

Appeal Decision

Site visit made on 20 September 2016

by Mrs H M Higenbottam BA (Hons) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 07 November 2016

Appeal Ref: APP/N5090/W/15/3014894

St. Vincents Farm Cottage, The Ridgeway, London NW7 1EL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Vision Residences against the decision of the Council of the London Borough of Barnet.
 - The application Ref: H/05678/14, dated 16 October 2014, was refused by notice dated 18 December 2014.
 - The development proposed is 'Demolition of existing two storey dwelling, associated outbuildings and hard standing to be replaced with a contemporary, single storey home that is both appropriate within the Green Belt and Mill Hill Conservation Area and functional as a long term family home.'
 - This decision supersedes that issued on 30 November 2015. That decision on the appeal was quashed by order of the High Court.
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Decision

1. This decision supersedes that issued on 30 November 2015. The previous decision on the appeal was remitted for re-hearing and determination by order of the High Court.
2. The appeal is allowed and planning permission is granted for 'Demolition of existing two storey dwelling, associated outbuildings and hard standing to be replaced with a contemporary, single storey home that is both appropriate within the Green Belt and Mill Hill Conservation Area and functional as a long term family home at St. Vincents Farm Cottage, The Ridgeway, London NW7 1EL in accordance with the terms of the application, Ref: H/05678/14, dated 16 October 2014, subject to the conditions set out in the Schedule of Conditions at the end of this decision.

Main Issues

3. The site lies within the Metropolitan Green Belt and as such the main issues are:
 - Whether the development, would be inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (the Framework) and the development plan;
 - Whether the proposed dwelling would preserve or enhance the character or appearance of the Mill Hill Conservation Area; and
 - Whether any harm by way of inappropriateness, if so found, and any other harm, is clearly outweighed by other considerations and, if found to be inappropriate whether there exist very special circumstances that justify the development.
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Background

4. The appeal site sits on a north facing valley side and is roughly rectangular in shape. It is currently occupied by buildings and a concrete yard. There is a public footpath which runs adjacent to the eastern boundary of the site, which is demarcated by a timber fence in excess of two metres in height. Views of the appeal site from this public footpath are therefore minimal.
5. The existing farmhouse is two-storeys and has been subdivided into flats. On the ground floor is a self-contained two bedroom unit and on the first floor, with its own access from the yard via an external staircase, is a self-contained one bedroom flat. A former agricultural building adjacent to the farmhouse has been converted to six self-contained flats (5 x one bedroom and 1 x two bedroom) (flat block). This flat block building returns along the driveway. To the north of the flat block is range of buildings which was last in use in connection with an equestrian business.
6. Attached to the flat block are seven stables and an office. The main gate to the stable yard is situated at the northern end of the appeal site adjoining the access road. Within the courtyard there are six buildings comprising stables, stalls, a wash/utility area, stores and a wash down area. Many of these buildings are brick with fibre cement or felt pitched roofs.
7. In April 2016 a Certificate of Lawful Use or Development was granted for the 'use of building as 6 no self-contained flats'. This building is the flat block and is part of the current appeal site.
8. An adjacent medical research site, which I understand to also be within the Conservation Area, is currently the subject of a planning application for its redevelopment.

Planning Policy

9. The development plan includes the policies of Barnet's Local Plan Core Strategy (adopted September 2012) (CS) and Development Management Policies (adopted 2012) (DMP). The most relevant policies are:
 - CS Policy CS5 which requires development to respect local context and distinctive local character creating places and buildings of high quality design;
 - DMP Policy DM01 which requires development to be of high quality design and preserve or enhance local character, respecting the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets;
 - DM Policy DM06 which requires development to preserve or enhance the character and appearance of a Conservation Area; and
 - DMP Policy DM15 which requires development within the Green Belt to comply with the Framework.
10. The Framework states that inappropriate development in the Green Belt is by definition harmful and should not be approved except in very special circumstances. The construction of new buildings should be regarded as inappropriate development in the Green Belt. A number of exceptions are set out in paragraph 89 of the Framework. Bullet point four of paragraph 89 allows for the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces. Bullet point six of that paragraph allows for limited infilling and partial/complete redevelopment of previously developed land.
11. Paragraph 215 the Framework explains that due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework; the closer the policies in the plan to the policies in the

Framework the greater the weight that may be given. CS Policy CS5 and DMP Policies DM01, DM06 and DM15 are consistent with the Framework and as such I will give them full weight insofar as they are relevant to the appeal.

