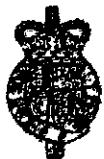


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nil



The Planning Inspectorate

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please update
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2/1

Dear Sirs

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 174 AND SCHEDULE 6
PLANNING AND COMPENSATION ACT 1991
APPEALS BY MR J ELLIS AND MR P HUMPHRIES
LAND AND BUILDINGS AT ROSEDALE, THE COMMON, WEST DRAYTON

1. I have been appointed by the Secretary of State for the Environment to determine your client's appeals against enforcement notices issued by the London Borough of Hillingdon concerning the above mentioned land and buildings. I have considered the written representations made by you and the Council and also those made by interested persons. I inspected the sites on 1 February 1994.

THE NOTICES

2. The three notices are each dated 7 July 1993. One month is specified as the period for compliance with the requirements. Other details are set out below.

Notice A

3. (1) The breach of planning control as alleged in the notice is, without planning permission, the material change of use of the land to use for the purposes of the breaking up, dismantling and storage of motor vehicles and parts of motor vehicles.

(2) The requirements of the notice are:

- i. Cease the use of the land for the purposes of the breaking up, dismantling and storage of motor vehicles and parts of motor vehicles.
- ii. Remove from the land all motor vehicles, motor vehicle parts and accessories and all equipment and materials relating to the unauthorised use.



Notice B

4. (1) The breach of planning control as alleged in the notice is, without planning permission, the material change of use of the land to a use for the purposes of the sale of motor vehicle parts.

(2) The requirements of the notice are to:

- i. Cease the use of the land for the purpose of the sale of motor vehicle parts.
- ii. Remove from the land all motor vehicle parts associated with the unauthorised use.

Notice C

5. (1) The breach of planning control as alleged in the notice is, without planning permission, the material change of use of the land to a use for the manufacture and sale of concrete paving slabs.

(2) The requirements of the notice are to:

- i. Cease the use of the land for the manufacture of concrete paving slabs.
- ii. Cease the use of the land for the sale of concrete paving slabs.
- iii. Remove all concrete paving slabs from the land.
- iv. Remove from the land all materials and equipment used in connection with the use of the land for the manufacture and sale of concrete paving slabs.

GROUNDS OF APPEAL

6. Your clients' appeals are proceeding on ground (a) as set out in Section 174(2) of the 1990 Act as amended by the Planning and Compensation Act 1991. This is that, in respect of any breach of planning control which may be constituted by the matters stated in the notice, planning permission ought to be granted.

SITES AND SURROUNDINGS

7. The appeals sites are within an area between Wraysbury River, the M4 motorway, and a series of lakes remaining after gravel extraction. Access is by means of a bailey bridge. The immediate surroundings contain an assortment of uses, including open land, dwellings, residential caravans, a timber yard, and car dismantling yards.

8. The land subject to the notices is bounded on two sides by private roads. The south boundary, marked by an intermittent hedge but mainly open, is with residential caravans and the curtilage of a bungalow. The east boundary is with the bungalow, Rosedale, which is owned and occupied in

conjunction with the appeals land. The combined area affected by the three notices is approximately rectangular. Notices A and B apply to an identical area which encompasses most of the land, wholly excluding the area of Notice C, which is confined to a small group of buildings adjoining the west boundary. The area of notices A and B is occupied by a yard for the dismantling of cars and sale of parts, except for the end portion, which is now fenced off and incorporated within the site where paving slabs are manufactured. The whole of the land is screened from the two roads by tall metal fencing or the walls of buildings. The dismantling yard contains a small workshop and a store but is otherwise open, with cars stacked three high. In front of the buildings where paving slabs are manufactured there is a yard used for parking and for the storage of goods.

THE APPEALS ON GROUND (A) AND THE DEEMED APPLICATIONS

9. The Hillingdon Local Plan was adopted in 1990. The appeals sites are included in the Green Belt. The appeals developments are not within the list of acceptable Green Belt uses defined in policy GB2. The policy specifies that changes of use for other purposes will not be permitted. Similar policies are contained in the emerging unitary development plan. This approach reflects national policy that, unless for specified purposes which are not relevant here, development is not permitted within a Green Belt except in very special circumstances. Thus I regard the developments the subject of these appeals as inappropriate in the Green Belt and contrary to the relevant policy. From my inspection and the representations I therefore consider the main issue to be whether there are special circumstances which outweigh the harm to Green Belt policy and its objectives.

