



Appeal Decision

Site visit made on 13 October 2020

by Alison Scott BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 November 2020

Appeal Ref: APP/N5090/W/20/3246804

Land to the East of Hadley Highstone, Barnet, London EN5 4PB

- 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 Mr Ray Coleman against the decision of the London Borough of Barnet Council.
 - The application Ref 19/3436/FUL, dated 17 June 2019, was refused by notice dated 15 August 2019.
 - The development proposed is Demolition of the existing storage buildings on the site and replacement with a single storey, single family dwelling house.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The site address on the planning application form misspells Hadley. I have used the correct spelling within the banner heading.
3. The appellant has undertaken an ecology appraisal and this was submitted with the appeal. The Council have been asked to comment on its findings and therefore I am satisfied that they have not been unfairly prejudiced as a result of the document.

Main Issues

4. The main issues are:
 - Whether the proposal would be inappropriate development within the Green Belt having regard to the revised Framework;
 - The effect of the appeal proposal upon the character and appearance of the Monken Hadley Conservation Area (CA);
 - The effect of the proposal on biodiversity; and
 - If the appeal proposal is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposed development.

Reasons

5. The appeal site is broadly rectangular in shape and is a large area of land accessed between houses on Langley Row to the east of Hadley Highstone. It is

not widely visible from the street scene as it is only seen in glimpses between houses. A parking courtyard sits between the site and the backs of the houses. The site contains a number of dilapidated sheds, vehicles and moveable structures. Its boundaries are defined by mature trees.

6. It is located within the Metropolitan Green Belt and it is notable the area transitions from built development to one akin to a rural character. It is within the Monken Hadley CA, identified for its association with rural society. Open fields and recreational land make up a considerable amount of the CA, and contribute to its special green and leafy character.

Whether inappropriate development

7. Paragraph 145 of the National Planning Policy Framework (the Framework) states that the construction of new buildings should be regarded as inappropriate in the Green Belt, subject to a number of exceptions.
8. Of particular relevance to this appeal is the exception to the construction of new buildings as explained in Paragraph 145 g), of 'limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt than the existing development'.
9. From my assessment of the site, with its small sheds, hardstanding and general appearance, I agree with the appellant that it had a former business purpose and is previously developed land as defined in Annex 2 of the Framework. The other appeal decisions brought to my attention by the Council do not share precisely the same circumstances as the appeal before me. I conclude that the appeal proposal would constitute redevelopment of previously developed land.
10. The Framework explains that the fundamental aims of Green Belt Policy is to prevent urban sprawl by keeping land permanently open. The majority of the existing sheds, situated towards the centre of the otherwise open grassed area, are low level in height and of very limited scale. The combination of these small sheds, and the various other modest structures of both permanent and temporary nature, lead to a very limited reduction in the openness of the Green Belt.
11. The proposed new dwelling may reduce the overall footprint of buildings on site. However, given its scale, that would be further pronounced by the subterranean level partially visible from within the site and the tall chimney, it would amount to a considerable mass of development. Irrespective of the flat roof element or the intended good quality finish to the scheme, in visual terms, the scale of the development would result in a greater impact on the openness of the Green Belt than currently exists. Visual intrusion into the Green Belt would therefore occur.
12. Despite the fact that around 11% of the land would be developed upon and the remainder would remain undeveloped, its use would become associated with domestic living and the associated domestic paraphernalia that would arise would not reasonably be confined to the area of the built development. It would inevitably sprawl into the surrounding land thus resulting in change to the rural character of the land and a loss of openness to the Green Belt.

13. From a spatial dimension, the scheme would be set apart from other built development and this would further emphasise its appearance and consequentially cause a harmful effect on the openness of the Green Belt.
14. For the reasons set out above I conclude the proposal would be inappropriate development within the Green Belt having regard to the revised Framework.