Reasons

Inappropriate development in the Green Belt

Bullet Point 4 of Paragraph 89

12. The footprint of the farmhouse and flat block are stated to be 320 sq m with a floor area of 360 sq m. In addition to this the other existing buildings are stated to have a footprint and floor area (as they are single storey buildings) of 451.3 sq m.
13. The footprint/floor area of the proposed dwelling is stated to be 330.02 sq m. This equates to slightly more footprint but a reduced floor area than the existing residential development, comprising the farmhouse (two flats) and the flat block, on the site. The height of the proposal would also be lower than the existing farmhouse and flat block.
14. The Framework allows for the replacement of a building in the Green Belt. In *Syrett*¹ it was held that there was no reason in principle why the objectives of Green Belt policy could not be met by the application of this exception to a group of buildings as opposed to a single building. Therefore providing, as a matter of planning judgement, a group of buildings can sensibly be considered together in comparison with what is proposed to replace them, the exception is not limited to the consideration of one building by another but may include the replacement of buildings with one building.
15. The appeal scheme seeks to replace the lawful residential floor space and footprint with a slightly larger footprint but smaller floor area as a single dwelling. The number of residential units would be reduced from six to one. The proposed building would also be lower in height than the existing residential buildings. As such, I find that the group of buildings/residential units proposed to be replaced can sensibly be considered together in comparison to the replacement single dwelling. I also find that the proposed dwelling is not materially larger than the residential buildings it proposes to replace.

Bullet Point 6 of Paragraph 89

16. The appeal site is land which is occupied by permanent structures for residential and equestrian uses. As such, it constitutes previously developed land as defined in the Framework. The proposal would result in the complete redevelopment of the appeal site and the removal of the equestrian and ancillary structures from the appeal site.
17. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, and the essential characteristics of Green Belts are their openness and permanence. While openness is not defined within the Framework it can be taken to mean the absence of development. The effect of a development on the openness of the Green Belt is primarily a matter of its nature, scale, bulk and site coverage. That is to say its quantum and its physical effect on the appeal site rather than any visual or other impact on its surroundings.
18. The total stated footprint of buildings on the appeal site, including residential and equestrian, is 771.3 sq m with a total floor area of 821.8 sq m. The proposed dwelling would have a footprint/floor area of 330.02 sq m. The

¹ Tandridge DC v SSCLG & Syrett [2015] EWHC 2503

proposal would result in significant reduction in built footprint and floor area at the appeal site. In addition the height of the built structures would also be reduced significantly and areas of hard standing would be removed from the yard area. While the layout of the dwelling would enclose the area that is currently enclosed by the existing development, the reduction in height and quantum of built development and hard surfacing would increase openness. As such, I find that the proposed development would result in an increase in the openness of the Green Belt.

Conclusion on the First Issue

19. The appeal proposal would be not inappropriate development in the Green Belt as the residential buildings would be replaced by a building which was not materially larger than those it would replace and the removal of the existing buildings would significantly increase the openness of the Green Belt. As such it complies with DMP Policy 15 and the Framework.

