APPLICATION FOR A LAWFUL DEVELOPMENT CERTIFICATE FOR AN EXISTING USE OR OPERATION OR ACTIVITY INCLUDING THOSE IN BREACH OF A PLANNING CONDITION.

TOWN AND COUNTRY PLANNING ACT 1990: SECTION 191 AS AMENDED BY SECTION 10 OF THE PLANNING AND COMPENSATION ACT 1991.

TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND) ORDER 2015

In Respect of Land at:-

Trout Road

Yiewsley

West Drayton

Middlesex

UB7 7RT

APPENDIX I

Decision of L Dearden – LDC 23 August 1976

Copy for Planning

C P

Q12

HILLINGDON LONDON BOROUGH COUNCIL

APPEALS

by

MR R J TILLYER, MRS R J MERSH AND DAWLEY MOTORS

against

ENFORCEMENT NOTICES

and by

MR R J TILLYER CONCERNING AN APPLICATION FOR A CERTIFICATE OF ESTABLISHED USE

Inspector:	L Dearden JP Barrister FIAAS FIPHE
Date of Inquiry:	3 August 1976
File Nos:	APP/5018/C/75/1111-9, APP/5018/C/75/3291-3, APP/5018/D/75/137

CH/P

2 Marsham Street

LONDON SW1

23 August 1976

To The Right Honourable Peter Shore MP
Secretary of State for the Environment

Sir

I have the honour to report that on 3 August 1976 I held an inquiry at Uxbridge into appeals by Mr R J Tillyer, Mrs R J Mersh and Dawley Motors under Section 88 of the Town and Country Planning Act 1971, against enforcement notices served by the Hillingdon London Borough Council, and into an appeal by Mr R J Tillyer under Section against the refusal of the same council to give an established use certificate.

The site is at Meadow Cottage, Trout Road, Yiewsley.

1. NOTICE A

a. The date of the notice is 17 March 1975.

b. The breach of planning control alleged in the notice is the carrying out of engineering operations namely the covering of the land with concrete to form a vehicle storage area.

c. The requirements of the notice are 1. Remove the concrete covering the land. 2. Remove from the land all materials arising from such removal and restore the land to its condition before the development took place.

d. The period for compliance with the notice is 2 calendar months.

e. The appeal against the notice was made on grounds 88(1)(a) and (b).

2. NOTICE B

a. The date of the notice is 17 March 1975.

b. The breach of planning control alleged in the notice is the making of a material change in the use thereof to a use for the purpose of the storage of motor vehicles.

c. The requirements of the notice are 1. Discontinue the use of the said land for the purpose of the storage of motor vehicles, 2. Take the following steps to restore the land to its condition before the said breach of planning control took place, namely:- i. remove from the land all motor vehicles ii. remove from the land all waste materials arising out of the use.

d. The period for compliance with the notice is 2 calendar months.

e. The appeal against the notice was made on grounds 88(1)(b) and (d).

3. NOTICE C

a. The date of the notice is 17 March 1975.

b. The breach of planning control alleged in the notice is a material change in the use thereof to a use for the purpose of the storage of scrap metal.

c. The requirements of the notice are 1. Discontinue the use of the said land for the purpose of the storage of scrap metal, 2. Take the following steps to restore the land to its condition before the said breach of planning control took place, namely: remove from the land all scrap metal.

d. The period for compliance with the notice is one calendar month.

e. The appeal against the notice was made on grounds 88(1)(b) and (d).

4. NOTICE D

a. The date of the notice is 22 August 1975.

b. The breach of planning control alleged in the notice is a material change in the use thereof to a use for the purpose of the repair of motor vehicles.

c. The requirements of the notice are 1. Discontinue the use of the said land for the purposes of the repair of motor vehicles, 2. Take the following steps to restore the land to its condition before the said breach of planning control took place, namely:- a. remove from the land all materials and equipment used in connection with the repair of motor vehicles, b. remove from the land all waste materials arising out of the said use.

d. The period for compliance with the notice is 2 calendar months.

e. The appeal against the notice was made on grounds 88(1)(a), (b), (d), (f) and (g).

5. a. The application for an established use certificate is dated 17 February 1975.

b. The uses in respect of which the certificate was sought are:- repairing of motor vehicles and parking and storing of vehicles awaiting repair.

c. The application was based on Section 94(1)(a).

