



Appeal Decisions

Site visit made on 21 May 2025

by **Laura Renaudon LLM LARTPI Solicitor**

an Inspector appointed by the Secretary of State

Decision date: 7 August 2025

Appeal A Ref: APP/N5090/C/23/3326484

Land at Sharavana Baba Community Centre, Legion Way, London, N12 0QF

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Mrs Theiva Theeswary Selvendran of the SARAVANABHAVA SEVA TRUST against an enforcement notice issued by the Council of the London Borough of Barnet.
- The notice was issued on 13 June 2023.
- The breach of planning control as alleged in the notice is *Without planning permission, 1. the change of use of the land to a mixed use as a community centre and place of worship; 2. the erection of a building (shown in the approximate location edged in blue on attached Drawing 01) with associated ground level changes and retaining wall (shown in Photos A and B); 3. the erection of ancillary structures (shown edged in red on attached Drawing 01); and 4. the permanent siting of metal storage containers (shown in the approximate locations edged in green on attached Drawing 01).*
- The requirements of the notice are to: (1) Cease the use of the land as a mixed use as a community centre and place of worship; (2) demolish the building shown edged in blue on attached Drawing 01 and the retaining wall shown in Photos A and B, and restore the ground levels to their condition prior to the development taking place; (3) demolish the ancillary structures shown edged in red on attached Drawing 01; (4) remove from the land the metal storage containers shown edged in green on attached Drawing 01; and (5) permanently remove all constituent materials resulting from the works in (2) and (3) above from the land.
- The period for compliance with the requirements is: six months.
- The appeal is proceeding on the grounds set out in section 174(2)(a), (f) and (g) of the Town and Country Planning Act 1990 (as amended). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.

Summary Decision: the appeal is dismissed and the enforcement notice upheld with a variation to the period for compliance.

Appeal B Ref: APP/N5090/C/23/3326485

Land at Sharavana Baba Community Centre, Legion Way, London, N12 0QF

- The appeal is made against the same notice and on the same grounds as Appeal A.
- The appeal is made by PULIKKAL MURALIKRISNAN (SARAVANABHAVA SEVA TRUST).

Summary Decision: the appeal is dismissed and the enforcement notice upheld with a variation to the period for compliance.

Appeal C Ref: APP/N5090/C/23/3326486

Land at Sharavana Baba Community Centre, Legion Way, London, N12 0QF

- The appeal is made against the same notice and on the same grounds as Appeal A.
- The appeal is made by COWSIGA SELVENDRAN (SARAVANABHAVA SEVA TRUST).

Summary Decision: the appeal is dismissed and the enforcement notice upheld with a variation to the period for compliance.

Appeal D Ref: APP/N5090/C/23/3326487

Land at Sharavana Baba Community Centre, Legion Way, London, N12 0QF

- The appeal is made against the same notice and on the same grounds as Appeal A.
- The appeal is made by NARAYANASWAMY RAMNATH (SARAVANABHAVA SEVA TRUST).

Summary Decision: the appeal is dismissed and the enforcement notice upheld with a variation to the period for compliance.

Preliminary Matters

1. My site observation took place nearly two years after the notice was issued, and during that time there have been some significant changes to planning policy, especially nationally as regards the Green Belt. The parties were asked to bring their cases up to date on this and other issues after my visit and they each did so. As well as changes to the National Planning Policy Framework ('the Framework') a new Local Plan was adopted earlier this year, replacing the policies of the 2012 documents referred to in the notice and in the parties' respective cases.
2. At the time the notice was issued, the relevant limitation period for enforcing against most operational development was four years, rather than the 10 years referred to in the notice. The notice alleges a number of matters and it is not clear from the allegation that all the built development is necessarily contingent on the change of use thus attracting the longer limitation period. However, the appellant's statement is clear that the building (which I understand to mean the building referred to in allegation (2)) was constructed in 2022 and thus well within the time for issuing any enforcement notice against it. The 'ancillary structures' of allegation (3) are, by that description, clearly alleged to be contingent upon the change of use. I do not understand the 'siting of metal storage containers' of allegation (4) to constitute an allegation of built development. There is no appeal brought on the grounds that the allegation is wrong, or that the Council was out of time to enforce.
3. Although it appears to me that the wrong limitation period has been referred to by the Council in respect of allegation (2) there is no injustice arising from the mistake. Reference to a four year period would not have given rise to any realistic prospect of a successful ground (d) appeal being brought, because the building was constructed only a year or so before the notice was issued. The question whether the building works were consequential on the change of use is academic.

