

JC/PB/GA/PD11673

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Dear Mr Davy,

**LB Hillingdon Local Plan Part II Representations
Stockley Farm, London**

Thank you for contacting Montagu Evans in relation to the your emerging Local Plan further to representations made in respect of that document.

As you know the representations we made to the plan were specifically in relation to the Site at Stockley Farm and its designation as a Site of Importance for Nature Conservation (SINC) and within the Green Belt (GB).

We understand that you have considered those representations and submitted the Plan to the Secretary of State to test its soundness prior to adoption. We understand that the submitted version retains our client's site within the SINC and GB. We have therefore set out a further statement below setting out why we consider these designations should either be removed from some or all of the site.

Site's Background

The site has a history of industrial type uses. A full background is set out in the application for the Certificates of Lawfulness that have been obtained for the site but we summarise below for ease.

Historically the site was utilised as a brick works with a spur from the Grand Union Canal running around the perimeter of the site to the north and west while the remainder of the site itself was utilised for the extraction of clay for bricks.

After this but prior to 2003, Stockley Farm was utilised for a range of uses including: (i) vehicle storage; (ii) maintenance and repairs; (iii) commercial purposes (light and general industrial); (iv) the storage of construction plant and waste; (v) general storage and haulage.

In 2003, our client undertook and/or commissioned extensive clearance of Stockley Farm. This clearance was undertaken in two phases. The first phase of clearance work was completed on 30 September 2003. The second phase of the clearance works was completed around mid-2004.

On 27 October 2004, a lease was granted to our client by Stockley Park Consortium Limited, which previously owned Stockley Farm. The 2004 Lease authorised Stockley Farm to be used as offices although, in practice, this was only implemented in respect of parts of Stockley Farm (i.e. the farm buildings and our client's offices).

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In October 2005 a further draft lease of Stockley Farm was prepared. Although this draft lease was not completed, it proposed to authorise uses which more accurately reflected the position 'on the ground' at that time, namely to include: (i) office and storage in respect of the farmhouse; (ii) light industrial and/or general commercial activities in respect of 'Ancillary Buildings' (i.e. those buildings which were not part of the farmhouse or cottage); (iii) vehicle parking and storage and/or general commercial activities in respect of the then remaining unbuilt part of Stockley Farm (including the Site); and (iv) no use at all of the 'Outbuildings'.

The use of the site for purposes of open storage then became the main activity of the site and continue to be so.

Planning History

There are now a series of certificates of lawfulness for the site which confirm the lawful use of various parts of the site for open storage within Class B8. The full history is set out at **Appendix 1**.

A certificate of lawfulness has also been obtained confirming the extent of the previously developed area of the site in terms of hardstanding, bunds, walls and fences, in addition to the farm buildings.

"11888/APP/2015/3164. A certificate of lawfulness of existing use or development pursuant to section 191(1)(b) of the Act for the erection of: (i) earth bunds (as shaded green on Plan B) ("the Bunds"); (ii) fences (as marked yellow on Plan B) ("the Fences"); (iii) concrete walls (as marked blue on Plan B) ("the Walls"); and (iv) hard standing (as shaded pink on Plan B) ("the Hard Standing"), on the Site (together "the Permitted Operations") (Application for a Certificate of Lawful Development for an Existing Development). 10 December 2015."

The plan from this certificate is contained at **Appendix 2**, which identifies the areas the certificate relates to. You acknowledged at our meeting on 19 July 2018 that the certificates provide an opportunity to justify new development on the site in place of the present unsightly operations which are incompatible with the Green Belt tests.

However the Local Plan affords a greater opportunity for a more coherent arrangement and defensible boundary through the reorganisation of the uses on the site.

