



Appeal Decision

Site visit made on 17 January 2022

by Paul T Hocking BA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 January 2022

Appeal Ref: APP/F5540/C/21/3267525

Premises known as CB Hounslow Sports Club, Green Lane TW4 6DH

- 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 CB Hounslow Sports Club Limited against an enforcement notice issued by the Council of the London Borough of Hounslow.
 - The enforcement notice was issued on 24 December 2020.
 - The breach of planning control as alleged in the notice is: Without planning permission the installation of four (4) shipping containers on the site.
 - The requirements of the notice are: i. Remove all shipping containers from the site. ii. Remove all resultant debris from the Land.
 - The period for compliance with the requirements is 1 month.
 - The appeal is proceeding on the grounds set out in section 174(2)(a), (e), (f) and (g) 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.
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Summary of Decision

1. The appeal is allowed, the enforcement notice is quashed, and planning permission is granted in the terms set out below in the Formal Decision.

The ground (e) appeal

2. This ground of appeal concerns whether the enforcement notice was properly served on everyone with an interest in the land.
3. The appellant asserts that the notice was served on CB Hounslow Sports Club and Sports Club Hounslow Ltd and neither of these entities have an interest in the club, or site.
4. The appellant's details in their appeal form are then given as CB Hounslow Sports Club Limited.
5. Even if an enforcement notice has not been served correctly, I have powers under S176(5) of the Act to disregard this provided that neither an appellant nor other relevant persons have been substantially prejudiced.
6. Accordingly, as the relevant party with an interest in the land has appealed the enforcement notice, including on ground (a), it cannot be said they have been substantially prejudiced. The appellant and therefore relevant party was evidently aware about the existence of the enforcement notice and able to submit an appeal within the relevant timeframe.

7. The appeal on ground (e) therefore fails.

The ground (a) appeal

Main Issues

8. The main issues are:

- whether or not the development is inappropriate development within the Green Belt for the purposes of the National Planning Policy Framework (the Framework) and development plan policy; and,
- the effect of the development on the character and appearance of the area.

Reasons

Whether inappropriate development within the Green Belt

9. The site is located within the Metropolitan Green Belt. The surrounding area is mixed in character comprising both commercial premises and residential properties. The site itself is in recreational use with sports pitches and a clubhouse. The development enforced against relates to four shipping containers, which are buildings in planning terms, located to the rear of the clubhouse. They are used for storage purposes in connection with the recreational use of the site.
10. The Government's approach to protecting the Green Belt is set out in Section 13 of the Framework. It states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 137 of the Framework states that the Government attaches great importance to Green Belts. The essential characteristics of Green Belts are their openness and their permanence. Openness is the absence of development. Paragraph 138 then specifies the five purposes which the Green Belt serves, including to check the unrestricted sprawl of large built-up areas.
11. Policy GB1 of the adopted London Borough of Hounslow Local Plan, 2015-2030 (the LP), pre-dates the latest version of the Framework. The policy however states development should be compatible with and not amount to inappropriate development in the Green Belt, as set out in the Framework, and maintain the openness of the Green Belt.
12. This policy of the LP is therefore consistent with the Framework as paragraph 149 states that new buildings for the provision of appropriate outdoor sport and recreation facilities, are not inappropriate in the Green Belt as long as they preserve its openness and do not conflict with the purpose of including land within it.
13. The openness of the Green Belt has a spatial as well as a visual aspect. Spatially, the development enforced against is located to the rear of the clubhouse building, some considerable distance from the road frontage. Whilst the site is level, there is already a nucleus of built development in this location. Visually, the shipping containers then appear subservient in scale to the clubhouse and are partially enclosed by a compound area demarcated by fencing. The development accordingly preserves the openness of the Green Belt and does not conflict with the purposes of including land within it.

14. I therefore conclude the development is not inappropriate development and therefore accords with national and local policy to protect the Green Belt. This is a matter to which I attach neutral weight.

The effect of the development on the character and appearance of the area

15. Despite their siting and scale, the external appearance of the shipping containers are of poor quality and design which both detract from and are at-odds with the character of the area given their green metal finish.
16. The shipping containers therefore do not respond meaningfully and sensitively to the site in this respect. Even in an area of mixed character such as this, and which in my view could benefit from some sensitive improvement, the development enforced against does not enhance the character and appearance of the area.
17. Indeed, the four shipping containers are harmful to the character and appearance of the area, which is then in contravention of Policies CC1 and CC2 of the LP. These policies, amongst other things, require development to enhance those areas that have a mixed character and which would benefit from sensitive improvement, and, respond meaningfully and sensitively to the site. This is a matter to which I attach moderate weight.

Other considerations

18. The appellant highlights that planning permission was previously granted¹ for the retention of five buildings at the site for a temporary period whilst the appellant was still raising funds to complete a previously approved clubhouse building².
19. The appellants are still raising funds to complete the approved clubhouse and are therefore not seeking the permanent retention of the containers that have been enforced against. Indeed, they have stated that a further temporary period of 18 months would enable the additional time to raise the necessary funds to complete the building work.
20. Whilst a series of temporary planning permissions would not ordinarily be appropriate, in my view, a further period of this length would enable the appellant to complete their fundraising to finish works on a recreational facility that already has the benefit of planning permission. This is a matter to which I attached considerable weight.

Planning balance

21. I have concluded the development enforced against is not inappropriate development and so accords with national and local policy to protect the Green Belt. There is however harm to the character and appearance of the area, but this outweighed by the prospect of a temporary planning permission whilst the appellant raises funds, and which can be the subject of suitably worded planning conditions.

¹ Council Refs: P/2019/0013 and 00507/Y/P5

² Council Ref: 00507/Y/P2

Planning conditions

22. I have adopted the relevant same planning conditions the Council used when they granted a temporary planning permission, and, to ensure the containers are only used for purposes ancillary to the recreational use of the site.

Conclusion

23. For these reasons and having regard to all other relevant matters raised, I conclude that the appeal on ground (a) should succeed.

Overall Conclusion

24. For the reasons given above I conclude that the appeal should succeed on ground (a) and planning permission will be granted. The appeal on grounds (f) and (g) therefore do not need to be considered.

Formal Decision

25. The appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended for the development already carried out, namely the installation of four (4) shipping containers on Premises known as CB Hounslow Sports Club, Green Lane TW4 6DH referred to in the notice, subject to the Schedule of Conditions attached to this decision.

Paul T Hocking

INSPECTOR

SCHEDULE OF CONDITIONS

1. The four shipping containers hereby approved shall have been removed in their entirety no later than 18 months from the date of this decision.
2. The hereby approved four shipping containers shall only be used for purposes ancillary to the existing Clubhouse and Sports facilities and for no other use or purpose.