

**LAND ON THE NORTH WEST SIDE OF MAYS LANE, ARKLEY, BARNET
APPEAL BY MR PATRICK CASEY**

**OPENING STATEMENT
ON BEHALF OF THE LOCAL PLANNING AUTHORITY**

1. This application for a change of use of an agricultural field used for the grazing of horses to a use for the stationing of caravans for residential use with hardstanding and dayrooms was refused by the London Borough of Barnet under delegated powers on 21 December 2023 for a total of seven reasons.
2. Four of those reasons related to a lack of information concerning environmental effects and proposed mitigation (in relation to ecology (Greater Crested Newts), tree protection measures, flood risk and surface water drainage, and vehicular access and egress from the site). All but ecology have been resolved through the provision of the necessary information; information which the Council says could and should have been provided much earlier in the process.
3. Ecology remains outstanding because the Appellant is unable to carry out the necessary GCN surveys as they are subject to a strict survey window from mid-March to mid-June. The Appellant has pressed on with this appeal notwithstanding this, on the basis that his advisors say that he does not need to carry out any further surveys (and / or surveys can be carried out after permission is granted). The Council's position is that both positions are wrong and it would be unlawful for any permission to be granted before the actual risk to the GCN population is properly established. That in itself is a complete bar on this appeal succeeding at the current time.
4. In any event, the development is contrary to the development plan and should be refused on the planning merits.

5. Following the provision of information which was not before the Council when it refused permission, the Council now accepts that it has no evidence to challenge Mr Casey's position that proposed site occupiers meet the definition of "gypsies and travellers" in Annex 1 of the PPTS as persons of nomadic habit of life. The public sector equality duty applies and both the Council and the Inspector must advance equality of opportunity between the proposed occupiers and the settled population. The best interests of children are paramount. This is, however, a prospective planning application and there are no families currently living on site. I will not refer to any specifics regarding personal circumstances in this opening due to the confidentiality requested by the Appellants, and respected by the Council; suffice it to say that personal circumstances have been fully taken into account in the Council's decision-making process and throughout the conduct of this appeal.
6. The site is subject to a fundamental constraint on development, lying within the Metropolitan Green Belt. The PPTS makes clear that decision-taking should protect the Green Belt from inappropriate development and traveller sites (temporary or permanent) are inappropriate development. Inappropriate development is harmful to the Green Belt and should not be approved, except in very special circumstances.
7. There has been much talk about the new Government's relaxing of certain Green Belt restrictions in an attempt to boost housing delivery and economic growth. However, the fundamental principles of the purposes of the Green Belt and the need to maintain openness are unaltered in the new NPPF. The PPTS also remains unchanged at the current time. As Mr Volley will explain, this land is not previously developed land: it has never been developed or occupied by a permanent structure or any fixed surface infrastructure. Its lawful use is for grazing. It also does not meet the new Green Belt definition because it is not "not strongly" performing against the relevant Green Belt purposes: in particular in relation to the checking of unrestricted sprawl of large-built up areas.
8. In any event, there is no "demonstrable unmet need" for the type of development proposed. This Council is in the fortunate position of being on the verge of adopting a

robust and sound new Local Plan. Adoption is anticipated during February, and is thus due to occur during the course of the inquiry, or at least before the Inspector issues the decision. There is therefore a policy basis to inform the decision which is as up-to-date as it possibly can be. In our plan-led system, that process must be respected and the findings of the Local Plan Inspectors must not be undermined by arguments made on behalf the Appellant surrounding need in this appeal which were never put to the Local Plan Inspectors.

9. Using a sound, robust and up-to-date evidence base, the soon to be adopted Local Plan is based on there being zero objectively assessed need for gypsy and traveller pitches in the London Borough of Barnet. The possibility of a concealed unmet 'demand' was acknowledged. However, there was insufficient evidence to justify either a need figure or a requirement within the emerging policies. Rather, demand is to be assessed against a criteria based policy, as set out in Policy HOU07 (now reordered to HOU06). There is scope within the policy to account for changes in circumstances through an early stage review. Therefore, whatever other evidence there may be out there, whether in draft or final form, there is no case for a development management decision to create a demonstrable unmet need in Barnet in the current time where the plan led system has already resolved this question.

10. This appeal must therefore be judged on its merits in accordance with a criteria based approach and should not be justified on the basis of meeting any need. On its merits, the site is not suitable for this form of development, which will be substantial in impact, involving not just caravans and mobile homes but also substantial buildings in the form of two utility day rooms under a clay tile roof plus hardstanding and a soakaway and treatment plant. In addition, the proposed use would be significantly more intense than the existing grazing use. This will have inevitable impacts on openness and also on the character and appearance of this currently sporadically developed area. The site will be visible, particularly in winter months, from a public right of way and almost of the full extent of the access track will be clearly apparent from Mays Lane, including the comings and goings of vehicles and caravans.

11. The Very Special Circumstances test must be applied and VSC must “clearly outweigh” the Green Belt harm and any other harm. As set out already, arguments around an apparent unmet need and failure of policy are simply not relevant in this case. Personal circumstances are relevant and will be explored in evidence. However, on the evidence provided, they are not considered sufficient to justify consent being granted in the Green Belt on either a permanent or temporary basis.

12. For the reasons given, it will be submitted that there is no option but to refuse permission at the current time due to insufficient survey work having been carried out in relation to GCN and, in any event, the development is inappropriate in the Green Belt, causes harm to openness and to the character and appearance of the area, and the VSC put forward do not clearly outweigh the harm.

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30 January 2025