



Appeal Decision

Site visit made on 25 March 2024

by Simon Hand MA

an Inspector appointed by the Secretary of State

Decision date: 28 March 2024

Appeal Ref: APP/M5450/C/21/3276784

Change Of Hart Public House, 19-21 High Street, EDGWARE, HA8 7EE

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended). The appeal is made by UK Wheels Limited against an enforcement notice issued by London Borough of Harrow.
 - The notice was issued on 17 May 2021.
 - The breach of planning control as alleged in the notice is without planning permission:
1) The unauthorised change of use of the Land for storage and sale of motor vehicles (Sui Generis) ("The Unauthorised Use"); and 2) The unauthorised construction of single storey wooden canopy on the land as shown hatched blue on the attached Plan ("The Unauthorised Development").
 - The requirements of the notice are: 1) Cease the Unauthorised Use. 2) Remove from the Land all vehicles, timber hoarding, materials, tools and paraphernalia associated with the unauthorised use. 3) Demolish the Unauthorised Development. 4) Remove from the Land all material and debris arising from compliance with the aforementioned requirements of the notice.
 - The period for compliance with the requirements is: 3 months.
 - The appeal is proceeding on the grounds 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. It is directed that the enforcement notice is varied by: extending the time for compliance from 3 to 6 months. Subject to this variation 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.

Preliminary Matters

2. Several notices and 2 appeals have been lodged that affect this property. The building, Nos 19-21, is listed and comprises a three-storey former coaching inn with an off-centre drive-through that allows access to a rear yard. As you face the building the ground floor to the left of the drive-through has been converted into a car dealership office and the rear yard used for storage of cars for sale. This yard lies solely behind the drive-through and office, there is no access to the rear of the remainder of the building from there. There is an open fronted shed in the yard where it would seem the cars are prepared and a 2.4m solid wooden fence has been erected between the yard and the land to the rear of the main part of the pub. This business would appear to be a separate entity from the rest of the building. To the right of the drive through is the main part of the old pub, that was more recently a restaurant and is now empty. Two stories above run the full width of the building and these have

been converted into what appears to be an HMO. A listed building enforcement notice has been issued regarding the works of conversion to these two upper floors and this subject to a separate appeal (APP/M5450/F/21/3287543). I also understand an enforcement notice has been issued regarding the material change of use to an HMO, but this is not before me.

3. This appeal deals solely with the use of the yard for car sales and the erection of the open fronted shed. The appeal is only on ground (a).

Reasons

4. Ground (a) is an appeal for planning permission for the matters alleged in the notice, that is the continued use of the yard for parking of cars for sale, the retention of the open fronted shed and the 2.4m fence. As I saw on my site visit, the yard is crammed with cars while the open fronted shed has the appearance of a scruffy, temporary structure. The large solid wooden fence is also out of scale and intrusive. Taken altogether these clearly harm the setting of the listed building. From the rear, the office and drive-through are still seen as part of the larger building (although this effect is reduced by the large fence) and while the rear yard of the pub would have been a busy space, and was apparently used for staff parking, this is quite different to the sui-generis car sales use where as many cars as possible are crammed in. The harm to the listed building is, in the language of the NPPF, less than substantial harm, but there are no countervailing public benefits and this is sufficient to dismiss the appeal.
5. However, the appellant does not want planning permission for what is there but has submitted an application to the Council to regularise the use of the yard, by removing the wooden shed and the offending fence and using the yard for customer and staff parking. Given the previous history of the site I cannot see an objection in principle to these proposals, but they are not before me. I cannot grant planning permission for what is a substantially different proposal that that enforced against. This application would appear not yet to have been determined by the Council so it is a matter for them to consider in the first instance. I shall extend the compliance period to 6 months which hopefully should enable the appellants to reach an agreement with the Council as to a suitable way forward and avoid the need to enforce the notice.

Simon Hand

INSPECTOR