



Appeal Decision

Site visit made on 17 February 2026

by A Hunter LLB (Hons) PG Dip MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 March 2026

Appeal Ref: APP/M5450/W/25/3376520

Wood End Cottage, 17 Wood End Road, Harrow, Sudbury HA1 3PW

- 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 Mrs Shelly Andon of Ablegrange (Wembley) Limited against the decision of the Council of the London Borough of Harrow.
 - The application Ref is PL/1772/25.
 - The development proposed is a new dwellinghouse.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development in the banner above has been taken from the application form, as I have not been made aware of any agreement for it to be changed.
3. The Council's reason for refusal no.2, amongst other things, relates to the lack of information in respect of Biodiversity Net Gain (BNG), and possible site clearance works before the baseline assessment was undertaken. The appellant has indicated that no specified exemption would apply on the application form and that mandatory BNG would therefore be required given the date the application was made. The comments of both main parties were sought as to whether the minimum information required by Article 7(1A) of the Town and Country Planning (Development Management Procedure) Order 2015 (DMPO), particularly relating to whether a metric calculation was submitted, and whether any clearance works, including a new parking area, occurred before the baseline assessment was undertaken. Comments were received from the appellant on 24 February, and from the Council on 3 March, which have been taken into account in my decision.
4. The appellant said the baseline assessment was calculated following a survey undertaken on 9 June 2025 at the appeal site and works to remove planting were undertaken afterwards on 25 June 2025. The Council has maintained its view that clearance was undertaken beforehand, although its site photographs of 24 September 2025 do not provide any evidence of whether this be so. Nor does the finalised date of 1 July 2025 for the Cherryfield Ecology BNG report, given that the appellant said it was based on the earlier site survey, confirm otherwise. In the absence of any substantive evidence to the contrary, I must accept the appellant's response, that the baseline was calculated prior to any clearance works.
5. The Council confirmed it validated the planning application without the metric calculation, which it said was requested on 25 September 2025, and received on

29 September 2025 (the day before it issued its decision). Nevertheless, the Council had requested it, and received it, before determining the application. Moreover, within Section 8 of its report, reference is made to the existence of the Small Sites Metric, confirming it was received. The DMPO is clear that the application must be accompanied by all the required information, and at the point the Council determined the application, I have no information to indicate it did not have all this required information, including the metric calculation. The Council not putting the information into the public domain, or assessing it, or seeking additional time to consider it, does not mean it was invalid in terms of the baseline BNG information. I therefore regard the application as being valid at the point of determination and I shall proceed to determine the appeal.

6. With their appeal the appellant has submitted a quotation from Environmental Trading Platform Ltd for purchasing off-site BNG credits, dated 20 November 2025. The Council and interested parties have had the opportunity to comment on this information during the appeal process and I am content that there would be no unfairness by me accepting this information. The appeal has been determined on this basis.
7. I have been made aware of the New Local Plan Proposed Submission (Regulation 19) Version (2021-2041) (NLP), which is said to have been submitted for examination. As it is not the adopted development plan and given that there could be unresolved objections to its policies, I attached limited weight to any relevant policies of the NLP in my decision.

Main Issues

8. The main issues are:
 - whether the principle of the proposed development on garden land is acceptable; and,
 - whether the proposed development would make appropriate provision in respect of BNG.

Reasons

Principle of the proposed development

9. One of the overarching policy objectives of Core Policy 1 of the Harrow Core Strategy, dated February 2012 (CS) is to resist development on gardens. CS Policy CS1 also says growth throughout the rest of the Borough will be directed to town centres and strategic previously developed sites, and proposals that would harm the character of suburban areas and garden development will be resisted.
10. Paragraph 75 of the Framework says plans should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area. Paragraph 129 also says the development of gardens is a relevant consideration when assessing the density of development and making an effective use of land. The approach within CS Policy CS1 to the development of garden land is therefore consistent with the Framework. It is also noted that gardens in built up areas are also excluded from the definition of previously developed land contained within Annex 2 of the Framework.