10. You argue that the surroundings have the character of a business area where such uses would not be out of place. I must determine the appeals on the basis of the designation in the development plan for the area prepared under statutory procedures. The boundary of the Green Belt in the locality is outside the scope of these appeals. Whereas I accept that there is a mixture of uses nearby, the land is part of a wider area which is predominantly open and does contribute to Green Belt objectives. In support of the paving slabs use, a comparison is made with the impact of other uses in the locality, including that subject to notices A and B. However the latter are unlawful and the presence of uses which have a detrimental effect is not a good reason to permit others.

11. The objectives of the Green Belt in Hillingdon are expressed in the Local Plan. These depend upon the use of land within the Green Belt having an open character and seek to preserve and improve the quality of the landscape. The uses the subject of these notices are associated with the enclosure of the land and by their nature will reduce openness. Concerning the storage and dismantling of cars and the sale of car parts, this effect results from the extensive storage of vehicles. In the case of the manufacture of slabs, this requires the use of the yard for ancillary purposes. The uses also generate additional activity which is damaging to the objective of securing an open rural character.

12. These are fundamental objections which could not be overcome by imposing conditions, such as to require landscaping or control the manner and intensity at which the uses are conducted. The land is also within the Colne Valley Park, where the planning policies for the area are seeking to secure

environmental improvement. This gives additional force to the harmful effects of these developments.

13. The appeals sites are very close to residential uses, both the curtilage of the bungalow to the south-east and the adjoining caravan site. The continued operation of the uses would be likely to have a damaging effect on the living conditions which occupiers should reasonably expect to enjoy, both because of the visual impact of the uses and potential disturbance from the activity generated.

14. The developments would be contrary to Green Belt policy, which would be undermined if permission were granted, and there would also be harm to its objectives. There are no significant special circumstances to outweigh these objections. On the contrary, the undesirable environmental impact and the harm to residential living conditions are further reasons why permission should not be granted. My conclusions are consistent with the decision to dismiss an appeal in 1987, following the refusal of permission for use of the land for car breaking and the sale of car spares (appeal reference APP/R5510/A/86/54168/P4). The appeals on ground (a) therefore fail and planning permission will not be granted on the deemed applications.

GROUND (G)

15. Although there are no appeals on this ground, I have considered whether more time should be allowed to comply with the requirements of the notices. The period of one month currently specified is relatively short whereas paragraph 16 of PPG18 advises that, where enforcement action is likely to compel a small business to relocate, the aim should be to agree on a timetable which will minimise disruption to the business. This must be balanced against the intrusive impact of the uses. Bearing in mind the very substantial harm from the uses the subject of notices A and B, the maximum appropriate extension in those cases would be to two months whereas, for notice C, I shall extend the period for compliance to four months. To this extent the appeals succeed on this ground.

16. I have taken into account all the other matters mentioned in the representations, including the reference to discussions which have taken place with an officer of the Council, but neither this nor any of the other matters raised is so compelling as to affect the considerations which have led me to my decisions.

FORMAL DECISIONS

Notices A and B - appeal reference numbers T/APP/C/93/R5510/630008 and 630010

17. For the above reasons, and in exercise of the powers transferred to me, I direct that the enforcement notices be varied by deleting one month as the time for compliance in paragraph 5 and substituting two months.

Subject thereto, I dismiss your client's appeals, uphold the notices as varied, and refuse to grant planning permission on the applications deemed to have been made under Section 177(5) of the amended Act.

Notice C - appeal reference I/APP/C/93/R5510/629943

18. For the above reasons, and in exercise of the powers transferred to me, I direct that the enforcement notice be varied by deleting one month as the time for compliance in paragraph 5 and substituting four months.

Subject thereto, I dismiss your client's appeal, uphold the notice as varied, and refuse to grant planning permission on the application deemed to have been made under Section 177(5) of the amended Act.

RIGHTS OF APPEAL AGAINST DECISIONS

19. This letter is issued as the determination of the appeals before me. Particulars of the rights of appeal against my decisions to the High Court are enclosed for those concerned.

Yours faithfully

David Baldoe

DAVID BALDOCK MA DipTP DMS MRTPI
Inspector

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