Other Considerations

Character and Appearance

15. Even though the CA may consist of residential housing, a new dwelling in this location would not relate to the existing vernacular of the area. Furthermore, it would be spatially separate from the houses of Langley Row which would be an uncharacteristic feature of this part of the CA.
16. Although there are buildings and structures within the site, they are detached from one another and the landscaped environment is still appreciated. Collectively, they do not have a significantly harmful effect on the heritage asset and the land is otherwise extensively grassed with mature landscaping and retains a pleasant and leafy environment.
17. The proposal may be a low-level development, however, it would be seen from outside the site and would result in a mass of development that would interrupt the rural character of the site, irrespective of the appellant's intentions to provide more landscaping. The inevitable addition of domestic paraphernalia would also reduce the attractiveness of it.
18. I conclude that a dwelling in this location would not preserve or enhance the character and appearance of the CA. Therefore, the proposal would be contrary to Barnet's Local Plan Core Strategy 2012 (the CS) Policy CS NPPF to achieve sustainable development and Policy CS1 for place shaping. It would also conflict with Barnet's Local Plan Development Management Policies Development Plan Document (the DMP), Policy DM01 and DM06 to protect Barnet's local character and heritage assets as well as advice contained within the Monken Hadley Conservation Area Character Appraisal Statement.
19. Although, in the parlance of the National Planning Policy Framework, the harm to the designated heritage asset is less than substantial, any harm requires clear and convincing justification. The removal of the present buildings, proposed biodiversity enhancements, potential for reduction in vehicular movements and the outlook from neighbouring properties, do not amount to public benefits which convincingly outweigh the harm to the heritage asset, particularly as there is no reason to believe that such benefits could not be achieved by other less harmful means.

Effect on biodiversity

20. The Ecological Appraisal concluded that with appropriate mitigation and compensation measures including enhancements, the harm that would arise as a consequence of the proposal could be adequately conditioned were I minded to allow the appeal. Based on the level of mitigation proposed, I apply little weight to this matter in the overall consideration of the development.
21. Therefore, in respect of this Main Issue, I find that the proposal would not be in conflict with CS Policy CS NPPF or DMP Policies DM01 and DM16 which seek to

create new habitats and biodiversity, or the advice contained within the Residential Design Guidance Supplementary Planning Document 2016.

Whether very special circumstances exist

22. The appellant argues that very special circumstances exist should their appeal against the Section 215 notice be successful as the buildings would be retained on site. However, irrespective of its outcome, as I have found, the proposal for a new dwelling would result in greater visual intrusion and impact on the openness of the Green Belt than the existing development. I therefore give this matter little weight.
23. The location of development within the general area of the existing buildings cluster, the ecological and biodiversity improvements the appellant proposes to the site including the use of sedum roof and landscaping have all been taken into account. However, many of the proposed enhancements can be achieved without the need for a dwelling on the site. Accordingly, I give these matters limited weight.
24. Vehicular movements to and from a three bedroom dwelling would not be necessarily less than currently arises. Nor am I persuaded that the proposal would result in enhancement to the outlook from Langley Row. As such, I afford these matters very little weight.

Other Matters

25. I am aware of the letter of support to the proposal that it would remove unkept land, however, for the aforementioned reasons, I do not support the development.

Green Belt Balancing and Conclusion

26. Bringing these matters together, I have found that the proposal would result in no harm to biodiversity. However, it would amount to inappropriate development within the Green Belt which would be harmful to its openness and would also cause harm to the CA. The proposal would be contrary to the CS Policy CS NPPF aim of achieving sustainable development, and the aim of CS Policies CS1 and CS7 to protect Green Belt land. It would conflict with DMP Policies DM01, DM06 and DM15 which seek to protect local character, heritage assets and the Green Belt. Furthermore, it would be in direct conflict with the Framework and Policy 7.16 of The London Plan 2016 in its objectives to protect Green Belt land.
27. I find that the other considerations in this case do not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist.
28. In conclusion therefore, the appeal is dismissed.

Alison Scott

INSPECTOR