



Appeal Decision

Site visit made on 26 November 2024

by Stephen Hawkins MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 December 2024

Appeal Ref: APP/A5270/C/23/3318769

Land Adjacent Beverley Court, Ruislip Road, Northolt, Middlesex UB5 6XJ

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended). The appeal is made by Mrs Alzerjawi Dhuha against an enforcement notice issued by the Council of the London Borough of Ealing.
 - The notice was issued on 6 February 2023.
 - The breach of planning control as alleged in the notice is without planning permission, the material change of use of land for car storage, and the erection of a boundary fence and laying of a hard surface which facilitate[s] the material change of use.
 - The requirements of the notice are: 1. Cease the use of land for vehicle storage. 2. Remove all vehicles, which facilitate the unauthorised use. 3. Remove the boundary fence, which facilitate[s] the unauthorised use. 4. Remove the hard surface which facilitate[s] the unauthorised use. 5. Restore the land to its condition before the breach of planning control occurred. 6. Remove all debris resulting from compliance with the above steps.
 - The period for compliance with the requirements is three 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. 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 Matter

2. My decision in this appeal takes into account the revised National Planning Policy Framework, published on 19 December 2023.

Ground (a) appeal

Main Issues

3. The main issues in the appeal are:
 - The effect of the use for vehicle storage on the character and appearance of the surrounding area.
 - The effect on highway safety.
 - The effect on the living conditions of existing and future occupiers of neighbouring residential property, having regard to outlook and noise and disturbance.

- The effect on biodiversity.

Reasons

Character and appearance

4. The appeal site consists of a rectilinear parcel of land, located alongside a busy main road. The enforcement notice attacks the use of the site for storing vehicles. A rough hard surface formed from crushed hardcore covers a substantial portion of the site. Wire fencing around 1.8m in height has been erected around the hard surfaced area, with taller metal palisade gates installed at the site entrance. Sheets of artificial grass and other green coloured sheeting cover the fencing and gates.
5. Development in the vicinity of the site generally consists of tall residential blocks. The blocks are separated by expansive, landscaped grounds, laid to grass and planted with maturing trees. Grassy verges containing rows of maturing trees line the road. The substantial landscaped and well-planted open areas and extensive roadside greenery contribute to a notably leafy, open and pleasantly spacious feel in the locality. This is reflected in the Green Corridor status of the road and adjoining land in the Ealing Development Management Development Plan Document (DPD). Prior to the use commencing, the site would have been covered by scrub with no obvious boundary treatment, its appearance thus being consistent with the spacious and well-planted visual qualities of the surroundings.
6. The Council supplied photographs which show around 25 vehicles, mostly cars with some light vans, at the site. Photographs supplied by the appellant show about 19 vehicles at the site. The vehicles are arranged in rows, occupying perhaps up to two thirds of the hard surface, a central area being left for access. Although only 4 vehicles were present when I visited, it is not unreasonable to expect that the number of vehicles stored at the site is similar to that shown in the above photographs on occasion. Stored vehicles are likely to be at the site for some time, with any that are sold and removed being replaced with new stock fairly rapidly. Consequently, it is highly likely that a large part of the hard surface is covered by or adjacent to vehicles for relatively long periods.
7. The accumulation of a number of vehicles, along with the permanent-looking hard surface and the tall and lengthy manufactured solid boundary features that facilitate the use, significantly and appreciably erodes the previously open visual attributes of the site, leading to a notably greater sense of enclosure in the vicinity. The more enclosed feel is emphasised by the sheeting, which contributes to the solid appearance of the fencing and gates. This is all entirely at odds with the generally well-planted and open visual qualities of the surrounding area.
8. Furthermore, the harsh stony materials of the hard surface, the rigid straight lines and solid-looking finishes of the fencing and gates, along with the angular profiles and shiny metallic appearance of the vehicles, all fail to assimilate satisfactorily with the softer, more naturalistic shapes and muted colour tones associated with the extensive maturing planting of open spaces in the vicinity. Nor do the utilitarian materials and 'industrialised' appearance of the fencing and gates sit comfortably with the design and external materials of most development in the locality. Although the sheeting restricts views of vehicles

from the road, it does little to integrate the fencing and gates within their well-planted setting and has partly been defaced by graffiti. Moreover, the accumulation of vehicles and the facilitating works are readily apparent to a number of the neighbouring residents. The accumulated vehicles, along with the hard surface, fencing and gates thus appear as alien features which neither respect nor reflect the generally well-planted visual qualities of the surroundings and the prevailing pattern of local development.

9. Consequently, the use causes unacceptable harm to the character and appearance of the surrounding area. This is in conflict with DPD Policy 7.4, which requires development to complement the street sequence, building pattern, scale, materials and detailing. It is also in conflict with criterion in the DPD local variation to Policy 2.18, which requires development to not compromise the visual openness of open and green spaces, particularly with regard to views within and across these areas.
10. In addition, the use conflicts with criterion in Policy 1.1 of the Ealing Development Strategy (CS), which seeks to protect and enhance the pattern of green spaces, including by ensuring that development improves and adds to such space. Furthermore, the use conflicts with criteria in Policy D3 of the London Plan (LP), which require development to enhance its local context by delivering buildings and spaces that positively respond to local distinctiveness, including through their layout and appearance, to be of high quality architecturally including through the use of attractive, robust materials and to provide spaces and buildings that maximise opportunities for urban greening.

