

Meeting:	Development Control Committee
Date:	11 October 2005
Subject:	Copse Farm, 2 Brookshill Cottages, Dairy Cottages, Brookshill Drive, Harrow
Responsible Officer:	Group Manager Planning and Development
Contact Officer:	Glen More
Portfolio Holder:	Planning, Development and Housing
Enclosures:	Site Plan
Key Decision:	No
Status	Part 1

Section 1: Summary

This report is in relation to the unauthorised erection of metal mesh fencing panels and stabilising mounts.

The metal mesh fencing panels are sited on land at Copse Farm, 2 Brookshill Cottages, and Dairy Cottage. Some are adjacent to Brookshill Drive, and others lying within Copse Farm. The metal mesh fencing panels and stabilising mounts, by reason of their size, siting and appearance, are considered to be inappropriate, obtrusive and give rise to the loss of outlook, views and openness, to the detriment of the visual amenity, appearance and character of the surrounding Green Belt. The site is situated within the Brookshill Drive and Grimsdyke Estate Conservation Area, and the Harrow Weald Ridge Area of Special Character. It is therefore recommended that an Enforcement Notice be served to secure their removal.

Decision Required

Recommended (for decision by the Development Control Committee)

The Director of Legal Services be authorised to:

- (a) Issue an Enforcement Notice pursuant to Section 172 of the Town and Country Planning Act 1990 requiring:
- (b) (i) Dismantle metal mesh fencing panels and stabilising mounts

- (ii) Permanently remove their constituent elements from the land.
- (c) [(b)] (i) and (ii) should be complied with within a period of one (1) month from the date on which the Notice takes effect.
- (d) Issue Notices under Section 330 of the Town and Country Planning Act 1990 (as amended) as necessary in relation to the above alleged breach of planning control.
- (e) Institute legal proceedings in event of failure to:
 - (i) supply the information required by the Director of Legal Services through the issue of Notices under Section 330 of the Town and Country Planning Act 1990;
 - and/or
 - (ii) comply with the Enforcement Notice

Reason for report

To ensure that the alleged breach of planning control is ceased in the interests of amenity.

Benefits

To enhance the environment of the Borough.

Cost of Proposals

None at this stage.

Risks

Any enforcement notice may be appealed to the Planning Inspectorate.

Implications if recommendations rejected

Failure to take action would mean that the amenities of the neighbouring occupiers properties would continue to be harmed.

Section 2: Report

Brief History, Policy Context (Including Previous Decisions)

2.1 Planning permission reference P/791/04/CFU for the provision of 2.1 metre high hoardings with gates, was refused on 19th May 2004 for the following reasons:

The retention of the existing fencing, by reason of size, siting and appearance, would be inappropriate, obtrusive and give rise to a loss of outlook, to the detriment of the visual amenities, appearance and character of the Green Belt, Brookshill Drive Conservation Area, the Harrow Weald Ridge Area of Special Character, the setting of listed and locally listed buildings and neighbouring residential amenities.

Relevance to Corporate Priorities

- 2.2 This report addresses the Council's stated priority of enhancing the environment of the borough.

Background Information and Options Considered

- 2.3 The metal mesh fencing panels and stabilising mounts have been placed in various sites around Copse Farm, Farm Cottage, Dairy Cottage and No.2 Bridle Cottage. The fencing is approximately 2 metres high and each panel is approximately 3.45 metres wide, with approximately 130 metres of fencing erected within the Conservation Area. The fencing spans entrances to Copse Farm and the riding stables.
- 2.4 The fencing is located within the Green Belt, Brookshill Drive and Grimsdyke Estate Conservation Area, and the Harrow Weald Ridge Area of Special Character.
- 2.5 The Brookshill Drive and Grimsdyke Estate Conservation Area is one of only three semi-agricultural conservation areas within the Borough. As such it is important that the rural character of the area is preserved and enhanced for the future as a record of the historical agricultural nature of outer London.
- 2.6 In relation to Policy D4, The Harrow Council Unitary Development Plan 2004 Policy D4 states:-
- “The Council will expect a high standard of design and layout in all development proposals. The following factors will be taken into account when considering planning applications for development:-
- a) Site and setting;
 - b) Content, scale and character;
 - c) Public realm;
 - d) Energy efficiency, renewable energy, sustainable design and construction;
 - e) Layout, access and movement;
 - f) Safety
 - g) Landscape and open space; and
 - h) Adequate refuse storage.”
- 2.7 These policies are reinforced in the more general Policy, SD1 *Quality of Design* of the Unitary Development Plan 2004.

