



REGULATORY SERVICES COMMITTEE

REPORT

3 November 2011

Subject Heading:

Alleged breach of planning control at 178
Crow Lane, Romford

Report Author and contact details:

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Policy context:

Local Development Framework
London Plan July 2011

Financial summary:

Defence of any appeal against
Enforcement Action and remedy of the
unauthorised development may have
financial implications

The subject matter of this report deals with the following Council Objectives

Ensuring a clean, safe and green borough	<input checked="" type="checkbox"/>
Championing education and learning for all	<input type="checkbox"/>
Providing economic, social and cultural activity in thriving towns and villages	<input type="checkbox"/>
Valuing and enhancing the lives of our residents	<input type="checkbox"/>
Delivering high customer satisfaction and a stable council tax	<input checked="" type="checkbox"/>

SUMMARY

This report relates to a site occupied by a removal business on the north side of Crow Lane in Romford. The site is in the Green Belt. Unauthorised development without the benefit of planning permission has taken place involving the erection of a canopy structure and a steel clad building. It is considered that both the canopy and building are inappropriate development in the Green Belt and have a harmful

impact on the openness of the Green Belt. Although planning applications have been submitted to retain the canopy and building, the structures have been in place for some time and it is therefore considered necessary for the Council to preserve its position by serving enforcement notices so that the structures remain unauthorised rather than becoming lawful due to the passage of time. It is recommended that planning enforcement notices be served.

RECOMMENDATIONS

That the committee consider it expedient to issue Enforcement Notices requiring, within 6 months, that:

- (i) The canopy structure, edged black on the attached plan be removed from the site together with all rubble and associated materials resulting from the removal;
- (ii) The steel clad building, hatched black on the attached plan be removed from the site together with all rubble and associated materials resulting from the removal.

In the event of non-compliance, and if deemed expedient, that proceedings be instituted under the provisions of the Town and Country Planning Act 1990, as amended by the Planning and Compensation Act 1991.

REPORT DETAIL

1. Site Description

- 1.1 The site is located to the northern side of Crow Lane and comprises No. 178 Crow Lane and land to the rear. It forms part of a larger site which includes 188 Crow Lane and is in a commercial use which includes the storage of containers in connection with a removals business. In addition to the frontage building, the application site contains a number of buildings which provide ancillary office accommodation together with some storage. The site has direct access onto Crow Lane. The site is within the Metropolitan Green Belt.
- 1.2 The surrounding area is a mixture of residential (mainly to the road frontage), many with commercial activities behind and a purely commercial area to the east of the application site beyond No. 158 Crow Lane. There are also open vegetated areas along Crow Lane to the West and to the

north of the application site, beyond which lies the London – Southend Railway Line.

2.0 The Alleged Planning Contravention

2.1 There are two alleged planning breaches at the site.

2.2 The first concerns a canopy. The canopy is located in a central location beyond the existing frontage buildings, at its nearest point, 56m or so from the back edge of the public highway to Crow Lane. The canopy is comprised of steel uprights and roof beams with a plywood/canvas roof covering. The canopy structure is 37m long and 15m wide. It has a pitched roof with a ridge height of 9.2m above ground level (eaves height 6.5m above ground level) with gables to the southern and northern elevations. Retractable shutters are present on the southern elevation. From correspondence with the operator of the site, it is understood that the canopy is intended to provide a covered area for the loading and unloading of containers. It can also provide some storage for historical artefacts connected to the removals industry.

2.3 The second alleged breach concerns a steel clad building. The building is located adjacent to the eastern boundary, at its nearest point some 84m or so from the back edge of the public highway to Crow Lane. The building is 16.25m deep and 14.6m wide. It has a pitched roof with a ridge height of 8.8m above ground level (eaves height 6m above ground level) and gables to the western and eastern elevations. It faces west with the two roller shutter doors located centrally with two pedestrian doors flanking them. From correspondence with the operator of the site, it is understood that the building is intended to provide storage for historic artefacts connected to the removals industry.

