

Planning and Building Control
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Mr Ethan Giles
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Application Number: **23/3816/FUL**
Registered Date: 6 September 2023

TOWN AND COUNTRY PLANNING ACT 1990

REFUSAL OF PLANNING PERMISSION

TAKE NOTICE that the Barnet London Borough Council, in exercise of its powers as Local Planning Authority under the above Act, hereby:

REFUSES PLANNING PERMISSION for:

A material change of use for stationing of caravans for residential use with hardstanding and dayrooms ancillary to that use

At: Land On The North West Side Of Mays Lane , Arkley, Barnet, EN5 2AH,

as referred to in your application and shown on the accompanying plan(s):

For the following reason(s):

- 1 The development proposed is inappropriate development in the Green Belt and would result in material harm to openness. The very special circumstances advanced by the applicant(s) do not clearly outweigh the inappropriateness of the development and its potential harm to the Green Belt. As such the proposal is contrary to the National Planning Policy Framework (2023), Policy G2 of London Plan (2021), Policy CS7 of Barnet's Adopted Core Strategy (2012), and Policy DM15 of the Local Plan Development Management Policies DPD (2012).
- 2 The local planning authority does not consider based on the information provided with the application that the intended occupants of the site come within the definition of gypsies and travellers as set out in Annex 1: Glossary of the Planning Policy for Traveller Sites August, 2015, or that the personal circumstances of any of these intended occupants establishes very special circumstances that would outweigh harm to the Green Belt. As such the proposal is contrary to the National Planning Policy Framework (2023), policy G2 of London Plan (2021), policy CS7 of

Barnet's Adopted Core Strategy (2012), and Policy DM15 of the Local Plan Development Management Policies DPD (2012).

- 3 The proposed development will result in an increase in built form on a site that has not been previously developed and will result in a use of greater intensity. Such a use is at odds with the prevailing characteristics of the immediate and wider area and would result in harm to the character and appearance of this site contrary to the National Planning Policy Framework (2023), policies D1, D4 and D5 of London Plan (2021), Policies CS4 and CS5 of Barnet's Adopted Core Strategy (2012), Policy DM01 of the Local Plan Development Management Policies DPD (2012) and emerging local plan policy HOU07.
- 4 In the absence of eDNA testing (and potentially further traditional GCN surveys) it has not been demonstrated that the proposed development would mitigate against the disturbance of great crested newts and their foraging/sheltering habitats within 500 metres of the application site contrary to the National Planning Policy Framework (2023), Policy G6 of the London Plan (2021), Policies DM01 and DM16 of the Local Plan Development Management Policies DPD (2012) and emerging local plan policy HOU07.
- 5 In the absence of detailed tree protection measures indicating site levels and the protection and enhancement of existing protected trees in and around the application site it has not been demonstrated that the trees would be protected during the course of the proposed development. Therefore, the proposal is not considered to safeguard the health of existing tree(s) which provide significant public amenity and are integral to the character of the Green Belt and Barnet's urban fringe contrary to the National Planning Policy Framework (2023), Policy G7 of the London Plan (2021), Policies CS4, CS5 and CS7 of Barnet's Adopted Core Strategy (2012), Policy DM01 of the Local Plan Development Management Policies DPD (2012) and emerging local plan policy HOU07.
- 6 In the absence of a flood risk assessment and surface water drainage strategy it has not been demonstrated that this highly vulnerable form of development would be protected from potential sources including but not limited to surface water, groundwater, sewer, and artificial sources. The strategy also needs to confirm the appropriateness of the proposed soakaway in relation to adversely affecting surface water runoff and potential flood risk. In the absence of such, the proposal is contrary to the National Planning Policy Framework (2023), Policies SI 12 and SI 13 of the London Plan (2021), Policy CS13 of Barnet's Adopted Core Strategy (2012), Policy DM01 of the Local Plan Development Management Policies DPD (2012) and emerging local plan policy HOU07.
- 7 In the absence of a transport statement, including swept path analysis and highway mitigation measures, it has not been demonstrated that vehicles can safely access and egress the application site without causing detrimental harm to highway and pedestrian safety and the free-flow of traffic along Mays Lane, contrary to Policies CS4 and CS9 of the Local Plan Core Strategy DPD (2012), Policy DM17 of the

Local Plan Development Management Policies DPD (2012) and emerging local plan policy HOU07.

INFORMATIVE(S):

- 1 The plans accompanying this application are:

Site Location Plan

002 PO1 - Existing site and block plan

003 PO3 - Proposed site plan

005 PO2 - Proposed dayroom

006 PO1 - Proposed refuse store

Preliminary Ecological Appraisal dated 14/11/2023

Planning statement dated August 2023

- 2 In accordance with paragraphs 38-57 of the NPPF, the Council takes a positive and proactive approach to development proposals, focused on solutions. To assist applicants in submitting development proposals, the Local Planning Authority (LPA) has produced planning policies and written guidance to guide applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered.

The applicant did not seek to engage with the LPA prior to the submission of this application through the established formal pre-application advice service. In accordance with paragraph 189 of the NPPF, the applicant is encouraged to utilise this service prior to the submission of any future formal planning applications, in order to engage proactively with the LPA to discuss possible solutions to the reasons for refusal.

- 3 This is a reminder that should an application for appeal be allowed, then the proposed development would be deemed as 'chargeable development', defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Therefore the following information may be of interest and use to the developer and in relation to any future appeal process:

We believe that your development is liable for CIL. The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £60 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge. The London Borough of Barnet first adopted a CIL charge on 1st May 2013. A new Barnet CIL Charging Schedule applies from 1 April 2022 (<https://www.barnet.gov.uk/planning-and-building/planning/community-infrastructure-levy>) which applies a charge to all residential (including sui generis residential), hotel, retail and employment uses.