Conservation Area

20. Mill Hill Conservation Area Character Appraisal Statement (adopted April 2008) (CAS) identifies the history and historical context of the area and provides guidelines for development within it.
21. The Conservation Area includes a scattering of institutional buildings and houses strung out for a mile along the high ground of The Ridgeway, looking over Green Belt countryside. It contains a variety of building styles and materials developed over many years, which help to give the area, as a whole, its distinctive character. Buildings within the Conservation Area include ones from the arts and crafts traditions, of 19th century classical style and mid-eighteenth century villas.
22. The existing development and historic use of the site as an equestrian facility provide a transitional form of development between the more urban residential and business developments and the countryside. The existing buildings are not of particular significance but are low key and rural in form and some are for equestrian use. The two storey farmhouse (now two flats) is a simple white painted brickwork building under a pitched slate roof. The other buildings are low key and not of any architectural merit but they do provide a transition to the countryside and are rural in character. The character of the site is derived from the combination of simple buildings and a mix of residential and equestrian uses.
23. The existing complex of buildings stands alone within its own site with little connection to the wider Conservation Area. The relatively recent flat development adjacent does not respond to the existing buildings on the appeal site, rather it relates to its immediate context and is acknowledged by the Council as not contributing positively to the character and appearance of the Conservation Area. The Council also state that this flat development should not be used as reference for any new development in the area. In my view, the proposed dwelling would not depart from being a standalone, individual property linking the built development of the Conservation Area with the open countryside beyond.
24. The proposed dwelling is uncompromisingly modern in form and layout. The fenestration, sedum roof and solid to void ratios result in an individual design. The sedum roof, viewed from the access road towards the countryside would create a visual link between the site and the countryside, acknowledging its transitional position within the Conservation Area.
25. The design is shown at a scale of 1:200 and therefore details of how the edges of the sedum roof would be detailed and the brick facades capped is

not provided. The quality and overall result of such a design is dependent on such details. However, I am satisfied that the choice of materials, finishes and design details could be controlled through the imposition of suitable conditions. In particular it would be necessary and reasonable, to require submission of materials, details of finished levels and 1:20 scale section drawings to demonstrate the roof, wall and window details. Subject to such conditions I consider the proposed dwelling would preserve the character and appearance of the Conservation Area.

26. The proposed dwelling, subject to conditions controlling materials and details, would preserve the character and appearance of the Mill Hill Conservation Area. As such, it would comply with CS Policy CS5, DMP Policies DMO1 and DMO6. It would also comply with the CAS.

Other Matters

27. In an earlier appeal in 2013 (reference APP/N5090/A/13/2194380) the Inspector raised issues including the need for any new building to be of high quality and to respect the characteristics of the conservation area and its unique setting immediately adjacent to the open countryside. The Inspector in that case found that there were no public benefits arising from the removal of the existing buildings or their replacement by a single residential dwelling. The proposed dwelling in the 2013 appeal was significantly different from the current proposal.

Conditions

28. In addition to the conditions relating to materials and details, I will impose a condition specifying the relevant drawings to provide certainty. To ensure the buildings indicated to be demolished are removed from the site I will impose a condition requiring this.
29. In order to ensure adequate parking is provided and maintained, I will require the provision of the car port prior to first occupation. In the interests of nearby residential amenity and highway safety I will require a Construction Method Statement to be drawn up and complied with as well as hours of operation for construction work. In the interests of the amenity of the area I will require a tree protection scheme and a hard and soft landscaping scheme.
30. The Council's suggested water supply condition refers to a standard of 105² per head per day. In relation to water supply the Planning Practice Guidance (PPG) states that where there is a clear local need local planning authorities can set out a Local Plan policy requiring new dwellings to meet the tighter Building Regulations optional requirement of 110 litres/person/day. This includes 5 litres of water allowance for outdoor use. CS Policy CS13 and London Plan Policy 5.15 support the imposition of such a condition, with an allowance that excludes the 5 litres per day for external water consumption in the London Plan. Given the size of the proposed dwelling, garden and provision of off road parking I consider the condition should include the 5 litre per day allowance for outdoor use. I will therefore impose a condition to reflect this.
31. A condition is also sought to prevent the use of the roof as a balcony or roof garden or similar amenity or sitting out area. In the interests of the character and appearance of the area I consider that such a condition should be imposed. I note that no particular or specific privacy issues have been identified were the roof to be used in this way.

² Note that the suggested condition does not specify a measurement of water and only refers to '105' which I have taken to be in litres.