3.0 Relevant Planning History

3.1 The planning history relating to 178 Crow Lane and 188 Crow Lane are inextricably linked due to them being in the same ownership and as they have a physical connection. There is extensive planning history relating to the application site/sites and the following are the relevant applications:

P1402.90 (178) – erection of a storage building - refused; subsequent appeal dismissed

P1177.94 (178) – retention of a building for use as a museum – refused 6/1/95; subsequent appeal dismissed

P1012.95 (178) – building for use as a museum – refused 11/10/95; subsequent appeal dismissed

P1451.98 - buildings for vehicle maintenance, workshop, store, office and WC (at 178-188 Crow Lane) – granted 28-05-99

P0384.00 (188) – repair and refurbishment of existing building for storage and museum – lapsed 7/11/02; appeal made (not determined)

P0158.01 (188) - replacement building for museum, offices, workshop and storage – refused Jan 2002; appeal dismissed 29/7/02

P1513.02 (188) – replacement building for museum, offices, storage and workshop at rear. This application was called-in by the Secretary of State who decided to refuse planning permission

P1803.10 (178) – Retention of steel clad building – withdrawn by applicant

P1804.10 (178) – Retention of canopy – withdrawn by applicant

P1413.11 (178) – Retention of canopy – currently under consideration

P1414.11 (178) – Retention of steel clad building – currently under consideration

4.0 Enforcement Background

4.1 A complaint was received in January 2008 that a steel structure was being erected at the site. Upon investigation, it was found that two structures were being constructed, as described in Section 2.0 above. The operator of the site was advised that the structures did not have the benefit of planning permission and that this should be addressed.

4.2 Planning applications to retain the structure/building were submitted in 2010, but these were subsequently withdrawn. In September 2011, two new planning applications were submitted and these are currently being considered.

5.0 Material Planning Considerations

5.1 Policy DC45 of the LDF Core Strategy and Development Control Policies DPD indicates that planning permission for development in the Green Belt will only be granted if it is for agriculture and forestry, outdoor recreation, nature conservation, cemeteries, mineral extraction and Park and Ride facilities. This is the list drawn from national planning guidance, PPG2 “Green Belts”.

5.2 The Government have issued a consultation draft National Planning Policy Framework (July 2011). The draft guidance includes reference to maintaining the protection of the Green Belt. However, as the document is for consultation and subject to change, it currently has little weight.

5.3 The existing use of the application site is a commercial removals depot which does not fall within any of the listed categories. The storage of artefacts similarly does not fall within the listed categories. The canopy and steel clad building are therefore inappropriate development in the Green Belt, by definition harmful in principle to the purpose of the green belt.

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- 5.4 The reasoned justification to Policy DC45 refers to Planning Policy Guidance Note 2 – Green Belts which states a general presumption against inappropriate development. By its very nature, inappropriate development is considered to be harmful to the Green Belt, in principle. In order to outweigh such harm, together with any additional harm caused by the physical impact of the building on the setting and openness of the Green Belt, very special circumstances must be clearly demonstrated. If not, planning permission should be refused.
- 5.5 Policy DC45 clarifies that planning permission for the redevelopment of authorised commercial/industrial sites will be granted provided there is a substantial decrease in the amount of building on the site and improvements to the local Green Belt environment. The unauthorised canopy and structure are not part of the redevelopment of the site and are additional to the existing buildings on the site. Therefore, there is not considered to be an improvement to the Green Belt environment as a result of the unauthorised works that have taken place.
- 5.6 The five purposes of the green belt are to check the unrestricted sprawl of large built-up areas; to prevent neighbouring towns from merging into one another; to assist in safeguarding the countryside from encroachment; to preserve the setting and special character of historic towns; and, to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 5.7 The Planning Inspector in his decision letter dated 25th September 2003 in relation to the application site indicated that the site has a role in restricting the growth of the built-up area and in preventing the coalescence of Romford and Dagenham which meet the first two purposes of the green belt. In his view the site in this part of Crow Lane “retains a distinct open and low-density character, and it appeared to me to continue to perform the roles of separating neighbouring settlement and restricting urban sprawl”.
- 5.8 The Planning Inspector further noted that “The appeal site is part of a narrow finger of Green Belt that links areas to the north and south of Crow Lane” such that “I consider it to be a sensitive part of the Green Belt. If the openness of the land were to be further reduced, an undesirable fragmentation of the Green Belt could result.”
- 5.9 The status of the application site in green belt terms has not diminished since the Planning Inspector made his comments. The site continues to fulfil the first two purposes of the green belt even though the use of the site itself does not fall within the range of appropriate uses of land in the green belt.
- 5.10 The canopy and steel clad building are not particularly visible from Crow Lane, although they are visible from within the site. Long range views of the unauthorised canopy and building is currently limited by stacks of shipping containers covering a large part of the site. The containers are a feature of the current use, which is of itself an inappropriate use in the green belt. Nonetheless, containers can be removed from the application site and

