



Appeal Decision

Site visit made on 21 June 2022

by M Aqbal BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 July 2022

Appeal Ref: APP/F5540/W/21/3283456

Link 30, 765 Staines Road, Feltham TW14 8RX

- 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 The EM Watson-Smyth 2001 Settlement against the decision of London Borough of Hounslow.
 - The application Ref 01054/AN/P22, dated 23 November 2020, was refused by notice dated 26 April 2021.
 - The development proposed is temporary use of land for B8 storage, for a period of three years.
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Decision

1. The appeal is allowed and planning permission is granted for temporary use of land for B8 storage, for a period of three years at Link 30, 765 Staines Road, Feltham TW14 8RX in accordance with the terms of the application Ref 01054/AN/P22, dated 23 November 2020, and subject to following conditions:
 - 1 The use hereby permitted shall cease on or before the expiration of three years from the date of this decision and any items stored at the site shall be permanently removed.
 - 2 The proposed development shall be carried out in accordance with the following approved plans SR1 and SR2.
 - 3 No items shall be stacked or deposited at the site above a height of 3 metres measured from ground level.
 - 4 The site layout shall provide sufficient space for vehicles to turn within it and access and egress the site in a forward gear.

Preliminary matter

2. Based on the Council's submissions, including the appeal questionnaire it appears that the decision notice erroneously refers to Policy GB7 of the Hounslow Borough Local Plan (HLP) instead of Policy GB1 of the HLP. I have proceeded with the appeal on the basis of the correct Policy (GB1).

Applications for costs

3. An application for costs was made by The EM Watson-Smyth 2001 Settlement against the decision of London Borough of Hounslow. This application is the subject of a separate decision.

Main Issues

4. The main issues are: a) the effect of the proposal on the character and appearance of the area, including the Green Belt; b) whether or not the proposal would promote sustainable modes of travel and highway safety; and c) whether or not the proposal would support the borough's objective for promoting employment growth and development.

Reasons

Character and appearance

5. The appeal relates to land which is presently vacant on the south side of Staines Road (A30). The site lies outside but adjacent to the Metropolitan Green Belt. Amongst other things Policy GB1 of the HLP states that a development proposal will be expected to maintain the setting and visual amenity of the Green Belt where it is located near to it, with particular attention given to the location, setting, design, materials, height and landscaping. Also, HLP Policy CC1 amongst other matters requires that all new development provides opportunities to help form a new character or improve the poor aspects of an existing character that could benefit from enhancement.
6. Although the site has consent for commercial uses and there is some commercial development in the area, the site is distinct because it comprises an open area of hardstanding, which is buffered from surrounding development by landscaping and therefore has an open and verdant character and appearance. Furthermore, due to its location along a major road, the site is prominent and because of this and proximity to the Green Belt it is also sensitive to change.
7. Planning permission exists for the appeal site for industrial purposes falling within Class B1(C) light industrial, B2 general industrial and B8 storage and distribution and associated parking (Ref. 01504/AN/P16 in 2006). The reserved matters for this outline permission have been approved, and between 2006-10 the relevant pre-commencement conditions were discharged and work commenced with the building of the vehicular access to Staines Road. The Lawful Development Certificate (ref. 01054/AN/LAW1) established that the development has commenced and that the planning permission remains extant.
8. The extant scheme includes a permanent building, associated landscaping and boundary treatments. These have been approved in accordance with the design aims of the development plan. Also, any storage would be limited to within the approved building. Therefore, the permanent redevelopment of the site would bring enhancements to the appeal site and area.
9. On the other hand, based on my visit and information available, open storage in this location, in the absence of any significant boundary treatments and landscaping would appear stark and incongruous and thereby would detract from the character and appearance of the area, including the visual amenity of the Green Belt.
10. The height associated with previous vehicle storage at the site would have been appreciably lower than the height of two shipping containers (approximately 6m) which is the maximum storage height sought by the appellant. However, on the information before me, I cannot be certain that

storage up to this height would not be detrimental to the character and appearance of the area and the visual amenity of the Green Belt.

11. However, if the appeal were to succeed and having regard to the boundary treatment along the site's frontage, this should be limited to a height of 3m to reduce the extent of associated harm.
12. Consequently, on the basis of the information before me and my visit, the proposed open storage use would harm the character and appearance of the area, including the visual amenity of the Green Belt. Accordingly, I find conflict with policies GB1 and CC1 of the HLP. I also find conflict with the design aims of HLP Policy CC2. This Policy promotes and supports urban design and defines urban design as 'the art of making places' which includes spaces and landscaping. This includes a requirement the proposals understand, integrate and where possible add to the natural landscape.
13. Nonetheless, because the application is only seeking a temporary permission, any harm caused by open storage and lack of enhancements would also be for a temporary period. As such, I attach limited weight to such harm.

