



Appeal Decision

Site visit made on 8 September 2020

by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 September 2020

Appeal Ref: APP/R5510/W/20/3246097

23 Stonefield Way, Ruislip HA4 0YF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Travis Perkins (Properties) Limited against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 25508/APP/2019/1477, dated 2 May 2019, was refused by notice dated 2 August 2019.
 - The application sought planning permission for demolition of existing buildings and redevelopment to provide a builder's merchants (sui generis use) with associated access, servicing, parking and outdoor storage without complying with conditions attached to planning permission Ref 25508/APP/2014/3570, dated 2 March 2015.
 - The conditions in dispute are Nos 2 and 11 which state that:
 - (2) The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 14061-P01-A_TP RUISLIP, 14061-P02-A_TP RUISLIP, 14061-P03-A_TP RUISLIP, 14061-P04-A_TP RUISLIP, 14061-P05-A_TP RUISLIP, 14061-P06-A_TP RUISLIP, 14061-P07-A_TP RUISLIP, 14061-P08-A_TP RUISLIP, 14061-P09-A_TP RUISLIP and shall thereafter be retained/maintained for as long as the development remains in existence.
 - (11) Materials shall not be stacked or deposited to a height exceeding 2 metres above existing ground level.
 - The reasons given for the conditions are:
 - (2) To ensure the development complies with the provisions Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012) and the London Plan (July 2011).
 - (11) In order to safeguard the visual amenities of the area in accordance with Policies OE1, BE13 and BE25 of the Hillingdon Local Plan: Part Two (November 2012) and London Plan Policy (July 2011) 7.1.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Travis Perkins (Properties) Limited against the London Borough of Hillingdon. This application is the subject of a separate Decision.

Procedural Matters

3. I noted during my site visit that the proposed layout is already in situ and products are already being stored at a height exceeding 2 metres. The proposal to vary conditions 2 and 11 is therefore made retrospectively.

4. Since the Council made its decision, the policies of the Hillingdon Local Plan: Part 2 – Saved UDP Policies (2012) have been superseded following the adoption of the London Borough of Hillingdon Local Plan Part 2 Development Management Policies (LP2) on 16 January 2020. I have therefore assessed the appeal against the relevant policies in the up-to-date development plan which include those in the LP2.

Background and Main Issue

5. The Council previously granted planning permission, ref 25508/APP/2014/3570, for a builder's merchants at the site. The planning permission included Conditions 2 and 11, the terms of which are set out in the above heading. The planning application subject to this appeal sought to vary Conditions 2 and 11 to allow for the following:
 - an alternative layout for the external areas on the site; and
 - external storage up to 5.5 metres in height within specified areas on the alternative layout.
6. The main issue is whether Conditions 2 and 11 are reasonable and necessary having regard to:
 - the character and appearance of the area; and
 - public and highway safety.

Reasons

Character and appearance

7. The site is located within the Stonefield Way Industrial and Business Area, identified as a 'Strategic Industrial Location' in the development plan. Stonefield Way is predominantly characterised by commercial and industrial uses more often occupying large buildings with their associated access and servicing areas. The appeal site contains a prefabricated commercial shed with external yard and occupies a corner position. The site is bound by a mesh palisade fence which enables views into the site from the road and public footpath on Stonefield Way.
8. Paragraph 127 of the National Planning Policy Framework (the Framework states amongst other things that decisions should ensure that developments will function well and add to the overall quality of the area.
9. The specified areas for storage up to 5.5 metres (m) in height includes parts of the yard that sit parallel with and in close proximity to the boundary with the highway on Stonefield Way. From my observations on site, the items that would be stacked would be likely to be of a wide variety in terms of their size, composition and appearance. The height and cumulative extent of the stacked materials has the potential to create a visually dominating and cluttered feature along the boundary with Stonefield Way. This would particularly be the case at times when stock levels are high. The considerable height of stacked materials would be further pronounced due to the open nature of the mesh boundary fence in addition to the degree to which the stacked materials would sit above the top of the fence.