6. The grounds for refusal are:- the local planning authority is not satisfied that the use of the site (or any part of it) for the repairing of motor vehicles and parking and storage of vehicles awaiting repair was begun before the beginning of 1964 without planning permission in that behalf and has continued since the end of 1963.

7. This report includes a description of the appeal site and surroundings, the gist of the representations made at the inquiry, and my findings of facts, conclusions and recommendations. Lists of appearances, documents, plans and a photograph are attached.

8. The evidence was taken on oath.

THE SITE AND ITS SURROUNDINGS

9. The appeal site occupies an elongated oval of land some 0.65 acre in extent on the western bank of the River Frays immediately north of a bridge carrying Trout Road over that watercourse. Three old cottages Nos 1, 2 and 3 Meadow Cottages have been converted into one dwelling known as Meadow Cottage which lies at the southern end of the site and on the western side of the vehicular access into the plot. Between the eastern side of the access and the river is a garden and a concreted area bordering the river.

10. A dilapidated brick outbuilding containing miscellaneous rubbish and one dog kennel stands to the rear of the house in an area partly surrounded by a high metal fence within which are a breakdown lorry and a tractor shovel, both now unused, rolls of chain link fencing and panels of reinforcing steel mesh.

11. A cultivated kitchen garden separates this area from, to its north, a vehicle workshop. This building, clad in asbestos sheeting, has 3 divisions - that at its western end being open fronted and containing racking holding salvaged motor car parts such as radiators and dynamos. The central section is used primarily for mechanical repairs but also contains a quantity of salvaged spares, mainly clutches. The eastern portion contains welding and spraying equipment.

12. The entire area between the workshop and the next building to the north is concreted over and 6 cars, most with body damage, and 2 vans were parked thereon. Although the building to the north is referred to as stables and kennels horses are no longer kept there, the boxes being used at present for storing furniture and a stack of steel shelving. A roofed-over run along the southern side of the building houses greyhounds.

13. West of the stable/kennel block and hard against the sites western boundary are 2 small buildings one containing animal food and mixing equipment and the other baled straw. The northern apex of the site is cultivated as a kitchen garden.

14. Along the site's river bank boundary concrete beams have been laid horizontally to form a river wall and a concrete slab has been laid back into the site from near its southern end to the centre line of the stable/kennel block. It varies from 26 ft to 12 ft in width and ties in within the concreted area between the vehicle workshop and kennels. A crack parallel with and some 10 ft distant from the river ban is evidence of some subsidence of the ground near the bank after the slab was laid.

15. A roughly circular area immediately south of the site (Plan G) is largely covered with partly levelled sand and rubble and a number of young trees has been planted around its perimeter. It is understood that this is in the ownership of Mr R Tillyer.

16. East of Frays River and the railway line which it parallels the land is in industrial use. West of these features the landscape, including the appeal site, is mainly one of low-lying grazing land. The engineering works shown on Plan F close to and south-east of the site have been demolished. There are 3 terrace and one detached modern dwelling directly south of the site and one or 2 small industrial undertakings.

THE CASE FOR THE APPELLANTS

Submissions by Mr Brook-Partridge

The material points were:

17. Mr R J Tillyer took a tenancy of the appeal site from the owner, Mr E L Holloway, in about 1960. He started a motor vehicle repair business in sheds then existing on the site. That use has continued to the present day without a break. Following a discussion with the council's Enforcement Officer he submitted an application for an Established Use Certificate on 17 February 1975 for the repairing and parking and storage of vehicles awaiting repair. This was refused on 7 July 1975 although it was supported by 3 affidavits sworn by Mr R J Tillyer, Mr Holloway and a Mr Dowse (Document 6).

18. Although the application and refusal referred to the whole site the use for which the certificate is sought is only carried out on a portion thereof as indicated on Plan G. It is not intended that this use should spread onto the areas used as gardens, house or stable/kennels.

19. The council have set an impossibly high standard of proof in disregarding not only the affidavits referred to but also 6 supporting letters (Document 16) confirming that the business of motor repairs was carried on before 1964. There was no break in the business in 1967 as the council will allege, but even if there had been this would not necessarily prevent the issue of a certificate, a view supported by the Secretary of State in his decision letter of 10 June 1971 (Document 8).

