



Appeal Decision

Inquiry held on 31 January, 20-21 March, 12-13 June 2025

Site visit made on 19 March 2025

by Graham Chamberlain BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd July 2025

Appeal Ref: APP/N5090/W/24/3346789

Land Northwest of Mays Lane, Arkley, Barnet, EN5 2AH

- 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 Patrick Casey against the decision of the Council of the London Borough of Barnet.
 - The application Ref is 23/3816/FUL.
 - The development proposed is described as a 'material change of use for stationing of caravans for residential use with hardstanding and dayrooms ancillary to that use'.
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Decision

1. The appeal is allowed, and planning permission is granted for a material change of use for the stationing of caravans for residential use with hardstanding and dayrooms ancillary to that use at Land Northwest of Mays Lane, Arkley, Barnet, EN5 2AH, in accordance with the terms of the application, Ref: 23/3816/FUL, subject to the conditions set out in the attached schedule.

Application for Costs

2. An application for an award of costs was made by the Council of the London Borough of Barnet against Patrick Casey. This application is the subject of a separate Decision.

Preliminary Matters

3. Quinta Village Green Residents Association (QVGRA) had 'Rule 6' status at the Inquiry and were represented throughout.
4. The Inquiry was originally due to open on the 21 January 2025 but was postponed until the 31 January 2025. Interested parties were notified of this change and no prejudice was caused as a result, especially as the 31 January had already been identified as a sitting day. The timetable thereafter became disjointed to accommodate availability and in response to the personal circumstances of participants. Parties were kept up to date with any changes to the programme.
5. During the Inquiry, the Council, appellant and some interested parties submitted the late evidence listed at the end of this decision letter. It was accepted as the information was relevant and in the main was either brief or submitted with adequate time for all parties to review it.
6. A particularly significant document submitted as late evidence was a report detailing Great Crested Newt (GCN) surveys. The appellant had originally been

told that they would not be able to submit this information because it would have led to a significant delay in the Inquiry timetable. However, the final sitting days of the Inquiry were adjourned from April to June because of an injury to an advocate. By the time the Inquiry resumed the survey had been completed. Neither the Council nor QVGRA objected to the submission of this information because it was relevant and could be addressed during a two-week adjournment.

7. The appellant provided additional drawings to address the Council's reason for refusal relating to the site access¹. These drawings amended the scheme slightly with the access widened to create a two-way entrance and exit and the bin store relocated. Neither the Council nor QVGRA objected to this, and all parties had a chance to review the changes. As such, no procedural unfairness has occurred.
8. Both the National Planning Policy Framework (the 'Framework') and the Planning Policy for Traveller Sites (PPTS) were revised after the appeal was submitted but before the Inquiry opened. All parties had an opportunity to make representations on the changes and address this when giving evidence. I have taken any comments submitted into account when reaching my findings. Similarly, during the course of the Inquiry the Council adopted a new local plan² (LP). The parties had anticipated this, so their submissions had already addressed the then emerging local plan as a material consideration. Nevertheless, the parties were also able to respond to this change when giving evidence and in closing submissions.
9. The appellant's advocate submitted his closing submissions after the deadline that had been set. This was a continuation of an unfortunate and unhelpful pattern of missed deadlines and late submissions by the appellant's team. However, a detailed explanation³ was provided by the appellant's advocate. Upon receipt of this I was satisfied that exceptional circumstances justified the late submission in this instance. I therefore accepted and had regard to his closing submissions.

Background and Main Issues

10. Following further submissions from the appellant, and before the Inquiry opened, the Council confirmed that it did not want to defend its second, fifth or seventh reasons for refusal. In effect the Council were satisfied the prospective occupants would meet the planning definition of a Gypsy and Traveller in Annex 1 of the PPTS, that adequate tree protection measures could be provided during construction and a safe access from the highway secured. QVGRA did not pursue these points either.
11. The Council also removed its objection in respect of flood risk and drainage once further information was submitted⁴. They also removed their objections regarding the impact on GCN following the receipt of the survey results discussed above. QVGRA maintained their position in respect of flood risk and GCN, although the former point was not covered in their closing submissions. QVGRA are also concerned the proposal would harm bats, but this was not covered in their closing submissions either. Following the publication of the latest Framework the appellant altered his case to argue that the site is 'Grey Belt' land and meets the relevant tests for being 'not inappropriate' development in the Green Belt.

¹ Including CD2.14

² Barnet Local Plan 2021-2036

³ Inquiry Document 37

⁴ Core Documents (CD) 2.2 – Sustainable Drainage Assessment and 2.3 Flood Risk Assessment

12. Considering the above, the main issues in this appeal are:

- Whether the appeal site is a suitable location for the proposed development, when considering policies concerned with development in areas at risk of flooding;
- Whether the proposal would be inappropriate development in the Green Belt and its effect on the openness and purposes of the Green Belt;
- The effect of the proposal on the character and appearance of the area;
- The effect of the proposal on biodiversity, with reference to Great Crested Newts and bats; and
- If the proposal would be inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations to establish the very special circumstances necessary to justify the proposal.

Reasons

The suitability of the location with reference to flood risk

13. Before the recent changes to the Framework, national policy required a local planning authority to apply the sequential test if a *site* was not at a low risk of flooding from all sources. The application red line site area includes the entire paddock and therefore land at medium to high risk of flooding from surface water overtopping from the Dollis Brook. The same broad area would also be at risk of flooding were the Arkley Reservoir to fail. The land at risk of flooding encompasses areas along the northern, western and southern boundaries of the site. Despite this, a Flood Risk Assessment (FRA) had not been submitted with the application. This was an oversight remedied at the appeal stage, albeit belatedly, when an FRA was provided (see CD2.3).
14. As explained above, national policy in the Framework was amended during the appeal. Paragraph 175 of the Framework now explains that the sequential test should be applied in areas at risk of flooding from any source, although there are now exceptions to this. These being situations where a site-specific flood risk assessment demonstrates that no built development within the site boundary, including access and escape routes, land rising or potentially vulnerable elements, would be located on an area at risk of flooding from any source.
15. The flood risk of the site as indicated by the Strategic Flood Risk Assessment is illustrated by a plan at Appendix 21 of Mr Green's proof of evidence. This shows no built development at risk of flooding. Figure 10 of the FRA, which is site specific, also confirms that the mobile homes, dayrooms and hard standing would be located outside the areas at risk of flooding. The FRA therefore categorises the developed area as being at low risk of flooding, be it from surface water or a reservoir breach. No party has raised substantive technical issues with the FRA.
16. However, The FRA does show the site access at risk from surface water flooding. This seems to correspond with photographs I have been shown by residents. The appellant submits that this is simply a small area of shallow ponding that would not meaningfully inhibit access or egress from the site in a north easterly direction and is therefore 'de minimis' or 'negligible'. On this basis they suggest a sequential test

would be disproportionate. The Council shares this view, and I am inclined to agree. That said, I am mindful that Paragraph 175 of the Framework states that a sequential test should be undertaken if access and escape routes are at risk of flooding from any source.