Green Belt

In respect of the Green Belt designation the Council's assessment of our representation states that the review conducted in 2013 did not identify the site for release. However we have reviewed the 2013 Green Belt Assessment and it states:

"3.1 As noted in paragraph 1.3, this study does not seek to undertake a major review of Green Belt in the borough. Instead, it provides an assessment of the proposed additions and deletions that have been received by the Council since the adoption of the UDP, including the production period for the Local Plan. In accordance with policy EM2 of the Local Plan Part 1, some minor adjustments to boundaries are proposed, where land does not meet the purposes of being included in the Green Belt."

While the plan acknowledges that the full scale review of the Green Belt does not form part of the adoption of the second part of the local plan, the comment above is inaccurate as the 2013 review only considered sites for review that were received between adoption of the UDP in 2006 and 2013. The 2013 document does not review any sites received since and therefore the Council have not considered the merits of releasing the site at Stockley Farm.

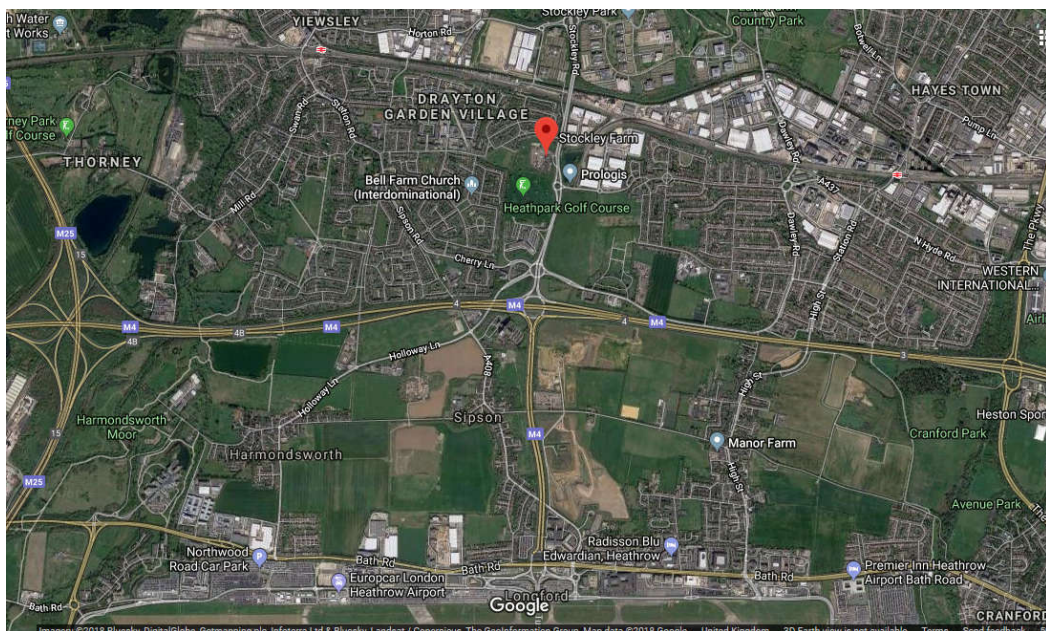
It therefore necessarily follows that it is unclear why those sites which have been released from the Green Belt as part of the Local Plan review have been so ahead of the Stockley Farm site, i.e. there could be a less preferable site which is being released first.