Highway safety

11. The appellant explained that vehicles are delivered from the site to potential customers, with all sales activity being conducted online. Whilst that may well be so, few details were supplied concerning the number of vehicle movements to and from the site which take place in connection with the use. Even if no customers visit, it is entirely possible that a considerable number of vehicular movements to and from the site can occur on a daily basis. These could include for example visits by the appellant and/or employees to collect vehicles for customers, or to deliver recently acquired vehicles to the site.
12. Given its proximity to major transport routes, traffic levels on the road are likely to remain quite high at most times during the day. As the kerb is raised directly in front of the entrance, vehicular access to and egress from the site involves traversing a dropped kerb which serves a neighbouring residential block, also passing diagonally over the verge and the pedestrian pavement. The need to pass over the verge and pavement at an angle so as to avoid mounting the raised kerb is likely to have led to awkward manoeuvres occurring when vehicles access and egress the site. The significant damage caused by the passage of vehicles to the portion of verge close to the site entrance points to the awkwardness of such manoeuvres.
13. With a maximum speed limit of 40 mph, vehicles can travel along the road quite quickly. There are few vehicle accesses on this part of the road, aside from that serving the neighbouring residential block. Consequently, it is likely that the majority of approaching drivers fail to anticipate the potential for awkward vehicle manoeuvres occurring in the vicinity of the site entrance. Similarly, most pedestrians approaching the site entrance are unlikely to expect to encounter vehicles manoeuvring in an unpredictable fashion. Drivers

undertaking such manoeuvres probably encounter further difficulty where there are other vehicles attempting to access or egress the neighbouring block at the same time. There is little before me which might indicate that approaching drivers and pedestrians have sufficient advance warning of vehicles attempting to access or egress the site, so as to be able to take any necessary evasive action. As a result, there is likely to have been an increased risk of collisions in the vicinity of the site entrance since the use commenced.

14. The awkward vehicular access arrangements, along with the lack of any detailed information concerning the level of the vehicle movements to and from the site, points towards the use being harmful to highway safety. This is in conflict with criteria in LP Policy T4, which require developments to ensure that impacts on the capacity of the transport network are fully assessed and that they do not increase road danger.

Living conditions

15. The neighbouring residential blocks are located away from the site boundary. Maturing trees adjacent to the boundary separate the site, both physically and visually, from the closest part of one of the neighbouring blocks. The use and the facilitating works intrude on some neighbouring residents' views. That is not the same as causing a significant erosion in residents' levels of outlook, however. Neighbouring residents do not experience an appreciably greater sense of enclosure or oppressiveness at their property compared to the situation prior to the use commencing.
16. Nevertheless, given the limited information supplied there can be no reasonable assurance that the use has not led to neighbouring residents having to deal with a considerable increase in noise and disturbance at times, due to the number of vehicular comings and goings to and from the site. It is entirely possible that the neighbours also experience noise and disturbance from activity at the site, such as the preparation of vehicles prior to sale. Importantly, the possibility that a significant number of vehicle movements, along with other activity at the site, takes place in the evenings and at weekends, cannot be ruled out. As the volume of traffic on the road is likely to be lower during such periods, there is greater potential for neighbouring residents to experience incidences of noise and disturbance from the use.
17. Consequently, the use is likely to have had an unacceptable adverse effect on the living conditions of existing and future occupiers of neighbouring residential property. This is in conflict with criteria in LP Policy D3, which require developments to achieve appropriate amenity, to help prevent or mitigate the impact of noise and to achieve indoor and outdoor environments that are comfortable and inviting for people to use. For a similar reason, the use is in conflict with DPD Policy 7B.

Biodiversity

18. The removal of vegetation along with the use and its facilitating works are likely to have significantly eroded the contribution previously made by the site to the biodiversity of the Green Corridor, including by impeding the movement of wildlife. No assessment was provided of the effects of the use and the facilitating works on biodiversity, including details of any mitigation measures where necessary, which might have shown otherwise.

19. As I am unable to conclude that there has been no adverse effect on biodiversity, the use conflicts with criterion in LP Policy G6. This requires development proposals to manage impacts on biodiversity with the aim of securing a net gain. There is also conflict with criterion in LP Policy D3 in this respect, having regard to the failure to maximise opportunities for urban greening. Additionally, there is conflict with criterion in the DPD local variation to Policy 2.18, which identifies the coherence of green and open spaces and their integrity in fulfilling functions including nature conservation, as overriding principles governing their development. Furthermore, there is conflict with LP Policy 5.3 which seeks to protect and enhance Green Corridors, including through additional planting where possible.

Other matters

20. As no relevant planning permission was drawn to my attention, the prospect of the site being developed for retail purposes in the future carries little weight.
21. There is an economic benefit arising from the use, principally through the additional employment opportunity afforded to the appellant. However, this benefit is likely to be of modest scale and, as temporary planning permission is sought, of limited duration. Therefore, this matter carries limited weight.
22. I have had regard to the other matters raised by interested parties concerning the use. These include a potential increase in crime, an adverse effect on trees and pollution incidents at the site. However, given my findings on the main issues none of those matters warrant further consideration.

Whether a grant of temporary planning permission is justified

23. The appellant sought temporary permission for a minimum of six months, to enable their business to relocate to alternative premises. However, that does not mean less weight should be attached to the harm arising from the use. The harm identified above would continue to occur over a significant period if temporary permission were to be granted. Moreover, as there is little to indicate that the planning circumstances at the site would change in the future, it is entirely possible that a further application would be made to continue the use. Accordingly, there is no justification for granting a temporary permission.

Conclusion

24. The use causes unacceptable harm to the character and appearance of the surrounding area as well as to highway safety, to the living conditions of existing and future occupiers of neighbouring residential property and to biodiversity, in conflict with the Development Plan taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the Development Plan. Therefore, for the reasons given, 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).

Stephen Hawkins

INSPECTOR