



Appeal Decision

Site visit made on 6 August 2019

by Paul T Hocking BA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 August 2019

Appeal Ref: APP/R5510/C/18/3218530

Land and Buildings on the North West side of High Street Harlington - 90 High Street, Harlington, Hayes UB3 5DN

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Miss Bukurie Neziri of Jet MOT Centre Ltd against an enforcement notice issued by the Council of the London Borough of Hillingdon.
 - The enforcement notice was issued on 15 November 2018.
 - The breach of planning control as alleged in the notice is: Without planning permission the erection of a timber and corrugated metal structure ("the breach").
 - The requirements of the notice are: (i) Demolish the timber and corrugated metal structure (as shown in the approximate position hatched blue on the attached plan). (ii) Remove from the land all debris, advertisements attached to the unauthorised structure, waste, building materials, fixtures and fittings, plant equipment and machinery resulting from the demolition works listed in (i) above.
 - The period for compliance with the requirements is: Three Months.
 - The appeal is proceeding on the grounds set out in section 174(2) (a) of the Town and Country Planning Act 1990 as amended.
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Summary of Decision

1. The enforcement notice is corrected and the appeal dismissed.

Preliminary Matter

2. The Council has referred to Policy 7.16 of the London Plan, 2011, however this has been supplanted by the consolidated version, including alterations, 2016. I have however been provided with a copy of the 2016 version of this policy by the Council and as the appellant has made comments on the same, I do not consider that injustice arises if the appeal is determined on this basis. Similarly, I have also determined the appeal against the requirements of the February 2019 National Planning Policy Framework (the Framework).

The Enforcement Notice

3. The alleged breach of planning control does not identify the location of the structure at the land affected. However, requirement 5. (i) identifies it as being shown in the approximate position hatched blue on the attached plan. It is therefore clear from the enforcement notice which structure is enforced against and so I do not consider that any injustice arises from correcting the allegation to mirror that of the aforementioned requirement, which I shall set-out in my formal decision.

Main Issues

4. The main issues are:

- Whether or not the structure is inappropriate development within the Green Belt for the purposes of the Framework and development plan policy;
- The effect of the structure on the openness of the Green Belt;
- Whether the structure preserves or enhances the character or appearance of the Harlington Village Conservation Area;
- If the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

Reasons

5. The site consists of a roughly triangular shaped parcel of land located at the north of the High Street in a prominent location at the junction with St Peters Way. The site itself is in commercial use which includes a car wash, vehicle repair and MOT centre. It is situated within the Green Belt and the Harlington Village Conservation Area.
6. The structure enforced against is predominantly constructed from timber and appeared to be clad in corrugated metal sheeting. It is situated in close proximity of green slatted metal fencing. It is suggested by the appellant that behind this fence, sheeting had been erected prior to the construction of the structure enforced against, although I am unclear as to the planning status of this. However, during my site visit it appeared that the sides and rear of the structure were clad, or at the very least enclosed by sheeting, including the roof. The structure itself then comprises an open fronted twin bay tyre fitting area with adjoining office and tyre racks which also form part of the side and rear walls.

Whether the structure is inappropriate development in the Green Belt

7. The Government's approach to protecting the Green Belt is set out in Section 13 of the Framework. It states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
8. Policy 7.16 of the London Plan¹ is consistent with the Framework's approach in terms of its strategic aims and implications for planning decisions. Policy EM2 of the Hillingdon Local Plan: Part 1, Strategic Policies, 2012, pre-dates the Framework but is broadly consistent with its approach in that it seeks to maintain the current strategic functions of the Green Belt and cites a very special circumstances test. Policy OL1 of the Hillingdon Local Plan: Part 2 – Saved Unitary Development Plan Policies, 2012, is however less consistent as it only permits new buildings for agriculture and open-air recreational facilities.

¹ The London Plan, The Spatial Development Strategy for London Consolidated with Alterations since 2011, March 2016

9. Paragraph 145 of the Framework makes it clear that the construction of new buildings are inappropriate in the Green Belt. The appellant highlights three listed exceptions to this, namely: the extension or alteration of a building; limited infilling in villages; and, the limited infilling of previously developed land.
10. In terms of these exceptions, the structure enforced against appeared to be free-standing. To all intents and purposes, it cannot therefore be regarded as akin to an extension or alteration of an existing building.
11. In respect of limited infilling, an assessment should be made on a case-by-case basis, taking account of site-specific circumstances as this is essentially a question of fact and planning judgement. To this effect the structure is located within the confines of a corner of the site, distinct from the main group of buildings. It is then bounded on two sides by roads and is further distanced from built development by the layout of the area which features vegetated areas of land to the south. The development therefore does not fill a gap such that it could be regarded as limited infilling.
12. Accordingly, I conclude the structure is inappropriate development that is, by definition, harmful and therefore contrary to national and local policy to protect the Green Belt. This is a matter to which I attach considerable weight.

