

Meeting:	Development Control Committee
Date:	11 January 2006
Subject:	High Barn, Pinner Hill Farm, 160 Pinner Hill Road, Pinner
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 relates to unauthorised Change of use from Class B1 to Class A1 (use as a retail showroom) at High Barn, Pinner Hill Farm, 160 Pinner Hill Road, Pinner, and seeks authority to initiate enforcement action.

The use of the premises as a Class A1 retail showroom is contrary to the provisions of Policy EM15 of the Harrow Council Unitary Development Plan 2004, resulting in an unacceptable loss of Class B1 floor space, which should be retained to maintain a flexible range of employment generating uses. Planning permission for the continued use of the property as a retail showroom was refused. The development is contrary to policies SD1, SD2, SEM2, D11, D14, EM15 and EM22 of the Harrow Council Unitary Development Plan 2004.

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) Cease the use of the land as a retail showroom (Class A1).

- (ii) The permanent removal all kitchen displays from the land.
- (c) [(b)] (i) and (ii) should be complied with within a period of (3) months 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 protect and 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 residents would continue to be harmed.

Section 2: Report

Brief History, Policy Context (Including Previous Decisions)

2.0 P/2390/04/DCO - Continued use as retail showroom (class A1), Refused on 27 October 2004. The reasons for refusal are as follows;
“The use of the premises as a Class A1 retail showroom (which would be more appropriately sited in a district or local centre) is contrary to the provisions of Policy EM15 of the Harrow Unitary Development Plan resulting in an unacceptable loss of Class B1 floor space, which should be retained to maintain a flexible range of employment generating uses”.

LBH/31132 - Use of barn as offices separate from use of Folly (Deletion of Condition 9 of P/P LBH/24823). Granted 6 November 1986.

LBH/24823 Change of use of High Barn from storage to studio with storage below and ancillary parking, Granted 23 February 1984.

Background Information and Options Considered

2.1 The subject premises occupies the ground floor of High Barn a 2-storey, Grade 2 listed building on the western side of Pinner Hill Road. Pinner Hill Farm comprises of a group of former farm buildings with a mix of residential and Class B1 uses. The premises has a B1 use classification but is currently being used as A1 kitchen sales showroom. The site is situated within the Pinner Hill Estate Conservation Area. The change of use from Class B1 to Class A1 is contrary to the following policies:

2.2 The change of use is contrary to the following policies:

-Policy SD1 *Quality of Design* of the Unitary Development Plan 2004.

-Policy SD2 *Conservation Areas, Listed Buildings, Sites of Archaeological Importance, and Historic Parks and Gardens*.

-SEM2 *Hierarchy of Town Centres*.

-Policy D11 *Statutorily Listed Buildings*.

-Policy D14 *Conservation Areas*.

-Policy EM15 *Land and Buildings in Business, Industrial and Warehousing Use – Outside Designated Areas*.

-Policy EM22 *Environmental Impact of New Business Development*.

2.3 Due to the small supply of land for employment purposes in the Borough the loss of the site from Class B1 usage is only acceptable as stated in the policies if all alternatives have been fully considered, and retaining such uses, even in part, is demonstrated not to be economically viable, even in the longer term. If it is not viable for redevelopment of the site for entirely

Class B1 usage then the Council will favour a mixed-use scheme involving significant Class B1 elements. If such a scheme is proven to the Council's satisfaction not to be viable, only then will a non Class B use be considered. In the case of this site the use of the site was changed without the prior benefit of planning permission or demonstration that it was unfeasible to retail the previous use either wholly or in part. Therefore the change of use is contrary to the above policies.

The alleged breach of planning control

- 2.4 Without planning permission, the change of use of the premises from Class B1 to Class A1 kitchen retail showroom.

Reasons for issuing the notice

- 2.5 It appears to the Council that the above breach of planning control occurred within the last 10 years.
- 2.6 The use of the premises as a Class A1 kitchen retail showroom is contrary to the provisions of Policy EM15 of the Harrow Council Unitary Development Plan 2004 resulting in an unacceptable loss of Class B1 floor space, which should be retained to maintain a flexible range of employment generating uses. The change of use is also contrary to policies SD1, SD2, SEM2, D11, D14, EM15 and EM22.
- 2.7 The Council does not consider that planning permission should be granted because planning conditions cannot overcome these problems.

Consultation

- 2.8 -Ward Councillors copied for information.
-Harrow Council Environmental Health
-Harrow Council Legal Services
-Harrow Council Financial Service

Financial Implications

- 2.9 None.

Legal Implications

- 3.0 As contained in the report.

Equalities Impact

- 3.1 None.

Section 17 Crime and Disorder Act 1998 Considerations

- 3.2 None.

Section 3: Supporting Information/ Background Documents

P/2390/04/DCO Continued use as retail showroom (Class A1)

LBH/31132 Use of barn as offices separate from use of Folly (Deletion of Condition 9) of P/P LBH/24823.

LBH/24823 Change of use of High Barn from storage to studio with storage below and ancillary parking.