Main Issues

4. Several policy constraints apply to the extensive appeal site. It lies within an area of Metropolitan Open Land, to which policy ECC06 of the Barnet Local Plan 2021 – 2036 ('the 2025 Local Plan') applies national planning policy as it relates to the Green Belt. It also lies immediately adjacent to the Glebelands Local Nature Reserve, a 7.5ha area of woodland lying north of the A406 North Circular. As a Site of Importance for Nature Conservation it is identified in the 2025 Local Plan as a Grade 1 Site of Borough Importance, supporting habitats or species of value at the borough level. The site is accessed from the classified Summers Lane past several residential properties. Allotment gardens and playing fields lie close by.
5. From these constraints and the Council's reasons for issuing the notice, the following main issues arise:
 - (i) The effects of the development on the Metropolitan Open Land, including whether it is inappropriate and, if so, the effects on openness, and whether very special circumstances exist to justify a grant of planning permission;
 - (ii) The effects of the development on the adjoining Local Nature Reserve and on biodiversity and protected species (including bats);
 - (iii) The effects of the development on the living conditions of adjoining residents; and

- (iv) The effects of the development on the character and appearance of the area.
- 6. I will consider these in turn below, save that whether 'very special circumstances' are made out will be given consideration following the remaining main issues and other factors arising.

Reasons

Metropolitan Open Land ('MOL')

- 7. Before assessing the impacts of the development on the MOL it is first necessary to set out my understanding of what has taken place. Until 2018 the site was in the hands of the Royal British Legion ('RBL'). A 'model engine' shed to the left (when entering) of the site entrance remains *in situ* and I understand this to be beyond the area of the appellants' lease.
- 8. The RBL occupied a building towards the middle of the site. After taking occupation of the site it appears that the appellants used that building as well as a marquee erected immediately to the rear of it. That building was damaged beyond repair in 2022 and was rebuilt but in an extended form that appears to have replaced both the building and the marquee. The original building appears to have been around 40% of the size of the one that now exists.
- 9. Also historically found on the site were some storage containers that were used by the Council to have stored election equipment. It is unclear when these arrived or when they left, and whether they amounted to buildings. They appear to have remained on site at the time of issuing the enforcement notice, although their use may have ceased.
- 10. The leased site area amounts to 4291 square metres. The Council has submitted plans depicting an original 316 square metres of building footprint and 1270 square metres as existing. There is likely to be some inaccuracy here because I understand that to include the footprint of the current storage containers which do not appear to me to be buildings, and appears to depict a building that I did not observe (which is not to say that it was not there when the notice was issued) but it is a sizeable increase nonetheless. The area of the site laid to hardstanding is also shown to have increased slightly. The majority of the leased site area is now shown to be either laid to hardstanding or built upon. The appellants describe the increase as from 1603 sq.m to 2712 sq.m, or from 37% to 63% of the total site area.
- 11. Development of the Green Belt, and thus by the local policy extension, of the MOL, is inappropriate unless one of a number of exceptions applies. The relevant exception relied upon by the appellants is now found in paragraph 154 (g) of the Framework which provides for limited infilling or the partial or complete redevelopment of previously developed land (including a material change of use to residential or mixed use including residential) whether redundant or in continuing use (excluding temporary buildings) which would not cause substantial harm to the openness of the Green Belt.
- 12. A number of criteria therefore apply. The change of use is not to residential or to a mix including residential, and so the exception does not support the use. As to the buildings, the appellants do not claim that limited infilling has occurred. The

question arises whether the site comprises previously developed land. This is extensively defined in the Glossary to the Framework. It includes land which has been lawfully developed and occupied by a permanent structure, including the curtilage of the developed land although it should not be assumed that the whole of the curtilage should be developed. It excludes land in built-up areas such as residential gardens, parks, recreation grounds and allotments.