The effect of the structure on the openness of the Green Belt

13. Paragraph 133 of the Framework states that the Government attaches great importance to Green Belts. The essential characteristics of Green Belts are their openness and their permanence. Openness is the absence of development.
14. It is suggested by the appellant that photographs strongly indicate the presence of a building on this part of the site from the early 2000's. However, I have no clear evidence to convince me about any such building, or details such as its size, height or precise positioning. Owing to this, I afford such a contention very little weight.
15. The current structure fills the entirety of the southern part of the site and according to the Council it measures approximately 12.3m wide, 6.9m deep, at its deepest point, and 3m in height. The introduction of the structure has also resulted in a building of significant footprint and mass within this part of the site. This is particularly apparent when considered in the context of the location of the structure, which is in close proximity of its boundaries at the junction. This increases the visual perception of the structure within its immediate surroundings.
16. The structure can thus be clearly seen when approaching the village and in public views at the junction as well as in glimpsed views along St Peters Way. Whilst it is, in places, set behind existing trees and fencing, it nevertheless has an effect on reducing the openness of this part of the site.
17. I conclude that this loss of openness is harmful to the Green Belt, contrary to national and local policy to protect it. This is a matter to which I attach moderate weight.

Conservation Area

18. The appeal site lies within the Harlington Village Conservation Area (the HVCA). In determining this appeal, I have a duty to pay special attention to the desirability of preserving or enhancing its character or appearance. Such areas are heritage assets and so irreplaceable, therefore, any harm or loss requires clear and convincing justification. The Framework advises that any harm which is less than substantial must be weighed against the public benefit of the development.
19. According to the Appraisal², one of the special interests of the HVCA can be seen in its distinctive form, comprising a dispersed linear development along the High Street. Views to the surrounding open green spaces are all designated as Green Belt. The High Street is the key route through the heart of the Conservation Area and the open land to the north is an important feature, which softens its appearance and forms a backdrop to development.
20. The appeal structure is located within one of only two identified gateways within the HVCA, which are situated at the northern and southern ends of the High Street, where it falls within the HVCA. This highlights the prominence and importance of this particular part of the appeal site. Furthermore, the Appraisal specifically identifies the unkempt appearance of the appeal site at the northern gateway to the HCVA as one of the problems and pressures in the area.
21. The structure itself has a particularly makeshift appearance owing to its construction and use of materials. This also differentiates it from the balance of other built development at the site. Its design, form and prominent location has resulted in a sizeable and conspicuous structure which adversely affects the surrounding Conservation Area. Its impact is therefore not a neutral one and is not appropriate to its wider context. Consequently, the structure does not harmonise with the street-scene or result in a high quality of design despite the presence of vegetation and fencing.
22. I recognise the appeal site itself does not positively contribute to the locality in terms of its appearance. I am however not persuaded, particularly in light of the Appraisal and the structures specific location within an identified gateway, that this provides sufficient grounds to permit further visually obtrusive development that exacerbates the pressures already faced in the area.
23. I therefore conclude the development neither preserves nor enhances the character or appearance of the Harlington Village Conservation Area. It therefore conflicts with Policies BE1 and HE1 of the Hillingdon Local Plan: Part 1, Strategic Policies, 2012, and Policies BE4, BE13 and BE19 of the Hillingdon Local Plan: Part 2 – Saved Unitary Development Plan Policies, 2012. These policies, amongst other things, require development to: achieve a high quality of design in all new buildings; conserve and enhance Conservation Areas; preserve or enhance features; harmonise with the existing street scene; and, improve the character of the area. I however do not identify a conflict with Policy BE21 of the aforementioned Plan which is concerned with the loss of residential amenity.

² Harlington Village Conservation Area Appraisal, 2015

24. In the terms of the Framework, the development results in less than substantial harm to the heritage asset and it must therefore be weighed against any public benefit that would arise from it. I appreciate the structure facilitates the provision of a range of services which logically diversifies and likely strengthens the viability of the existing business at the site. In doing so it therefore provides an increased choice for local residents. I however have little evidence concerning the viability of the existing business, which in any event would amount to a private benefit, and have not been persuaded as to why the services on offer could not be provided elsewhere at the site, given the existing range of buildings. I accordingly attach only very limited weight to these matters, which therefore do not outweigh the harm I have identified.

Other considerations

25. I appreciate the structure does not give rise to other planning harms, including adverse impact upon the living conditions of neighbouring occupiers, impact upon the original village green, archaeology or buildings of architectural or historic value. However, the absence of designations or other planning harms is not a positive factor in favour of the development and so only attracts neutral weight. The benefits to the business of retaining the structure can only be afforded very limited weight based upon the available evidence before me.

The Green Belt balance

26. I have concluded the structure is inappropriate development that would conflict with national and local policy to protect the Green Belt. I have also found that it is harmful to the openness of the Green Belt and the character and appearance of the Conservation Area. These are matters which cause considerable, moderate and less than substantial harms respectively.
27. There are no other considerations in favour of the development that clearly outweigh the presumption against inappropriate development in the Green Belt and the substantial weight that the Framework requires to be attached to such harm. The very special circumstances necessary to justify the retention of the structure do not, therefore, exist.

Formal Decision

28. I direct that the enforcement notice be corrected by:

- deletion of the words '*Without planning permission the erection of a timber and corrugated metal structure ("the breach").*' and their replacement with the words '*Without planning permission the erection of a timber and corrugated metal structure (as shown in the approximate position hatched blue on the attached plan) ("the breach").*'

29. Subject to this correction, the appeal is dismissed and the enforcement notice is upheld.

Paul T Hocking

INSPECTOR