20. It is alleged in one of the notices dated 17 March 1975 that there has been development by the carrying out of engineering operations namely the covering of the land with concrete to form a vehicle storage area. The land has not been so covered, the greater majority remaining uncovered, and the concrete which has been laid was placed not for a parking area but to stabilise the land near the eroding river bank and prevent its flooding. The laying out of the means of enclosing land from the river is permitted development as falling within Class II paragraph 1 of the 1973 General Development Order. The same order permits the laying of a hardstanding for parking an occupier's car within its curtilage, and this applies here. Whatever the Secretary of State's views of this submission it is wrong to require the concrete to be removed as the circumstances are the same as in Burn and others v Secretary of State and another (1971) 219 EG 586 (Document 10). There has been no loss of visual amenity from this work, indeed the contrary is the case in view of the condition of the river at this point.

21. Enforcement Notices relating to the storage of motor vehicles and the storage of scrap metal are misconceived in that these are not isolated uses but are ancillary to the business of motor repairs. The Secretary of State agreed in his decision letter of 15 August 1975 covering similar circumstances (Document 12) that the allegation was defective in merely alleging vehicle storage, although in the particular case he cured the defect by correction. What little scrap there is arises from the motor repair business and should be disregarded as it was by the Secretary of State in his decision letter of 6 September 1972 (Document 9). Both forms of storage date from 1960 when the vehicle repair work to which they are ancillary commenced.

22. The separate notice dated 22 August 1975 concerning motor repairs should be quashed since this use commenced prior to 1964. Furthermore the requirement to restore the land to its previous condition is excessive and would result in the site being flooded, and the 2 months allowed for compliance is inadequate for the winding up of this long established business.

23. Although the fire which occurred in 1967 on his clients land damaged the workshop repairs to vehicles never ceased, much of it being done in the open.

Mr R Tillyer called by Mr B Brook-Partridge

24. He is the father of Mr R J Tillyer and is now in partnership with him in the business of vehicle repairing on the site. He first commenced using the workshop for this purpose before 1960 when he became the tenant both of those premises and Trout Meadow Cottages. In April 1973 his son purchased the land and cottages from the owner, Mr Holloway.

25. The use of the workshops has continued uninterrupted from before 1960 to the present day.

Mr R Tillyer cross-examined by Mr J Davidson

26. Mr Holloway has lived on the site since 1961. The tenancy which he held from Mr Holloway covered the vehicle workshop, stable/kennels, concrete yard between these 2 buildings and the structure marked "shed" on Plan G.

27. In 1967 a fire burned down the stable/kennels and damaged part of the workshop. He denies that the northern of the 2 buildings marked "shed" on Plan C was the workshop at that time. The workshop consisted of 3 sheds which were orientated east/west, not north/south as is the shed referred to and they were 48 ft by 28 ft in size Modernisation of the workshops has been a continuous process and the eastern end is entirely new. He agrees that the fire burned down an old yew tree which stood on the site.

28. A 240 volt electricity supply was taken to the workshop in 1959 when the house was being rewired.

29. The kitchen gardens will be retained as such. The area indicated on Plan G as vehicle parking is covered with rubble and is only used for vehicle parking.

30. Most of the repair work originates from insurance companies who ask him to carry out work on damaged cars and did so before 1967 when the workshop was damaged. He never thought about applying for planning permission when he started the business. By the end of 1961 he had built up the business to approximately its present level although he now employees one young assistant.

31. He erected the high fence in front of the "vehicle parking area" following complaints about its appearance but cannot remember when. The concreted area which is now cleared was not formerly used for parking since it was water-logged. The concreting was carried out over a period ending in 1973 or 1974.

32. His reason for concreting a wider area than might seem necessary was that it was actually cheaper to lay a 4 in slab over a wider area than careful tying back into the land of a thicker and narrower riverside strip would have been.

33. The only scrap metal on the site has arisen from car repairing. The stack of iron railings mentioned by the council was purchased with the intention of using these panels for fencing the whole site. He changed his mind on this proposal and all the railings have now gone.

34. He has acquired the circular area to the front of the house as a car park and will let the public use it for that purpose. He had 2 other motives for making the

purchase, to prevent another acquiring it and possibly to build a house thereon. He has no intention of using it to extend his business activities from the appeal site.

35. All the uses complained of started before 1960. The fire of 1967 did not stop the work of repairing cars as although the workshop was damaged it was not destroyed, and also he did a lot of work in the open. He does not park any vehicles on the concreted area marked "riverside promenade" on Plan G. He did park a few on the concreted area labelled "parking" but has not done so since being interviewed by the Enforcement Officer in 1974.