17. A sequential test has not been undertaken. However, for reasons I go into it is common ground between the Council and appellant that there are no available alternative sites within the borough for Gypsies and Travellers, this being a reasonable search area to base the sequential test on. Indeed, I understand that the appeal scheme is the first application the Council has received for this type of development. Moreover, there are no allocations in the LP because the locally set pitch target is 0. I have not been directed to any other parcels of land that should have been considered. Given the very unlikely prospect that there are alternative pitches, and because there is common ground between the Council and appellant that the flood risk is de minimis, there would be nothing to be gained from a formal sequential test being carried out.
18. Paragraph 177 of the Framework sets out the exception test. It goes on to confirm that the need for the exception test will depend on the potential vulnerability of the site and proposed development in line with Flood Risk Vulnerability Classifications. This seems to suggest that a planning judgment is required when considering whether to apply the Exceptions Test. However, the Planning Practice Guide⁵ states that the Exception Test should only be applied *as set out in Table 2*. Table 2 provides guidance on when to apply the Exception Test with reference to flood zones and states that an exception test is not required when a site is in Flood Zone 1, as is the case with the appeal site.
19. Given the foregoing, there appears to be a lack of clarity in respect of this point. The Framework is concerned with all sources of flooding and indicates that Flood Risk Vulnerability Classification are used to inform a judgment on when to apply the Exceptions Test. Alternatively, the PPG, which is an older document, only refers to flood zones and therefore seems concerned with particular types of flooding as opposed to all sources. Nevertheless, it is not necessary for me to resolve this question because the proposal would pass the Exception Test were it to be applied.
20. Indeed, for reasons I go into, the provision of pitches would provide homes for people that experience disadvantages due to a lack of secure accommodation. This would aid integration and therefore result in social sustainability benefits to the wider community that outweigh the flood risk at the site entrance in this case. Moreover, there is no dispute between the Council and appellant that the development will be safe for its lifetime or increase flood risk elsewhere, including along Mays Lane. This is because a sustainable drainage system has been set out in the Sustainable Drainage Assessment (CD2.2). A condition has been drafted to secure this. The Council's drainage advisor removed its objection on account of this information. I afford substantial weight to this expert view.
21. In the circumstances, I conclude that there would be no meaningful conflict with policies concerned with development in areas at risk of flooding and that this does not provide a strong reason for refusing the proposed development.

⁵ Paragraph: 032 Reference ID: 7-030-20220825

Whether the proposal would be inappropriate development

22. Policy ECC06 of the Local Plan (LP) explains that any proposals for development in the Green Belt, will be considered in accordance with the Framework.
23. The Framework sets out national policy on Green Belt and states that inappropriate development is, by definition, harmful to the Green Belt. The Planning Policy for Traveller Sites (PPTS) explains that traveller sites in the Green Belt are inappropriate development unless the exceptions set out in Chapter 13 of the Framework apply. Paragraphs 154 and 155 of the Framework define what types of development would not be inappropriate.
24. The appellant has not advanced a case that the proposal would be any of the types of development listed in Paragraph 154 of the Framework. This is understandable as the proposal would not be limited infilling on account of the width and size of the site area and nor would it amount to the redevelopment of previously developed land for reasons I will go into. Nevertheless, Paragraph 155 of the Framework explains that the development of traveller sites in the Green Belt should not be regarded as inappropriate development where all the following apply:
- It would utilise Grey Belt land;
 - The proposal would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan;
 - There is a demonstrable unmet need for traveller sites, with reference to the five-year supply of deliverable traveller sites as assessed in line with the PPTS; and
 - The development would be in a 'sustainable location'.
25. The Council, appellant and QVGRA agree that the proposal would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan. I have therefore focussed my assessment on the points in dispute.

Whether the proposal would utilise 'Grey Belt' land

26. For land to be 'Grey Belt' it must meet the two tests set out in the definition of Grey Belt in the Framework, these being:
- The land does not strongly contribute to Purposes (a), (b) or (d) of the Green Belt⁶; and
 - The application of policies relating to the areas or assets listed in Footnote 7 of the Framework (other than Green Belt) do not provide a strong reason for refusing or restricting development.
27. For the reasons already set out, the policies in the Framework relating to development in areas at risk of flooding do not provide a strong reason for refusing development. Neither the Council nor QVGRA have suggested that any other Footnote 7 policies are relevant in this instance. Accordingly, the appeal site can be considered Grey Belt land if it does not strongly contribute to the relevant purposes of the Green Belt.

⁶ Listed in Paragraph 143 of the Framework

28. The Council submits that the appeal site only makes a strong contribution to Purpose (a), which is to check the unrestricted sprawl of large built-up areas, which in this instance includes Barnet⁷. Ultimately, whether the land contributes strongly to the relevant Green Belt purpose is a matter of planning judgment. That said, the Government has provided some guidance to assist a decision maker. The Planning Practice Guide (PPG)⁸ explains that where Grey Belt land is not identified in an existing local plan or Green Belt assessment, it is necessary to consider evidence and the illustrative features⁹ that are likely to indicate that a site or area strongly contributes to the relevant Green Belt purposes.
29. In this respect, a site is likely to strongly contribute to Purpose (a) if it is free of existing development, is adjacent or near to a large built-up area, where its development would result in an incongruous pattern of development (such as a 'finger' into the Green Belt) and it lacks physical feature(s) in reasonable proximity that could restrict or contain development.
30. The openness of land will have a bearing on how much it contributes to Purpose (a). As such, openness is not an irrelevant factor in this context. The appeal site encompasses a paddock with an open rural character free from development. It is also near to the built-up area of Barnet, the settlement boundary of which is defined in the LP as Shelford Road. It is the type of open land parcel one would expect to strongly contribute to restricting the sprawl of Barnet.
31. The car park of the Islamic Centre is broadly surrounded on three sides by undeveloped land, including the appeal site. The consequence of this is that it reads as a finger of development that projects into the countryside. Partridge Close has a similar effect. In a spatial sense, the appeal scheme would elongate the existing finger of development created by the car park. In visual terms, the caravans would appear a little detached from built form as they would not adjoin Chesterfield, and the car park is not especially visible due to the thick landscaping and its low profile. Accordingly, the proposal would modestly exhibit and compound an incongruous finger of development into the countryside.
32. There has been some suggestion that Chesterfield, Cottage Farm and the car park at the Islamic Centre are physical features that would contain and partially enclose development at the appeal site. However, these properties are set in very large, spacious and verdant plots and the car park is a largely two-dimensional feature screened by hedging. Consequently, any enclosing effect on the appeal site has been overstated. Moreover, Chesterfield includes equestrian facilities typically found in the countryside and both Cottage Farm and Chesterfield are surrounded by undeveloped rural land on all sides. Therefore, they are read as being in the countryside rather than physical features that would naturally contain the outward expansion of Barnet in a way that would logically separate the edge of a built-up area from the open countryside beyond.
33. Furthermore, the appeal site is an undeveloped paddock bounded by hedges and trees with a rural and open appearance. It has a similar landscape character to the Whittings Open Space, Whittings Wood, the scrubby field east of Cottage Farm and the valley of the Dollis Brook. The latter includes a network of small fields delineated by mature hedges. This arc of countryside, which the appeal site is an

⁷ This is a large built-up area the nearest part of which to the appeal site is Ducks Island

⁸ Paragraph: 009 Reference ID: 64-009-20250225

⁹ Paragraph: 005 Reference ID: 64-005-20250225

integral and linking component of, is continuous save for some minor sporadic development. In this respect, the appeal site is in, and contributes positively to, a wider land parcel that strongly contributes to preventing urban sprawl.