- 2.8 Policy D13, states where it can be clearly demonstrated to the Council's satisfaction that a change of use of a statutorily listed building is required to preserve that building, and where alterations required for the new use do not diminish the architectural or historic value of the building or its setting, such a proposal may be considered to override other plan policies and building control standards in appropriate cases.
- 2.9 The type and location of the fencing is out of character with the surrounding area and detracts from the historic and architectural character, the special character and also has a detrimental impact on the views from the conservation area.
- 3.0 The area has a number of listed and locally listed buildings and the steel fencing affects the appearance and setting of the Grade II Listed 2, Bridle Cottage, and the locally listed Copse Farm, Farm Cottages and Dairy Cottage.
- 3.1 Policy D16, states the preservation of the character or appearance of conservation areas may be considered to override other plan policies and building control standards in appropriate cases.
- 3.2 Policy D17, states that the Council will seek article 4 direction where development or uses, allowed by permitted development, would adversely affect the character and setting of conservation areas or listed buildings.
- 3.3 Policy EP31, within the areas of special character...The Council will:
- a) Resist the loss of, or damage to, features which contribute to the area of special character
 - b) Preserve architectural and historic features which contribute to the area of special interest
 - c) Protect skylines and views from intrusive development; and
 - d) Ensure that redevelopment schemes preserve or improve the character and appearance of the area
- 3.4 Policy EP32, land in the green belt...will be kept primarily open in character and free from building development. The construction of new buildings for the following uses is acceptable in principle: -
- a) Agricultural, forestry, nature conservation and cemeteries;
 - b) Open-air recreational facilities which maintain the character and open nature of the green belt, have no significant adverse environmental effects, and do not damage sites of nature conservation importance;
 - c) Limited extension, alteration or replacement of existing dwellings (subject to policy EP34); and
 - d) Limited infilling or redevelopment of identified major developed sites (subject to policy EP35).
- 3.5 Policy EP33, Planning applications for development in the green belt will be assessed in relation to whether: -
- a) The proposal is appropriate to its green belt location;

- b) The proposal is well designed in relation to the size and shape of the site and in particular, whether sufficient space exists within the site and its surroundings;
 - c) The proposal retains the openness and character of the green belt;
 - d) Existing trees and natural features are retained, and a high standard of landscaping could be achieved;
 - e) Any proposed structure would conflict with the purposes and the proper functioning of the green belt;
 - f) Any aspect of the proposal would have an adverse visual impact on the skyline and adjacent areas; and
 - g) In the case of replacement dwellings there would be any material increase in site coverage, bulk and height of buildings.
- 3.6 The metal mesh fencing panels and stabilising mounts are not in accordance with a number of the Council's policies, specifically SD1, D4, D13, D16, D17, EP31, EP32 and EP33. It is considered that significant harm is caused by this development; therefore, it is recommended that a planning enforcement notice be issued.

The alleged breach of planning control

- 3.7 Without planning permission, the erection of metal mesh fencing panels and stabilising mounts.

Reasons for issuing the notice

- 3.8 It appears to the Council that the above breach of planning control occurred within the last 4 years.
- 3.9 The metal mesh fencing panels and stabilising mounts by reason of their size, siting and appearance, are inappropriate, obtrusive and give rise to the loss of outlook, views and openness, to the detriment of the visual amenities, appearance and character of the Green Belt, Brookshill Drive and Grimsdyke Estate Conservation Area, the Harrow Weald Ridge Area of Special Character, the setting of listed, and locally listed buildings and neighbouring residential amenities, contrary to Policies D1, D4, D13, D16, D17, EP31, EP32 and EP33 of the Harrow Council Unitary Development Plan 2004.
- 4.0 The council do not consider that planning permission should be granted because planning conditions would not overcome these problems.

Consultation with Ward Councillors

- 4.1 Copied for information

Financial Implications

- 4.2 There are no financial implications at this stage

Legal Implications

4.3 As contained in the report

Equalities Impact

4.4 None

Section 3: Supporting Information/ Background Documents

P/791/04/CFU Provision of 2.1 metre high hoardings with gates.