36. The corrugated iron sheet sections lying on the larger of the 2 kitchen gardens are off-cuts from the fence he erected in this material between the "vehicle parking" area and the house and front garden. He is not a scrap metal dealer and does not possess a licence to act as such.

Mr E L Holloway called by Mr B Brook-Partridge

37. Not later than 1960 he let the workshop at the rear of what were then Nos 1, 2 and 3 Trout Meadow Cottages to Mr R Tillyer. In April 1973 he sold half of the site to the latter's son, Mr R J Tillyer at the same time giving the other half to his daughter Mrs Mersh. He has personal knowledge from living on the site first as an owner and now as a tenant that car repairs have been carried out in the workshop from 1960 to the present.

(Mr E L Holloway) cross-examined by Mr J Davidson

38. Before the 1967 fire the workshops consisted of several separate sheds. He does not know why the plan submitted in connection with the rebuilding of the stables after that event showed the workshop as one building (Plan C). The stables were used by him in connection with his riding school which he ran at the same time as Mr Tillyer (Senior) operated the workshop.

Mr E L Holloway questioned by me

39. He agrees that the statements in the application for an Established Use Certificat and on the form A attached thereto are incorrect in saying that Mr R J Tillyer was the owner since his daughter, Mrs Mersh, was at that time owner of half the site.

THE CASE FOR THE COUNCIL

The material points were:

Mr A Khan called by Mr Davidson

40. The site lies within an area allocated for Green Belt purposes on the Initial Development Plan for Greater London. It is also within the Colne Valley Regional Park

41. A plan submitted in 1967 in connection with an application for permission to rebuild the destroyed stable block (Plan C) although showing 2 sheds not present on a 1960 plan does not show the workshop for which the certificate is claimed. Nor is the workshop evident on the 1966 Yiewsley Aerial Survey (Photograph 1) or on the 1964 Ordnance Survey (Plan D). Furthermore replies to a questionnaire were received from neighbours stating that the car repairs started about 1967.

42. In the light of the above and in spite of the affidavits submitted on behalf of the appellants the council did not feel satisfied that the claim for the Established Use Certificate had been made out and it was therefore refused in July 1975.

43. The present workshop, some 50 ft by 25 ft in area, was built in 1967 some 30 ft south of the new stables. At about the same time the northern of the 2 sheds shown on the Ordnance Survey Plan was demolished. It is to this shed that the council consider the affidavits refer in respect of the period from 1960 to 1967.

44. Any motor repairs which may have been carried out on the site before 1967 were of a minor nature involving only the small shed which was demolished in that year. The planning unit is the whole site, the dominant use of which is residential and stables. A material change of use took place in 1967 with the construction of the new workshop, the concreting of adjacent areas and the parking of cars thereon whilst awaiting repair. Those repairs are of crash-damaged vehicles, not the normal servicing of undamaged cars.

45. Along the riverside boundary concrete slabs have been sunk vertically on the bank face. Whilst this may have helped to prevent flooding and erosion there is no such necessity for the concrete apron which has been extended back into the site from the bank for about 12 ft. If continuing visual damage is not to be done to the riverside landscape in breach of the aims of both the Green Belt and the Colne Vall Regional Park then this concrete slab must be removed.

46. It is not disputed that some vehicle repairs have been carried out on the site from about 1960. A radical change in the intensity and character of the work together with the demolition of the old and the erection of new sheds on a different location all took place in 1967 as a result of the fire in that year. The type of repairs now being carried out to crash-damaged vehicles tends to come in peaks, often following sudden weather changes affecting road conditions, and this causes a high parking space requirement.

Mr A Khan cross-examined by Mr B Brook-Partridge

47. He concedes that there are other non-conforming uses in the vicinity such as Saunders Motors and Marshall Transport but this does not justify the present applicatic The office for Messrs Bowers to the west of the site has an Established Use Right. In his view the area is rural in character.

48. It is true that one committee of the council has considered the use for housing of the cleared factory area south-east of the site. The idea has been abandoned however because of flooding problems and in any event such proposal would have had to have the approval of the planning committee.

49. Whilst there might have been a case for an Established Use Certificate in respect of the workshop shed which existed before 1967 there is no case for such a certificate in respect of the whole site, which is what the application was for.

50. In his view the 2 letter/questionnaires which stated that repair work started here in 1967 reflect that fact that such work first became noticeable to neighbours with the erection of the new workshop building. He accepts, after reading the 6 letters from different firms and individuals (Document 16), that repairs were carried out on part of the land before 1967, but this use changed to a material degree in 1967.