32. A condition is sought requiring that the means of enclosure shall be erected prior to first occupation of the dwelling. While I accept that details of means of enclosure should be submitted and approved in the interests of the appearance of the area, there is no justification before me to require a means of enclosure to be erected.
33. A condition is sought removing national permitted development rights under Classes A, B, C, D, E and F of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015. Paragraph 200 of the Framework states that planning conditions should not be used to restrict these rights unless there is a clear justification for doing so. The PPG advises that conditions restricting the future use of permitted development rights '*will rarely pass the test of necessity and should only be used in exceptional circumstances*'. No such exceptional circumstances have been demonstrated and such a condition is not necessary or justified.
34. A condition limiting the use of the dwelling to Class C3 is also unnecessary as any material change of use would require planning permission.
35. The Council have sought a condition requiring compliance with the 'Lifetimes Homes' standard. However, in the light of the introduction of Optional Technical Housing Standards government policy precludes the imposition of such a condition.

Conclusion

36. The proposed dwelling and redevelopment of the site would not be inappropriate development in the Green Belt and would preserve the character and appearance of the Mill Hill Conservation Area. For the reasons given above I conclude that the appeal should be allowed.

Hilda Higenbottam

Inspector

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1530.01.00; 1530.01.01; 1530.01.02; 1530.01.03; 1530.02.01; 1530.02.02; 1530.02.03 and 1530.02.04
- 3) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
 - i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials used in constructing the development;
 - iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - v) wheel washing facilities;
 - vi) measures to control the emission of dust and dirt during construction;
 - vii) a scheme for recycling/disposing of waste resulting from demolition and construction works;
 - viii) delivery, demolition and construction working hours.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.
- 4) Demolition or construction works shall take place only between 0800 and 1800 on Mondays to Fridays, and 0800 and 1300 on Saturdays and shall not take place at any time on Sundays or on Bank or Public Holidays.
- 5) No development of buildings shall take place until a sample panel of the materials to be used in the construction of the external surfaces shall have been prepared on site for inspection and approved in writing by the local planning authority. The sample panel shall be at least 1 metre x 1 metre and show the proposed material, bond, pointing technique and palette of materials (including roofing, cladding and render) to be used in the development. The development shall be constructed in accordance with the approved samples, which shall not be removed from the site until completion of the development.
- 6) No development shall take place until details of the design at a scale of 1:20, including sections through the buildings, of the roof, wall and windows have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 7) No development shall take place until full details of the finished levels, above ordnance datum, of the ground floors of the proposed building, in relation to existing ground levels have been submitted to and approved in

writing by the local planning authority. The development shall be carried out in accordance with the approved levels.

- 8) No development shall commence until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include:
- i) means of enclosure and retaining structures;
 - ii) boundary treatments;
 - iii) hard surfacing materials;
 - iv) proposed and existing functional services above and below ground [e.g. drainage, power, communications cables, pipelines etc. indicating alignments, levels, access points, supports as relevant];
 - v) lighting, floodlighting and CCTV;
 - vi) an implementation programme.
 - vii) a management and maintenance scheme for the landscaping.

The landscaping works shall be carried out in accordance with the approved details in accordance with the agreed implementation programme. The completed scheme shall be managed and/or maintained in accordance with an approved scheme of management and/or maintenance.

- 9) Details of soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants noting species, plant supply sizes and proposed numbers/densities where appropriate.
- 10) The dwelling hereby approved shall not be occupied until all buildings identified on drawing number 1530.02.01 as 'existing to be demolished' shall have been demolished and the debris and materials from that demolition removed from the site.
- 11) The dwelling hereby approved shall not be occupied until the car port hereby permitted has been constructed and it shall be kept available at all times for the parking of motor vehicles by the occupants of the dwelling and their visitors and for no other purpose.
- 12) The dwelling hereby approved shall not be occupied until details of compliance with Approved Document G, Requirement G2, paragraph (2)(b) of the Building Regulations 2015 Edition for an estimated water consumption of 110 litres per person per day has been submitted to the local planning authority. The water consumption details shall be calculated in accordance with the methodology set out in Approved Document G of the Building Regulations 2015 Edition.
- 13) The roof area of the dwelling hereby permitted shall not be used as a balcony, roof garden or similar amenity area.