



Appeal Decision

Site visit made on 30 June 2023

by Robert Fallon B.Sc. (Hons) PGDipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 August 2023

Appeal Ref: APP/F5540/W/22/3309410

Land at North Hyde Lane, London, TW5 9NA

- 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 Jagroan Property Ltd. against the decision of the London Borough of Hounslow Council.
 - The application Ref 01256/A/P71 dated 9 August 2022, was refused by notice dated 6 October 2022.
 - The development proposed is described on the application form as "Extension to coach parking area."
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Decision

1. The appeal is allowed and planning permission is granted for an extension to coach parking area on land at North Hyde Lane, London, TW5 9NA in accordance with the terms of the application Ref 01256/A/P71 dated 9 August 2022 and the plans submitted with it, subject to the conditions set out in the attached schedule.

Main issues

2. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt;
 - 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 the very special circumstances necessary to justify the development.

Reasons

Appeal site context and scheme background

3. The appeal site is broadly rectangular in shape and consists of rough grassland. It forms part of a larger commercial site ('the wider site') containing a coach park to its western end (attached to the M4 Heston Services), a general storage/parking area to the south and rough grassland to the east. The wider site is enclosed by tall boundary fencing, blockwork walls and mature trees/hedging and falls within the Metropolitan Green Belt. A separate car valeting centre and tyre retailer also fall to the west of the appeal site, although these businesses have their own entry point on the private road

accessed via North Hyde Lane and do not therefore share the entrance to the wider site.

4. Heston Services abuts the western boundary of the wider site, with a golf course to the north, residential housing to the east and the M4 motorway to the south (with the imposing 4-storey Heston Hyde Hotel just beyond this). As a consequence of this contextual backcloth and its geographical position within a built-up part of west London, I found the area to be clearly urban in nature, with the wider site's commercial/industrial character partly softened by its rough grassland, boundary trees and hedging.
5. The scheme proposes the construction of a hard-surfaced parking area with new access and soft landscaping to increase the amount of coach spaces on the wider site by 20 to provide a total of 33. There is no evidence before me that the appellant intends to operate the extended coach parking area independently of the existing coach park operation or enclose it with new boundary fencing to create a separate planning unit.

Whether the proposal would be inappropriate development in the Green Belt

6. Policy G2 of the London Plan¹ states, amongst other things, that the Green Belt should be protected from inappropriate development and that development proposals that would harm the Green Belt should be refused unless very special circumstances exist.
7. Paragraphs 149 and 150 of the Framework² state that the construction of new buildings and other forms of development in the Green Belt are inappropriate unless they fall within a number of exceptions. There is no dispute between the parties that the scheme does not fall within any of the exceptions specified aside from that referred to below.
8. Due to the extensive nature and scale of the groundworks required, the construction of the extended coach parking area and new access road would constitute an engineering operation. Paragraph 150 of the Framework states that engineering operations are not inappropriate in the Green Belt, provided they preserve its openness and do not conflict with the purposes of including land within it.
9. The scheme would result in up to 20 additional coaches being parked on a permanent basis, albeit with intermittent comings and goings. This would have an adverse impact upon the openness of the Green Belt and therefore conflict with its purpose of restricting urban sprawl. As a consequence, I conclude that the extended coach-parking area and access road constitute inappropriate development in the Green Belt, which would conflict with Policy GB1 of the Local Plan³.

Whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development

¹ The London Plan, The Spatial Development Strategy for Greater London, March 2021, Greater London Authority.

² National Planning Policy Framework, Ministry of Housing, Communities and Local Government, 20 July 2021.

³ Local Plan 2015-2030, Volume One, London Borough of Hounslow, Adopted 15 September 2015.

10. The London Plan was adopted within the last 5 years and I am satisfied that Policy G2 is consistent with Framework, which affords it full weight in my consideration. However, the Local Plan was adopted more than 5 years ago and Policy GB1 is not entirely consistent with the Framework inasmuch as it does not refer to very special circumstances. I have therefore given this only modest weight in my assessment.
11. Policy G2 states that development falling outside the permitted criteria may be allowed in very special circumstances. Paragraph 147 of the Framework states that inappropriate development is by definition harmful to the Green Belt, and should not be approved except in very special circumstances. Paragraph 148 states 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.
12. I observed from my site inspection that the extended coach parking area would; (1) be extremely well-screened from outside the wider site; (2) retain the openness of the area when coaches are deployed for use elsewhere; and (3) be set against the backdrop of an existing commercial area comprising a motorway service station, coach park, tyre retailer, car valeting centre and general storage/parking area, in a built-up part of London with a clear urban character. It would as a consequence not be out of character with the area and neither would it cause anything more than limited harm to the openness, permanence and purpose of including the land within the Green Belt. However, in accordance with Paragraph 148 of the Framework, I have nonetheless given substantial weight to this harm in my assessment.
13. The development would give rise to social benefits in that it would improve the coach operator's capacity to meet the needs of local services, community groups and organisations, as demonstrated by the letters of support from a variety of schools and Age UK who use it. The scheme would also provide economic and environmental benefits in that it would help to sustain a local business, provide new jobs, allow for a more efficient commercial use of the overall site and provide additional soft landscaping. Collectively, I have given these benefits significant weight in my assessment.
14. When these benefits are considered in conjunction with the development's compatibility with the character of the area, I find that very special circumstances exist that clearly outweigh the scheme's harm to the Green Belt by reason of inappropriateness, and the limited harm to its openness, permanence and purpose of including the land within it. As a consequence, I conclude that the scheme would comply with Policy G2 of the London Plan and also find that it would accord with Paragraphs 147 and 148 of the Framework. In so doing, I am satisfied that when taken as a whole, this policy compliance would outweigh the conflict with Policy GB1 of the Local Plan.