moved around the site in connection with the applicant's business such that they would not provide a permanent physical screen. Notwithstanding that the site's established and historic use which pre-dates Planning (i.e. before 1948) causes some harm to the green belt by its very nature, the height and location of the containers currently do reduce the visibility of the structure.

- 5.11 If the use were to cease, while the containers would be removed, any structures including the unauthorised canopy and steel-clad building would remain permanently on the land. It is therefore considered that it would be capable of being visible from public viewpoints and therefore, due to its size, scale and inappropriateness in the green belt, would have an adverse impact on the openness of the green belt and purposes of including the site within it.
- 5.12 The Planning Inspector clarified that the fundamental aim of Green Belt policy is to prevent urban sprawl by "keeping land permanently open". Staff therefore consider that the development of these large permanent structure and building results in harm to the open character and appearance of this part of the green belt and the purposes of including land within it, contrary to Policy DC45 and PPG2.
- 5.13 Staff consider that the retention of canopy and building in the green belt is inappropriate in principle. It is further considered that there would be harm to the open character and appearance of the green belt.
- 5.14 Some very special circumstances were put forward in the withdrawn planning applications. Consideration of these should be properly considered as part of a planning application and given the planning history it is difficult to attach significant weight to these in deciding whether it is expedient to take enforcement action – particularly as the very special circumstances may change in the future long after the canopy/structure has become lawful and there would be no way to control these without them being accepted through the planning application process through either conditions or legal agreements.

6.0 Justification for Intended Action

- 6.1 The canopy structure and steel clad building have been in place for some time now, since the early part of 2008. Under current planning legislation, if buildings/structures remain in place for more than 4 years, then they become immune from enforcement action.
- 6.2 Discussions have been ongoing with the operator of the site and as a result of these discussion, planning applications for the retention of the unauthorised structure/building were submitted, accompanied with a statement of very special circumstances to be weighed up against the inappropriateness of the development. However, these planning applications were subsequently withdrawn by the applicant. Further planning applications

have recently been submitted, together with a statement of further very special circumstances, which are currently being considered.

- 6.3 Given the passage of time since the submission of the application, it is considered necessary for the Council to "preserve" its position to ensure that the structures remain unauthorised until such time as planning permission is granted to retain them or they are removed in accordance with any notice(s) that are served. The operator of the site has been informed of the intention to seek enforcement authority to preserve the position.
- 6.4 Any decision to serve enforcement notices does not prejudice any consideration of the current applications. These will be assessed objectively and reported to Committee on their merits. There is also a right of appeal against any Enforcement Notices including on the grounds that planning permission ought to be granted.
- 6.5 The harm that the canopy and building is causing to the Green Belt has been identified and this is contrary to adopted national and local planning policy. In the circumstances it is expedient to serve enforcement notices requiring the removal of the canopy structure and steel clad building.
- 6.5 Given that there are current planning applications, it is considered reasonable to allow a six month compliance period for any notices.

IMPLICATIONS AND RISKS

Financial implications and risks:

Enforcement proceedings may have financial implications for the Council

Legal implications and risks:

Enforcement action, defence of any appeal, and prosecution or other procedures required to remedy the breach of control will have resource implications for the Legal Services

Human Resources implications and risks:

No implications identified

Equalities implications and risks:

No implications identified

BACKGROUND PAPERS

1. Site Plan



178 Crow Lane, Romford	Map Reference: TQ4987NE
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