



Appeal Decision

Site visit made on 5 August 2020

by Simon Hand MA

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 22 October 2020

Appeal Ref: APP/T5150/C/19/3237966

5-7 Wembley Hill Road, Wembley, London, HA9 8AF

- 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 Cardtronics Uk Ltd, trading as CASHZONE against an enforcement notice issued by the Council of the London Borough of Brent.
 - The enforcement notice, numbered E/19/0225, was issued on 22 August 2019.
 - The breach of planning control as alleged in the notice is without planning permission, the installation of an ATM/cash machine.
 - The requirements of the notice are STEP 1 Permanently turn off the ATM/ cash machine so that it is no longer in use. STEP 2 Remove the ATM/ cash machine from the front of the premises. STEP 3 Restore the front of the premises back to its original condition before the works took place. STEP 4 Remove all items and debris arising from compliance with steps 1-3 from the premises.
 - The period for compliance with the requirements is 1 week.
 - 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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Decision

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

The Appeal on Ground (a)

2. The ATM has been installed in the wall of a commercial premises on the north side the road where Harrow Road turns into Wembley Hill Road directly facing onto an area called Wembley Triangle. This is a busy road junction with various pedestrian crossing options. The pavement is generally spacious in the area, but not where it turns the corner into Wembley Hill Road, where the ATM is located. Here the pavement is narrow and the road edge marked by tall metal bollards, presumably for the sake of pedestrian safety. Directly opposite the ATM is a pedestrian crossing which leads to a ramped accessway to Wembley station and the stadium beyond.
3. It is clear from the description above this is in an area which is often busy and at times would have a very high pedestrian footfall indeed. As the Council say, the pavement is narrow and people queuing at the ATM could well cause a significant blockage, forcing passers-by into the street. The appellant argues that people already step into the street to avoid groups coming the other way, but this merely serves to underline the Council's concerns. There are much better locations in the area with wider pavements that are not located in busy

pedestrian pinch-points. On that basis alone I do not consider the location of the ATM is sensible and it is contrary to policy DMP1 of the Council's General Development Management Policy document, which requires the location of development to provide a high level of external amenity, to be satisfactory in terms of access and to have no adverse impact on the movement network.

4. There is a subsidiary issue of security vans. In my experience these tend to pull-up wherever is convenient for them, ignoring any road markings and traffic prohibitions. However, the road outside the ATM would be almost impossibly busy even for a security van to park in. Ecclestone Place, to the rear of the site, is in a controlled parking zone, but does have spaces reserved for business users, and I saw on my site visit that several of these were empty. It should be possible therefore to park without interrupting the flow of traffic on the main road, but this does not change my conclusion reached above.
5. The appeal on ground (a) fails and I shall uphold the notice.

Simon Hand

Inspector