34. The Council have undertaken a green belt assessment and this rates the contribution land makes to each Green Belt purpose under five categories. These being 'strong', 'relatively strong', 'moderate', 'relatively weak' and 'weak'. However, this analysis predates the recent guidance in the PPG, which suggests only three categories ('strong', 'moderate' and 'weak'). It is reasonable to conclude that the 'relatively strong' and 'strong' categories could be merged to include a single 'strong' category, although that will not be appropriate in all instances. The Council suggests that the appeal site should be in the 'strong' rather than 'relatively strong' category and I share this view for the reasons given above.
35. Considering the foregoing, I find that the appeal site is free of development, near to a built-up area and if developed, would result in an extension of an incongruous finger of development into the countryside. Furthermore, there is no physical feature within or around the appeal site that would naturally restrict and contain development in a logical way. The appeal site is also in a wider arc of countryside that contains the built-up area of Barnet. The appeal site therefore contributes strongly to Purpose (a) and is not Grey Belt land.

Whether there is a demonstrable unmet need for traveller sites

36. Footnote 56 of the Framework defines what is meant by a demonstrable unmet need for the purposes of applying Paragraph 155(b). It states that in the case of applications for traveller sites, a demonstrable unmet need means the lack of a five-years supply of deliverable traveller sites assessed in line with the PPTS.
37. Paragraph 9 of the PPTS explains that Local Planning Authorities (LPAs) should set pitch targets which address the *likely* permanent accommodation needs of travellers in their area. I have emphasised the word 'likely' as this indicates that there is no requirement for precision. Instead, an LPA should set a target based on the best available evidence at the time, this being the objectively assessed need.
38. Paragraph 10 of the PPTS can be taken as a basic methodology for calculating a five-years supply of pitches. It states that LPAs should identify and update annually, a supply of specific deliverable sites sufficient to provide 5 years' worth of sites *against their locally set target*. As such, the locally set target is that set by the LPA following an assessment of the available evidence and is usually contained in the development plan. That evidence base is tested through an examination.
39. I share the view of Mr Volley that it would be highly undesirable for a target to be the subject of constant review as there is a public interest in providing certainty as part of a plan led system. There is also the added difficulty that need will naturally fluctuate due to demographics and migration and any assessment will be a snapshot in time. Instead, periodic reviews, which consider existing and likely future needs are a reasonable approach and would be in line with section 8 of the Housing Act 1985. This is usually best done through a methodological assessment, normally every five years, in the form of a Gypsy and Traveller Accommodation Assessment (GTAA). Otherwise, a LPA runs the risk that its local target is deemed out of date as a basis for assessing the five-years supply¹⁰.

¹⁰ As confirmed by the Courts – Inquiry Document (ID) 27

40. In this instance the locally set target is currently 0 pitches¹¹ as established in the recently adopted LP. The target was informed by a GTAA which the examining Inspectors considered to be robust. Indeed, they were content with a target of 0 pitches despite some evidence of unauthorised encampments. There is nothing to suggest the Council cannot amend its locally set target outside of the local plan. For example, a new target could be adopted by a committee. This may become necessary as new evidence comes to light, such as an updated needs assessment. The Council may need to explore this when the London wide GTANA¹² is finalised. However, it is still pending.
41. The appellant's team submits that because the target is 0 and they consider there to be an unmet need above this, there is no five-year supply. However, I do not share the view of the appellant that any unmet need above the locally set target means there is no five-year supply. Instead, the locally set target is a minimum. There may be evidence to suggest there is immediate unmet need above this, perhaps because matters have changed since the GTAA or previously concealed need has come to light, but that does not automatically supplant the locally set target. The evidence would have to demonstrate that the target is significantly flawed for it to be considered out of date, which is especially unlikely if it has been recently tested as part of a local plan examination and found sound, as is the case here. Therefore, in this instance, any unmet need that may have arisen or come to light since the LP examination is a separate material consideration assessed later.
42. In conclusion, the Council has set a locally identified target based on an objective assessment of need in the most recent GTAA. Any new, concealed or unknown need not identified in the GTAA is to be addressed through a criteria-based policy. The Council's most recent GTAA dates from July 2021 and the LP Inspectors were content to use this as the basis of their assessment and so shall I. Accordingly, the Council does not currently need to deliver any pitches to demonstrate 5 years' worth of supply against its locally set target. It follows that there is no demonstrable unmet need within the meaning of Paragraph 155(b) of the PPTS.

The sustainability of the location

43. The Framework does not define what is meant by a 'sustainable location' but Paragraph 155(c) refers to Paragraphs 110 and 115 of the Framework as policies to help guide this judgment. These policies are both found within the 'Promoting Sustainable Transport' chapter of the Framework and are concerned with prioritising sustainable transport modes. As a result, a 'sustainable location' for the purposes of Paragraph 155(c) is one where sustainable transport modes are prioritised, although it is necessary to account for the type of development proposed. In this respect, Footnote 57 to Paragraph 155(c) states that particular reference should be made to Paragraph 13 of the PPTS.
44. Paragraph 13 of the PPTS seeks to ensure traveller sites are sustainable economically, socially and environmentally. It therefore outlines a broad range of factors in an open list that should be included in development plan policies. However, it is important to note that Para 155(c) of the Framework refers to a development being in a *sustainable location*. It does not say that development should be *sustainable*. There is a difference, as the latter is a judgement reached

¹¹ Policy HOU 06 of the LP states that the Council has identified no objective need for pitches. This can only logically be taken as confirmation that there is a target of 0 pitches.

¹² London wide Gypsy and Traveller Accommodation Needs Assessment (commissioned in 2022).

after looking at all economic, social and environmental matters in a planning balance. It would be unwieldy to do this simply to ascertain if a proposal would be inappropriate development or not. The sustainability of the location with reference to sustainable transport is only one factor feeding into a judgement as to whether a proposal is sustainable overall, but is the only one listed in Paragraph 155(c) for the purposes of deciding if a proposal would be inappropriate development.

45. The appeal site is subject to a low Public Transport Accessibility Level and there is no continuous footpath along Mays Lane linking it to the built-up area of Barnet. These factors reduce the accessibility to services and facilities by sustainable transport. I also afford only moderate weight to Mr Volley's suggestion that travellers have a cultural reliance on a car because they are nomadic. This is because the planning definition of Gypsies and Travellers in the PPTS has been expanded to include both those with a cultural tradition of nomadism or of living in a caravan. The latter may not follow a nomadic habit of life.
46. However, Mays Lane is a semi-rural route subject to a 30mph speed limit and the section without a pavement is not extensive. I also heard evidence that local residents jog and cycle along the lane. On balance, I am satisfied that occupants of the appeal site could safely walk into the built-up area and thus access the facilities there. Most notably the local primary school, hospital and convenience store, which are less than a mile away. I am also mindful that traveller sites are likely to be on the periphery of settlements due to land values and competition for sites. Accordingly, access is unlikely to be as good as sites within a built-up area.
47. Moreover, Paragraph 13 of the PPTS explains that a settled base can reduce the need for long-distance travelling. It would also reduce the need for persistent travelling between temporary locations. The site is also a short drive from the A1 junction, which would facilitate easy access to the motorway network as part of a travelling lifestyle for those that are nomadic. I therefore find that the proposal would be in a sustainable location when accounting for the type of development.