51. He estimates that the site of the old and the new workshops overlap over an area of some 26 ft by 14 ft at the western end of the new workshop.

52. He does not accept that the vertical concrete units to the river bank would collapse if the horizontal apron had not been built - this must depend upon, amongst other factors, the depth to which the vertical members have been sunk.

Mr A Khan re-examined by Mr J Davidson

53. Most of the area occupied by the present workshop building is covered by a tree or trees on the 1966 Aerial Survey Photograph (Photograph 1).

Mr K T Jerome called by Mr J Davidson

54. He visited the site on 5 August 1974. On the concreted area along the river bank, which Mr Tillyer said was laid in 1971 or 1972, were 12 damaged vehicle which he was told were awaiting insurance assessment on behalf of an outside firm Swan Motors. Also present here and north of the workshop was a large quantity of scrap metal and a breakdown truck. The scrap consisted largely of material from motor vehicles. At the present time there is no scrap metal on the site.

55. Six vehicles were parked south of the workshop and these were said to have no connection with Swan Motors.

Mr K T Jerome cross-examined by Mr B Brook-Partridge

56. He accepts that the appellants may have removed the scrap metal from the premises in the normal course of business, not in order to comply with the enforceme notice.

57. He understood from Mr R Tillyer that he stored the vehicles for Swan Motors because that firm had no space for them and that after they had been seen by an assessor he purchased them for scrap, not repairs.

Submission by Mr J Davidson

58. The Secretary of State has, in respect of the Established Use Certificate appea to satisfy himself that the council's refusal to issue the certificate was well founded at the time of refusal, not whether it now appears well founded in the light of subsequent information.

59. At the time of considering the application the council knew that most of the site was not used for vehicle repairs, the 1966 aerial photograph showed a smaller building than the present workshop the site of which was covered by trees, and an application plan for rebuilding a stable block showed a small building marked "shed" which was the then workshop. Against the 3 affidavits submitted by the appellants were letters from local residents saying that repair work on vehicles only started in 1967. No business records were submitted to support the appellants' claim to have been using any of the site for vehicle repairs prior to 1976.

In view of all these factors the council's refusal of the certificate on the ground that it was not satisfied that the claim had been made out was well founded.

60. If the appellant felt that additional evidence to substantiate his claim became available later he should have proceeded by way of a fresh application, not an appeal, and Mr Carson, partner in the appellant agent firm, was invited to do this at a meeting in July. However the council still do not consider that the appellant has substantiated his claim.

61. Car servicing and repairs probably did take place before 1964 but it is the council's view that there was an increase in the scale of these operations in 1967 when the new building was erected. In none of the 6 supporting letters from customers (Document 16) is there any mention of crash repairs nor is there any letter from any insurance company although the appellant now says that they provide the major part of his work. Crash repairs differ materially in their visual effect upon the surroundings from the normal business of car servicing and maintenance.

62. Even if the change were only restricted to an increase in normal servicing and repairs this is of such a degree, including the spread of concreted parking areas, as to constitute a change of use. The previous motor repair use was lost when the former workshop was demolished and this view is supported by example 1 (Section 5/17) "selected enforcement appeals" (Document 7).

63. It is accepted that the bulk of the scrap seen on the site originated from motor vehicles but there have been other materials such as iron railings and corrugated iron sheets.

64. It would be wrong on planning grounds to give approval to this development on a site within the Green Belt, the Colne Valley Regional Park and opposite new residential properties.

65. The concrete apron which has been laid on the site adjacent to the river has damaged the visual amenities of a pretty riverside area. It far exceeds what might be necessary for flood prevention or control and there have been allegations from some residents that it may have worsened their situation during times of flood. In practice it has been used as a storage area for cars.

66. In the council's view the steps required by the notices are all necessary to remedy the breaches which have taken place and the times allowed for their implementation are reasonable.

Closing Submissions for the Appellants by Mr Brook-Partridge

67. In connection with the completion of the application for the certificate and the certificate A attached thereto Mr R J Tillyer is an owner in fee simple and it is not essential that he should be the sole owner.

68. The concreting was done over a period of years and his client cannot say which part may have been done earlier than 4 years prior to the service of the notice.

