



Appeal Decision

Site visit made on 17 March 2025

by **C Rafferty LLB(Hons), Solicitor**

an Inspector appointed by the Secretary of State

Decision date: 28 March 2025

Appeal Ref: APP/R5510/C/24/3353838

Land North East of Springwell Lane Rickmansworth, known as Springwell Factory, Springwell Lane, Harefield WD3 8UX

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended). The appeal is made by Mr Mark Stanley Green against an enforcement notice issued by the Council of the London Borough of Hillingdon.
 - The notice was issued on 6 September 2024.
 - The breach of planning control as alleged in the notice is without planning permission, the material change of use of the Land at Springwell Factory, Springwell Lane, Harefield for use as a Scrap Metal Yard (*Sui Generis*).
 - The requirements of the notice are to:
 - (i) Cease the use of the land as a Scrap Metal Yard;
 - (ii) Demolish and remove all metal sheet fence panels and wooden posts erected in association with the Scrap Metal Yard;
 - (iii) Remove from the Land all skips, scrap metal, gas canisters, tyres, and waste materials associated with the Scrap Metal Yard;
 - (iv) Remove from the Land all vehicles and machinery associated with the Scrap Metal Yard;
 - (v) Remove from the land all debris, items, building materials resulting from compliance with points (i) – (iv) above
 - The period for compliance with the requirement is: One (1) calendar month.
 - The appeal is proceeding on the grounds set out in section 174(2)(f) and (g) of the Town and Country Planning Act 1990 (as amended).
-

Formal Decision

1. It is directed that the enforcement notice is corrected by: the deletion of the word “land” in paragraphs 5(i) and 5(v) and its substitution with the word “Land”; and the insertion of the words “from the Land” after the word “remove” in paragraph 5(ii).
2. Subject to the corrections, the appeal is dismissed and the enforcement notice is upheld.

The Enforcement Notice

3. The enforcement notice defines the Land North East of Springwell Lane Rickmansworth known as Springwell Factory, Springwell Lane, Harefield WD3 8UX as “the Land”. However, paragraph 5(ii) does not refer to “the Land” at any point in setting out the steps required to be taken. In addition, paragraphs 5(i) and 5(v) of the notice refer to “the land” rather than the correct defined term.
4. In accordance with section 176(1)(a) of the 1990 Act I can correct the steps required to be taken in paragraphs 5(i), 5(ii), and 5(iv) of the notice to read:
 - (i) Cease the use of the Land as a Scrap Metal Yard;

- (ii) Demolish and remove from the Land all metal sheet fence panels and wooden posts erected in association with the Scrap Metal Yard;
- (v) Remove from the Land all debris, items; building materials resulting from compliance with points (i) – (iv) above.

I can make this correction without injustice to the appellant or the local planning authority.

Preliminary Matters

5. An appeal on ground (a) was also made. However, where an enforcement notice has been issued after 25 April 2024, ground (a) is barred if the requirements of s174(2A) of the 1990 Act are met. Namely, if the enforcement notice was issued: during the time allowed for determining a related retrospective planning application; or within two years of the date on which the related application ceased to be under consideration. The requirements of s174(2A) of the 1990 Act have been met in this case and the appeal has therefore proceeded on grounds (f) and (g) only.

Appeal on ground (f)

6. An appeal on ground (f) is brought on the basis that the requirements of the notice exceed what is necessary. Section 173(4) of the 1990 Act sets out the purposes which an enforcement notice may seek to achieve. They are either: (a) remedying the breach of planning control; or (b) remedying any injury to amenity which has been caused by the breach. Section 173(4) is clear that a notice can remedy the breach of planning control by: making the development comply with the terms of any planning permission which has been granted in respect of the land; by discontinuing any use of the land; or by restoring the land to its condition before the breach took place.
7. The alleged breach of planning control is, without planning permission, the material change of use of the Land to a scrap metal yard. The requirements, as corrected, are to cease that use and remove various stated fencing, materials, vehicles, and machinery associated with the use from the Land. As such, the purpose of the enforcement notice in this instance is to remedy the breach of planning control.
8. The appellant alleges that part of the requirements of the notice are excessive and as such, are not reasonable. However, limited further justification for this stance is given, nor are any lesser requirements suggested. I observed the Land during my visit, and noted the presence of numerous vehicles, machinery, and waste materials associated with the scrap metal yard use, including skips, scrap metal, gas canisters, and tyres as identified in the enforcement notice. I further observed the tall wooden posts and metal sheet fence panels on the western edge of the Land associated with, and marking the edge of, the scrap metal yard use.
9. From my observations the only way to remedy the breach would be to cease the use of the Land as a scrap metal yard and to remove the various fence panels, wooden posts, materials, vehicles, and machinery associated with the use as outlined in the requirements of the notice. Given the purpose of the notice, the requirements are not therefore excessive.
10. The appeal on ground (f) therefore fails.

Appeal on ground (g)

11. An appeal on ground (g) is brought on the basis that the time period for compliance in the notice falls short of what should reasonably be allowed.
12. The enforcement notice gives one month for compliance. In arguing that this is unreasonable, the appellant refers to the tenant's rights and requirement for a notice to be served prior to remedial works being undertaken. However, limited information on this is provided. I have no tenancy agreement or other evidence before me which outlines either the rights referred to or a required notice period.
13. The appellant further alleges the need for a longer period of time in order to dismantle operations and associate structures within the Land. Based on my observations of the scrap metal yard use and the various fence panels, posts, vehicles, machinery, and materials connected with the use, I find that a period of one month would be sufficient to enable the appellant to carry out the steps required by the notice. There is nothing compelling before me to suggest that this could not be achieved within the given time period. This would ensure that the identified planning harm is dealt with in the necessary expedient manner.
14. The appeal on ground (g) therefore fails.

Overall conclusion

15. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice with corrections.

C Rafferty

INSPECTOR