Response:

Issues relating to the existing and proposed use are considered to be addressed in the main body of this report. With regards to the inaccuracies on the application form, it is considered that there is inadequate information provided in order to fully assess the proposal.

2.6 Policy Context

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:

Hillingdon Local Plan: Part 1 – Development Management Policies (2012)

BE1	Built Environment
EM2	Green Belt, Metropolitan Open Land and Green Chains
EM6	Flood Risk Management
EM7	Biodiversity and Geological Conservation
HE1	Heritage

Hillingdon Local Plan: Part 2 – Development Management Policies (2020)

DMH 3	Office Conversions
DMHB16	Housing Standards
DMHB 18	Private Outdoor Amenity Space
DMEI 4	Development in the Green Belt or on Metropolitan Open Land
DMEI 9	Management of Flood Risk
DMHD 2	Outbuildings
DMHB1	Heritage Assets
DMHB 2	Listed Buildings
DMHB 3	Locally Listed Buildings
DMHB 4	Conservation Areas
DMHB 5	Areas of Special Local Character
DMHB 6	Gatehill Farm Estate and Copse Wood Estate Areas of Special Local Character
DMHB 11	Design of New Development
DMHB 12	Streets and Public Realm
DMT 1	Managing Transport Impacts

DMT 2	Highway Impacts
DMT 3	Road Safeguarding
DMT 4	Public Transport
DMT 5	Pedestrians and Cyclists
DMT 6	Vehicle Parking
DMT 7	Freight

The London Plan (2021)

G2	Green Belt
HC1	Heritage Conservation and Growth
SI 12	Flood Risk Management

National Planning Policy Framework (NPPF 2021)

2.7 MAIN PLANNING ISSUES

2.7.1 The Principle of the development

Para. 4 of Appeal Decision ref. APP/R5510/C/17/3184266 the Inspector stated that 'In terms of the history of the site, a planning application was submitted in 1968 for the change of use of the land to a garden nursery and for the erection of an associated shop and office building, a parking area and a 4-bedroom bungalow. A significant period of time elapsed before the application was approved in 1990 and work on the scheme commenced in 1993. There is no dispute that the permission was lawfully implemented. The buildings referred to as A, B, C and D on the enforcement notice were all constructed as part of that consent for various purposes associated with the permitted use.'

On 11 January 2017 the Council received a planning application under App. Ref: 24597/APP/2017/109 for '*Retention of a 3 bedroom chalet style house as residential use from ancillary offices for a garden centre*'. The application was subsequently refused on 28 March 2017.

An appeal against a subsequent Enforcement Notice was dismissed on 17/12/2021 (appeal ref: APP/R5510/C/21/3267601). In dismissing the appeal, the Inspector sets out the issues succinctly and there is little change in the appellant's case since this decision. Where new arguments have been put forward, these will be addressed in the following.

2.7.2 Development in the Green Belt

The site is located within the Green Belt where development for inappropriate use is resisted in accordance with National, Regional and Local Planning Policies. Although the site itself has been previously developed, this was to support a garden centre use which is regarded as an acceptable open land use as per Policy DMEI 4 of the Hillingdon Local Plan: Part two Development Management Policies (2020).

Within the Metropolitan Green Belt there is a general presumption against any development other than that appropriate facilities for agriculture, forestry, outdoor sport, outdoor recreation and for cemeteries as set out in policy DME1 4 of the Hillingdon Local Plan: Part 2 – Development Management Policies (2020).

The NPPF requires Local Planning Authorities in their consideration of a planning application to give substantial weight 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, is clearly outweighed by other considerations.

In the previous appeal decision on this building, at para. 24 – 27 the Inspector noted that residential use would introduce domestic paraphernalia into the Green Belt and would “fail to prevent urban sprawl by failing to counteract the inappropriate introduction of new domestic uses into the GB [Green Belt]”. Inappropriate development is by definition harmful to the Green Belt and as the appeal decision notes, the NPPF requires this to be given substantial weight.

The appellant has not advanced any new argument in this regard other than to say that a condition could prevent the harms identified. However, it would clearly not be either reasonable or enforceable to apply a condition preventing the ordinary domestic use of the curtilage of the house, were permission to be granted.

