
Appeal Decision

Site visit made on 7 December 2020

by Elizabeth Jones BSc (Hons) MTCP MRTPI

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

Decision date: 21 December 2020

Appeal Ref: APP/M5450/C/20/3252115

Land at Knoll House, The Grove, Stanmore HA7 4LD

- 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 Akhtar Mohammed against an enforcement notice issued by the Council of the London Borough of Harrow.
- The enforcement notice was issued on 25 March 2020.
- The breach of planning control as alleged in the notice is without planning permission: the erection of 2.4m high entrance gates and wall with piers to front boundary of the Land located in the approximate location marked blue on annexed plan 2 (Unauthorised Development).
- The requirements of the notice are:
 1. Demolished the Unauthorised Development
 2. Remove from the Land all materials and debris arising from compliance with the aforementioned requirement of the Notice.
- The period for compliance with the requirements is 6 months.
- The appeal is proceeding on the grounds set out in section 174(2) (a) and (f) of the Town and Country Planning Act 1990 as amended.

Summary Decision: The appeal is dismissed and the enforcement notice is upheld.

The appeal on ground (a)

1. The main issues are:
 - i) Whether the development represents inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (the Framework) and development plan policy;
 - ii) the effect of the development on the openness of the Green Belt;
 - iii) the effect of the development on the character and appearance of the area; and
 - iv) 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 very special circumstances necessary to justify the development.

Whether inappropriate development in the Green Belt and openness

2. The property has a planning history which includes an appeal decision dated 6 December 2019 ref: APP/M5450/D/19/3237565 against a refusal to grant planning permission for 'hard landscaping to front and side of house including gates and piers and new soft landscaping' under s78 of the Act. In effect for

the same development subject of the enforcement notice and being considered under this appeal. The Council describe the development as "2.4m high entrance gates and wall with piers to front boundary" (hereafter referred to as the appeal development).

3. I have considered the previous Inspector's findings and decision based primarily on the grounds that the development falls within paragraph 145 d) of the Framework and is materially larger than the previous boundary treatment. Thus, the previous Inspector concluded that the development represents "inappropriate development in the Green Belt and results in a limited but appreciable reduction in the openness of the Green Belt". Also, "the gated entrance appears as an incongruous and visually obtrusive addition to the street scene". I give the previous Inspector's findings considerable weight.
4. The Council consider that the appeal development is considerably larger than the pre-existing front boundary treatment. In the previous appeal this was not disputed by the appellant. In the appeal before me, the appellant states that no physical evidence is available to show what existed previously. Simply stating that what pre-existed was "marginally smaller" than the appeal development, in my view does not sufficiently demonstrate that the appeal development falls within paragraph 145 d) of the Framework.
5. Consequently, with no cogent evidence to the contrary, I consider that the appeal development does not fall within any of the exceptions set out in the Framework and thus represents inappropriate development in the Green Belt. This is consistent with the findings of the previous Inspector.

Openness

6. Due to its solid nature and height, the appeal development results in a loss of openness. Whilst this loss is minimal and localised, harm is caused.
7. The loss of openness of the Green Belt adds to the harm to the Green Belt found by reason of inappropriateness.
8. The appeal development constitutes inappropriate development within the Green Belt which reduce its openness. Thus, the appeal development conflicts with Policy 7.16B of The London Plan (2016) (TLP), Policies and CS1 F of the Harrow Core Strategy (2012) (CS) and Policy and DM16 of the Harrow Development Management Policies Local Plan (2013) (DMPLP) and the Framework which state that inappropriate development should be refused, except in very special circumstances.

Character and appearance

9. Albeit only part of the appeal development is visible for a short distance when travelling along Brightwen Grove, both parts, as identified on the Enforcement Notice plan, are clearly visible from The Grove. Despite being viewed against the backdrop of a large house, due to their height and ornate design the appeal development appears as incongruous features which are visually obtrusive when viewed from The Grove and Brightwen Grove. Consequently, the appeal development looks significantly out of character and does not blend in with the street scene and surrounding area.
10. The appellant has provided photographs of a number of entrance gates at various locations in the surrounding area, but these relate to other locations

which are not directly comparable with the appeal development. In any event, I have determined the appeal before me on its own merits having regard to its specific context in the street scene.

11. I conclude that the appeal development is harmful to the character and appearance of the area and thus conflicts with Policies 7.4B and 7.6B of the TLP, Policy CS1 B of the CS, Policy DM1 of the DMPLP and the Framework which seek to achieve a high standard of design.

Other considerations

12. Paragraph 143 of the Framework says inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 144 of the Framework says that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
13. The appellant has provided drawings¹ showing revised gates which include reducing the height of the existing solid black sections and placing open vertical bars above to a similar height as the existing piers (excluding the finial details on top of the piers). Albeit, the height of the solid section of the gates would be lowered, and the vertical bars would be open in nature, the revised scheme would retain the ornate design and materials. Thus, these suggested alterations would not offset the harm caused by the height and prominent appearance of the appeal development. Any benefits the revised gates may afford do not outweigh the harm caused by inappropriate development in the Green Belt and I afford this matter limited weight.

Conclusion

14. The appeal development is inappropriate development in the Green Belt which is harmful by definition. In addition, there is harm to openness. Also, the appeal development is harmful to the character and appearance of the area. These matters carry substantial weight.
15. Taking into account other considerations, I find nothing in the appellant's submissions sufficient to clearly outweigh the totality of the harm which is the test they have to meet. Consequently, the very special circumstances that are necessary to justify inappropriate development in the Green Belt do not exist.
16. For the above reasons, and having regard to all other matters raised, I conclude that the appeal on ground (a) should not succeed. I shall uphold the enforcement notice and refuse to grant planning permission for the appeal development.

The appeal on ground (f)

17. The appeal on ground (f) is that the requirements of the notice exceed what is necessary. The purposes of an enforcement notice are set out in section 173 of the Act and are to remedy the breach of planning control (s173(4)(a)) or to remedy injury to amenity (s173 (4)(b)). As the enforcement notice requires the demolition of the unauthorised development and removal from the land of all resultant materials and debris, the purpose is clearly to remedy the breach of

¹ Appendix 2 of the appellant's statement.

planning control. No lesser steps than the removal of the appeal development would achieve that purpose.

18. The appellant submits that the complete demolition and removal of the gates and piers is not necessary and that they could be amended as per the submitted revised scheme. I have commented on the planning merits of the development and the revised scheme above under the ground (a) appeal and find that it would not overcome the identified harm.
19. In order to remedy the breach of planning control, it is not excessive to require the appeal development to be demolished and the removal from the land of all materials and debris arising from their demolition. I conclude that no lesser steps would remedy the breach of planning control that has occurred. The appeal on ground (f) therefore fails.

Formal Decision

20. 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.

Elizabeth Jones

INSPECTOR