Other matters

15. My attention has been drawn to a previous appeal decision at the site⁴. However, this was for a much larger coach park extension than the scheme before me and hence the circumstances are not exactly the same. I do nonetheless recognise that both schemes share similar characteristics and that I have reached a different conclusion to the previous Inspector on various

⁴ APP/F5540/W/21/3279679 dated 11 July 2022.

matters. However, planning judgement and opinion often varies between decision-makers, particularly when carrying out a balancing exercise, and each appeal must be determined on its own merits in light of all the evidence before them. The existence of the previous appeal decision does not therefore set a precedent in this case.

16. Representations have been made by interested parties raising concerns in respect of wildlife, air pollution and noise from construction works. However there is no substantive evidence to indicate that additional coaches in this location would have a discernible impact on any protected species or air pollution levels and the construction works would only be temporary, with any significant noise and disturbance subject to controls under other environmental legislation.

Conditions

17. The Council has suggested conditions which I have considered in the light of the comments made by the appellant, the Framework and Planning Practice Guidance. In addition to standard conditions relating to time limits and plan details, a condition requiring details of visibility splays is necessary to protect highway and pedestrian safety.
18. In view of the additional employment and journeys to the site that will arise as a result of the development, a condition has also been imposed for a Travel Plan Statement to support sustainable transport objectives (on a pre-commencement basis, so that details of cycle-parking can be incorporated into the landscaping scheme if deemed necessary).
19. A condition is necessary for hard and soft landscaping to ensure sufficient space is left for the incorporation of boundary tree planting and to protect the character and appearance of the area.
20. The appeal site is not designated as a Special Area of Conservation (SAC) or a Special Protection Area (SPA) and there is no evidence before me of any European or Nationally Protected Species being present on the site. Furthermore, it does not benefit from any local designation of nature conservation importance and no rare or legally protected species of Flora and Fauna have been found on-site. In view of this and the modest size of the development, I would not consider it reasonable or necessary to impose the condition requested by the Council for an investigation to assess the nature conservation interest of the site.
21. Given that the scheme hereby permitted forms a modest extension to an existing coach park with ample space for employee parking, I do not consider it necessary to impose the Council's condition for further details of the latter.

Conclusion

22. I have found that very special circumstances exist to justify development in the Green Belt. In view of this, and having had regard to all other matters raised, I conclude that the appeal should be allowed.

Robert Fallon

INSPECTOR

Schedule of conditions

- 1) The development to which this permission relates shall be begun within a period of three years commencing on the date of the appeal decision.
- 2) The development hereby approved shall be carried out in accordance with the approved plans 1-010-B and 1-100-B, Planning Statement, Highway Technical Note and Fire Statement, received 22/08/22.
- 3) No development (except any demolition, site clearance, ground investigation and remediation work) shall take place until details of the vehicle access and its visibility splays onto the existing service road along the north of the site have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out otherwise than in accordance with the approved details and the land within the visibility splays shall thereafter be kept permanently clear of any obstruction to visibility (fence, wall, vegetation etc.) greater than 0.6 metres high.
- 4) No development (except any demolition, site clearance, ground investigation and remediation work) shall take place until a Travel Plan Statement in accordance with current Council and TfL guidance comprising immediate, continuing and long-term measures to promote and encourage a reduction in car use shall be submitted to and approved in writing by the Local Planning Authority. The approved Travel Plan shall thereafter be implemented, monitored and reviewed in accordance with the approved Statement.
- 5) Notwithstanding any details included in the submitted plans, no development above ground level (except any demolition, site clearance, ground investigation and remediation work) shall take place until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include:
 - (a) existing and proposed finished levels or contours;
 - (b) means of enclosure/boundary treatment(s) and retaining structures;
 - (c) vehicle parking layouts;
 - (d) other vehicle and pedestrian access and circulation areas;
 - (e) hard surfacing materials;
 - (f) cycle parking (if deemed necessary by the Travel Plan Statement in connection with Condition 4), minor artefacts and structures (e.g. refuse bins, signs, lighting, CCTV etc.);
 - (g) proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines etc. indicating alignments, levels, access points, supports as relevant);
 - (h) renewable energy installations (where relevant);

- (i) soft landscaping, incorporating boundary tree planting, to include: planting plans; written specifications (including cultivation and other operations associated with tree, plant and grass establishment); schedules of new trees, hedgerows and plants noting species, tree/plant supply sizes and proposed numbers/densities; and
- (j) an implementation programme (including phasing of work where relevant).

The use of the extended coach parking area hereby permitted shall not commence until all; (i) hard surfacing; (ii) cycle-parking, minor artefacts & structures; and (iii) boundary treatment works, have been carried out in accordance with the approved details.

The soft landscaping scheme, incorporating boundary tree planting, shall be carried out in accordance with the implementation programme.

All trees shall be planted in accordance with the details and times stated in the approved specification and in accordance with British Standard 8545:2014 (or an equivalent British Standard if replaced).

Any trees that, within five years of planting, die, are cut down, uprooted, destroyed or become (in the opinion of the local planning authority) seriously damaged or diseased, shall be replaced with another tree of a similar size and species within the first planting season following its death, removal, uprooting or destruction.

End of Schedule