



Appeal Decision

Site visit made on 19 August 2025

by **L Clark BA(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 11 December 2025

Appeal Ref: APP/M5450/W/25/3365209

St. Davids Pinner Hill, Harrow, Pinner HA5 3XU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission
- The appeal is made by Mr Tommy Carey against the Council of the London Borough of Harrow.
- The application Ref is PL/1915/24.
- The development proposed is redevelopment of site to reconstruct original single family dwellinghouse with extensions; parking; landscaping; (Proposed); demolition of pre-existing house (Retrospective).

Decision

1. The appeal is dismissed, and planning permission for the redevelopment of site to reconstruct original single family dwellinghouse with extensions; parking; landscaping (Proposed), and demolition of the pre-existing house is refused.

Preliminary Matters

2. The appeal is submitted against the failure of the Council to determine the planning application within the statutory timescale. The Council have advised that had it been able to do so, it would have refused permission for two reasons set out in its statement and have drawn my attention to a number of planning policies. I have had regard to these in the determination of this appeal.
3. It was apparent during my site visit that work had commenced through the demolition of a significant portion of the dwelling. Any breaches¹ of planning control, do not fall within my assessment of the appeal scheme.
4. The appellant has provided comparison plans in support of their appeal. These refer to Existing and Pre-Existing / Original elevations, site plan and floor plans. For the purposes of my assessment, given the original dwelling has been significantly demolished, and without any evidence to the contrary, I have taken these to reflect the original dwelling and refer in my Decision to the description used by the appellant for consistency.
5. I am aware that the loss of habitats on-site is currently being discussed with Natural England. Any enforcement or criminal proceedings² are separate matters which fall outside the scope of my assessment, which must focus on the planning merits of the appeal proposal.
6. The site lies within the Pinner Hill Estate Conservation Area (the CA). Under S72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the

¹ ENF/0129/23/P

² Wildlife and Countryside Act 1981

Act) it is my duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA.

7. An Article 4 Direction has been made by the Council restricting the following types of development under Classes F and H of Part 1 and Classes A and B of Part 2 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO) in the designated area that would otherwise be “permitted development”. The site also lies within Harrow Weald Ridge Area of Special Character and the eastern boundary adjoins Harrow Weald Park, a Site of Importance of Nature Conservation. These, therefore, form part of my assessment of this appeal.
8. The Council has drawn my attention to policies within Harrow’s New Local Plan 2021-2041, (Regulation 19 version) (the New Local Plan). I note that the New Local Plan is at the Examination Stage and therefore is at an advanced stage; however, at the current time, it does not form part of the statutory development plan, and I have not been made aware as to whether there are any unresolved objections in relation to the cited policies. I therefore attach limited weight to those policies in my decision.
9. The appellant has requested that I consider changes which were not before the Council prior to them submitting their appeal. This relates to Arbtech Biodiversity Net Gain Assessment, Issue 2, dated 23/06/2025. This seeks to address the Council’s concerns with regard to biodiversity net gain (BNG), namely the failure to satisfy the trading rules under the biodiversity net gain legislation. I have considered the appellant’s submission taking into account the tests on Holborn Studios Ltd³. In my mind, this document contains no substantive changes and, given the circumstances in which the appeal is made, seeks to clarify concerns raised by the Council within its appeal statement. The Council has had an opportunity to comment on this updated report, and I am satisfied that it would not be unfair not to reconsult in the changes or that my acceptance of the revision would deprive those who were entitled to be consulted on the changes that opportunity, given the circumstances of the appeal.

Background and Main Issues

10. The appeal site (St David’s) is in the Green Belt. There is no dispute that the appeal site was previously occupied by a two storey dwellinghouse with dormers at roof level, and that it had been previously extended with single-storey elements to the front and an attached garage to the side.
11. Given this background, the main issues are:
 - whether or not adequate arrangements have been made with regard to biodiversity;
 - whether the proposal would be inappropriate development in the Green Belt, having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
 - the effect of the proposal on the openness and purposes of the Green Belt; and,

³ Holbom Studios Ltd v The Council of the London Borough of Hackney [2017] EWHC 2823 (Admin)

- whether any harm by reason of inappropriateness, and any other harms, would be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposal.

