



Appeal Decision

Site visit made on 21 September 2021

by JP Roberts BSc(Hons) LLB(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 November 2021

Appeal Ref: APP/Y5420/W/21/3274926

Unit 4, West Mews, London N17 0QT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr J Thompson against the decision of the London Borough of Haringey.
 - The application Ref HGY/2020/1738, dated 30 June 2020, was refused by notice dated 8 April 2021.
 - The development proposed is the change of use from a bakery to lorry park and erection of a boundary fence.
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Decision

1. The appeal is dismissed insofar as it relates to the change of use from a bakery to a lorry park. The appeal is allowed insofar as it relates to a proposed boundary and planning permission is granted for it at Unit 4, West Mews, London N17 0QT in accordance with the terms of the application, Ref HGY/2020/1738, dated 30 June 2020 and the plans submitted with it, so far as relevant to that part of the development hereby permitted.

Preliminary Matter

2. The Council issued an enforcement notice against the use of the land for the storage of motor vehicles, against which an appeal was made under Ref: APP/Y5420/C/21/3275288. That notice was withdrawn by the Council on 30 September 2021, when the appeal lapsed.

Main Issues

3. The main issue is the effect of the parking use on highway safety, the free flow of traffic and the operation of the industrial estate.

Reasons

Highway safety and traffic

4. The site comprises an area of largely open land, formerly occupied by a bakery building, which is used for parking recovery vehicles operated by Redcorn Ltd., together with recovered vehicles. Redcorn Ltd. operates London's largest end-of-life vehicle dismantling and recycling business and has a large facility on nearby Brantwood Road to the north, and a recycled parts sales premises on the corner of West Road and Brantwood Road.
5. The wider industrial area is designated as Strategic Industrial Land (SIL) in Policy E5 of the London Plan. The aim of the policy is to sustain such areas, and the supporting text explains that SILs are given strategic protection

because they are critical to the effective functioning of London's economy and they can accommodate activities which by virtue of their scale, noise, odours, dust emissions, hours of operation and/or vehicular movements can raise tensions with other land uses particularly residential development.

6. Similarly, Policy DM37 of the Haringey Development Management Plan aims to restrict development within SILs to that permitted by Policy SP8 of the Haringey Local Plan, that is, B class uses. The latter policy also aims to promote, amongst others, green/waste industries, transport, distribution and logistics businesses.
7. The site is used by vehicles involved in the recovery of dangerous and abandoned vehicles. The application proposes siting 20 vehicles on the site, from van-sized lorries to large car transporters capable of carrying 8 cars. The parking of vehicles on the site is a *sui generis* use which falls outside of the B classes which would accord with Policy SP8. Even so, the parking of the recovery vehicles supports the main activity of Redcorn Ltd., the dismantling and recycling of vehicles, a waste industry which is supported by Policy SP8. Thus there is a tension between policy objectives.
8. The Council accepts that the site is of a sufficient size to accommodate the number of vehicles proposed but argues that the operation of the business has resulted in large vehicles queuing in the road, along with other parking, leading to congestion and obstruction. The appellant acknowledges the importance of highway safety as a relevant and material consideration of the use, and indicated that evidence would be submitted to support the ground of appeal. However, no such evidence was submitted within the appeal timetable, and thus the Council's reason for refusal has not been rebutted by evidence.
9. The Council's arguments have been supported by objections from other businesses in West Road who made representations in response to the application, and the allegations of queuing and congestion caused by the use have not been refuted by the appellant.
10. On my visit, I did not witness any queuing or congestion, but of course the visit was just a snapshot in time. There was considerable on-street parking of lorries and cars in the vicinity of the appeal site, but none of these vehicles were obviously attributable to the appellant's business. Even so, had there been any queuing of vehicles waiting to access the site, having regard to the extent of on-street parking, it would have caused disruption to the free-flow of traffic and encouraged unsafe vehicle manoeuvres which would have put both pedestrians and other road users at risk. Moreover, it would disrupt deliveries to and from the industrial estate.
11. In the light of the strategic importance of the industrial estate to the borough and to London, I regard it as essential that new development should not worsen highway safety, the free flow of traffic or the efficient operation of the industrial estate. I recognise that the ability to park vehicles in connection with the appellant's car dismantling and recycling use is important as well, but this benefit is outweighed by the harm caused to the wider industrial estate.
12. I have also had regard to the appellant's argument that vehicle parking has put a site to beneficial use, after being empty for some time. I do not know whether the site has been marketed for other uses during this time, so I afford

only limited weight to this benefit, which is insufficient to outweigh my other objections.

13. Accordingly, I find that the proposal would result in harm to highway safety, the free flow of traffic and the operation of the industrial estate, and it would conflict with the policies I have referred to above.

Other Matters

14. The proposal also seeks permission for a galvanised metal palisade fence. The Council has indicated that it has no objection to this aspect of the proposal, and I agree that it is in keeping with the character and appearance of the industrial estate. I shall therefore grant planning permission for this aspect of the proposal.

Conditions

15. I consider that no conditions would overcome the harm that I have identified in respect of the parking use. To impose a condition to reduce significantly the number of vehicles to be parked on the site would materially change the nature of the proposal and would fail the test of reasonableness. A new planning application would be necessary to consider the merits of such a proposal.
16. No conditions are necessary in respect of the fence.

Conclusion

17. For the reasons given above, I conclude that the parking use conflicts with the development plan as a whole, and that the appeal should be dismissed insofar as it relates to this aspect of the proposal. I shall grant planning permission for the fence, and to this limited extent the appeal is allowed.

JP Roberts

INSPECTOR