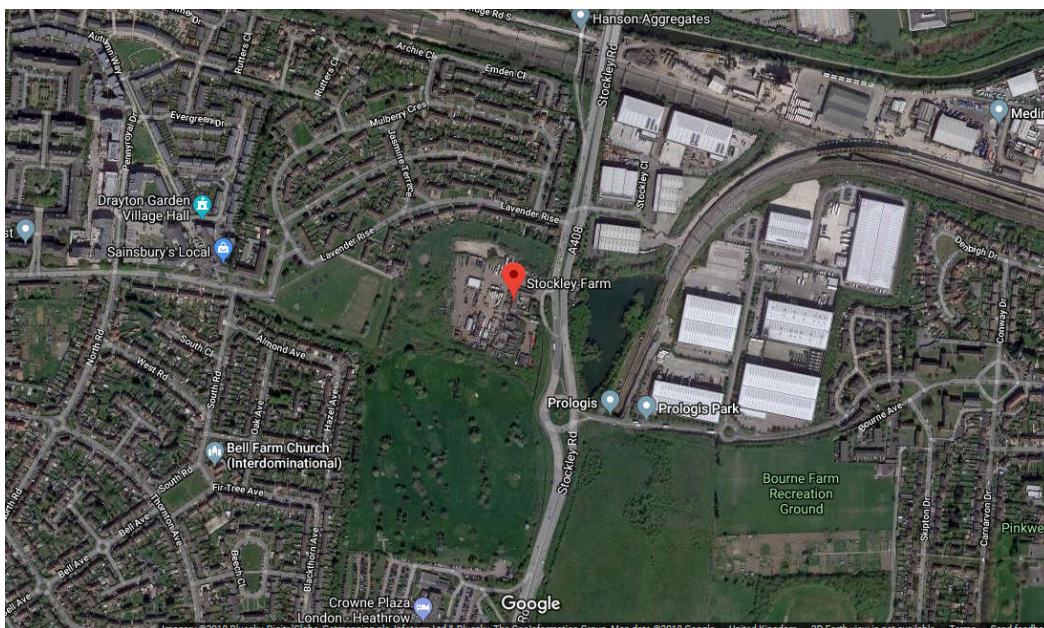
In our view the site does not serve the purposes of Green Belt set out at Paragraph 134 of the National Planning Policy Framework:

"134. Green Belt serves five purposes:

- *to check the unrestricted sprawl of large built-up areas;*
- *to prevent neighbouring towns 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."*

The site location plan below shows the location of the site marked with a red marker.





We review the site against the Green Belt tests below:

To check the unrestricted sprawl of large built up areas

The site is already surrounded on three sides by developed land. It forms part of a larger parcel of allocated Green Belt with the golf course to the south. The larger parcel is bounded to the south by Crowne Plaza hotel.

The site itself has already been developed, the designation as Green Belt would therefore not meet this criteria as it is already built upon.

To prevent neighbouring towns from merging into one another

The site is bordered by the A408 to the east, residential development to the north and west. To the east is a significant industrial estate. There is no logical separation between the developed areas to the east and west, and the areas have already conjoined.

To assist in safeguarding the Countryside from encroachment

The site has not formed part of the countryside for some time and the history of the site is set out above. Its designation does not prevent the countryside from encroachment and is very much part of the wider suburban London.

To preserve the setting and special character of historic towns

There are no sensitive towns of special character in proximity to the site.

To assist in urban regeneration, by encouraging the recycling of derelict and other urban land

The site is itself previously developed land which through sensitive development could provide an opportunity to properly decontaminate the land and provide opportunities for local public open space (connected to existing open space) as part of the comprehensive development. Indeed paragraph 137 of the 2018 NPPF indicates that the Local Authority should make as much use as possible of suitable brownfield sites and underutilised land. The NPPF goes on to say:

"When drawing up or reviewing Green Belt boundaries, the need to promote sustainable patterns of development should be taken into account. Strategic policymaking authorities should consider the consequences for sustainable development of channelling development towards urban areas inside the Green Belt boundary, towards towns and villages inset within the Green Belt or towards locations beyond the outer Green Belt boundary. Where it has been concluded that it is necessary to release Green Belt land for development, plans should give first consideration to land which has been previously-developed and/or is well-served by public transport. They should also set out ways in which the impact of removing land from the Green Belt can be offset through compensatory improvements to the environmental quality and accessibility of remaining Green Belt land."

As such it indicates that this site should be released ahead of other Green Belt sites which are not previously-developed land.

The release through the local plan could also provide an opportunity to rationalise the developed area on the site and to provide a clearer boundary to development.