Conclusion on inappropriate development

48. The appeal site is not Grey Belt land, and there is not a demonstrable unmet need for the development within the meaning of Paragraph 155(b). Thus, when considering all relevant factors outlined in Paragraph 155 of the Framework¹³, the proposal would be inappropriate development in the Green Belt regardless of whether it is a sustainable location. Inappropriate development is, by definition, harmful to the Green Belt.

The effect on the openness and purposes of the Green Belt

49. The Planning Practice Guide (PPG)¹⁴ explains that an assessment of openness can have both spatial and visual aspects. The disposition and arrangement of development can also be relevant in gauging the effect on openness as can the duration of the development, its remediability and the degree of activity.
50. The appeal site is currently an undeveloped paddock free from development and rural and open in appearance. It therefore contributed positively to the openness of the area in its current state.

¹³ Paragraph 18 of the PPTS confirms that the 'Golden Rules' do not apply to applications for traveller sites

¹⁴ Paragraph: 001 Reference ID: 64-001-20190722

51. The proposed development would permanently encompass areas of hard standing, including the site access and other paraphernalia such as day rooms, mobile homes and vehicles. This would be visible from both Mays Lane and the adjacent public open space. The proposal would also generate residential activity such as regular comings and goings. It would therefore harmfully erode both the spatial and visual openness of the Green Belt by introducing residential development and paraphernalia onto part of an undeveloped paddock. For these reasons it would not safeguard the countryside from encroachment and would therefore undermine Purpose (c) of the Green Belt. I have already explained that the proposal would encroach into an area that strongly contributes to Purpose (a) and in doing so would elongate an existing sprawling finger of development.
52. That said, the development would be modest in size and scale and set back from Mays Lane behind thick hedging. A large part of the appeal site would also be retained as a paddock and could be further landscaped to soften the presence of the development, especially the driveway. The proposal would also be seen in the context of some sporadic development nearby. This would all assist in notably moderating the impact on openness and purposes.
53. In conclusion, the Framework advises that openness is an essential characteristic of the Green Belt, and the fundamental aim of the Green Belt is to keep land permanently open. The harmful loss of openness that would be caused by the appeal scheme would be at odds with this fundamental aim. The proposal would also undermine Purposes (a) and (c) of the Green Belt. That said, the modest scale of the proposal and its siting towards the rear of the site would soften the impact. Overall, the proposal would have a limited adverse impact on the openness and purposes of the Green Belt.

The effect of the proposal on Great Crested Newts and bats

54. Great Crested Newts (GCN) are a European Protected Species. It is a criminal offence to deliberately injure, kill or disturb them unless a license has been granted pursuant to the Habitat Regulations¹⁵. The Courts have confirmed that when determining a planning application or appeal, there is no need for the decision maker to carry out a shadow assessment to establish whether a license would be granted. Instead, planning permission should ordinarily be granted save only in cases where the decision maker concludes the proposal would be likely to result in an offence and a licence is unlikely to be granted. The obvious first step is to ascertain whether GCN are present and likely to be affected by the proposal.
55. Natural England provides standing advice¹⁶ on when to undertake a GCN survey. This includes situations where the development site includes refuges, such as log piles, rubble, grassland, scrub, woodland or hedgerows within 500m of suitable aquatic habitats. A suitable aquatic habitat could be a pond, even if it only holds water for some of the year.
56. There are seven ponds within 500m of the appeal site. The appeal site is also largely given over to grass with peripheral areas of scattered scrub. When I visited there were no horses present, and the grass was reasonably long and growing in tufts. Photographs¹⁷ supplied by the appellant's team dating to July 2023 shows

¹⁵ The Conservation of Habitats and Species Regulations 2017

¹⁶ CD10.2 and 10.3

¹⁷ CD2.13

the site as meadow with long grass rather than a closely grazed paddock. The boundary hedging is also thick and mature. The access into the site is also grassed and represents only a small gap in the frontage hedge. As explained earlier, the appeal site has a similar landscape character to the meadows, woods and small grassed fields found in the wider landscape, but particularly to the north at Whittings Hill. Accordingly, the appeal site has the attributes of terrestrial GCN habitat and may form part of a wider continuous area used by GCN.

57. Considering the foregoing, the Council understandably requested further biodiversity evidence in October 2023. In response, the appellant submitted a Preliminary Ecological Assessment (PEA) in November 2023. Following a Habitat Suitability Index assessment, the authors of the PEA concluded that the proposal would result in the loss of around 0.09ha of habitat within 100m of a potential GCN breeding pond and therefore an offence is likely when following Natural England's Rapid Risk Assessment Tool. The authors of the PEA therefore recommended further Environmental DNA (eDNA) surveys to determine the presence or absence of GCN. The Council refused the application in the absence of these surveys.
58. The eDNA surveys were undertaken by RSK Biocensus (RSK) in May 2024 with the results issued in June. The ecological witnesses confirmed when giving evidence that it would have been possible to have undertaken conventional surveys at this time too. The eDNA information was submitted with the appeal. Positive results were returned for Ponds 1 and 6. Pond 1 is directly adjacent to the appeal site and Pond 6 is to the northwest of it. RSK therefore concluded that GCNs may be crossing the appeal site and commuting along its boundary hedges. Like the authors of the PEA, RSK also concluded that clearance of vegetation could cause an offence if carried out without mitigation and a licence and that further surveys would be required as a result.
59. The appellant's response to this has evolved. Their Statement of Case suggested that further surveys could be secured through the imposition of a condition. However, at the Case Management Conference I was advised that a mitigation strategy would be prepared assuming a 'worst case' scenario. The appellant then sought to argue that the development could be undertaken following a Precautionary Method of Working (PMoW). This, it was submitted, would avoid any harm to GCN and negate the need to apply for a licence. However, this approach would be flawed if GCN are present for the reasons set out by Mr Nicholls in his proof of evidence. Indeed, protective herptile fencing would lead to disturbance and the construction of the access would result in the direct loss of habitat. As a result, it is essential to ascertain the presence or otherwise of GCN.
60. The appellant's team belatedly accepted this and undertook a GCN survey during an adjournment. As it transpired, GCN were not found to be present. The Council have accepted the findings of the survey and removed its objection. In effect, the Council are now content to rely on a PMoW given the low likelihood of GCN being present and effected by the proposal. It follows that an offence is unlikely to occur. In this respect, the same approach would be followed as was the case at the adjoining site, where an extension to the Islamic Centre was permitted to proceed subject to a PMoW (Council Reference: 24/2557/FUL).
61. Interested parties have raised concerns that the surveys were not robust. This is because the ponds were without water on account of a very dry spring and due to drainage management (to Pond 1) and that GCN have been observed in the

locality in previous years. However, there is consensus between the Ecologists that the risk to GCN must be judged by the most up to date evidence, which in this case is the surveys from 2025 that demonstrate GCN are not present in the relevant ponds or the appeal site. Moreover, evidence¹⁸ has been provided to demonstrate that Pond 1 is often dry because it is intended to function as an attenuation pond. Indeed, the eDNA results from 2024 may have been at a time when the pond was untypically full due to a lack of drainage management and a very wet winter. There is nothing of substance before me to demonstrate the surveys were not undertaken by an expert to a recognised methodology endorsed by Natural England¹⁹. As such, it is highly unlikely GCN are present but were somehow missed. Ultimately, I have no robust reason to depart from the expert evidence, which I afford significant weight.

