



Appeal Decision

Site visit made on 4 September 2024

by C McDonagh BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 October 2024

Appeal Ref: APP/N5090/W/24/3339212

32A Totteridge Common, Whetstone, Barnet, London N20 8NE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Ms Saroj Vekaria against the decision of the Council of the London Borough of Barnet.
 - The application Ref is 23/4380/FUL.
 - The development proposed is 'Erection of a new single storey dwelling with lower ground floor level following demolition of the existing outbuildings. Associated refuse/recycling and cycle storage'.
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Decision

1. The appeal is allowed, and planning permission is granted for the 'erection of a new single storey dwelling with lower ground floor level following demolition of the existing outbuildings. Associated refuse/recycling and cycle storage' at 32A Totteridge Common, Whetstone, Barnet, London N20 8NE in accordance with the terms of the application Ref 23/4380/FUL, dated 11 October 2023, subject to the conditions set out in the attached schedule.

Applications for Costs

2. An application for costs was made by Ms Saroj Vekaria against the Council of the London Borough of Barnet. This application is the subject of a separate Decision.

Preliminary Matters

3. On 30 July 2024, the Government published a consultation draft of proposed reforms to the National Planning Policy Framework (the Framework). The appeal site is located within the Green Belt and changes to determining development in those areas are proposed. However, the relevant exception to the construction of new buildings in the Green Belt against which the appeal proposal was assessed are not proposed to be changed. As such, I have not sought the views of the main parties in coming to my decision.

Main Issues

4. The main issues are as follows:
 - Whether the proposal would be inappropriate development in the Green Belt, having regard to the Framework and any relevant development plan policies; and
 - The effect of the proposal on the Totteridge Conservation Area (TCA).

Reasons

Whether Inappropriate in the Green Belt

5. Subject to the exceptions listed in Paragraphs 154 and 155, the Framework makes clear that the construction of new buildings in the Green Belt should be regarded as inappropriate. Of relevance to this appeal is paragraph 154(g)(i); the 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. There is no dispute that the site is previously developed land and is redundant. As such, the main test is whether the proposal would have a greater impact on the openness of the Green Belt than the existing development.
6. The appeal site is broadly rectangular in shape and extends north from the A5109 road. It includes a number of dilapidated buildings built of brick with metal sheeting which were formerly used as a stables and livery yard, alongside hardstanding used for circulation around the yard. The buildings are generally concentrated towards the northern extent of the site in two distinct blocks, while the southern area beyond the access gate comprises a large area of hardstanding for access.
7. The proposal seeks to remove the outbuildings and hardstanding and erect a two-storey dwelling, although due to the sloping topography of the site this would appear single storey when viewed from the south. Hardstanding for access and parking, along with soft landscaping and ancillary development would also form part of the proposals.
8. As established in a legal judgement¹, to which both parties refer, openness of the Green Belt has a spatial aspect as well as a visual aspect. My attention is drawn to the 'Openness Assessment' which advises that the existing building footprint and volume would decrease by 73% and 39% respectively, while hardstanding would reduce by 87% and soft landscaping would increase by 204%. I note these figures are not disputed by the Council, which does not disagree that there would be a significant reduction in built form on the appeal site.
9. In terms of visual considerations of openness, the proposed dwelling would be set back from the gated opening of the site which would place it part way down the slope. This would reduce its visibility from the footpath and A5109 road, albeit it would likely be glimpsed in views from the road. From the north, the council claims it would be visible from the open fields which adjoin the appeal site although it is not clear as to whether there are public rights of way in this location and therefore whether there would be regular views. The dwelling would be visible to occupiers of the dwellings to either side of the appeal site. However, from the north, the large spread of existing buildings in the foreground of the proposed dwelling would be removed which would increase openness in visual terms.
10. Invariably, although taking both spatial and visual openness into consideration in the context of this proposal, the assessment is a matter of planning

¹ Turner v SSCLG & East Dorset Council [2016] EWCA Civ 466

judgement. To my mind, the reduction in built form from the removal of the numerous buildings and hardstanding would be substantial.