13. I am unable to conclude that much of the built development has taken place on previously developed land. Prior to the appellants taking over the site, I am not told how the rear of the site, behind the RBL building, was used. From the plan supplied by the Council it does not appear to have formed part of the curtilage, namely to have formed part and parcel of the RBL building itself or to have served the purpose of that building in some necessary or reasonably useful way. This is where the majority of the additional built development has now occurred. After the appellants took over the site, part of that area came to be occupied by the marquee, but as a 'temporary building' that will have been excluded from the relevant exception. The other additions to the front mainly lie beyond the original areas of hardstanding and I am unable to reach firm conclusions as to whether those areas lay within the curtilage of the RBL (or any other) building.
14. That aside, land in built-up areas is largely excluded from the definition of previously developed land. Neither party has addressed in detail whether this exclusion applies here, but it appears to me to do so. The site lies on the edge of a built-up area, near to residential properties, and its former use as grounds to a community building appears commensurate with the types listed in the exclusion.
15. The further criterion in order for paragraph (g) to apply is that any redevelopment would not cause substantial harm to the openness of the Green Belt (or, here, to the MOL). The fact that the buildings may be screened from view, whether from within or outside the site, is not determinative here. A near-doubling of the amount of built development, to nearly two-thirds of the overall site area, has a substantially detrimental effect on the openness of the site. The development does not meet the criteria of paragraph (g).
16. I have considered whether any other exceptions apply, in particular that found in paragraph (h)(v), but the amount of additional development accompanying the change of use means I am unable to conclude that the use by itself would preserve openness. Use as a religious centre is not of a type envisaged by the sub-paragraph as being not inappropriate.
17. The appellants do not contend that the site amounts to 'grey belt' land but even if it did I would be unable to conclude that the development is not inappropriate when considering paragraph 155. Whether there is a demonstrable unmet need for the type of development proposed will be considered below, but with a PTAL rating of only 1a I cannot presently be satisfied that it is in a sustainable location.
18. Paragraph 153 requires that substantial weight is given to any harm to the Green Belt, including harm to its openness. Inappropriate development is by definition harmful. The development here results in sprawl beyond the existing built-up area and a substantial diminution in the open, which is to say undeveloped, areas of the site particularly to the south of the former RBL building towards the Local Nature Reserve. Thus substantial adverse weight must be given to the development arising from its effects on the MOL.

Local Nature Reserve, biodiversity and effects on protected species

19. A number of surveys and other documents have been supplied in relation to this aspect of the case. They include a Bat Survey, a Great Crested Newt Survey, a Reptile Survey and a Badger Survey. The appellants acknowledge that habitat changes have occurred on site as a result of the works. The surveys propose measures to restore and improve ecological values and habitats on site on the assumption that the development is retained. Additionally, a Woodland Restoration and Management Plan has been supplied.

Bats

20. No further bat surveys or measures relating to roosting bats were found to be required, and no licence would be required. In relation to commuting or foraging bats, the amount of lighting on the site was recognised as an issue. The Council's ecologist, although disputing whether sufficient detail has been provided, does not appear to say that such matters could not be dealt with by the imposition of relevant planning conditions.