Site of Importance to Nature Conservation

As can be seen from the aerial photograph and those photographs submitted with the original representation the part of the site which comprises the hardstanding and bunds has no ecological value. This indicates this part of the site should be released from the SINC.

Yours sincerely



Paul Burley
Partner
Montagu Evans LLP

Appendix 1 – Planning History

11888/APP/2015/2930 - (i) Use of the site for the storage of vehicles, plant (including cranes) and containers within Class B8 of the Town and Country Planning (Use Classes) Order 1987 (as amended) pursuant to section 191 (1)(a) of the Town and Country Planning Act 1990 (as amended); and (ii) The erection of a structure (being a tower crane) on the site pursuant to section 191 (1)(b) of the Town and Country Planning Act 1990 (as amended) (Application for a Certificate of Lawful Development for an Existing Development). Approved 12 October 2015.

11888/APP/2015/3164. A certificate of lawfulness of existing use or development pursuant to section 191(1)(b) of the Act for the erection of: (i) earth bunds (as shaded green on Plan B) ("the Bunds"); (ii) fences (as marked yellow on Plan B) ("the Fences"); (iii) concrete walls (as marked blue on Plan B) ("the Walls"); and (iv) hard standing (as shaded pink on Plan B) ("the Hard Standing"), on the Site (together "the Permitted Operations") (Application for a Certificate of Lawful Development for an Existing Development). Approved 10 December 2015.

11888/APP/2015/3585. Use of the site for the storage of vehicles (Application for a Certificate of Lawful Development for an Existing Development). Approved 7 January 2016.

11888/APP/2015/4377 An application ("the Application") for a certificate of lawfulness of existing use or development for (i) the use of the Site for office purposes pursuant to Class B1 of the Town and Country Planning (Use Classes) Order 1987 ("the Use Classes Order") together with ancillary parking, storage, security, toilet and washroom facilities pursuant to section 191(1)(a) of the Act ("the Permitted Use"); and (ii) the erection of structures (as shaded grey and numbered 26, 27, 28, 29 and 42 on the accompanying plan at Appendix 1 ("Plan G")) on the Site pursuant to section 191(1)(b) of the Act ("the Permitted Structures") (Application for a Certificate of Lawful Development for an Existing Development). Approved 12 February 2016.

11888/APP/2016/233 Application for a certificate of existing lawfulness of use or development in relation to: (i) the use of the Site for the storage of vehicles and plant (including cranes) within Class B8 of the Town and Country Planning (Use Classes) Order 1987 (as amended) along with ancillary office/workshop use pursuant to section 191(1)(a) of the Act; and (ii) the erection of a structure (being an office building, as shaded grey and numbered 35 on the accompanying plan on the Site pursuant to section 191(1)(b) of the Act (Application for a Certificate of Lawful Development for an Existing Development). Approved 23 February 2016.

11888/APP/2016/1301. A certificate of lawfulness of existing use and development in relation to: (i) the use of the Site for the storage of vehicles within Class B8 of the Town and Country Planning (Use Classes Order) 1987 (as amended) and (ii) (as shaded grey and numbered 5, 30 and 31 on the accompanying plan (Plan D) (Application for a Certificate of Lawful Development for an Existing Development). Approved 1 June 2016.

11888/APP/2016/1300. A certificate of lawfulness of existing use and development in relation to: (i) the use of the Site for the storage of vehicles within Class B8 of the Town and Country Planning (Use Classes Order) 1987 (as amended) and (ii) the erection of a structure (Application for a Certificate of Lawful Development for an Existing Development). Approved 24 May 2016.

11888/APP/2016/2434. The use of the Site for the sale of hot food together with ancillary storage of bins, queuing customers and tables and chairs within Class A5 of the Town and Country Planning (Use Classes Order) 1987 (as amended); and the erection of the structure (as shaded grey and numbered 41 on the accompanying plan at Appendix 1 ("Plan H")). (Application for a Certificate of Lawful Development for an Existing Use or Development). Approved 19 October 2017.