The submitted Planning Statement argues that there are very special circumstances which would outweigh the harm in this case, these are:

- The property provides an affordable home for a larger family.
- The family need to live close to the grandparents, who provide childcare for the five children so that the parents can work.
- The five children all attend school locally. One of the children has one-to-one support in place for autism and the eldest daughter is under CAMHS mental health support for anxiety. The eviction of the family would cause severe disruption and would be contrary to their welfare.

The question of very special circumstances has also been addressed in the appeal decision. In paragraphs 43 to 45 the Inspector notes:

“43. For Building A, the property is a family home for parents and their children. It would not be appropriate to go into the details of the family circumstances in this decision, but I can assure the appellant that I have read very carefully the information submitted about the family. I recognise the closeness of the property to grandparents also means there is further childcare support that allows the parents to work. The property is also an affordable place for the family to live and they have been there for a significant time. It must, notwithstanding the fact that the occupation is unauthorised, by now be a settled base and I am acutely aware of my responsibility to have regard to what could be the consequences of Appeal A being dismissed. Nothing should be more important as a primary consideration than the best interests’ of children and here that could involve the loss of their home and possible disruption to family life and their schooling.

44. However, it seems only natural to me that the grandparents would wish to continue caring and supporting the family even if that had to adapt to the family not living so immediately close. Furthermore, there is nothing to show that the attendance of the children at their current school could not continue or that the additional school and local authority care and support would stop. That said, I recognise that potential disruption to home life and education can cause uncertain times.

45 Nevertheless, a public authority may interfere with qualified rights to private and family lives, and their homes, where there is a clear legal basis for doing so and the action is necessary in a democratic society. It has been held that interference may be justified if it relates to the regulation of land use using development control measures that are recognised as an important function of Government. In this case, there are several development control planning policies that the change of use of building A conflict with, most notably in this appeal are those related to protection of the GB to which the Government attaches great importance. In my view, therefore, the interference with this home and the family lives concerned would be a justified and proportionate response. I shall though, still attach significant weight to the personal circumstances when it comes to the GB balance below, particularly so in the exercise of my duty to have due regard to the circumstances of the persons affected by this decision.”

The situation regarding personal circumstances is substantively the same as at the time of the appeal decision and the Council agrees with the Inspector’s view that the weight to be attached to the personal circumstances of the occupants of the building are outweighed by the harm to the Green Belt.

No new evidence has been presented to demonstrate that the lawful use of the building could not be continued. The only new argument is a reference to a standard condition on the original garden centre permission. This condition, which links the building to the garden centre use, doesn’t prevent an alternative office use being pursued. Even if an alternative Green Belt appropriate use for the building could not be found, it does not follow that an inappropriate Green Belt use, such as residential with its harm to openness and contribution to urban sprawl, would be acceptable.

Given the above, it is considered that no convincing evidence has been provided that the redundant building could be retained in its approved use as an office and store serving a garden centre or similar commercial purpose within the site. As such, the material change of use is considered to be inappropriate development in the Green Belt in terms of the guidance contained in the National Planning Policy Framework (NPPF 2021) which is harmful by definition to its open character and appearance. The unauthorised development does not accord with those policies, it does not fall within any of the exceptions contained therein, nor are there any special circumstances or reasons which either singularly or cumulatively justify overing the policies. It has not been demonstrated that the lawful use of the building is redundant or that development for office purposes is not feasible or visible. As such the unauthorised use of the building as a self-contained residential use is contrary to Policy DMEI 4 as well as Policy G2 of the London Plan (2021).

It is acknowledged that Hillingdon and London Plan Policies support new housing. Policy H1 of Hillingdon's Strategic Policies sets out the boroughs housing targets for the period possible exceed this target, in accordance with other Local Plan policies. The majority of this housing growth is expected to be delivered on sites to be identified in the Councils emerging Site Specific Allocations. The Council will support housing development including changes of use on other sites, subject to compliance with all other relevant policy. The Council considers that it can meet its housing targets without having to allow any additional housing in its Green Belt. However, the provision of housing on this site is therefore not considered to outweigh the potential harm of losing a site that might be out put to a use more appropriate to its green belt.