Great Crested Newts

21. The same is not the case for Great Crested Newts ('GCN'), however, where the Council's ecologist disputes the recommendation that mitigation measures are to be decided by the Council's ecologist. The GCN survey would itself need to sufficiently evaluate the risk of disturbance to species.
22. The GCN survey found a peak GCN count of 3 in the two ponds lying within 250m of the appeal site. This is at the lower end of a 'small population' class size. The survey concluded that the ponds surveyed were not impacted by the development that had taken place.
23. Given the small class size and that the development has already taken place, it appears to me unlikely that appropriate mitigation measures could not arise from any further survey. The matter is however complicated by the additional proposals to install reptile exclusion fencing and to restore the damaged woodland, and these matters are not accounted for in the GCN survey which envisages merely that the existing development is retained.
24. The GCN survey itself acknowledges that the conclusions and recommendations made in the report should be reviewed should the development proposals alter. As the overall proposals from the appellants encompass works to restore the woodland and to install reptile exclusion fencing, it is not possible to be confident as to the overall likely impacts on GCN. Those other works are not accounted for in the existing survey.

Reptiles

25. The relevant survey here confirmed evidence of a population of slow worms on the nearby allotments and as such recommends a reptile mitigation strategy which would include exclusion fencing. This would, as acknowledged by the Council, constitute appropriate mitigation to avoid disturbance or injury to reptiles. It does, however, have concomitant potential impacts on the GCN as discussed above.

Badgers

26. No evidence of badgers or their setts was found near to the site boundary and no measures are required that could not be achieved by the imposition of relevant planning conditions.

Woodland Restoration

27. The submitted Woodland Restoration and Management Plan ('WRMP') describes the changes to the southern portion of the site to a managed amenity grassland that has decreased the biodiversity value of the site. It advises that this part of the site is reverted to the priority woodland habitat. The Council's ecologist is not satisfied that the measures set out in the WRMP are sufficient to reverse the damage. Principally, no baseline condition assessment has been provided and the proposed period of the Plan is only five years rather than an expected 30.

Conclusions on this issue

28. Policy ECC07 of Barnet's 2025 Local Plan concerns biodiversity, and requires among other matters that development makes the fullest contributions to enhancing biodiversity and protecting existing site ecology. Much of the policy is concerned with Biodiversity Net Gain ('BNG') which the parties have not addressed here, but even in the absence of any BNG requirements the policy is clear that applications will be refused where adverse biodiversity impacts cannot be avoided, adequately mitigated or as a last resort compensated for.
29. In the round, in the absence of any baseline condition assessment of the woodland and of any assessment of the potential effects of the WRMP or reptile fencing on the nearby Great Crested Newts, it is not possible to say that adverse biodiversity impacts would be avoided or adequately mitigated by the existing proposals, or that adequate woodland restoration would be achieved. It is possible that further surveys and a more detailed WRMP could demonstrate these matters, but on the basis of current information I am unable to conclude that the policy requirements of ECC07 are, or can be, satisfied. This weighs against the grant of permission.

Effects on neighbouring living conditions

30. Policy ECC02 expects development proposals to ensure that unacceptable noise levels close to noise sensitive uses are not generated. In accordance with London Plan Policy D13, the Agent of Change principle will be applied. Policy CDH01 promotes high quality design that mitigates adverse noise impacts on the surrounding environment and amenity through design, layout and insulation.
31. A noise assessment has been submitted although this relates to surveys undertaken in November 2021, prior to the existing development having been completed. At the time of the surveys the marquee and former building were in use. It assumes as a worst case that there may be up to 200 people within the outdoor gardens at any one time. This is disputed by a neighbouring resident who contends that events at the centre attract more people than this, and that they can go on for days. No noise readings of such events at the appeal site have been taken, but a report summarising noise measurements at a similar scale event at a different venue were instead considered.

32. The background levels taken at the site were in November with no mention of the prevailing wind direction at the time, nor of what activities were taking place on the appeal site. Although the noise report has some shortcomings, the Council's reason for issuing the notice is that insufficient information has been submitted to demonstrate that the change of use would not cause harm to nearby occupiers in the absence of suitable conditions. Any permission granted could impose such suitable conditions, relating to matters such as the hours of operation, the level of amplification, the number of events and the numbers of people permitted on the site. With such conditions I consider the Council's objection on this ground could be overcome.
33. Other matters relating to living conditions have been raised by nearby residents in response to earlier planning applications although are not supported by the Council in its reasons for issuing the notice. Principally these relate to parking and traffic matters including footfall along Legion Way. I was given to understand at my accompanied site visit that arrangements are now made with the nearby rugby club to enable car parking and pedestrian access to the site without footfall passing the nearby residential properties, and hence it appears that such objections can be overcome, if necessary by requiring a traffic management plan.