62. QVGRA have raised concerns about the scheme's impact on bats. This is because Green Information for Greater London has provided historic sightings of four species of tree roosting bats. Little further information has been provided in respect of this. The PEA concluded that the trees on the appeal site have negligible value for roosting bats due to the lack of roost features. Furthermore, all trees are to be retained. As such, the PEA did not recommend any further action or investigation. The Council share this view, and I have no substantive reason to depart from the consensus of the professional Ecologists. Conditions are recommended by the Council to control external lighting and for the developer to follow a Construction Environmental Management Plan. This would protect commuting and foraging bats. For these reasons, the proposal would not harm bats.
63. In conclusion, I find that the appeal site is suitable terrestrial GCN habitat but evidence in the form of up-to-date surveys demonstrates they are unlikely to be present. In the circumstances a PMoW would be sufficient to address any low residual risk. An offence is unlikely to occur. The proposal would not have an adverse impact on bats either. Consequently, there would be adherence to Policy HOU6 of the LP and Policy G6 of the London Plan, which seek to secure development that will not have an unduly adverse impact on the local environment.

The effect of the proposal on the character and appearance of the area

64. As established, the appeal site is an undeveloped rural paddock that has a similar landscape character to the adjoining public open space as well as a visual affinity to the countryside. There are views into the site from Mays Lane and across the site from Whitings Hill. From here, the appeal site forms part of a wooded landscape that extends to the Dollis Valley. The appeal site contributes positively to the character and appearance of the area.
65. The appeal scheme would intrude into the undeveloped paddock eroding the natural landscape character of the site. The hardened access would be particularly apparent as would the driveway, which would cut right through the middle of the paddock. It would also be possible to glimpse the development from Whitings Hill, which is otherwise a tranquil wooded space. Although there are apparently caravans at Vale Farm, these are tucked away and positioned within a cluster of existing buildings. The proposal would therefore appear as an incongruous addition to the area that would elongate an existing finger of development and encroach into the countryside.

¹⁸ Aerial photos submitted in response to the comments of interested parties - ID

¹⁹ The methodology used followed *The Great Crested Newt Mitigation Guidelines* (English Nature 2001).

66. That said, I have already explained that the caravans would be set back from Mays Lane. Additional landscaping could also be provided to soften the access track, which could be finished in a rural material such as gravel. Moreover, the hedge along the northern boundary of the site is thick and, when taken with the low profile of the caravans, would provide an effective screen. Indeed, the development would be noticeable, but not strident, in views from Whittings Hill and Mays Lane.
67. There is also sporadic development nearby which means the proposed development has some built context. However, and as already stated, the enclosing effect of this has been overstated by the appellant given the spaciousness of Cottage Farm and Chesterfield and the broadly two-dimensional form of the car park at the Islamic Centre. Nevertheless, hardened accesses are a feature of this part of Mays Lane. Indeed, the access into Cottage Farm is wide and flanked by brickwork and fencing. In this context, the access into the site, and the driveway across the paddock, both of which would be the most visible parts of the development, would not appear unduly out of place. Indeed, Mr Green explained that additional hedge and tree planting could occur along the driveway to soften its impact and further screen the caravans at the back of the site. The retention of much of the site as grazing paddock or meadow would also provide a verdant, rural setting to the development and minimise the impact on local views.
68. Overall, the proposal would have a limited adverse effect on the character and appearance of the area contrary to Policies D1, D4 and D5 of the London Plan. However, in coming to this view it is of note that Policy HOU06 of the LP does not prohibit traveller sites in the countryside and therefore some effect on the landscape character and visual amenity of the site is to be expected. Indeed, the limited adverse effect would not be an 'unduly adverse impact on the character of the area', which is the threshold in Policy HOU06 for establishing a policy conflict. Policy HOU06 is a particularly important policy when considering proposals for traveller sites. As such, the appeal scheme would adhere to the development plan taken as a whole in respect of this main issue.

Other Considerations

The general need and supply of pitches

69. The West London Alliance Gypsy, Traveller and Travelling Showpeople Accommodation Assessment (GTAA) was published in October 2018. This assessment concluded that there is no identified need for pitches in the borough and therefore a criteria-based policy should be included in the local plan to address any applications that may nevertheless come forward. This approach is supported by Paragraph 11 of the PPTS.
70. The Update on Gypsy, Traveller and Travelling Showpeople Accommodation Assessment - July 2021 sought to address the perceived deficiencies in the GTAA. The evidence identified that there had been unauthorised encampments in Barnet in 2018, 2019 and 2020 and negotiated stopping agreements. The Inspectors examining the LP concluded that the number and instances of unauthorised encampments could reasonably be taken as an indication of the possibility that insufficient pitch provision has resulted in concealed unmet demand in Barnet. Against this background there could be a need for pitches.
71. The appellant's analysis supports this proposition, indicating an unmet need for two pitches from unauthorised households, with this figure potentially rising further on

account of hidden need from travellers currently living in bricks and mortar housing but wanting culturally appropriate accommodation. Indeed, a GTAA dating from 2009 identified a need for several pitches from those living in bricks and mortar housing and that need is unlikely to have entirely vanished.

72. However, the examining Inspectors concluded that the evidence before them did not justify the identification and allocation of sites in the Local Plan. Instead, they were satisfied that should additional households come forward that are currently unknown, concealed or arise from household growth then they would be provided for under the terms of criteria-based Policy HOU06, at least in the short term until the Mayor of London has issued the London wide assessment (the GTANA), which will examine the census data from 2021 and is due for publication soon.
73. I take the examining Inspectors' findings to be an indication that there is probably some unmet need for pitches, but that need is unlikely to be so extensive as to require action immediately in the form of allocations. Instead, they were content for the Council to rely on a criteria-based policy in the short term and then review matters when more up to date evidence is available from the Mayor of London. Indeed, the Examining Inspectors were clear that Policy HOU06 provides a fair and reasonable basis for considering any proposals that may come forward for Gypsy and Traveller accommodation in advance of any review activity pursuant to the London-wide work.
74. The planning definition of a Gypsy and Traveller in the PPTS has broadened since 2021 and therefore the appellants team invited me to take a different view to the LP Inspectors. However, this should not be done lightly because there is a public interest in consistency. In any event, there is little substantive evidence before me to demonstrate that the change in definition has had, or is likely to have, a significant impact on objectively assessed need in the borough.
75. Ultimately, as things stand there is likely to be an unmet need for pitches, but the extent is unclear. It could be a moderate level of around 17 pitches. This is mainly based on unmet need from travellers currently living in bricks and mortar accommodation as identified in the early draft iteration of the GTANA. In this context, the proposal could help to address any unmet need and this carries moderate weight in favour of the proposal.
76. Nevertheless, I do not consider there has been a policy failure. The Council has sought to establish the need, which is not an exact science, and have planned for what was identified. They are also committed to an early review of the LP as informed by the GTANA. The examining Inspectors were content with the Council's approach. It is difficult to envisage a situation where the LP would have been found sound despite a policy failure.