2.7.4 Impact on the character and appearance of the area

Hillingdon Local Plan Part 1: Strategic Policies (2012) Policy BE1 states 'The Council will require 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 and that serve the long-term needs of all residents. All new developments should achieve a high quality of design in all new buildings, alterations, extensions and the public realm which enhances the local distinctiveness of the area, contributes to community cohesion and a sense of place'.

Policy DMHB 11 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) states: '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, 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'.

Policy DMHB 12 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) re-emphasises the need for new development to be well integrated with the surrounding area and provides design criteria as to how this would be achieved.

The site falls within Springwell Lock Conservation Area. There are no listed buildings within or close to the site. The site also falls within a Nature Conservation Site of Metropolitan or Borough Grade I importance.

In considering development affecting a conservation area, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) requires that local authorities shall pay special attention to the desirability of preserving or enhancing the character or appearance of a Conservation Area when considering applications relating to land or buildings within that Area. The duties

imposed by section 72 of the Act are in addition to the duty imposed by section 3(6) of the Planning and Compulsory Purchase Act 2004, to determine the application in accordance with the development plan unless material considerations indicate otherwise.

In this case, the primary issue relates to preserving or enhancing the character and appearance of the Springwell Lock Conservation Area. A proposal which would cause harm should only be permitted where there are strong countervailing planning considerations which are sufficiently powerful to outweigh the harm caused.

Having regard to the submitted documentation, no existing or proposed floor/elevation plans have been provided as part of this application and therefore, it is not possible to fully assess the impact of the proposal within this part of the Springwell Lock Conservation Area. This report will concentrate on the elements that can be commented on i.e., layout (to some degree) but not appearance or anything to do with architectural design.

As referenced in the Planning Statement, the proposal would not result in an increase in footprint or extensions.

The proposed residential unit would be viewed from Springwell Lane to the south but does not appear out of keeping given the existing structures on site and the presence of modern blocks of flats in the form of Willow Court and Ridge House which are far larger structures and also more prominently positioned. As noted in the previous appeal decision, there would be a neutral impact on the conservation area.

2.7.5 Impact on Neighbours

Paragraph 130 (f) of the NPPF (2021) states that new development should seek to 'create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience'.

Hillingdon Local Plan Part 2: Development Management Policies (2020) Policy DMHB 11 sets out design guidance for all new development in the borough. Part B of the policy states 'development proposals should not adversely impact on the amenity, daylight and sunlight of adjacent properties and open space'.

Guidance for Policy DMHB 11 states 'The Council will aim to ensure that there is sufficient privacy for residents and it will resist proposals where there is an unreasonable level of overlooking between habitable rooms of adjacent residential properties, schools or onto private open spaces. A minimum of 21 metres separation distance between windows of habitable rooms will be required to maintain levels of privacy and to prevent the possibility of overlooking. In some locations where there is a significant difference in ground levels between dwellings, a greater separation distance may be necessary'.

Guidance for Policy DMHB 11 also states 'For the purposes of this policy, outlook is defined as the visual amenity enjoyed by occupants when looking out of their windows or from their garden. 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. Single aspect dwellings should be avoided'.

As previous noted above in this statement, given that no floor/elevation plans have been provided, it is not possible to fully assess the impact on neighbour amenity. This appeal statement will concentrate on the elements that can be commented on i.e., layout (to some degree) but nothing to do with visual amenity.

The exterior of the building has been built in accordance with an approved planning permission 24597/A/89/1968 and, as such, impacts brought about by its physical presence such as overbearing or overshadowing are not a material consideration in the determination of this application.

It is considered that the distance maintained between the proposed dwelling and those of the surrounding properties is sufficient to prevent invasive levels of overlooking and the presence of tree screening lining the riverbank provides further mitigation.

2.7.6. Traffic Impact, car/cycle parking, pedestrian safety

Section 9 (Promoting sustainable transport) of the NPPF states that plans and decisions should take account of whether safe and suitable access to the site can be achieved for all people; and development should only be prevented or refused on transport grounds if there would be an unacceptable impact on highways safety or where the residual cumulative impacts of development are severe.