Promoting sustainable modes of travel and highway safety

14. Having reviewed the submitted Highways Appeal Statement prepared by RGP Transport Planning (August 2021), because of the temporary duration and nature of the proposed change of use, this would not conflict with the aims of the development plan which seek to promote sustainable modes of travel. Also, no other highway concerns have been identified in respect of the existing access which could be considered to have an unacceptable impact on highway safety and/or a severe impact on capacity locally.
15. Because the proposed layout and internal access arrangements are not known, in the interests of ensuring that this does not adversely affect highway safety, a condition requiring that sufficient space within the site is provided to allow vehicles to turn within it and access /egress the site in a forward gear could be imposed if the appeal succeeds.
16. For the above reasons, I find no conflict with HLP Policy EC2 which seeks to secure a more sustainable local travel network that maximises opportunities for walking, cycling and using public transport, reduces congestion, improves the public realm and improves health and well-being. The proposal also accords with Policy T4 of the London Plan which aims to assess and mitigate transport impacts.

Promoting employment growth and development

17. Although the Council advise that the site is included as part of a site allocation for residential use within the emerging West of the Borough Local Plan Review, that plan has not yet been adopted, and on the information before me the appeal site does not fall under any policy designation in the adopted development plan.
18. Amongst other things Policy ED1 of the HLP directs new industrial/warehousing and related development to the borough's Strategic Industrial sites and other existing industrial sites. Because of the extant planning permission, the appeal site is an existing industrial site and therefore despite being temporary, the proposed B8 use is supported by this Policy.

19. Nonetheless, given the broader range of uses permitted under the extant permission and construction work associated with this, it is likely that this would generate greater short-term and long-term employment growth than the proposed temporary use and therefore, I understand the Council's ambition to see that development completed.
20. Irrespective, the proposal, would accord with the borough's objective to promote employment growth and development and Policy ED1 of the HLP.
21. The Council's decision also refers to HLP Policy IMP2. This Policy relates to delivering site allocations and therefore is not relevant to the appeal site. I therefore find no conflict with this Policy.

Other considerations

22. The Council has already granted three temporary planning permissions for the use of the appeal site for B8 vehicle storage. As such and having regard to the advice in the Planning Practice Guidance (PPG) on temporary planning permissions¹, the Council objects to the proposal on the basis that a further temporary planning permission is contrary to Government advice and this would stymie the permanent redevelopment of the site.
23. The appellant asserts that for reasons relating to Brexit, the Covid-19 pandemic and uncertainty about the future expansion of Heathrow Airport, there has been no market interest in completing the extant permission. Whilst the appellant has not provided robust evidence in support of this, I have not been referred to any specific policy requirement for this.
24. I have also had regard to the advice in the PPG in respect of temporary permissions and while this sets out a strong presumption against granting consecutive temporary planning permissions, it does not preclude this.
25. I also acknowledge that the country is emerging from the Covid-19 pandemic which has particularly affected the aviation economy and the site is located near Heathrow Airport. In this context, and to generate some economic benefit from the site, planning permission for the temporary use of the appeal site for B8 storage to meet the needs of local businesses would be a 'meanwhile' use. This would also support the aims of Paragraph 81 of the National Planning Policy Framework (the Framework) which states that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. Therefore, this provides a clear rationale in support of this temporary planning consent.

Conditions

26. I have considered the conditions put forward by the Council in light of the requirements of the PPG and the Framework. A temporary timescale condition is necessary to ensure that the proposed B8 storage use is for the period specified in the application and to safeguard the character and appearance of the area, including the visual amenity of the Green Belt and to ensure that the temporary use of the appeal site does not prejudice the permanent and proper redevelopment of the site. A condition specifying the relevant plans is also necessary as this provides certainty.

¹ Paragraph: 014 Reference ID: 21a-014-20140306

27. As already discussed, a condition limiting the height of any storage being undertaken at the site is necessary to safeguard the character and appearance of the area and the visual amenity of the Green Belt.
28. The provisions of the Town and Country Planning (General Permitted Development Order) 2015 do not permit any change of use from a B8 use. Also, the submitted scheme does not propose any temporary building. Therefore, the suggested conditions in respect of these matters are not necessary. For the reasons already stated, I have specified a condition requiring sufficient space within the site for vehicles to turn and also access and leave in a forward gear.
29. Where necessary, I have altered the conditions to better reflect the relevant guidance.

Conclusion

30. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that decisions on planning applications should be made in accordance with the development plan unless material considerations indicate otherwise.
31. The proposal would harm the character and appearance of the area, including the visual amenity of the adjacent Green Belt and therefore conflicts with the design policies of the development plan.
32. On the other hand, because the proposal is for a temporary period, I attach limited weight to the harm associated with this. Furthermore, the proposal makes use of a vacant site for an interim period to promote employment growth and development for which there is significant national support.
33. As such, in the particular circumstances of this case there are material considerations which justify a decision other than in accordance with the development plan. Therefore, I conclude that the appeal should be allowed.

M Aqbal

INSPECTOR