The availability (or lack) of alternative accommodation

77. Mr P Casey confirmed he and his family are currently living at the Barley Mow site near Hatfield. He did not indicate that the conditions there were untenable, but I understand he is unlawfully doubling up as a temporary measure. This does not provide a secure and settled home. Mr J Casey and his family are doubled up with his father. He suggested that an eviction notice has been served, and he will therefore need a new home. Neither family are currently living on the roadside in the conventional sense, and it is unclear when they last were. Nevertheless, the indicators are that both families lack a lawful base and are in housing need. There

is a risk they may need to resort to a roadside lifestyle when they must leave their current unlawful homes. They are not in a position of simply desiring a home, they need a lawful one now.

78. There is no requirement for the appellant to demonstrate a lack of alternatives. This may be why the evidence in this regard is scant. It is unclear what alternatives have been explored and whether the appeal site was identified after a robust search. Substantive evidence is not before me that public sites have been contacted recently by the appellant or his brother. That said, there are no vacant pitches in the borough and no allocations or approvals in the pipeline. The Council has not confirmed any availability on public sites in neighbouring areas, nor has it provided a list of parcels of land that could have been explored by the appellant as possible windfall pitches pursuant to Policy HOU06. As such, the indicators are that there is a general lack of alternative accommodation available to address the housing needs of the appellant and his brother. This is a point of significant weight.

Other relevant policy in the PPTS

79. The proposal is not located in open countryside that is away from either a settlement or land allocated in the development plan. Thus, in this sense, there is no requirement to apply the 'very strictly limited' test in Paragraph 26 of the PPTS. Moreover, the proposal would further several of the aims in Paragraph 13 of the PPTS as it would provide a settled base in a sustainable location, assist integration and coexistence, facilitate access to health services and education, provide a good standard of accommodation and allow the appellant the option to live near his horses as part of facilitating a traditional way of life. Indeed, the proposal has been well planned with soft landscaping and minimal hard landscaping in a way that would enhance the environment and increase openness²⁰ in so far as is possible from such development. These matters are to be expected as policy requirements, but they nevertheless carry some further moderate weight in favour of the proposal.

Likely location of future traveller sites

80. About a third of land in the borough is Green Belt and around 8% Metropolitan Open Land (MOL). Accordingly, there is little land in the borough that is not either in the built-up area or covered by these designations. Due to competition for land, it is unlikely affordable sites in the urban area would be forthcoming. Given this, it would be very constraining to solely rely on land outside built up areas, Green Belt and MOL as the reservoir for potential windfall sites. In this respect, the proposal would have a limited effect on openness and is therefore relatively well placed sequentially if land in the Green Belt is to be used. This is a matter of limited weight in favour of the proposal.

Personal circumstances

81. The Casey brothers are Gypsies, and they want to follow a traditional lifestyle that involves living in culturally appropriate accommodation, this being a caravan on a pitch. Unlike the settled community, their accommodation options are very limited due to the lack of alternatives as outlined above. Moreover, the absence of a settled base results in practical problems. For example, I heard that post must be routed to their grandmother's home, and they also used this address to register with a GP. Living without a settled home would also likely result in stress and

²⁰ Policy HOU 06 would be unworkable if 'openness' in this context was to be interpreted as keeping land free from development

- insecurity. In addition, resorting to unauthorised pitches or encampments would not foster good relations between the settled community and travellers.
82. The unavailability of vacant sites indicates inequality in housing opportunities which the appeal scheme will help to remedy. Indeed, the Equality Act requires due regard to be had to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and to minimise disadvantages that are connected to that characteristic. The equality implications weigh notably in favour of permitting the appeal scheme.
83. Moreover, Article 3(1) of the United Nations Convention on the Rights of the Child states that the best interests of the child shall be a primary consideration. This means no other consideration is more important. In Green Belt cases the start point is that the substantial weight given to any harm to the Green Belt is not inherently more important than the best interests of the child.
84. There are seven young children in this case. Living unlawfully doubled up is clearly not in their best interests. Roadside living would be worse. Those of school age are in education and currently seem settled but there is an inherent underlying lack of stability as they may need to move schools if the families must leave their current locations. A settled base would also enable access to healthcare and generally support the children's welfare by, for example, helping them attend clubs and make friends. Accordingly, their best interests would be served from establishing a secure permanent home at the appeal site given the lack of suitable alternatives, including where they currently live unlawfully.
85. The appellant and his brother have some local connections having lived in the area for parts of their life. Paragraph 25(e) of the PPTS is however clear that there is no need to demonstrate a local connection. Their grandmother and father also live near to the appeal site. It is suggested that they require some care but in the absence of information from any medical practitioner it has not been demonstrated that their care needs are acute. Similarly, there is no substantive evidence before me to demonstrate any member of the family has any serious medical condition. A stable base would nevertheless assist with consistent access to healthcare and general welfare.

Previously Developed Land (PDL)

86. Paragraph 27 of the PPTS supports the effective use of PDL. PDL is defined in the Framework as land that has been lawfully developed and is, or was, occupied by a permanent structure and any fixed surface infrastructure associated with it, including the curtilage of the developed land. The appellant submits that the appeal site forms part of the development area of the adjacent Islamic Centre because it is shown as such on the approved plans from the early 1990s. It therefore follows, they argue, that the appeal site can lawfully be used as an overflow car park.
87. However, there is no substantive evidence before me to demonstrate the appeal site was ever used as a car park or that grass blocks were laid. If there was operational development of this nature, then it has blended back into the landscape. Furthermore, QVGRA have convincingly asserted that the land may simply have been approved as parkland/orchard as shown on the plan attached to the relevant planning obligation. In addition, there is nothing of substance before me to suggest the appeal site ever formed part of the curtilage of the Islamic Centre

once it was built. As things stand, the appeal site is outside both the curtilage and ownership of the Islamic Centre, being divided by a hedge and fencing. Indeed, the appellant's application form confirms that the use of the appeal site is for the keeping of horses. For these reasons, the appeal site is not PDL.

Whether there would be Very Special Circumstances

88. The appeal scheme would be inappropriate development in the Green Belt. The appellant therefore needs to demonstrate very special circumstances. As specified in the Framework, very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
89. I have concluded that the appeal scheme would be inappropriate development that would, by definition, harm the Green Belt. I have also concluded that the appeal scheme would result in limited harm to the openness of the Green Belt and modestly undermine two Green Belt purposes. The Framework requires that substantial weight be given to any harm to the Green Belt. This is a metaphor for indicating the importance of the issue rather than a measurement that can or should be inserted into a quasi- mathematical equation. I have also found that although not sufficient to result in a policy conflict, there would be some modest harm to the character and appearance of the area. The site access is also at risk from shallow flooding.
90. On the other hand, the appeal scheme would assist in addressing the likely unmet need for pitches and the disadvantages that flow from this. However, the unmet need is not extensive. That said, there are no alternatives, and the appeal site performs well against the criteria in Paragraph 13 of the PPTS and Policy HOU06 of the LP. These factors weigh in favour of the proposal but are not sufficient to clearly outweigh the harm. However, this balance changes significantly when personal circumstances are factored in, especially the best interests of the children as a principal consideration. Indeed, personal circumstances tip the balance in favour of the scheme when all other considerations are contemplated cumulatively.
91. Accordingly, and in this instance, other considerations would clearly outweigh the harm to the Green Belt together with the other harm identified. It follows that the very special circumstances necessary to justify the development have been demonstrated and therefore a conflict with Policies ECC06 and HOU06²¹ of the LP, Policy G2 of the London Plan and the policies that protect the Green Belt in the Framework, would not occur.