11. I note the Council's concern that the dwelling would be bigger than any individual building on the appeal site despite the overall reduction. This is based on the two-storey aspect of the dwelling, although this would only be evident from the north. Be that as it may, I observed there was two distinct 'blocks' of buildings which are grouped together very tightly. While they are separate, this is indeterminable from a distance, particularly from the vantage points mentioned as visual receptors. As such, the provision of one taller building set against this overall reduction in openness would not be harmful. Moreover, the test of this exception is not a reduction in openness; rather, that development should not have a greater impact on the openness of the Green Belt than the existing development. In this case, I find that the increased visibility of the proposed dwelling and loss of openness is limited, and the reduction of built form on site and substantial reduction spatially of openness is considerable.
12. The proposed dwelling and residential use would bring forth a more formal parking arrangement, although this would be mitigated to a large degree by the proposed landscaping. This can be refined and bolstered by a condition to agree further details of landscaping which I note the Council is agreeable. The Council argues that the hardstanding on the site at the moment is in varying states of repair and the proposal would be more intensive with regards to the access track. However, from my observations approximately the first 50m is already covered in tarmac from the entrance gate to the southernmost outbuilding and former riding area. From here, a narrow track would be required to and from the dwelling, part of which would be in a green 'grasscrete' material. Moreover, the decrease in hardstanding across the site as a whole would be considerable and any perceived 'formalisation' of hard surfaces would not be harmful as a result.
13. As such, I find the proposal would not have a greater impact on the openness of the Green Belt than the existing development, therefore meeting the exception in paragraph 154(g).
14. My attention is drawn to a refused planning appeal² which concluded that a change of use from agricultural land into residential rear garden land would result in the encroachment of a residential use into the countryside and was dismissed as a result. I do not have the plans for the appeal before me. However, the land at the appeal site is not in agricultural use, to which the Council does not dispute. It does argue that the buildings and use are agricultural or rural in nature and are indicative visually of the countryside. While equestrian use may be compatible with the countryside in general, the site is in a dilapidated state and retains little of this equine character. The brick structures remain but their roofs are mostly collapsed while the riding area was largely just exposed soil.
15. Moreover, the northern section of the plot which adjoins the rural fields, includes no built form at present and is shown on the proposed site plan as 'softstanding' with a pond set back from the northern boundary. This would match the property to the west and would not extend beyond the existing

² APP/N5090/W/16/3149254

northern extent of the site. This would therefore remain largely unchanged and in this case would not represent encroachment into the countryside.

16. To conclude, the proposal would meet the exception given in paragraph 154(g) of the Framework as it would represent the redevelopment of redundant previously developed land which would not have a greater impact on the openness of the Green Belt than the existing development. The proposal is therefore not inappropriate development in the Green Belt. The proposal would also not conflict with the purposes of the Green Belt land.
17. This would accord with policies CS1 and CS7 of Barnet's Local Plan (Core Strategy) (adopted September 2012) (the CS), DM15 of Barnet's Local Plan (Development Management Policies) (adopted September 2012) (DMP) and policy G2 of the London Plan (adopted March 2021) (LP). These seek, among other things, to ensure development proposals in Green Belt are required to comply with the Framework.

Totteridge Conservation Area

18. The appeal site is located within the TCA. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) places a statutory duty on the decision maker to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.
19. The Totteridge Conservation Area Character Appraisal Statement ('the appraisal') advises that the TCA comprises ribbon development along the highway and is set within green fields to three sides. Its significance is derived in part from this rural and verdant setting, while the general high quality of its built form, which spans several architectural time periods, and historic development from agricultural origins to the present day also make positive contributions. The appraisal sub-divides the TCA into smaller areas, with the appeal site located within area 5 (Totteridge Common). This details the very low-density housing with distinct rural character, large scale of houses with extensive grounds and the general high quality of buildings. These characteristics all contribute positively to the character and appearance of the TCA and therefore its significance as a designated heritage asset.
20. The Council does not find harm with the design of the dwelling in isolation. Rather, it is the loss of open character in this location due to its partial visibility from the road, increased density and the loss of a 'rural-type' use. However, the proposal is for one dwelling. This would not increase density and would align with the plots to either side which also host a single dwelling. The plot is substantial, and as such following removal of the existing buildings would retain the extensive grounds found elsewhere. I have discussed the rural character of the existing buildings, which to my mind has largely been lost due to their condition. Their removal would be positive for the character of the area, albeit they are largely screened from view and their appearance is largely hidden.
21. There is a mix of residential and rural uses in the area, including other equestrian facilities and farms. However, this mix would be retained and there is nothing before me to indicate that other rural uses would be under increased pressure from development. Based on the evidence before me, there is nothing to indicate that a precedent would be set if allowing this proposal, which I have assessed on its own merits.