10. I acknowledge that the immediate area is not a highly sensitive location in terms of the quality of architecture or the nature of visual receptors. Even so, the height, mass, bulk and varied appearance of the stacked materials and their position relative to the street would not add to the overall quality of the area and would be detrimental to its character and appearance.
11. My attention has been drawn to the greater scale of surrounding buildings as well as an officer report relating to a recent planning permission for industrial development on Stonefield Close¹. However, I am not persuaded that permanent buildings of a more composite design and finish are comparable to the appearance of an array of stacked materials.
12. I conclude the proposed variation to the layout, and to the heights at which materials could be stacked or deposited, has the potential to result in significant harm to the character and appearance of the area. In that particular regard, conditions 2 and 11 are reasonable and necessary in order ensure the development complies with the elements that seek to protect the character and appearance of the area under Policy BE1 (Built Environment) of the Hillingdon Local Plan: Part 1 – Strategic Policies (2012) (LP1), Policy DMHB 11 (Design of New Development) of the LP2 and Policy 7.4 (Local Character) of the London Plan (2016) and the Framework.

Public and highway safety

13. Due to the considerable height that goods could be stacked above the height of the boundary fence on Stonefield Way, and their position close to this boundary, there would be the potential for goods to fall onto the highway during loading and unloading. Lighter goods such as fence panels could also land in the highway if they were to become dislodged, for example during high winds. The appellant suggests that the arms on the racking are manufactured with a 2-degree angle to ensure products do not roll off. However, I noticed on my site visit that some items were stacked above the frame of the existing racking. I have no substantive evidence before me to demonstrate how items being stored would be arranged or secured to the racking or whether there would be other measures to ensure goods did not fall outside the perimeter of the site.
14. The Highway Authority have suggested that the stacking of goods be limited to no more than 3.0m in height. The proposed plans provided specifically indicate that storage would be up to 5.5m in height. In any case, without more substantial evidence to demonstrate otherwise, the Highway Authority's suggested alternative height would not overcome my concerns in terms of the potential for goods to be deposited onto the highway.
15. I acknowledge that no concerns have been raised in respect of the internal arrangement relating to the parking, loading bays and servicing area and that safety practices would need to be adhered to within the site under separate legislation to protect staff and customers. However, this does not overcome my concerns in respect of the potential impact on highway safety.
16. I conclude that it has not been demonstrated that the safety of pedestrians and road users on Stonefield Way would be maintained. In that regard, the proposed variations to conditions 2 and 11 would conflict with Policy DMT 2

¹ LPA Ref 1660/APP/2019/1018

(Highway Impacts) of the LP2 which amongst other things require that development proposals must ensure that they do not contribute to the deterioration of safety of all road users.

17. The Council's decision refers to Policy 7.13 (Safety, security and resilience to emergency) of the London Plan (2016). Given my concerns specifically relate to highway safety, I have not identified specific conflict with this policy. Even so, this does not overcome the other conflict with the development plan identified above.

Other Matters

18. The appellant contends that the company has a pre-requisite for 5.5m high storage at all their branches and that there are other examples of storage in excess of 2.0 m in height at Selco Builders Warehouse on Bradfield Way and Wickes and Furniture Village warehouses off Stonefield Way. I also note the photographs provided depicting storage at various sites. However, I am not aware of the full planning history of these sites and in any case, this does not persuade me that the site-specific harm I have identified would be justified.
19. The appellant suggests that the current conditions and constraints of the site limit the amount and type of materials that can be stored and that this undermines the long-term operation of the business. However, from the limited information before I am not persuaded that stacking to the height specified, close to the boundary, is vital for the continued operation of the business nor that there are not alternative solutions that would have a more acceptable relationship with the immediate environment. Therefore, even recognising the support within the development plan and the Framework for economic growth, this does not outweigh the significant harm identified under the main issues.

Conclusion

20. For the reasons given, the appeal is dismissed.

M Russell

INSPECTOR