Other Matters

92. The appellant has provided detailed technical evidence²² on highway safety that I have carefully considered. It has also been reviewed and endorsed by the Local Highway Authority. The conclusion of the highway experts is that the proposed access would function safely with adequate visibility and no need to reverse into Mays Lane. In addition, it confirms that the trips derived from the proposed use would have an insignificant effect on the capacity and operation of the road network. Substantive technical evidence to the contrary is not before me. Nor is

²¹ Mr Volley advised that Policy HOU06 had the Green Belt balance imbedded within it because it seeks to prevent unduly adverse impact on the local environment. In this respect, an unduly adverse impact on the environment would occur if there would be harm to the Green Belt and this harm was not clearly outweighed by other considerations.

²² CD2.8, 2.9 and s.10 and ID25

there any detailed analysis to demonstrate the proposal would harm highway safety when considered cumulatively with the nearby Islamic Centre as extended. As such the expert views that are before me carry significant weight and are determinative. There would be no harm to highway safety.

93. Concerns have been raised about litter and noise, but bins would be provided, and the noise would be commensurate with residential occupation given that conditions are recommended to prevent commercial activity. Anti-social behaviour is not an inevitable consequence of the proposed land use. As the proposal has been considered on its individual merits no harmful precedent would be set. Being contained to the appeal site, the proposal would not affect any unrecorded public right of way to the north. The proposal would result in the loss of a small area of grassland, and this could affect carbon storage. However, there would also be additional hedge and tree planting to compensate. Concerns about future expansion can be addressed by limiting the number and size of the pitches through the imposition of conditions. There is nothing of substance before me to demonstrate local infrastructure could not cope with the modest increase in population. Given the distance to nearby properties there would be no harmful effect on living conditions.

Conditions

94. I have considered the tests in the Framework, advice in the Planning Practice Guidance and the conditions suggested by the Council and appellant. I have made some amendments where I consider it necessary in the interests of precision or to simplify matters where there is dispute. Some details are secured by pre commencement condition because they are so fundamental to the development permitted that it would have been otherwise necessary to refuse the appeal.
95. In addition to the standard commencement condition, it is necessary to impose a plans condition in the interests of certainty. There is no need to list the documents submitted as background evidence, including the swept path analysis, but I have imposed separate conditions securing the recommendations in technical documents where relevant.
96. As the personal circumstances of the appellant and future occupants have tipped the balance in favour of approval, it is necessary to impose a condition securing a personal permission and remediation of the site when that need is no longer in place. As the permission is personal, and it is agreed the appellant's meet the planning definition of a Gypsy and Traveller, it is unnecessary to impose a condition requiring occupation by those that meet the definition in the PPTS.
97. It is necessary, in the interests of safeguarding the character and appearance of the area, wildlife and living conditions, to limit the size and number of pitches as well as the number of caravans within them. For similar reasons it is necessary to prevent commercial activity (save for the parking of one commercial vehicle per pitch on site) control external lighting, secure a hard and soft landscaping scheme (including additional hedge and tree planting along the site access drive), secure details of service routing, the external materials of the day rooms, tree protection, foul drainage and remove permitted development rights for fences, walls and enclosures. Cycle parking is necessary to promote sustainable transport.
98. To protect biodiversity during the construction phase it is necessary for development to take place in accordance with the PMoW and a Construction and

Environmental Management Plan (CEMP) based on the recommendations in the PEA. The CEMP would likely include toolbox talks, controls over lighting, measures to prevent pollution of the Dollis Brook, overnight measures to prevent injury to wildlife and a pre commencement site inspection (with results and any necessary mitigation to be submitted to the Council before development commences). To safeguard and enhance biodiversity, it is necessary to secure enhancement measures. In the interests of highway safety and living conditions, it is necessary to secure the provision of the site access, parking and turning space. It is necessary to secure details of surface water drainage to reduce the risk of flooding.

99. I share the view of the appellant that the Council has failed to demonstrate why it is necessary to impose a levels condition given that the hard standing would be constructed at grade and the day rooms would be modest structures. Similarly, the modest scale of the proposal does not necessitate a general construction management plan. Landscape protection for five years is reasonable, but 25 years would be excessive in the circumstances. A before and after conditions survey of the highway with remediation for any damage is not necessary given the modest scale of the development and would not be enforceable without very clear evidence that the appellant had caused any damage. It is unclear how the latter would be gathered. It is also unnecessary to secure details of kitchen extraction and the potential impacts on odour and smoke given the domestic use. The Council has sought to restrict the use of the paddock to grazing land to protect the character and appearance of the area. This can, however, be achieved by preventing the approved residential use sprawling into the paddock.
100. Despite the occupants of the proposal being sensitive end users, the Council has not recommended a condition relating to land contamination. Given the long-standing undeveloped nature of the appeal site, I see no reason to disagree.

Conclusion

101. The appeal scheme would adhere to the development plan and there are no other considerations which outweigh this finding. Accordingly, for the reasons given, the appeal is allowed.

Graham Chamberlain
INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Michael Rudd, Counsel for the appellant
Instructed by Green Planning Studios Ltd

Called:

Andrew May	Managing Director, ACJ Ecology
Mr P Casey	Appellant
Mr J Casey	Prospective Occupant
Matthew Green	Green Planning Studios Ltd

FOR THE LOCAL PLANNING AUTHORITY:

Annabel Graham-Paul, Counsel for the Local Planning Authority
Instructed by Tina Faraji, Solicitor to the London Borough of Barnet

Called:

Nathan Nichols MSc BSc ACIEEM	Senior Ecologist, LBB
Stephen Volley MA	Deputy Planning Manager, LBB

FOR THE QUINTA VILLAGE GREEN RESIDENT'S ASSOCIATION

Michael Fry, Counsel for QVGRA
Instructed by Georgia Theodorou

Called:

Georgia Theodorou	Chair, QVGRA
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INTERESTED PERSONS

Alexis Coltman
Lalji Varsani
Nancy Alvarez Trabanco
Cllr Tim Roberts
Theresa Villers
David Lauder
Bernard Cheong

INQUIRY DOCUMENTS

The flowing is a list of documents submitted at the Inquiry

ID1	Mr Rudd's opening
ID2	Mrs Graham Paul's opening
ID3	Mr Fry's opening
ID4	Statement from Cllr Tim Roberts
ID5	Statement from Theresa Villers
ID6	Statement from Alexis Coltman
ID7 ID7a	Statement from David Lauder dated 20/01/25 and update dated 23/01/25
ID8	Statement from Bernard Cheong
ID9	Statement from Lalji Varsani
ID10	Comments from Laurence Pitts
ID11	Comments from Ellis Rich
ID12	Mr & Mrs Duncan's representations
ID13	Council's response to Inspector's flood risk questions
ID14	QVGRA membership list
ID15	Statement from Nancy Alvarez Trabanco
ID16	Table outlining policies in the new Local Plan
ID17	PPG chapter on Green Belt
ID18	European Protected Species policies for mitigation licenses
ID19	Statement from Mr P Casey