22. Taken together, the proposal would not harm the character or appearance of the TCA, thereby conserving its significance. This would accord with the provisions of the Act and policies CS1 and CS7 of the CS, DM01 and DM06 of the DMP. These state, among other things, that all heritage assets will be protected in line with their significance. All development will have regard to the local historic context. The proposal would also accord with the aims of the Framework, including at paragraph 205 which advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

Conditions

23. The Council has provided a list of suggested conditions in the event that the appeal was allowed. I have had due regard to these and considered them against the tests in the Framework and the advice in the Planning Practice Guidance (PPG), making such amendments as necessary to comply with relevant guidance.
24. The standard conditions relating to timescale for commencement of development and accordance with approved plans are imposed for certainty. Details required under conditions 3-8 will need to be agreed with the local planning authority prior to the commencement of any development or demolition, to which the appellant has agreed.
25. A demolition and construction management plan and confirmation of site levels are required to ensure that necessary protocols are in place to maintain highway safety and that the living conditions of nearby residents are not harmed. A condition to provide facilities to wash the wheels of vehicles used during demolition and construction was also suggested. I have not included this as a separate condition to avoid repetition as the construction management plan already includes this provision.
26. Measures to protect the existing trees and hedges on site are required prior to work commencing on site to ensure none are harmed by development. A detailed landscaping plan, based on the principles submitted as part of this appeal, is necessary to protect the character and appearance of the area. This needs to be submitted prior to the commencement of development to ensure that appropriate measures are in place.
27. A condition requiring further details, including samples, of facing external materials is required to ensure the character and appearance of the area is not harmed.
28. Conditions to ensure satisfactory arrangements for vehicle and cycle parking are to be agreed and their implementation made prior to first occupation of the dwelling to ensure highway safety and to promote sustainable travel options. Similarly, prior to occupation details of refuse storage and collection and recycling are required to be agreed to ensure efficient waste collection and highway safety is not compromised.
29. Conditions requiring additional details, method statements and compliance with plans and reports to ensure no harmful impact on ecology, net gains for biodiversity and methods for managing invasive species are also included to ensure ecological interests are not harmed and net gain of biodiversity is achieved.

Conclusion

30. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

C McDonagh

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing numbers: 210-101 (Location Plan and Aerial View); 210-202 Rev A (Existing and Proposed Site Plans); 210-203 (Proposed Ground and First Floor Plans); 210-204 (Proposed Roof Plan and Section); 210-205 (Proposed Elevations); 210-206 (Longitudinal Site Sections); 210-207 (Materials); 210-220 (Detailed Parking Plan).

Documents

Tree Constraint Plan; Tree Impact Plan; Tree Survey; Tree list; Central London Tree Surveys Arboricultural Report & Impact Statement dated 24 May 2022; Cherryfield Biological Impact Assessment dated 03 August 2023; Cherryfield Ecological Appraisal dated 27 June 2022; Cherryfield Emergence and Activity Bat Survey dated 30 May 2023; Cherryfield Great Crested Newt Presence/Likely-Absence Survey dated 21 July 2023; Cherryfield Great Crested Newt Presence/Likely-Absence Survey dated 06 December 2023 (Final); Cherryfield Full Common Reptile Survey dated 25 May 2023.