Reasons

Biodiversity Net Gain

12. Policies DM20 and DM21 of the Harrow Development Management Policies 2013 (DMP) and Policy G6 of the London Plan relate to biodiversity and access to nature.
13. As of 12 February 2024, in England, Biodiversity Net Gain (BNG) is mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021) (the Act) and requires developers to deliver a BNG of 10%.
14. Schedule 7A, Part 1, 2(1) of the Act advises that the biodiversity gain objective is met in relation to development for which planning permission is granted if the biodiversity value attributable to the development exceeds the pre-development biodiversity value of the onsite habitat by at least the relevant percentage.
15. The Council have drawn my attention to the Environment Act 2021 with specific regard to 'Pre-development biodiversity value'. This sets out, amongst other matters, that the post-development biodiversity value of a site should be higher than the pre-development value, which the Council contend is designed to prevent the depletion of biodiversity value.
16. There is no dispute that a Preliminary Ecological Assessment (PEA), a metric and a report have been submitted, or that based on this assessment, there would be a post-development biodiversity value of just over 10%. There is also no dispute that the BNG matrix now overcomes the Council's concerns with regard to the trading rules.
17. There is also no dispute that the pre-existing dwelling was demolished without consent. The Council have therefore drawn my attention to Schedule 14 of the Environment Act, which stipulates that if unauthorised activity has taken place on or after 30 January 2020, then the pre-development biodiversity value of the onsite habitat is to be taken to be its biodiversity value immediately before the carrying out of the activities that lowered its value.
18. The dispute therefore falls with whether the post-development biodiversity value of just over 10% is an uplift on the most accurate biodiversity value.
19. The evidence demonstrates that the biodiversity uplift has been informed by the PEA carried out in 2024. This was after the unauthorised activity to demolish the pre-existing dwelling had been undertaken. Even if there would be an approximate 10.15% net gain in biodiversity, the baseline biodiversity value in my mind is not a true reflection of that prior to the demolition.
20. I am mindful that the Council do not dispute the redesign of the eastern boundary, or that this would provide at least 50% of other neutral grassland and 40% scrub. However, this in isolation does not satisfactorily demonstrate that the pre-development biodiversity value reflects that immediately before demolition took place, or that the mitigation works would increase the biodiversity value of the site

more than the pre-development value as required by the Environment Act and the Act.

21. I have considered whether the use of a condition to secure details which demonstrate a 10% uplift on the pre-development biodiversity value would address the Council's concerns. However, as the pre-development biodiversity level immediately prior to the demolition has not been established, it is therefore unclear whether the site can accommodate a post-development uplift, or whether any uplift would be required to be met off-site. In this instance, I am not satisfied that otherwise unacceptable development could be made acceptable through the use of a condition.
22. For the above reasons, I conclude the proposed development conflicts with DMP Policies DM20 and DM21, and London Plan policy G6, which collectively seek to ensure proposals manage impacts on biodiversity and aim to secure net biodiversity gain, and that this should be informed by the best available ecological information and addressed from the start of the development process. There would also be conflict with the requirements of the Framework which seeks, amongst other matters, that development conserve or enhance biodiversity.

Inappropriate development

23. The Government attaches great importance to Green Belts. The fundamental aims of Green Belts are, amongst other matters, to prevent unrestricted sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and permanence.
24. Paragraph 154 of the Framework states development in the Green Belt is inappropriate unless one of the exceptions listed a) to g) applies. The appellant contends that the use of the site is the same and maintains that the appeal proposal is for a replacement dwelling. They also contend that they do not see a great deal of difference between the wording of criteria c) and d).
25. Criterion c) of the Framework relates to extensions or alterations of a building. There is no dispute that the pre-existing dwelling has been demolished or that there is currently an 'L' shaped two-storey structure with the footings of a larger structure on site. Whilst I acknowledge that the proposed dwelling on St David's would result in the same use, there is no dwelling on the site to extend or alter. I find that this criterion of paragraph 154 is therefore not applicable in this instance.
26. Criterion d) of the Framework relates to the replacement building being in the same use and not materially larger than the one it replaces. With this, the Council have drawn my attention to the appeal decision at Three Acre Barn⁴. In this case, the Inspector found that exception d) could not apply where there was no building on the site to be replaced. I concur that for something to be considered as a replacement, it must exist at the time the replacement development is considered. In the case before me, there is no dispute that the pre-existing dwelling has been demolished. Even if the site has the footings and a two-storey frame for the proposed dwelling, no dwelling currently exists. Thus, in this instance, the proposal does not fall to be considered under the exception cited by criterion d). Therefore, I do not need to consider whether the new building would be materially larger than the one it would replace.

