



Appeal Decision

Site visit made on 9 December 2019

by Hilary Orr MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 December 2019

Appeal Ref: APP/R5510/C/19/3226732

**Turks Head Public House, 47 Harlington Road, Uxbridge,
Middlesex UB8 3HY**

- 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 Mr. Sayed Mujtabah Sadat (ACM14YOU Ltd) against an enforcement notice issued by the Council of the London Borough of Hillingdon.
 - The enforcement notice, numbered HS/ENF/014962, was issued on 15 March 2019.
 - The breach of planning control as alleged in the notice is the use of the land for car sales and the commercial storage of vehicles.
 - The requirements of the notice are:
 - (i) Cease the use of the land for car sales;
 - (ii) Cease the use of the land for the storage of vehicles;
 - (iii) Remove from the land the portacabin structure that facilitates the use of the land for car sales and the commercial storage of vehicles;
 - (iv) Remove from the land all signage associated with the use of the land for car sales and the commercial storage of vehicles; and
 - (v) Remove from the land all vehicles, equipment, fixtures and fittings associated with the use of the land for car sales and the commercial storage of vehicles.
 - The period for compliance with the requirements is one month.
 - The appeal is proceeding on the grounds set out in section 174(2)(a) of the Town and Country Planning Act 1990 as amended. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
-

Decision

1. The appeal is dismissed, the enforcement notice is upheld and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Main Issue(s)

2. I have had regard to the Council's reasons for issuing the notice and consider that the main issues are:
 - The effect of the development on the character and appearance of the area;
 - The effect of the development on the living conditions of neighbouring properties by reason of general disturbance; and
 - The effect of the development on highway safety.

Reasons

Character and appearance

3. The appeal site lies on the corner of Harlington Road and Turks Close. It comprises the former public house known as the Turks Head and the associated land to the rear. The site is located in a primarily residential area, where there are a mix of residential dwellings. Turks Close is a cul de sac with a small number of mainly terraced dwellings set within open frontages. There is a row of domestic style garages to the south east.
4. The car sales are located in the former car park of the premises. The area is enclosed by a low brick wall with timber fencing above, creating a separate yard area. Timber fencing separates the frontage parking from the rear. Access to the car sales and storage is through metal gates from Turks Close. A portable building provides facilities and office space for staff.
5. I understand from the evidence I have before me, the number of cars being sold from the site are 15. However, at the time of my site visit there were 23 cars parked within the yard with another three along the frontage adjacent to the main pub building. Having inspected the sales area it is clear that even if restricted to 15 cars, there is little space for manoeuvring, parking for staff or customers. This gives it an overcrowded appearance.
6. The cramped and unplanned nature of the development is apparent from Turks Close. As a result, the development appears as an alien and obtrusive use, in very close proximity to the residential properties in Turks Close and the rear gardens of the properties in Harlington Road. Overspill parking from customers is likely to result in parking on the surrounding residential streets and this together with the extensive signage, adds further harm to the residential character and appearance of the area.
7. For the above reasons I find the development causes significant harm to the character and appearance of the area. It is therefore contrary to Policy BE1 of the Vision For 2026: Local Plan: Part 1 Strategic Policies (2012) (the LP), and saved policy BE19 of the London Borough of Hillingdon UDP (1998) (the UDP). In summary these policies aim to improve the quality of the public realm and ensure that development within residential areas compliments or improves the amenity and character of the area.
8. I understand that pre-application advice has been sought from the Council to explore alternative uses for the site, as its use as a public house is no longer considered to be viable. Planning permission is sought to allow the use of the site for car sales until the site is redeveloped. However, no alternative scheme has been permitted by the Council and I have no evidence to demonstrate how long this might take. Accordingly, for the reasons given above the appeal on ground (a) and the deemed application fails.

Living conditions

9. Whilst acknowledging that the former use of the land was for customer parking, having viewed the site and the proximity of the use to neighbouring properties, I share the Council's concerns about the levels of general disturbance the use has, on the living conditions of neighbouring properties.

10. I recognise that the site was previously used for parking by customers using the public house, and this would have caused some noise and disturbance. However, the use of the site for car sales is likely to be more intense and differs in character to the simple comings and goings of customers using the carpark. Moreover, the cramped nature of the site, number of vehicles, would result in the manoeuvring of cars, running of engines and discussions between purchasers and sellers. Consequently, there will be additional disturbance in very close proximity to the gardens and amenity areas of neighbouring properties and in particular No 49 Harlington Road.
12. I viewed the site from within, from a distance, and close to the affected houses and consider that the use introduces an intrusive non-residential use into the midst of the existing surrounding houses. This results in an unacceptable effect on the living conditions of existing residents in respect of disturbance from movement of cars, customers and employees. Consequently, the appeal fails on this second issue and is contrary to saved policy BE19 of the UDP, which as outlined above, seeks to ensure that development complements the or improves amenity and character of the area.

Highway safety

13. The A437 Harlington Road is a busy main route connecting Hayes with Uxbridge. It has a 30 mph speed limit and there are limited opportunities for on street parking. Parking along Turks Close is restricted to resident only parking. The location of the site is some distance from access to public transport and this is likely to result in greater reliance on private vehicles for staff and customers. The lack of adequate on-site parking means that customers and any staff who are unable to park on site will be forced to find alternative parking on the main road or in nearby residential streets, leading to manoeuvring and the potential for queuing on these roads.
14. The vehicles offered for sale that are parked along the frontage of the site, will need to either reverse across the footpath to access or leave this area. I consider that this poses a threat to pedestrians and others using this busy main road. I therefore find that the development results in unacceptable harm to highway safety for users of the Harlington Road. The development therefore conflicts with saved policies AM2 and AM7 of the UDP. These policies will resist development that impacts on congestion or prejudices the free flow of traffic, or pedestrian and general highway safety.

Other matters

15. I have had regard to the hours of operation indicated by the appellant. However, I do not consider that these would overcome the unacceptable impact that the development has on the character and appearance of the area.
16. I acknowledge that fly tipping may have occurred during the time that the site was unoccupied. However, it seems to me that there are other ways to secure the site without the need for the current use.

Conclusion

17. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Hilary Orr

INSPECTOR