



Appeal Decision

Site visit made on 11 July 2023

by K Lancaster BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 September 2023

Appeal Ref: APP/N5090/D/23/3314931

Sheepwood, The Ridgeway, Mill Hill, London NW7 1QU

- 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 Andy Neophytou against the decision of the Council of the London Borough of Barnet.
 - The application Ref 22/4653/HSE, dated 15 September 2022, was refused by notice dated 5 January 2023.
 - The development proposed is described as "demolition of existing garage and construction of a new outbuilding".
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Decision

1. The appeal is allowed and planning permission is granted for development described as demolition of an existing garage and outbuildings and construction of a new outbuilding at Sheepwood, The Ridgeway, Mill Hill, London NW7 1QU in accordance with the terms of the application, Ref 22/4653/HSE, dated 15 September 2022, subject to the conditions in the attached schedule.

Preliminary Matters

2. Notwithstanding the description of development set out in the banner heading above, which is taken from the application form, it is clear from the plans and accompanying details that the development comprises the demolition of an existing garage and two outbuildings and the erection of a new outbuilding. The Council dealt with the proposal on this basis and so shall I.

Main Issues

3. The main issue is whether the proposal would be inappropriate development in the Green Belt.

Reasons

4. The appeal site, Sheepwood, comprises a two-storey detached dwelling situated off The Ridgeway in Mill Hill. The site is set back from the main road, located behind St Paul's Church Hall, and a small row of cottages, known as Church Cottages. The site is accessed from a narrow lane between the Hall and the Cottages. The dwelling is a Grade II listed building¹, noted as being an 18th Century property constructed of red brick with a tiled roof. The property is also located in the Mill Hill Conservation Area (MHCA).
5. The dwelling is located towards the eastern side of the site orientated at 90 degrees to the main road, with its principal elevation facing onto a courtyard area which contains the existing garage and a large parking area for multiple

¹ Listing Building Ref: 1359082

vehicles. The courtyard area exhibits a strong sense of enclosure being bound by the rear elevation of St Paul's Church Hall, mature planting, a timber outbuilding and the existing dwelling. The rear elevation of St Paul's Church Hall has an imposing effect on the site.

Whether Inappropriate Development

6. Paragraph 147 of the National Planning Policy Framework (the Framework) states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 149 states that the construction of new buildings should be regarded as inappropriate in the Green Belt with the exception of, among other things, the replacement of a building provided the new building is in the same use and not materially larger than the one it replaces.
7. The proposal relates to the demolition of three existing single storey domestic outbuildings, all within the same residential curtilage. These are a brick garage with a pitched roof, a small garden building and a long timber building. They differ in their overall dimensions, but the timber building in particular contributes to a strong sense of enclosure with much of the substantial, open garden associated with the property located to the rear and largely hidden from view.
8. The proposed replacement would also be single storey and whilst its footprint would be in the region of 75% greater than that of the garage, since the scheme also involves the removal of two other buildings, it would actually involve a net reduction in the amount of land take and volume taken up by built form across the whole site.
9. The Council consider that the buildings, except for the garage, exhibit a rural and simple character which assimilate into their surroundings and contribute to an open and undeveloped quality. However, they are clearly domestic outbuildings and therefore they are a relevant consideration as to whether the replacement outbuilding would be materially larger than those it would replace, when considered against the buildings as a whole. I also disagree that the larger of these buildings contributes to openness. On the contrary and together with the mature planting to which it lies adjacent, this building serves to enclose the courtyard parking area.
10. Consequently, the proposal would be a replacement outbuilding that is used for the same purpose and would not be materially larger than what it is intended to replace. Therefore, the proposal would not be inappropriate development in the Green Belt. In being so, it would not reduce the openness of the Green Belt (in actual fact it would increase it) and it would not conflict with the purposes of including land within the Green Belt. This would be in accordance with the approach of the Framework. Accordingly, it would also be in accordance with Policy DM15 of Barnet's Local Plan Development Management Policies Development Plan Document 2012 (DMP) which states, amongst other things, that development proposals are required to comply with the Framework and that replacement buildings will not be permitted where they would have an adverse impact on the purposes of including land in Green Belt.
11. Since I have found that the appeal scheme would not be inappropriate development in the Green Belt, I am not required to assess its effect on the Green Belt's openness a standalone consideration. For the same reason, it is

not necessary for me to investigate any other considerations advanced to weigh against Green Belt harms.