69. In the letter from Mr K Lane of 1 Poplar Cottages opposing the appeals (Document he states that "you have refused this man permission to perform this function at his other site in Packet Boat Lane". This is quite untrue, the Mr R Holloway in that case (Document 12) having no connection whatsoever with the Mr E L Holloway the forme owner of this site.

70. In his view the council's statement that the Secretary of State is only entitled, in considering whether the council action in refusing the certificate was well founded, to take into account the evidence then available, is wrong in law.

71. The presence of other individual users in the near vicinity of the site make it of very little use to the Green Belt.

72. There is no real difference between the servicing of cars and repairing them after an accident as the council have suggested - both activities are branches of the motor repair trade. The extent of the business has been described as "large" by the council but this is clearly not so since only one man and a boy are employed therein.

73. There has been no non-motor vehicle scrap on the site. The railings and corrugated iron were brought here to be used as boundary and internal fencing on the site and when it was decided not to use them for this purpose they were disposed of.

74. Example 1 (Section 5/1/) submitted by the council as Document 7 does not support their case. In that example the repair and parking of vehicles on the site had ceased whereas in his clients case such use has never stopped.

FINDINGS OF FACT

75. I find the following facts:

1. The site lies within land allocated for Green Belt purposes on the Initial Development Plan for Greater London and within the Colne Valley Regional Park. Along its eastern side runs the River Frays beyond which is railway and industrial land whilst to the west the landscape is primarily rural, with a small group of industrial buildings and houses to the south.

2. The site contains a house and gardens, a vehicle workshop, a stable/kennel block, vehicle parking areas and a wide concrete apron along the river frontage.

3. Commercial vehicle repairs have been carried out on the site without a break from about 1960 to the present date.

4. The building used for that purpose was damaged by fire and subsequently demolished in 1967.

5. A larger replacement building some 50 ft by 25 ft in size was erected in the same year, its area coinciding in part with the previous building.

6. A considerable area of concrete has been laid as a continuing operation along the river bank and 12 to 26 ft in depth, linking with concreted areas betwe the workshop and kennel/stables. This work has been done during the 4 years prior to the service of the notice.

7. Scrap stored on the site has originated very largely from the repair or dismantling of motor vehicles on the site.

8. Much of the work performed on the vehicles arises from cars which have been involved in accidents and which are retained on the site pending an assessors inspection.

9. Residential use of the site ante-dates the inception of a motor car repair business thereon.

10. The stables are no longer in use for stabling horses.

CONCLUSIONS

76. The legal implications of the above are matters for the Secretary of State and his legal advisers but it seems to me that the repair of motor vehicles has been carried out on part of the appeal site from not later than 1960 to the present day and that this use has been without planning permission. There may have been a brief interruption occasioned by the fire which destroyed the stable block and damaged the then existing workshop in 1967 but I do not consider that this would have been more than a short lull in a continuing activity.

77. In the light of the information available to them at the time I consider the council's refusal on 7 July 1975 of an Established Use Certificate to be well founded in that they were justified in not being satisfied that the appellant had made out his claim. However had the further supporting evidence in the form of letters from 6 trade clients (Document 16) been available at the time of decision on the application I would have considered their refusal to be ill-founded since I feel these provide decisive confirmation of the claim.

78. Such use was, in my view, restricted to a shed shown diagrammatically on Plan B as "original shed" and a small adjacent area of indeterminate size on which vehicles awaiting repair or collection would be parked. The same shed is indicated on Plan C prepared by the previous owner's architect. The opportunity seems to have been taken in 1967, following damage to that shed by fire, and the rebuilding of the adjacent stables to build the larger existing workshop and provide a concreted vehicle parking area. Furthermore vehicles forming part of another firm's business operations have been parked on the site. In my view the appeal against Notice D succeeds in respect of the area of that former building on grounds (b) and (d) but fails in respect of the area of the new building where the 2 do not coincide. The area of coincidence is some 26 ft by 14 ft at the western end of the new building. In the circumstances however I consider there is justification for allowing the whole of the building to be used for the purpose of vehicle repair. If ground (f) and ground (g) falls to be considered I consider the steps required by the notice are not excessive and that the time allowed for their completion is reasonable.

79. Such evidence as there is concerning scrap metal indicates that it was very largely derived from the repair of motor vehicles and its storage prior to routine removal was a necessary ancillary to that business. I accept the appellants evidence as to the circumstances of the 2 cited occasions when non-motoring scrap was temporarily stored on the site, and concluded that there has been no change of use to the storage of scrap. I consider that the appeal against Notice C should succeed on ground (b).