Character and appearance

34. The Council's concern here relates to the 'main building' which is the subject of allegation (2), where they contend that by reason of its design, siting, overall size and bulk is an overly prominent feature in the area and out of character with the general locality. The relevant development policies cited have been superseded by the 2025 Local Plan. Policy CDH01 expects development proposals to respond sensitively to the distinctive local character and design, building form, patterns of development, scale, massing, roof form and height of the existing context.
35. The appeal site is immediately surrounded by the Local Nature Reserve, allotments and playing fields. Beyond those, it lies in a residential area typified by two-storey housing. To the west lies the sizeable club house of the Finchley Rugby Club and, further beyond that, other sports and leisure facilities. The area also contains schools and a 'powerleague' building. Thus the area is partly characterised by community or leisure buildings of a size commensurate with that of the main building on the appeal site and I do not find it to be out of character with the general locality for that reason. Nor do I find it to be an overly prominent feature in the area because the bulk of the building is not readily apparent from public viewpoints. I would not refuse permission on this ground.

Other Matters

36. The principal matter raised in support of the development is that it meets an established unmet need for community facilities within the borough. The particularly relevant policies cited by the appellant in this regard are policy GG1 of the London Plan and policy CS10 of the former Core Strategy. That appears to have been superseded by policy CHW01 of the 2025 Local Plan. The appellant also refers to London Plan policies HC5 and S1 which respectively seek to support diverse cultural facilities and the provision of social infrastructure.
37. Policy GG1 seeks to build strong and inclusive communities, including by providing access to good quality community services and amenities. Policy CHW01 provides

that the Council will work with partners to ensure that community facilities including places of worship and meeting places are provided for Barnet's communities. The policy supports the re-use of redundant community infrastructure for other forms of community infrastructure, and insofar as the site has not been developed beyond the former RBL use I consider that it attracts support from this policy.

38. Section D of the policy provides that the Council will support proposals for new community infrastructure where certain criteria are met. This section appears to me applicable to the additional built development at the site. The criteria include a requirement for the development to provide infrastructure in line with wider national policy requirements and local demands, and for a statement to be submitted demonstrating how the development addresses community needs, and how other policies in the Local Plan, in particular policies TRC01 and TRC03, relating to sustainable travel and parking management, are met.
39. No statement as such has been submitted except by way of the documents and correspondence provided in the course of the appeal. The Council have acknowledged that the benefits of the use to the community must be given some weight. Policies TRC01 and TRC03 have received no express consideration by the parties, but no objection is raised by the Council on sustainable travel or parking grounds.
40. It appears that the most recent Community Buildings Needs Assessment was carried out in 2011 and this is supplied by the appellants. That assessment confirms that the over-55's, BME groups and Asian groups are amongst those with the greatest demand for community building provision, which are all provided for at the appeal site. The appellants also set out how the site provides particular benefits in the form of health, welfare and leisure, education and training, community cohesion and other benefits to social inclusion and the local economy. I have no reason to doubt these benefits, and further I consider that the objectives of the Public Sector Equality Duty might be assisted by a permission for the development. With the misgiving that I have not been informed whether or how the shared use of the facility by different users (as encouraged by section E of policy CHW01) might be secured, I consider the development is firmly supported by policy CHW01 and the related London Plan policies that seek to support the provision of community infrastructure to meet local demands.