Please note that Indexation will be added in line with Regulation 40 of Community Infrastructure Levy.

Liability for CIL is recorded to the register of Local Land Charges as a legal charge upon a site, payable should development commence. The Mayoral CIL charge is collected by the London Borough of Barnet on behalf of the Mayor of London; receipts are passed across to Transport for London to support Crossrail.

The assumed liable party will be sent a 'Liability Notice' providing full details of the charge and to whom it has been apportioned for payment. If you wish to identify named parties other than the original applicant for permission as the liable party for paying this levy, please submit to the Council an 'Assumption of Liability' notice; also available from the Planning Portal website.

The Community Infrastructure Levy becomes payable upon commencement of development. A 'Notice of Commencement' is required to be submitted to the Council's CIL Team prior to commencing on site; failure to provide such information at the due date will incur both surcharges and penalty interest. There are various other charges and surcharges that may apply if you fail to meet other statutory requirements relating to CIL, such requirements will all be set out in the Liability Notice you will receive. You may wish to seek professional planning advice to ensure that you comply fully with the requirements of CIL Regulations.

If you have a specific question or matter you need to discuss with the CIL team, or you fail to receive a 'Liability Notice' from the Council within 1 month of any appeal being allowed, please contact us: cil@barnet.gov.uk.

Relief or Exemption from CIL

If social housing or charitable relief applies to your development or your development falls within one of the following categories then this may reduce the final amount you are required to pay; such relief must be applied for prior to commencement of development using the 'Claiming Exemption or Relief' form available from the Planning Portal website: www.planningportal.gov.uk/cil.

You can apply for relief or exemption under the following categories:

1. **Charity:** If you are a charity, intend to use the development for social housing or feel that there are exception circumstances affecting your development, you may be eligible for a reduction (partial or entire) in this CIL Liability. Please see the documentation published by the Department for Communities and Local Government at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6314/19021101.pdf
2. **Residential Annexes or Extension:** You can apply for exemption or relief to the collecting authority in accordance with Regulation 42(B) of Community Infrastructure Levy Regulations (2010), as amended before commencement of the chargeable development.
3. **Self Build:** Application can be made to the collecting authority provided you comply with the regulation as detailed in the legislation.gov.uk.

Please visit

www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil for further details on exemption and relief.

Date of Decision: 21 December 2023

Signed:



Fabien Gaudin
Director of Planning and Building Control

NOTE(S):

1. Your attention is drawn to the attached Schedule which sets out the rights of an applicant who is aggrieved by a decision of the Local Planning Authority.
2. This Notice relates solely to a planning decision and does not purport to convey any approval or consent which may be required under the Building Regulations or any other statutory purpose.

For more information about making a Building Regulations application, please contact the Barnet Council Building Control team by email (building.control@barnet.gov.uk), telephone (0208 359 4500), or see our website at www.barnet.gov.uk/building-control

3. For information on Construction Site Guidelines for Householders and Developers, please visit <https://www.barnet.gov.uk/citizen-home/environmental-health/pollution/construction-information.html>
4. For details relating to Street naming and numbering, please visit <https://www.barnet.gov.uk/citizen-home/planning-conservation-and-building-control/building-control/street-naming-and-numbering.html>

APPEAL GUIDANCE:

Should you (an applicant or agent) feel aggrieved by the decision of the Council to either refuse permission or to grant permission subject to conditions, you can appeal to the Secretary of State for the Department of Communities and Local Government – Sections 78 and 195 of the Town and Country Planning Act 1990 / Sections 20 and 21 of the Planning (Listed Buildings and Conservation Areas) Act 1990. Any such appeal must be made within the relevant timescale for the application types noted below, beginning with the date of the decision notice (unless an extended period has been agreed in writing with the Council):

- Six months: Full (excluding householder and minor commercial applications), listed building (including Certificate of Lawfulness in relation to a listed building), Section 73

'variation/removal', Section 73 'minor material amendment', extension of time and prior approval applications.

- 12 weeks: Householder planning, householder prior approval and minor commercial applications.
- 8 weeks: Advertisement consent applications
- No timescale: Certificate of lawful development (existing/proposed) applications.

Where an enforcement notice has been issued, the appeal period may be significantly reduced, subject to the following criteria:

- Where the development proposed by your application is the same or substantially the same as development that is the subject of an enforcement notice served within the last two years you must appeal within 28 days of the date of the application decision
- Where an enforcement notice is served on or after the decision date on your application relating to the same or substantially the same land and development as in your application and if you want to appeal against the Council's decision you are advised to appeal against the Enforcement Notice and to do so before the Effective date stated on the Enforcement Notice.

Appeals must be made using the prescribed form(s) of The Planning Inspectorate (PINS) obtained from <https://www.gov.uk/appeal-planning-decision> or by contacting 03034445000. A copy of any appeal should be sent both to PINS and the Council.

The Secretary of State can allow a longer period for giving notice of an appeal, but will not normally be prepared to use this power unless there are exceptional special circumstances. The Secretary of State can refuse to consider an appeal if the Council could not have granted planning permission for the proposed development or could not have granted without the conditions it imposed, having regard to the statutory requirements and provision of the Development Order and to any direction given under the Order. In practice it is uncommon for the Secretary of State to refuse to consider appeals solely because the Council based its decision on a direction given by the Secretary of State.

PURCHASE NOTICES:

If either the Local Planning Authority or the First Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he/she can neither put the land to a reasonably beneficial use in its existing state nor can he/she render that land capable of a reasonable beneficial use by carrying out of any development which has been or would be permitted. In these circumstances, the owner may serve a Purchase Notice on the District Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

