

**HILLINGDON LOCAL PLAN PART 2
EXAMINATION IN PUBLIC – AUGUST 2018**

**UPDATING REPRESENTATIONS
ON BEHALF OF
Mr. RAYAN MAHMUD**

Re: 59 RESERVOIR ROAD, RUISLIP
J335
73/02/Map.2 14/3
Green Belt Assessment

1. These Representations are necessitated by the publication on 24 July 2018 of the revised National Planning Policy Framework which contains relevant revised national planning policy in relation to the above matter. They must be read in conjunction with the original Regulation 19 Representation Form duly submitted by Mr Mahmud, along with the letter from Mercer Planning Consultants Limited dated 30 May 2013 (details set out above). These Representations supplement that letter and it is submitted that, for the reasons set out in that letter and in these Representations, Mr Mahmud's home at 59 Reservoir Road should be deleted from the Green Belt because it does not meet the Green Belt tests or the revised policies as set out in the NPPF (July 2018).
2. The simple response of the Council is that no change is proposed because: "An extensive review of the Green Belt was undertaken in 2013. Officers are of the view that there are no exceptional circumstances to justify exclusion of 59 Reservoir Road as required by the NPPF. The site meets two of the purposes for including land in the Green Belt as identified in the NPPF – to prevent unrestricted sprawl of large built up areas and to assist in safeguarding the countryside from encroachment. The current boundary is based on existing definable physical features whereas the deletion of the site from the Green Belt would result in a Green Belt boundary that was no longer clearly defined.' – see the Representations Excel spreadsheet in the Part 2 Document Library J335.
3. The legal basis for deleting Mr Mahmud's home from the Green Belt is set out in policy EM2 of the Hillingdon Local Plan: Part 1 which states that "Minor adjustments to Green Belt and Metropolitan Open Land will be undertaken in the...Part 2...". Paragraph 8.20 states that the aim of Part 1 policies is to create sustainable communities by concentrating new development in urban areas and local town centres." Paragraph 8.24 makes it clear that there will be minor adjustments "to address boundary anomalies". (See also paragraphs 19 and 20 of the Inspector's Report of 26 July 2012. The deletion of 59 Reservoir Road from the Green Belt would achieve that result as its inclusion is self-evidently an anomaly and would amount to a "minor adjustment".

4. The Council has already demonstrated the type of situation that would result in such deletions – see Green Belt Assessment Update (September 2013) at pages 20,41, 42 and 73. The Council’s approach is therefore confused and inconsistent in relation to 59 Reservoir Road in contrast to the other sites. Planning law requires consistency in decision-making and the Council has made no attempt to reconcile its approach in relation to this site with the four examples given above. Its approach is therefore irrational, illogical and discriminatory as elaborated below. However, as both the letter and relevant facts make clear, 59 Reservoir Road does not meet any of the Green Belt purposes and should be deleted.
5. Furthermore, the Council’s approach ignores the planning history of both 59 Reservoir Road and the surrounding area. In particular:
 - (a) It is understood that it was once the caretaker’s home for the Ruislip Lido and subsequently became a council house occupied by Mr Mahmud’s father and family in 1987 and subsequently purchased under his Right to Buy. It is separated from the Lido by Reservoir Road and both visually appears as, and physically is, the last house of a series of houses on that road as can be seen from the attached photographs. It has always been part of the urban area, as set out in the second paragraph of the letter of 30 May 2013. It is not part of the open countryside;
 - (b) The Council’s approach is at odds with its own decision in relation to its own application (1117/APP/2010/1997) granted to itself on 20 July 2012 for the construction of a car park consisting of 150 parking spaces at Ruislip Lido, Reservoir Road, Ruislip. This was on land that was, at the time, existing woodland and scrub located some distance from the urban area. Nonetheless, in the Planning Statement the Council stated: “The proposed car park would not have a significant impact on the visual amenity of the Green Belt, as careful consideration has been given to its development as shown in the plans.” In the officer’s report it is stated: “It is considered that there are sufficient special circumstances to justify an exception to Green Belt policy and, accordingly, there is no objection to the principle of development in this location.” In neither document nor in the decision notice are any “very special circumstances” identified nor is there any attempt to balance any of the perceived benefits against the harm to the Green Belt as required by established Green Belt policy now found in paragraphs 143 and 144 of the NPPF (July 2018). The Council’s decision, in relation to an open, wooded Green Belt site located some distance from the urban area, could be seen as inconsistent with Green Belt policy. Alternatively, it may be a recognition by the Council that the Green Belt boundary in this area is ill-justified and in need of revision along the lines suggested by the Part 1 inspector, Mr Machin. In any event, this permission has altered the character of the area and further undermined the Council’s assertion that 59 Reservoir Road meets two of the stated Green Belt purposes;
 - (c) The car park planning permission also undermines the assertion that retaining 59 Reservoir Road in the Green Belt provides a definable physical

boundary. Furthermore, if it once did (which is not accepted) meet any of the stated Green Belt purposes, it no longer does and any argument that 59 Reservoir Road prevents the unrestricted urban sprawl or safeguards the open countryside is manifestly untenable in the light of this permission. Therefore, to move the Green Belt boundary so that it excludes 59 Reservoir Road will strengthen the Green Belt by providing a better-defined boundary that recognises the true outer limits of the urban area, thereby preventing urban sprawl and safeguarding the open countryside. Deletion would also be consistent with the main purpose of the Green Belt as set out in paragraphs 5.1 and 5.3 of the Local Plan Part 2: Site Allocations and Designations October 2015;

- (d) The Council's assertions are undermined by the recent planning history of 59 Reservoir Road. In 2015 Mr Mahmud submitted two applications for CLOPUDs under section 192 for two outbuildings and two single storey side extensions. Both were refused, but on 17 June 2016, an inspector allowed an appeal in relation to the outbuildings (APP/R5510/X/16/3143072). On 9 May 2017 the Council granted planning permission for a single-storey side extension and single storey rear extension (50293/APP/2016/4418). Two more recent refusals of section 192 certificates are currently under appeal. Thus, the Green Belt designation serves little purpose in that it cannot prevent limited development at 59 Reservoir Road thus it cannot meet the two purposes relied on by the Council; and
 - (e) Notwithstanding the previous point, the officer's report on the 2017 permission demonstrates the unfair, illogical and discriminatory effect of the application of Green Belt policy in relation to 59 Reservoir Road, and more particularly in contrast to the adjoining homes at 1 and 2 Lakeside Gardens or 57 Reservoir Road (which lie outside the Green Belt as can be seen from Map A2.14 on page 40 of the September 2013 Update) which are not hampered by Green Belt policy limitations and the other sites which it is proposed should be deleted from the Green Belt.
6. In the light of the Part 1 Plan inspector's report and policy EM2 (and supporting text) it is submitted that the correct approach to be followed is that set out in paragraphs 137, 138 and 139 of the NPPF. By deleting 59 Reservoir Road the Council will only be removing from the Green Belt "land which it is unnecessary to keep permanently open" and be defining clearly a new boundary, "using physical features that are readily recognisable and likely to be permanent." The current boundary manifestly contravenes both these points. Furthermore, it is submitted that removing 59 Reservoir Road would be consistent with the third and fourth sentences of paragraph 138. In the light of this slight change to Green Belt policy introduced by the NPPF (July 2018), the Council is urged to reconsider its opposition to this minor adjustment.