- 3) No site clearance, demolition or development works shall take place until a 'Demolition and Construction Management Plan' has been submitted to and approved in writing by the Local Planning Authority. The Demolition and Construction Management Plan submitted shall include, but not be limited to, the following:
 - i) details of the routing of construction vehicles to the site, hours of access, access and egress arrangements within the site and security procedures;
 - ii) site preparation and construction stages of the development;
 - iii) details of provisions for recycling of materials, the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials;
 - iv) details showing how all vehicles associated with the construction works are properly washed and cleaned to prevent the passage to mud and dirt onto the adjoining highway;
 - v) the methods to be used and the measures to be undertaken to control the emission of dust, noise and vibration arising from construction works;
 - vi) a suitable and efficient means of suppressing dust, including the adequate containment of stored or accumulated material so as to prevent it becoming airborne at any time and giving rise to nuisance;
 - vii) noise mitigation measures for all plant and processors;
 - viii) details of contractors compound and car parking arrangements;
 - ix) details of interim car parking management arrangements for the duration of construction;
 - x) details of a community liaison contact for the duration of all works associated with the development.

The development shall thereafter be implemented in accordance with the measures detailed within the approved plan.

- 4) No development shall take place until details of the levels of the building, in relation to the adjoining land and highway and any other changes proposed in the levels of the site have been submitted to and approved in writing by the Local Planning Authority.

The development shall thereafter be implemented in accordance with the details as approved under this condition and retained as such thereafter.

- 5) No development (including any temporary enabling works, site clearance and demolition) shall take place until a dimensioned tree protection plan in accordance with Section 5.5 and a method statement detailing precautions to minimise damage to trees in accordance with Section 6.1 of British Standard BS5837: 2012 (Trees in relation to design, demolition and construction - Recommendations) have been submitted to and approved in writing by the Local Planning Authority.
- 6) 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.
- 7) No demolition of any buildings or structures shall take place until a method statement for the demolition of the existing buildings onsite has been submitted to and approved in writing by the local planning authority. The content of the non-licenced method statement shall include the:

- a) purpose and objectives for the proposed works;
- b) detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, methods to be used);
- c) extent and location of proposed works shown on appropriate scale maps and plans;
- d) Details of the soft demolition measures to mitigate the risk of disturbing any roosting bats;
- e) persons responsible for implementing the works;
- f) contingency measures of what to do in the event a roosting bat are discovered during the demolition of the buildings/structures;

All works must stop in the event that a confirmed roosting bat is discovered, and Natural England will need to be consulted as a European Protected Species derogation licence will need to be applied for and obtain prior to the progression of any works.

- 8) No development, including demolition and site clearance, shall take place until details of an Invasive Species Management Plan shall be submitted to and approved by the LPA and shall be undertaken throughout the hereafter approved works. The document shall include a detailed plan showing the location of invasive species (Schedule 9 listed species

Wildlife and Countryside Act 1980 (as amended), and details of any avoidance, treatment, removal, and bio-secure disposal measures. Any removal of Japanese knotweed is to be undertaken by a suitably qualified invasive plant removal specialist who belongs to a trade body such as the Property Care Association (PCA) Property Care Association or the Invasive Non-Native Specialist Association View Our Members (INNSA). An invasive species removal specialist is to be named responsible for the secure removal/treatment, transposition and disposing of controlled waste.

- 9) Notwithstanding the details submitted in the approved plans list, no development above ground level shall take place until samples of all external facing materials have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved sample details.
- 10) Prior to occupation of the development hereby approved, the proposed parking spaces within the parking area, as submitted on drawing no. 210-202 shall be provided and maintained at all times. The parking spaces shall be used only as agreed and not be used for any purpose other than the parking and turning of vehicles in connection with approved development.
- 11) Prior to occupation of the development hereby approved, details of cycle parking, including the type of stands, location and type of cycle storage facilities proposed shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the cycle parking spaces in accordance with the London Plan Cycle Parking Standards and London Cycle Design Standards shall be provided and shall not be used for any purpose other than parking of cycles in connection with the approved development.
- 12) Prior to occupation of the development hereby approved, a Refuse and Recycling Collection Strategy, which includes details of the collection arrangements and whether or not refuse and recycling collections would be carried out by the Council or an alternative service provider, details of the enclosures, screened facilities and internal areas of the proposed building to be used for the storage of recycling containers, wheeled refuse bins and any other refuse storage containers where applicable, and plans showing satisfactory points of collection for refuse and recycling, have been submitted to and approved in writing by the Local Planning Authority.
- 13) Prior to occupation of the development hereby approved, a scheme of hard and soft landscaping, including details of existing trees to be retained and size, species, planting heights, densities and positions of any soft landscaping, shall be submitted to and agreed in writing by the Local Planning Authority prior to the occupation of the hereby approved development.

