The Planning Inspectorate

Appeal Decision

Site visit made on 19 July 2011

by David Fitzsimon MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 2 September 2011

Appeal Ref: APP/R5510/A/11/2149723
Hillingdon Garden Centre, Pield Heath Road, Uxbridge, Middlesex UB8 3NP

- 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 Hillingdon Garden Centre against the decision of the Council of the London Borough of Hillingdon.
- The application Ref 13831/APP/2010/2959, dated 20 December 2010, was refused by notice dated 10 March 2011.
- The development proposed the erection of a timber shed for purposes incidental to the garden centre as an office/store to a car wash facility.

Application for Costs

1. An application for costs was made by the appellant against the Council. This is the subject of a separate decision.

Procedural Matter

2. The application site is limited to the footprint of the proposed shed. This is because the appellant company argues that planning permission is not required for the car washing facility itself as this would be incidental to the main use of the site as a garden centre and a new planning unit would not be created. I shall deal with this matter within my reasoning.

Decision

3. The appeal is allowed and planning permission granted for the erection of a timber shed for purposes incidental to the garden centre as an office/store to a car wash facility at Hillingdon Garden Centre, Pield Heath Road, Uxbridge, Middlesex UB8 3NP in accordance with the terms of the application, Ref 13831/APP/2010/2959, dated 20 December 2010, subject to the following conditions:

   1) The development hereby permitted shall begin not later than three years from the date of this decision.

   2) The development hereby permitted shall be carried out in accordance with the approved plans (Refs T630-112 and T630-113).

   3) The shed hereby permitted shall only be used in connection with the car washing use operating from the site.

Main Issues

4. The main issues in this case are as follows:
   - Whether the proposal amounts to inappropriate development in the Green Belt;
   - Its effect on the openness of the Green Belt;
   - Its effect on the operation of the existing garden centre and its car parking provision;
   - Its effect on nearby watercourses; and
   - If the proposal does amount to inappropriate development, 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

Inappropriateness and openness

5. Planning Policy Guidance 2: *Green Belts* (PPG2) indicates that the construction of new buildings in the Green Belt is inappropriate, save for a number of exceptions. One such exception is a building that is required as an essential facility for a use of land which preserves the openness of the Green Belt and which does not conflict with the purposes of including land within it.

6. The car wash would take place in a section of the garden centre immediately to the north of the main car park and adjacent to an area used for outside sales and storage, which is used for car parking overspill. It has been explained that the area used for car washing would not be physically sectioned off although it would be a limited size due to the physical constraints of this part of the garden centre site. This leads me to the view that, as a matter of fact and degree, the car washing facility would be incidental to the primary use of the site as a garden centre and a material change of use would not occur.

7. The washing of vehicles in this area would have no greater visual impact than if it was used as overspill parking and I consider the shed to be essential for housing cleaning equipment and materials in association with the car washing facility. It would be a very modest structure, similar to the types of shed one would expect to see sold at a garden centre and it would be seen alongside much larger structures. Furthermore, the shed would be well contained within the confines of the garden centre and it would be well screened from the public domain by mature vegetation.

8. These factors lead me to the view that the development proposed would not harm the openness of the Green Belt and it would not conflict with the purposes of including land within it. For this reason, and given that the shed would be an essential facility for the car wash operation, I conclude that it does not amount to inappropriate development in the Green Belt. To this end, it complies with the requirements of PPG2 and very special circumstances are not necessary to justify it.

9. I am mindful that saved policy OL1 of the adopted Hillingdon Unitary Development Plan (UDP) only permits new buildings or changes of use of land within the Green Belt for purposes related to agriculture, horticulture, forestry and nature conservation, open air recreational facilities and cemeteries. The fact

that the proposal accords with national planning policy relating to development within the Green Belt as outlined in PPG2 does, however, weigh strongly in its favour.

The operation of the Garden Centre

10. The car washing would take place in an area which currently facilitates overspill car parking. It would not encroach onto the outside sales and storage area and the main car park is very sizeable. No evidence has been advanced to suggest that the car park cannot comfortably accommodate the demand generated by the garden centre, even at peak times. Moreover, it seems illogical to me that the garden centre would promote a facility which led to a shortfall in car parking as this would be likely to frustrate its customers and threaten their safety.

11. For these reasons, I conclude that the proposed shed which would be used in association with a car washing facility would not compromise the operation of the existing garden centre and it would not result in an unacceptable reduction car parking provision. In such terms, I find no conflict with saved policies OE1 and AM14 of the UDP.

Effect on local watercourses

12. Concern has been expressed that the residue from the car wash would discharge into the local watercourse, the River Pinn, causing pollution and drainage issues. The Design and Access Statement submitted in support of the proposal does, however, explain that liquids associated with the car wash would be discharged into the main sewer. Moreover, I am mindful that the discharge of trade effluent is primarily a matter for Thames Water and the Environment Agency and neither has formally objected to the appeal proposal. Furthermore, it is the shed rather than the car washing facility itself which is before me. To this end, I find no conflict with saved policy OE1 of the UDP.

Overall Conclusions

13. I find that the proposed shed is essential to a use which preserves the openness of the Green Belt and does not conflict with the purposes of including land within it. As such, it does not amount to inappropriate development in the Green Belt as defined by PPG2. In addition, I am satisfied that the proposal would not be detrimental to the operation of the existing garden centre, sufficient car parking would remain and the shed itself would not adversely impact on local watercourses.

14. The Council has not suggested any conditions in the event that the appeal is successful. I consider it necessary, however, to impose conditions to limit the lifespan of the planning permission and to ensure that the development takes place in accordance with the approved plans in the interests of proper planning and for the avoidance of doubt. I also consider it necessary to limit the use of the shed in connection with the car washing facility, given the requirements of PPG2. In allowing the appeal, I shall impose conditions accordingly.

David Fitzsimon

INSPECTOR