



Dr Simon Ruston  
Ruston Planning Limited  
The Picton Street Centre  
10-12 Picton Street  
Montpelier, Bristol BS6 5QA

Application Ref:  
71797/APP/2016/1419

**TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)**  
**REFUSAL OF PLANNING PERMISSION**

The Council of the London Borough of Hillingdon as the Local Planning Authority within the meaning of the above Act and associated Orders **REFUSES** permission for the following:-

**Description of development:**

Change of use to three residential moorings.

**Location of development:** Land (Canal) Adjacent To The Old Orchard, Grand Union Canal Park Lane Harefield

**Date of application:** 17 May 2016

**Plan Numbers:** See attached Schedule of plans

**Permission is refused for the reason(s) listed on the attached schedule:-**

**Head of Planning and Enforcement**

**Date: 24 May 2017**

- NOTES: (i) Please also see the informatives included in the Schedule of Reasons.  
(ii) Should you wish to appeal against this decision please read the attached sheet which explains the procedure.

# TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

## REFUSAL OF PLANNING PERMISSION

Application Ref: 71797/APP/2016/1419

### SCHEDULE OF REASONS

- 1 · The use of the land adjoining the moorings for open storage and other uses ancillary to the moorings represents inappropriate development within the Green Belt and no very special circumstances have been provided or are evident which either singularly or cumulatively overcome the presumption against inappropriate development in the Green Belt. The use of the land is harmful to the visual amenities and openness of the Green Belt. As such, the proposal is therefore contrary to Policy EM2 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policies OL1 and OL4 of the Hillingdon Local Plan: Part Two - Unitary Development Plan Saved Policies (November 2012), Policy 7.16 of the London Plan (2015) and the National Planning Policy Framework.
- 2 · The application site, and the land being used in association with the development applied for is not within an urban area. and is considered to be incongruous and out of place. The applicant has advanced personal circumstances which are not considered of sufficient weight to justify the development in this case. As such the proposal represents unsustainable development contrary to Policy BE33 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012) and the National Planning Policy Framework.

### INFORMATIVES:

- 1 · The decision to REFUSE planning permission has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).
- 2 · The decision to REFUSE planning permission has been taken having regard to the policies and proposals in the Hillingdon Unitary Development Plan Saved Policies (September 2007) as incorporated into the Hillingdon Local Plan (2012) set out below, including Supplementary Planning Guidance, and to all relevant material considerations, including the London Plan (2015) and national guidance.

#### Part 1 Policies:

PT1.EM2	(2012) Green Belt, Metropolitan Open Land and Green Chains
PT1.BE1	(2012) Built Environment
PT1.CI2	(2012) Leisure and Recreation

#### Part 2 Policies

- \*\*
- Pt 1.10 To seek to ensure that development does not adversely affect the amenity and the character of the area
  - Pt 1.16 To seek to ensure enough of new residential units are designed to wheelchair and mobility standards
  - Pt 1.17 To seek to ensure the highest acceptable number of new dwellings are provided in the form of affordable housing
  - Pt 1.26 To encourage economic and urban regeneration in the

## SCHEDULE OF REASONS

	Hayes/West Drayton Corridor, designated Industrial and Business Areas (IBA's) and other appropriate locations Pt 1.39 To seek where appropriate planning obligations to achieve benefits to the community related to the scale and type of development proposed.
AM14	New development and car parking standards.
AM18	Developments adjoining the Grand Union Canal - securing facilities for canal borne freight
EM2	(2012) Green Belt, Metropolitan Open Land and Green Chains
LPP 7.16	(2015) Green Belt
NPPF9	NPPF - Protecting Green Belt land
OL1	Green Belt - acceptable open land uses and restrictions on new development
OL10	Colne Valley Park
BE14	Development of sites in isolation
BE16	New development on the northern frontage of the A4 (Bath Road)
BE17	Design and layout of new development at Heathrow Airport
BE32	Development proposals adjacent to or affecting the Grand Union Canal
BE33	Proposals for the establishment of residential moorings
LPP 7.30	(2015) London's canals and other rivers and waterspaces
NPPF	National Planning Policy Framework
NPPF1	NPPF - Delivering sustainable development
NPPF7	NPPF - Requiring good design

3 . On this decision notice policies from the Councils Local Plan: Part 1 - Strategic Policies appear first, then relevant saved policies (referred to as policies from the Hillingdon Unitary Development Plan - Saved Policies September 2007), then London Plan Policies (2015). On the 8th November 2012 Hillingdon's Full Council agreed the adoption of the Councils Local Plan: Part 1 - Strategic Policies. Appendix 5 of this explains which saved policies from the old Unitary Development (which was subject to a direction from Secretary of State in September 2007 agreeing that the policies were 'saved') still apply for development control decisions.

4 . In dealing with the application the Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. The Council's supports pre-application discussions. Although no pre-application discussions took place there have been extensive post application discussions.

In dealing with the application the Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies from the 'Saved' UDP 2007, Local Plan Part 1, Supplementary Planning

## **SCHEDULE OF REASONS**

Documents, Planning Briefs and other informal written guidance, as well as offering a full pre-application advice service.

### **END OF SCHEDULE**

**Address:**

Residents Services  
London Borough of Hillingdon  
3 North Civic Centre, High Street, Uxbridge UB8 1UW  
Tel: 01895 250230  
**[www.hillingdon.gov.uk](http://www.hillingdon.gov.uk)**

## **REFUSAL OF PLANNING PERMISSION**

Application Ref.No.: 71797/APP/2016/1419

### **SCHEDULE OF PLANS**

PL16-SLP - received 11 Apr 2016

Existing Plan - received 11 Apr 2016

PL16-Block - received 17 May 2016

**TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)**

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the office of the First Secretary of State under Section 78 of the Town and Country Planning Act 1990.

If you want to appeal, then you must do so within six months of the date of this notice, using a form which you can get from the Planning Inspectorate at Customer Support Unit, Room 3/15 Eagle Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN (Tel 0117 372 8424). Appeal forms can be downloaded from the Planning Inspectorate's website at <http://.Planning-inspectorate.gov.uk>

The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances, which excuse the delay in giving notice of an appeal.

The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

**Purchase Notices.**

If either the local planning authority or the officer of the First Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use by carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.