



Appeal Decision

Site visit made on 17 January 2022

by M Savage BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 February 2022

Appeal Ref: APP/A5270/C/21/3267410

Ground Floor Right, 40 Bideford Avenue, Perivale, Ealing UB6 7PY

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended. The appeal is made by West Middlesex Motor Company Ltd against an enforcement notice issued by London Borough of Ealing.
 - The notice was issued on 4 December 2020.
 - The breach of planning control as alleged in the notice is without planning permission: The material change of use of the areas hatched in black on the attached plan to use as car sales (Sui Generis).
 - The requirements of the notice are to:
 - A. Cease the use of the areas hatched in black on the attached plan as car sales,
 - B. Remove all office equipment from the premises;
 - C. Remove the W.C and associated drainage connections from the unit;
 - D. Remove all vehicles associated with the unauthorised car sales business from the forecourt and rear alleyway (hatched in black on attached plan);
 - E. Remove the internal partitions that facilitate the creation of the unauthorised car sales unit; and
 - F. Remove all resultant debris.
 - The period for compliance with the requirements: three months.
 - The appeal is proceeding on the ground set out in section 174(2)(a) 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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Decision

1. 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.

Application for costs

2. An application for costs has been made by the Council against the appellant. This is the subject of a separate decision.

Preliminary Matters

3. Since the appeal was lodged, the London Plan 2021 has been published. The Council has provided me with copies of relevant policies and the appellant has been given the opportunity to comment on the implications of these policies through the appeal process and so I shall take them into account in my decision.

Main Issue

4. The main issue is the effect of the appeal scheme on highway and pedestrian safety.

Reasons

5. The appeal site comprises an office, modest forecourt to the front and hardstanding to the rear and is located in a generally industrial part of Bideford Avenue. The parking to the rear is accessed via an access road located further along Bideford Avenue, which serves a number of other units.
6. While I saw that only one vehicle was parked to the front of the premises, on the street on a single yellow line, the Council has provided me with a photograph which shows a number of vehicles parked to the front. Since my visit was pre-arranged and given the nature of the use, I consider it highly likely that ordinarily, the area to the front of the building is used for the parking of vehicles.
7. To the rear, the parking of vehicles limited access along the access road and blocked gates which provide access to the industrial unit behind the appeal site. The appellant states that the area for parking to the rear and the associated access road has been used for this purpose for at least thirty years and has provided Google Map images from 1999, 2008 and 2018, which are asserted to illustrate parking to the rear of the industrial units. However, the enforcement notice does not allege the parking of vehicles, rather it alleges the change of use to car sales.
8. Although it appears from the aerial images provided, that vehicles have been parked to the rear of the building in the past, it is not clear how long the vehicles would have been parked or for what purpose. The photographs can only provide a snapshot in time and do not show how the site has been used. Consequently, they do not weigh in support of the appeal scheme.
9. The appellant asserts that historically No.44 Bideford Ave was used for car sales, including parking to the rear. The scale of the current operation is asserted to be significantly smaller than the use at No.44, however, this relates to a different site. Furthermore, the use is stated to have ceased in 2014 when a supermarket was opened. It cannot therefore weigh in support of the appeal scheme.
10. Due to the limited depth of the forecourt, vehicles parked to the front of the building are likely to overhang the footpath, providing an obstacle to pedestrians, particularly disable users and parents with young children. This is contrary to policy T2 of the London Plan and policy 3.2(a) of Ealing's Development Strategy 2026 (EDS), which both seek to encourage walking, amongst other things.
11. Vehicles parked on the street are likely to interrupt the free flow of traffic and be harmful to highway safety as a consequence, contrary to policy T1 of the LP, which seeks to ensure that any impacts on transport networks are mitigated and T4 seeks to ensure that proposals do not increase road danger.
12. Vehicles parked to the rear restrict access to the industrial unit to the rear of the appeal site. I have no evidence to suggest that the access is not required. Indeed, during my visit, I saw a notice attached to gates specifically requesting that vehicles are not parked in front of the gates. This is contrary to policy T6 of the LP which seeks to ensure that adequate provision for efficient deliveries, servicing and emergency access is made and policy 7B of Ealing's adopted

Development Management Plan Document (DMPD)(2013), which seeks to ensure appropriate levels of development on site.

13. Thus, for the reasons given above, I find the appeal scheme harms highway and pedestrian safety and is contrary to policies T1, T2, T4 and T6 of the LP, policy 7B of the DMPD and policy 3.2(a) of the EDS, the requirements of which are set out above.

Other Matters

14. The Council refers to policy 6.13 of the DMPD in the enforcement notice. However, this policy sets out local variations to London Plan parking standards and specifically deals with residential development. The appeal before me does not relate to residential development and so I consider the policy is not relevant in this case.

Conclusion

15. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

M Savage

INSPECTOR