Local requirements in relation to impacts on traffic demand, safety and congestion are set out in Local Plan Part 2 policies AM2, AM7 and AM14 which states that permission will not be granted for developments whose traffic generation is likely to:

- (i) unacceptably increase demand along roads or through junctions which are already used to capacity, especially where such roads or junctions form part of the strategic London Road network, or
- (ii) prejudice the free flow of traffic or conditions of general highway or pedestrian safety.

This is reiterated by the Local Plan (Part 2) Policies DMT1 and DMT2. Policy 6.3 of the London Plan requires development proposals to ensure that the impacts on transport capacity and the transport network are fully assessed.

Whilst very limited details have been provided, the application site has the potential to provide sufficient parking.

2.7.7. Standard of Accommodation

No plans have been provided of the internal layout of the building following its unlawful conversion. However it is likely given its location and outlook of the building

that it would provide an adequate standard of accommodation. Adequate external amenity space could be provided, though it is unclear how, as the appellant suggests, the domestic use of this space would be prevent harm to the Green Belt setting.

2.7.8. Flooding and Drainage Issues

The approved use of the building as an office storey is regarded as 'less vulnerable' by the Technical Guidance to the National Planning Policy Framework. The change of use to residential represents an escalation in flood risk vulnerability status to 'more vulnerable'. The site lies within Flood Zone 3b which is the classification attached to the functional floodplain. The Technical Guidance maintains that the only development that should be permitted in such a location is essential infrastructure and water compatible development. No Flood Risk Assessment (FRA) has been provided as part of this application however, given the extreme vulnerability of the site to flooding and the dangers this poses, particularly for a building which would be in permanent residential occupation, it is considered that the use of the building as permanent residential accommodation cannot be supported due to the severe safety risk that any occupants would be exposed to.

The proposal is therefore fails to meet the requirements of the NPPF and associated Technical Guidance, Policy SI 12 of the London Plan (2020) or Policy EM6 of the Hillingdon Local Plan: Part 1 – Strategic Policies (2012).

3. Other Matters

3.1 This appeal was lodged by reason of non-determination, whereby there is a complex planning enforcement history related to the site and in light of that, the Council has been considering its position in respect of whether or not to exercise its right under Section 70C of the Town and Country Planning Act 1990 to Decline to Determine the application.

4. Conclusion

The application fails to demonstrate that future occupants would be safe over the lifetime of the proposed development and that flood risk would be suitably mitigated through the provision of an appropriate flood risk assessment. The proposal would therefore conflict with Policy EM6 of the Hillingdon Local Plan: Part 1 – Strategic Policies (2012), Policy DMEI 9 of the Hillingdon Local Plan Part 2 – Development Management Policies (2020), Policy SI 12 of the London Plan (2021), the National Planning Policy Framework 2021 and the Planning Practice Guidance.

Satisfactory evidence that the use of the building for office and/or storage purposes is redundant has not been provided. In the absence of such evidence, the development is contrary to the requirements of Policies DMH3 and DMEI 4 of the Hillingdon Local Plan: Part 2 – Development Management Policies 2020.

The material change of use of the building as a self-contained residential unit represents inappropriate development within the Green Belt in terms of the

guidance contained in the National Planning Policy Framework (NPPF) (2021) which is harmful, by definition, to its open character and appearance. Furthermore, the site is in the Metropolitan Green Belt wherein there is a general presumption against any development other than that appropriate facilities for agriculture, forestry, outdoor sport, outdoor recreation and for cemeteries as set out in policy DMEI 4 of the Hillingdon Local Plan: Part 2 – Development Management Policies (2020). The unauthorised development does not accord with those policies, it does not fall within any expectations contained therein, not are there any special circumstances or reasons which either singularly or cumulatively justify overriding the policies. The development is therefore considered to be contrary to Policy G2 of the London Plan (2021) and Policy DMEI 4 of the Hillingdon Local Plan: Part 2- Development Management Policies (2020).

In the event that the Inspector considers the appeal should be allowed, and without prejudice to the Council's case, a list of recommended planning conditions is included at Appendix 1.

Appendices

Appendix 1 – The LPA's Recommended Conditions (should the appeal be allowed and without prejudice to the LPA's case)

Appendix 2- Previous appeal decision