ID20	Statement from Mr J Casey
ID21	Appeal decision APP/N1920/W/17/3173518
ID22	Mr Pitt's statement/email
ID23	Council's response to Inspectors questions on suggested conditions
ID24	Mr Volley's note on CD7.2
ID25	Appellant's response to Inspector's questions on flood risk including flood plan, appeal decision APP/J1860/A/09/2099293 and SoS decision APP/Z2505/V/09/2119176
ID26	Appellant's response to the concerns of interested parties relating to highway safety raised on Day 1 of the Inquiry
ID27	Great Crested Newt Survey Report by ACJ Ecology
ID28	Appeal decision APP/L3625/W/21/3282272 and associated High Court judgment
ID29	Appellant's response to Inspectors questions on suggested conditions
ID30	Council's response to ID26 and withdrawn the reason for refusal
ID31	Responses from local residents to ID26
ID32	Council's application for an award of costs
ID33	Final list of suggested conditions with comments from both the Council and appellant
ID34	Appellant's response to ID30 – comments from ACJ Ecology and a suite of aerial photographs dating back to 1999 showing Pond 1 without water
ID35	Closing submissions from QVGRA
ID36	Closing submissions from the Council
ID37	Closing submissions from the appellant

ID38	Correspondence from principal parties reacting to, and explaining why, the appellant's closing submissions were late
ID39	Appellants response to ID31 (this was submitted after the deadline but was accepted on a pragmatic basis)
ID40	Council's final comments in response to ID39

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall be carried out and thereafter occupied in accordance with the following approved plans and documents: 23_1285_001 Site Location Plan, 23_1285_003 P07 – Proposed Site Plan, 23_1285_005 PO2 - Proposed dayroom, 23_1285_006 PO1 - Proposed refuse store.
- 2) The development hereby permitted shall be begun before the expiration of 3 years from the date of this decision.
- 3) The pitches hereby permitted shall only be occupied by the following: James Casey and Angela Saunders and their resident dependents; Patrick Casey and Lizzie Coyle and their resident dependants. When the land ceases, to be occupied by those named above, the mobile homes, touring caravans, utility/day room, structures, materials, and equipment brought onto the land, or works undertaken in connection with the use, shall be removed and the land restored to its condition before the development took place within a period of 3 months.
- 4) No more than two pitches shall be implemented within the land edged red on the Site Location Plan. The extent of the pitches shall be confined to the area marked orange on the Proposed Site Plan unless otherwise agreed in writing by the Local Planning Authority. Within each pitch no more than one mobile home and one touring caravan as defined by the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 shall be stationed at any one time.
- 5) Notwithstanding the provisions of Schedule 2, Part 2, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), other than the details of means of enclosure approved by drawing No 003 Rev P07 no fences, gates, walls or other means of enclosure shall be erected within the site without the grant of further specific planning permission from the Local Planning Authority
- 6) No vehicle over 3.5 tonnes, shall be stationed, parked or stored on the site.
- 7) No commercial activities, other than the parking/storage of one commercial vehicle per pitch within the area marked orange on the Proposed Site Plan, shall take place on the land, including the storage of materials.
- 8) No external lighting shall be installed or used on the site other than in accordance with a scheme of external lighting that shall have first been submitted to and approved in writing by the local planning authority.
- 9) No development shall commencement until a Construction and Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed and implemented in accordance with the approved plan.

- 10) The measures outlined within the Precautionary Method of Working (Ecology) (ACJ Ecology Ltd, November 2024) shall be adhered to and implemented throughout the construction period. In the event that great crested newts are encountered at any point during the construction period then all construction must halt and an approved European Protected Species (ESP) licence from Natural England must be obtained prior to the recommencement of construction works.
- 11) The development hereby permitted shall not be occupied unless and until a scheme for foul drainage has been submitted to and approved in writing by the local planning authority and the approved scheme fully implemented.
- 12) Prior to occupancy of the development, details of the following ecological enhancement features and a timetable for implementation shall be submitted to and approved by the local planning authority.
- 2 x Woodstone bat roost box (or similar alternative) on mature retained trees,
 - 2 x Schwegler Bird Nest Box (buildings/or mature trees),
 - 1 x insect hotel,
 - 2 x hibernacula
 - the location, density and species composition of biodiverse planting/seeding
- The above biodiversity enhancement measure shall be installed on site in accordance with the approved details prior to first occupancy of the development and thereafter maintained as such.
- 15) a) A scheme of hard and soft landscaping, including details of existing trees to be retained and size, species, planting heights, densities and positions of proposed soft landscaping, shall be submitted to and agreed in writing by the Local Planning Authority prior to the occupation of the hereby approved development.
- b) All work comprised in the approved scheme of landscaping shall be carried out before the end of the first planting and seeding season (Oct-March) following occupation of any part of the site or completion of the development, whichever is sooner.
- c) 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.
- 16) No development shall take place until details of the location, extent and depth of any excavations within the root protection areas of trees for services (including but not limited to electricity, gas, water, drainage and telecommunications) on and adjacent to the site have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with details approved under this condition.
- 17) a) No development shall take place until a dimensioned tree and hedge protection plan in accordance and a method statement detailing precautions to minimise damage to trees in accordance with 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.

b) No site development shall take place until the temporary tree and hedge protection shown on the tree and hedge 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.

- 18) Details of cycle parking including the type of stands, gaps between stands, location and type of cycle store proposed shall be submitted to and approved in writing by the Local Authority. Thereafter, before the development hereby permitted is occupied, four cycle parking spaces in accordance with the London Cycle Design Standards shall be provided and shall not be used for any purpose other than parking of vehicles in connection with the approved development.
- 19) The development shall not be occupied until the site access, driveway, parking and vehicle manoeuvring space as shown on the Proposed Site Plan have been provided. These areas shall thereafter be retained as such.
- 20) The development shall not be occupied until the refuse and recycling storage areas detailed on the Proposed Site Plan have been provided and are available for use by the occupants of the development. If an alternative waste service provider to the Council is to be used details of this are to be submitted to and approved in writing by the Local Planning Authority. Thereafter those areas shall be kept free of obstruction and be available at all times for the storage of refuse and recycling associated with the development.
- 21) No development shall commence until a detailed scheme for the surface water drainage of the site based on sustainable drainage principles, including a management and maintenance plan, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be based upon the principles within the following reports
- FloodSmart, Flood Risk Assessment, GeoSmart Information, April 2024, Ref. 81841R1
 - SuDSmart Plus Sustainable Drainage Assessment produced by Geosmart Information on 19/12/2024, reference 81841.01R

The approved surface water drainage scheme shall be implemented in full prior to the first occupation of the development.

- 22) The day rooms shall not be erected above slab level until details of the materials to be used for their external surfaces have been submitted to and approved in writing by the Local Planning Authority. The day rooms shall thereafter be constructed in accordance with the approved details.

End of schedule