The planning balance: whether very special circumstances exist

41. Having concluded that the development, taken as a whole, is inappropriate in the MOL and harms openness, the principal issue for consideration is whether the community benefits of the facility are sufficient to outweigh that harm to the MOL and the other harm identified by way of conflict with policy ECC07.
42. Although I am not in doubt that the facility meets an existing community need, the appellants have not set out whether it would be realistic for this need to be met in some other way that would not require building on the MOL. The facility attracts support from policy CHW01 but this in itself is insufficient to outweigh the conflict that arises with national Green Belt policy via Local Plan policy ECC06 to which I am required to attribute substantial (adverse) weight. The uncertainties as to the overall ecological impacts of the development pull further against a grant of permission, and so on the whole I am not satisfied that the requisite very special circumstances to allow the development are made out.

Whether to grant permission in part

43. Following my site observation I asked the parties to address me in writing about the severability of the development, and the relevance of the four storage containers, since removed, that were previously used by the Council. Part of the 'main' building replaces the earlier RBL building, and the site's use as a community facility is long-established. The appellants' position is that the development is severable, and that the use could be supported with 'only the main building and essential infrastructure, such as the retaining walls, toilet block and temples'.
44. It is however the increase in size of the main building and the addition of the temples, all or mostly to the rear of the site that I am not satisfied was previously developed, that particularly affects the openness of the MOL. The Council concede that a replacement building of the RBL building that was not materially larger than it would not attract an objection (they point out that this would attract its own exception under paragraph 154(d) of the Framework to what is inappropriate development). What is not suggested is how only part of that main building may be retained (and if the use would remain viable without the remainder). Nor are any of the ecological surveys provided with such a solution in mind.
45. For these reasons, although in no doubt that the retention of a community facility at the site can be supported in some form, subject to the provision of appropriate ecological surveys and the imposition of necessary planning conditions, I am unable to consider granting a permission 'in part' here. The principal objection arising to the loss of openness of the MOL results from the particular elements of the built development that the appellants say are necessary to support the use.
46. For all these reasons the appeals on ground (a) will fail and I shall refuse to grant planning permission on the deemed applications.

The appeals on ground (f)

47. The appeals on ground (f) relate only to the requirement to remedy the first allegation in the notice, namely the material change of use to a community centre and place of worship. The site was formerly in use as a community facility but it is not suggested that no material change of use has arisen.
48. Referring back to my reasoning in the paragraphs above about whether to grant a permission in part, it is not clear how the existing use could viably be carried on without the buildings that have been constructed in pursuance of the development as a whole. The appellants say they are required to support the use. It would not be appropriate to allow the use to remain if the result is to give rise to inexorable pressure to allow buildings to support it.
49. Although the appellants contend that the first requirement of the notice exceeds what is necessary to remedy any injury to amenity, the Council has issued the notice in order to remedy the breach of planning control and not merely to remedy amenity harm. Taking the alleged breaches of control in the round, the requirements of the notice are each necessary to remedy that breach. This does not prevent the resumption of the former lawful use of the site.
50. Accordingly the appeals on ground (f) will also fail and I decline to vary the requirements of the notice.

The appeals on ground (g)

51. The appellants seek further time to comply with the terms of the notice, principally to allow for further negotiations to take place with the Council about alternative schemes. In response the Council consider that such discussions could take place within the existing period for compliance.
52. Given the pre-existing use of the site as a community facility which local policies seek to support, and the complexities arising in this case, I consider that an extended period for compliance is appropriate, in order that a solution may be sought to retain a community use in a way which does not give rise to the planning objections that have arisen here. Allowing 12 months for compliance with the notice would also give time for any relevant ecological surveys to be carried out at appropriate times of the year.
53. The appeals on ground (g) succeed to this extent and the period for compliance with the notice will be extended to 12 months.

Conclusion

54. For the reasons given above I conclude that the appeals should not succeed. I shall uphold the enforcement notice with a varied compliance period and refuse to grant planning permission on the deemed applications.

Decision

55. It is directed that the enforcement notice be varied by the substitution of “12 months” in place of “6 months” in paragraph 6 of the notice. Subject to that variation the appeals are dismissed and the enforcement notice is upheld, and planning permission is refused on the applications deemed to have been made under section 177(5) of the 1990 Act as amended.

Laura Renaudon

INSPECTOR