⁴ APP/Y3615/W/23/3331768

27. The Council do, however, contend that the proposal would constitute previously developed land (PDL) and therefore the exemption identified within criterion g) paragraph 154 of the Framework is applicable. Notwithstanding the fact that the appellant is silent on this matter, the Framework defines PDL as being, amongst other matters, land which is or was 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) and any associated fixed surface infrastructure. This excludes, amongst other matters, land in built-up areas such as residential gardens.
28. Given that the site was occupied by a permanent structure, I find the appeal site does constitute PDL. The exception outlined in criterion g), therefore, allows for the redevelopment of PDL provided it would not cause substantial harm to the openness of the Green Belt.
29. It is therefore necessary for me to consider whether the proposed development would cause substantial harm to the openness of the Green Belt.

Effect on openness of the Green Belt

30. The Framework advises that openness and permanence are the essential characteristics of the Green Belt, with openness having both a visual and spatial dimension. Openness, however, not only relates to a proposal's size or visibility from the surrounding area, but also its purpose and intensity of its use. In any particular case, therefore, it is a matter of planning judgement.
31. DMP Policy DM16 seeks to maintain the openness of the Green Belt and Metropolitan Open Land. Criterion A. states, amongst other things, that the redevelopment of PDL sites in the Green Belt will be supported where the proposal would not have a greater impact on the openness of the Green Belt than the existing development, having regard to: a. the height of existing buildings on the site; b. the proportion of the site that is already developed; c. the footprint, distribution and character of existing buildings on the site; and d. the relationship of the proposal with any development on the site that is to be retained.
32. As previously stated, the test within paragraph 154 g) of the Framework is whether the limited infilling, or the partial or complete redevelopment of PDL, would cause substantial harm to the openness of the Green Belt.
33. The appeal site is currently characterised by its spacious plot, which is set between and opposite detached residential properties of comparable sizes, and which vary in architectural styles. Whilst the appeal site is currently predominantly void of any building, the evidence demonstrates that there had been a substantial two-storey detached house set back several metres from its front boundary until its demolition. In my mind, whilst St David's is in the Green Belt and adjoins a park and golf course, it is, within a mainly built-up area.
34. The proposed development seeks, amongst other things, to redevelop the site to provide a two-storey (4-bed) detached dwelling. The proposal would be stepped in its projection back from Pinner Hill and would predominantly occupy the footprint of the former pre-existing dwelling and the additional footprint of previously approved extensions.

35. From the evidence before me and observations on site, there would be a noticeable reduction in the openness of the Green Belt than the current situation on site, as no building currently exists. However, I am mindful that the Council has approved a number of extensions to the former dwelling. The most relevant to this appeal is Ref P/0428/21, which granted planning permission on 29 November 2021 for a single and two-storey side extension; a two-storey and first-floor rear extension; two front dormers; a front entrance canopy; relocation of the main entrance; and external alterations (demolition of side extensions). I note that the officer's report for this application shows that the Council assessed the proposal with regard to, amongst other matters, the Green Belt. With the Council satisfied that the proposed extensions were acceptable in terms of the overall size. It was also satisfied with the resultant impact upon the openness of the Green Belt which is relevant to this main issue. I therefore give the extensions previously approved significant weight in my assessment.
36. The Council contend that the proposed replacement dwelling would be larger in overall footprint, floorspace and volume than the pre-existing dwelling, as it would include extensions that were approved under planning permission Ref P/0428/21. I note that the appellant contends that this permission constitutes a fallback position. However, for significant weight to be afforded to this, there not only needs to be a real possibility of it being carried out, but it would also need to be equally or more harmful than the appeal scheme. As there is no dwelling currently on site, there is nothing to attach the previously approved extensions to. Therefore, to my mind, there is no real possibility of it being carried out as originally approved. I therefore do not consider that this planning approval constitutes a credible fallback.
37. Notwithstanding my position with regard to the fallback, the appellant has provided a number of plans alongside their appeal, which show the former scale of the pre-existing dwelling and its projected scale with the approved extensions. Plans also compare the pre-existing dwelling alongside the proposed dwelling, subject to this appeal. Whilst I have found the current level of openness would be reduced, from the evidence before me and observations on site, St David's had until recently a substantial detached two-storey dwelling on site with extant planning approval to extend. Given St David's is located within a row of similar residential properties in an area which is mainly built-up, the proposed dwelling in my mind would not cause substantial harm to the openness of the Green Belt, which is the test set out in paragraph 154g) of the Framework.
38. I am mindful that the Council's comparison of floor space and footprint show that the proposed dwelling would increase both by approximately 36% and 23.4% respectively. However, the Council have not provided any figures to demonstrate what the percentage increase would be to the pre-existing dwelling with the approved extensions granted by Ref P/0428/21. The appellant's comparison plans do, however, show that the proposed dwelling would be of a similar height to that of the pre-existing dwelling, and that it would occupy a similar footprint and proportions to the pre-existing dwelling and previously approved extensions.
39. The Council have drawn my attention to a previous appeal⁵ at St David's. In this case, the pre-existing dwelling was in situ and the Inspector's assessment was based on paragraph 154(d) of the Framework. Criteria (d) stated, amongst other matters, that the replacement building is not materially larger than the one it