All work comprised in the approved scheme of landscaping shall be carried out before the end of the first planting and seeding season following occupation of any part of the buildings or completion of the development, whichever is sooner, or commencement of the use.

Any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die,

become severely damaged or diseased within five years of the completion of development shall be replaced with trees or shrubs of appropriate size and species in the next planting season.

- 14) Prior to occupation of the development hereby approved, all details (including specification, location, and orientation) of biodiversity enhancement measures including 4 x Chillon Woodstone Bat Boxes, 4 x Woodstone nest box, 4 x Swallow nest boxes, 2 x Hedgehog Homes and 2 x insect hotel; or similar alternatives, and biodiverse and native species planting and/or seeding shall be submitted to and approved by the Local Planning Authority.

The development hereby permitted shall not be occupied until all ecological enhancement features are installed/constructed in accordance with details shown on the thereafter approved plans and in accordance with Preliminary Ecological Appraisal (PEA) (Cherryfield Ecology, June 2023), and 'Designing for Biodiversity A technical guide for new and existing buildings (RIBA)' pursuant to section 197 of the Town and Country Planning Act 1990 in accordance with local planning policy DM16. Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), policy G6 of the London Plan (2021).

- 15) Prior to occupation of the development hereby approved, details of a Landscape Management Plan for all landscaped areas for a minimum period of 25 years have been submitted to and approved in writing by the Local Planning Authority.

The Landscape Management Plan shall include details of long-term design objectives, management responsibilities, maintenance schedules and replacement planting provisions for existing retained trees and any new soft landscaping to be planted as part of the approved landscaping scheme.

The approved Landscape Management Plan shall be implemented in full in accordance with details approved under this condition.

- 16) Prior to occupation of the development hereby approved, details of the proposed green roof shall be submitted to and approved in writing by the Local Planning Authority. The green roof shall be implemented in accordance with the details approved this condition prior to the commencement of the use or first occupation of the development and retained as such thereafter. Should part of the approved green roof be removed, die, become severely damaged or diseased within five years of the completion of development, it shall be replaced in accordance with the details approved by this condition.
- 17) Prior to occupation of the development hereby approved, details of a Bat Sensitive Lighting Strategy including light spill plans shall be submitted and approved by the local planning authority. The artificial lighting scheme designed for the development, shall be in accordance with Bats Conservation Trust Guidance Note 08/18 Bats and artificial lighting in the UK Bats and the Built Environment series.
- 18) No construction work resulting from the development hereby approved shall be carried out on the premises at any time on Sundays, Bank or Public Holidays; before 8.00 am or after 1.00 pm on Saturdays; or before 8.00 am or after 6.00pm on other days.

- 19) The development shall be implemented in accordance with the ecological avoidance and mitigation measures as outlined with the submitted Ecological Mitigation Method Statement (Sylvatica Ecology Ltd, October 2022). Adherence to the Ecological Mitigation Method Statement as they relate to reptiles and great crested newts shall be carried out in their integrity and a copy of the signed Ecology Toolbox Talk sign in sheet shall be submitted to the Local Planning Authority as evidence of compliance. In the event of any great crested newts being discovered all works must stop and the project ecologist and/or Natural England must be contacted immediately as an appropriate licence will be required before the works can continue.
- 20) The approved development including all site clearance and construction shall be undertaken in strict accordance with the precautionary ecological mitigation measures relating to, reptiles, mammals, and nesting birds outlined within Preliminary Ecological Appraisal (PEA) (Cherryfield Ecology, June 2023). If protected or notable species are discovered during the approved works then works must halt and the project ecologist and/or Natural England (in the event of European Protected Species e.g., bats, being discovered), as further surveys and appropriate mitigation measures may be required prior to the recommencement of works pursuant to section 197 of the Town and Country Planning Act 1990 in accordance with local planning policy DM16, policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012) and policy G6 of the London Plan (2021).
- 21) An ecological file note of all supervised activity undertaken shall be submitted to the LPA following completion of all site clearance works.

END OF SCHEDULE