80. It seems to me that the provision of some storage space for vehicles awaiting insurance inspection, repair and subsequent collection is an essential part of the business of motor vehicle repairing. However, no proof was adduced as to the size of such space nor, in my opinion, is it now possible to ascertain it with any accuracy. In the absence of such proof the appeal against Notice B must fail on grounds (b) and (d). Since, if the appeal against Notice D succeeds to the extent I have indicated in paragraph 78 it will be necessary to provide a vehicle storage area I conclude that planning permission should be given in respect of the deemed planning application for the provision of a storage area for vehicles awaiting repair or collection. Such use should be restricted to vehicles parked there in connection with the appellants own business of motor repairing and not those of any other company.

81. The area covered by concrete is clearly far greater than is required to tie back the vertical slabs sunk on the face of the river bank. It has been laid within 4 years prior to the service of the notice and the appeal against Notice A fails on ground (b). It does not however appear sensible to require the slab to be removed, thus lowering the plot to a level where flooding previously took place and exposing the rubble fill previously tipped to stabilise this part of the site. I consider that planning permission should be given for this engineering operation subject to a condition that at no time shall any motor vehicles or material arising therefrom be stored thereon. The propriety of the appellants carrying out engineering work to a river bank and suggestions that it might cause flooding on other persons land seemed to me to be matters for the Rivers Division of the appropriate Water Authority.

82. I have borne in mind what I feel to be the necessity for preventing an unwelcome intensification of an existing use in the Green Belt at a point where, as always on the fringe, it is vulnerable. Although its scenic qualities may not be high the closing of one factory and the demolition of another in the vicinity of the site must help in making the Green Belt boundary along the nearby railway line more realistic and it would be wrong in planning terms to allow the existing industrial use on the appeal site to grow beyond the area which it now occupies.

RECOMMENDATIONS F ON PLAN Local Swatch 5710A/75/261

83. I recommend that:

a. Section 88 appeal

1. In respect of Notice A that the appeal be allowed, the notice quashed and that planning permission be granted for the retention of the concrete apron laid along the river bank for its existing length and width subject to a condition that it be not used for the parking or storage of motor vehicles or materials arising from the repair of such vehicles, and for the retention of the existing concreted area between the stables and workshop.

2. In respect of Notice B the notice be quashed and that planning permission be granted for the storage of motor vehicles awaiting or following repair on the site on the existing concreted area between the stables and the workshop.

3. In respect of Notice C the notice be quashed and if planning permission falls to be considered that planning permission be not granted.

4. In respect of Notice D that the notice be quashed and that in the existing circumstances that planning permission be granted for the use as a vehicle workshop of the whole of the existing building.

b. Section 95 appeal

In respect of the established use certificate that if the deemed planning permission falls to be considered it should be granted in respect of the whole of the planning unit formed by the existing vehicle repair workshop.

I have the honour to be
Sir
Your obedient Servant

L DEARDEN

APPEARANCES

FOR THE APPELLANTS

Mr B Brook-Partridge FCIS AMBIM	Partner in Carsons, Brook-Partridge & Co, 19B Warwick Road, West Drayton, UBY 9BZ.

He called:

Mr R Tillyer	1, 2 and 3 Meadow Cottages, Trout Road, Yiewsley, West Drayton.
Mr E L Holloway	1, 2 and 3 Meadow Cottages, Trout Road, Yiewsley, West Drayton.

FOR THE PLANNING AUTHORITY

Mr J Davidson	Solicitor, Hillingdon London Borough.

He called:

Mr M A Khan BA DipTP MRTPI	Area Planning Officer, Hillingdon London Borough.
Mr K T Jerome	Enforcement Officer, Hillingdon London Borough.

DOCUMENTS

Document 1	List of persons present at the inquiry.
Document 2	Notice of inquiry, and distribution.
Document 3	One reply to notice of inquiry disclaiming knowledge of site prior to 1967.
Document 4	Copy of application, dated 17 February 1975, for established use certificate.
Document 5	Copy of refusal, dated 7 July 1975, of established use certificate.
Document 6	Three affidavits, dated 26 February 1975, deposing as to history of appeal site.
Document 7	Example 1 (Section 5/1/) from selected Enforcement and Allied Appeal
Document 8	Example 6 (Section 9) from selected Enforcement and Allied Appeals.
Document 9	Example 1(Section 9) from selected Enforcement and Allied Appeals.