Other Matters

12. The MHCA includes a scattering of institutional buildings and houses along the high ground of The Ridgeway. Its significance is derived from the attractive combination of a semi-rural setting, the underlying topography and proximity of open countryside, and the quality and diversity of the building pattern. This reflects the area's development from an agrarian economy to a sought-after location on the rural fringes of London.
13. The proposed replacement outbuilding would be discretely sited behind St Paul's Church Hall. Therefore, by virtue of the position of the site within the MHCA and the limited views which are possible from the surrounding area, the proposed replacement outbuilding would be of a form and design that respects the surrounding pattern of development and would thus preserve the character and appearance of the MHCA.
14. Sheepwood (referred to in its listing description as Church House) is a grade II listed building. It is a two-storey property constructed of red brick with tiled roof and dates from the 18th century. It is an attractive property and derives its special interest and significance through its historical and architectural merit. This property is set-back from the road in a spacious plot. The proposed replacement outbuilding would be located to the front, in a similar location to the existing garage. It would not, by virtue of its siting, scale, and appearance, detract from the significance of the listed building or its setting.
15. The site is surrounded by and includes trees. The appeal is not supported an arboricultural assessment. However, I understand that the Council consulted their Tree Officer on the previous application for a larger building in which they found that there were no reasons to object. Therefore, the Council have provided a number of suggested conditions, which would require the submission of additional information to fully assess the impact of the proposal on these trees and secure any appropriate mitigation measures. The absence of information with regards to the trees on site could be dealt with by way of appropriately worded planning conditions that require the submission of further information, including an assessment on the condition of the existing trees and any required tree protection measures within the site.
16. The Council found that the proposal would not result in any adverse impact on neighbours through loss of outlook, light or privacy. I have not been presented with any evidence which would cause me to reach an alternative conclusion.
17. The Council's reason for refusal does not relate to character and appearance; however, their officer report briefly mentions that the established character and appearance of the existing dwelling would be affected. Notwithstanding this, I have not been presented with any compelling evidence that would lead me to conclude that the proposal would cause harm to the character and appearance of the area.

Conditions

18. I have had regard to the Council's suggested conditions and considered them against the statutory tests outlined in the Framework and the advice in the

Planning Practice Guidance. I have made minor amendments, where necessary, to ensure the conditions comply with these documents.

19. I have imposed standard conditions concerning commencement and compliance with the submitted plans. It is necessary that the development be carried out in accordance with the approved plans and submitted details of the materials to be used for the avoidance of doubt and in the interests of certainty.
20. Pre-commencement conditions are required to safeguard the health of existing trees within the site which have amenity value. These conditions require the submission of further information including an assessment on the condition of the existing trees and any required tree protection measures within the site. It is necessary for these conditions to be pre-commencement as the assessment and any subsequent mitigation measures need to be in place before any works on site take place which may impact the existing trees.
21. In the interests of preserving the openness of Green Belt, a condition is imposed to require removal of buildings proposed to be demolished prior to occupation of the proposed replacement building. It would be sufficient for this to be done prior to the first use of the permitted building.
22. In terms of restricting the ancillary use of the outbuilding, this condition is not necessary in that the use of the outbuilding for any other purpose would amount to a material change for which planning permission would be required. A further suggested condition in relation to the use of materials is also not necessary as these details are shown on the approved plans.

Conclusion

23. I have found that the proposal would not be inappropriate development in the Green Belt. As a result, it would not harm its openness or conflict with the purposes of including land within the Green Belt. The compliance with the development plan that would result, in the absence of anything compelling to the contrary, would lead me to allowing the appeal, subject to the conditions set out.

K Lancaster

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:
 - 510021/01 Rev D Existing and Proposed Site Plans
 - 510021/03 Rev D Proposed Plans and Elevations
- 3) No site works or development (including any temporary enabling works, site clearance and demolition) shall take place until a dimensioned tree protection plan and a method statement detailing precautions to minimise damage to trees have been submitted to and approved in writing by the Local Planning Authority.

No site works (including any temporary enabling works, site clearance and demolition) or development shall take place until the temporary tree protection shown on the tree protection plan approved under this condition has been erected around existing trees on site. This protection shall remain in position until after the development works are completed and no material or soil shall be stored within these fenced areas at any time.

The development shall be implemented in accordance with the protection plan and method statement as approved under this condition.

- 4) No development shall take place until details of foundations and the location, extent, and depth of all excavations for services (including but not limited to electricity, gas, water, drainage, and telecommunications) in relation to trees on and adjacent to the site have been submitted to and approved in writing by the Local Planning Authority.

The foundations must take account of trees growing in proximity to the development and place piles through the roots to maintain an intact root system or lay raft foundations over the rooting area. Any beams across the root protection area must be placed at a level that will not require excavations for their installation.

The development shall thereafter be implemented in accordance with details approved under this condition.

- 5) Prior to the first use of the building hereby permitted, the existing outbuildings shown on plan 510021/01D to be demolished, shall be demolished and all material removed from the site.