⁵ APP/M5450/W/19/324236

replaces. This is materially different to the test of paragraph 154(g) and as such, this case is not comparable to the matter before me.

40. The Council have also drawn my attention to another appeal⁶. I acknowledge that the Inspector in this case found that the proposed new building would have a greater impact on the openness as no building currently existed on the site and, therefore, conflicted with paragraph 145(g) of the Framework. However, the wording and requirements of the Framework at the time of this decision differs from the current Framework, in that there is no longer a specific regard to the openness of the Green Belt than the existing development or whether the redevelopment would not cause substantial harm to the openness of the Green Belt, where the development would re-use PDL and contribute to meeting an identified affordable housing need within the area of the local planning authority. Rather, the requirement of paragraph 154(g) is limited to ensuring the proposed development would not cause substantial harm to the openness of the Green Belt. This appeal is therefore not comparable to the matter before me.
41. I note that the structural instability of the pre-existing dwelling only became apparent when commencing planning approval Ref P/0428/21. It would have been in the appellant's best interest if they had contacted the planning department prior to demolishing St David's. However, in this instance, I am satisfied it was their intention to undertake their extant planning permission, given the timings of the works.
42. In spatial terms and visual presence, and from the evidence before me, there would be no substantial harm to the openness of the Green Belt by the proposed dwelling above, and beyond what has been previously approved by the Council. The proposed dwelling would therefore have a neutral effect on the openness of the Green Belt.
43. As I have found the proposed dwelling would not be inappropriate, there is no requirement for a subsequent assessment on any other harms which amount to the very special circumstances required to justify the proposal.
44. For the above reasons, I conclude the proposed development would meet the exceptions set out in the Framework and would not cause substantial harm to the openness of the Green Belt. Accordingly, the proposal would not conflict with the purpose of criterion g) in paragraph 154 of the Framework. Additionally, I find that given that the site is located between two residential dwellings, it would not conflict with the purpose of the Green Belt to check the unrestricted sprawl of large built-up areas. As a result, the proposal would not conflict with the purpose of paragraph 143 a) of the Framework.
45. Furthermore, the proposed dwelling would comply with DMP Policy DM16, Policy G2 of the London Plan and Policy CS1 F of the Harrow Core Strategy (2012). These collectively seek to protect, amongst other matters, the quantity and quality of the Green Belt.

Other Matters

46. With regard to the appellant's contention that the Council is punishing them, this falls outside the scope of my assessment, which must focus on the planning merits of the case and the evidence that is before me.

⁶ APP/J1915/W/20/3254917

47. Whether or not the Planning Officer indicated it was their intention to recommend approval of the planning application, and then subsequently refuse it, must have been frustrating for the appellant. However, the behaviour of the Council during the planning application is not within the scope of my assessment, which must focus on the planning merits of the appeal proposal.
48. Given that works to demolish the pre-existing house were undertaken without consent, the Council's suggestion for the appellant to undertake a pre-application⁷ is considered to be proactive. The covering letter is clear that its advice is the opinion of that officer and not a formal decision of the Local Planning Authority.

Conclusion

49. For the reasons given above, I conclude the appeal should be dismissed.

L Clark

INSPECTOR

⁷ P/1750/23/PREAPP