11. The Council's Supplementary Planning Document, Garden Land Development, adopted April 2013 (SPDGLD) says garden development relates to the development of gardens belonging to houses. SPDGLD further says an exception for development of garden land exists for a 'gap' site, but these must be a 'missing piece' in an otherwise built-up frontage, within a clearly defined rhythm of buildings and spaces in the streetscene, which are said to be usually obvious vacant plots, of dimensions consistent with those prevailing in the street. It adds that most 'gap' sites have long since been filled in, and at paragraph 3.11 it specifically says that side gardens in spacious residential areas, and side garages/driveways do not constitute the kind of gaps to which this exception applies.
12. The appeal site comprises a detached dwelling and detached double garage to one side. The proposed development would see the removal of the garage and the erection of a two-storey detached dwelling between the host property and its boundary to no.19. The retained space to buildings on either side would be very limited with parking only available to the front side. Along this side of the road, the properties are detached, and although there is limited space between their side elevations, they are mostly wide properties within large plots (a width consistent with the appeal site). Although I note an adjoining property to one side, differs, with it having a narrower frontage, but its tapered boundary means it has a wider rear garden, and it has a spacious setting to its other side. On the opposite side of the road, there are mainly semi-detached properties, although they are close together, there are gaps between most of them above their garages or single storey linking structures.
13. In this case, given the limited width of the proposed new plot and the small separation to its boundaries, the development of the side garden for a dwelling would not be consistent with the prevailing pattern and rhythm of dwellings along this side of the road, or indeed opposite it. This is borne out by its relatively narrow frontage, in relation to other plot sizes and property widths on that side of the road, as shown on the proposed plans. Whilst the proposed plot width would appear to be similar or slightly narrower than the semi-detached properties opposite, this would be uncharacteristic for a detached dwelling on the side of the road where the appeal site is located, which has plots that are typically much more spacious.
14. As such, I find that the removal of the garage and the proposed dwelling within the host property's side garden would not, in the words of SPDGLD, be regarded as a 'gap' site, and there are no other demonstrated relevant exceptions to such garden development.
15. I therefore conclude that the proposed development would be located on garden land and the principle of the proposed development would be unacceptable, it would also be contrary to CS Policy CS1 and Core Policy 1 that have a presumption against residential development on garden land. In addition, there would also be conflict with the requirements of SPDGLD, which are set out above.
16. Although not stated in its reason for refusal no.1, the Council in its submitted documentation refers to conflict with NLP Policy GR10. However, no extract of that policy was provided, and I had insufficient evidence to make a definitive finding regarding any conflict with that policy on this main issue.

BNG

17. As set out above, the minimum information required regarding BNG has been provided to the Council, and BNG is required. The appellant has said it is not possible for this to be delivered on-site and proposes to deliver this off-site. No planning obligation has been submitted, but a quotation has been provided showing the cost of purchasing off-site units is a possible solution to achieve off-site BNG.
18. The Planning Practice Guidance (“the PPG”) sets out that the statutory BNG requirement has been principally designed as a post-permission matter. Compliance involves the discharge of the Biodiversity Gain Condition (“BCG”) following the grant of planning permission to ensure the objective of at least 10% net gain will be met by a development proposal. The determination of the Biodiversity Gain Plan (“BGP”) under this condition is the mechanism to confirm whether the development would meet the biodiversity gain objective, and the development may not commence until the BGP is approved. Given this, the PPG is clear that it is generally inappropriate for decision makers to refuse a proposal on the grounds that the biodiversity gain objective will not be met.¹
19. From the evidence before me, I see no reason why the mandatory 10% BNG could not be achieved through purchasing off-site credits, including any planning obligation, if necessary. Had I been minded to allow this appeal, the grant of planning permission would have been subject to the discharge of the statutory BGC which would require the achievement of a minimum 10% BNG.
20. I am therefore satisfied that the proposed development could make appropriate provision in respect of BNG. As such, it would comply with the relevant objectives of LP Policy G6, CS Policy CS1, and DMP Policy DM20, which amongst other things, seek to promote and enhance biodiversity and achieve a biodiversity net gain.

Other Matters

21. In support of the appeal the appellant has amongst other things, said the appeal site is located in both a well-connected area and a sustainable location; that it would contribute to boosting the supply of homes; make an efficient use of under-utilised land; that it could comply with other policies of the development plan (including some emerging policies) such as those relating to smaller sites; use sympathetic materials along with incorporating environmentally friendly design features; that it would meet minimum size requirements; and that the Council has not found harm in relation to other matters beyond the main issues above. However, most of these matters would be requirements for any such well-designed development. In terms of the housing supply, there is no indication that the Council does not have an adequate supply of housing. Collectively these points do not outweigh the identified harm above, and complying with parts of the development plan and the Framework, does not mean complying with them as a whole.
22. I acknowledge there is some tension with the Council not identifying harm to the character and appearance of the area, instead considering that the proposed development would not relate to the plot size and arrangement of properties nearby, when they assessed the principle of developing this garden site.

¹ Paragraph: 019 Reference ID: 74-019-20240214

Nevertheless, I have determined the appeal based on the main issues stemming from the Council's decision, and found it would not be a 'gap' site, due to its constrained size and the pattern of surrounding plots, it was not necessary for me to make a finding on the detail of the design of the proposed development in this case, which the SPDGLD also says is a separate consideration.

23. I have also had regard to the points raised by interested parties, in addition to the above main issues, which amongst other things relate to the effect of the proposal on the character and appearance of the area, living conditions for neighbouring occupiers, highway safety, and landscaping and ecology matters. Whilst I can understand the concerns, subject to the main issues above and planning conditions as appropriate, there is no compelling evidence before me that would lead me to come to a different conclusion to the Council on these matters.

Conclusion

24. I therefore conclude that the proposed development conflicts with the development plan taken as a whole, and there are no other considerations, including those raised by the appellant, which outweigh that conflict. For the reasons outlined above, the appeal should be dismissed.

A Hunter

INSPECTOR