

London Borough of Barnet

Summary Proof of Evidence on behalf of Local Planning Authority

Stephen Volley (MA) – Deputy Planning Manager

Appeal By: Mr Patrick Casey

Proposed Development: "A material change of use for stationing of caravans for residential use with hardstanding and dayrooms ancillary to that use".

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

Appeal Reference: APP/N5090/W/23/3330577

LPA Reference: 23/3816/FUL

Public Inquiry: 21 January 2025

Appeal under Section 78 of the Town and Country Planning Act (As Amended) 1990

1.0 Introduction

1.1 This Summary Proof of Evidence is submitted on behalf of London Borough of Barnet with reference to the decision to refuse planning permission, for the scheme which is the subject of this appeal.

1.2 I am Stephen Volley, Deputy Planning Manager for the London Borough of Barnet. I hold a Master's degree in urban design and Regional Planning from Oxford Brookes University and have over twenty years of post-qualification experience as a Town Planner in Development Management.

1.3 My proof assesses whether the proposal constitutes inappropriate development in the Green Belt, resulting in material harm to its openness and other non-Green Belt harm, with a focus on the impact on the character and appearance of the area. The appellant's claim of very special circumstances, including the need for a site and personal circumstances, is fully assessed, as is the request for a five-year temporary consent and human rights considerations. The overall planning balance concludes that planning permission should be refused as the proposal would be contrary to the Development Plan and is not outweighed by other material considerations.

2.0 The Appeal Site and surrounds

2.1 The appeal site known as Land on The North West Side Of Mays Lane, Arkley (the Site), is located within the Underhill Ward some 200 metres south west of Shelford Road. It is undeveloped agricultural land currently in use for the keeping and grazing of horses. The Site constraints comprise Green Belt, Flood zone 1, TPO trees on the site boundaries and a total of seven ponds located within 500m of the site. The Site is not located within a conservation area and no listed buildings are located within or in close proximity to the Site.

2.2 Whitings Hill open space, Brethren's Meeting Room Place, a livery yard known as 'Chesterfield', Vale Farm Livery stables and Greengates Stables surround the Site.

2.3 The Site is accessed via a gated entrance on Mays Lane and has a poor Public Transport Accessibility Level (PTAL) rating of 1b.

3.0 The Appeal Proposal

3.1 Planning permission is sought for the material change of use of the land for the stationing of caravans for residential use, including hardstanding and dayrooms ancillary to that use. The application is supported by a proposed block plan depicting 2no. pitches comprising 2no. mobile homes, 2no. touring caravans and 2no. utility / day rooms located in the north east corner of the application site.

4.0 Planning History

4.1 None relevant to the appeal site.

4.2 A minor extension and alterations to The Brethren's Meeting Room was secured on 20th November 2024.

5.0 The Determination

5.1 The application which is the subject of this appeal was refused under delegated authority for 7no. reasons relating to the (1) development being inappropriate development in the Green Belt, resulting in material harm to openness with no very special circumstances to outweigh its inappropriateness; (2) that the intended occupants of the site do not fall within the definition of gypsies and travellers as set out in Annex 1: Glossary of the Planning Policy for Traveller Sites August, 2015; (3) Harmful impact on character and appearance of the area; (4) Ecology impact on great crested newts; (5) Impact on trees; (6) Absence of Flooding mitigation measures, and (7) Highway and pedestrian safety.

5.2 Following the submission of additional information at appeal (as referenced in my main proof) and further internal consultation with relevant officers, the Council withdraws reasons for refusal 2, 5, and 7, subject to the imposition of a suite of suggested planning conditions by the Planning Inspectorate.

6.0 Main Matters – RfR1 (Inappropriate Development in the Green Belt)

6.1 As detailed within my Proof of Evidence I explore whether the proposal constitutes inappropriate development within the Green Belt, having regard to National policy contained in the current NPPF (2024) and the development plan policy objectives for the Borough of Barnet.

6.2 I state that the site marks a transition between the settlement and the more rural types of development beyond. Developing the Site would result in urban sprawl and encroachment into the countryside, conflicting with Green Belt purposes. The harm to both these purposes would be moderate to substantial.

6.3 I refer to the exceptions in the NPPF. I explain that the purposes of the Green Belt designation for this site are of 'relatively strong' to 'strong' importance, and that no evidence exists of a 'failure of policy' or a lack of a five-year supply of sites or unmet need for Gypsy and Traveller sites in the Borough. To support this claim, I refer to the soundness of the emerging Barnet local plan, with particular reference to Policy HOU06 (Gypsies, Travellers and Travelling Showpeople). The personal circumstances of the Appellant are considered in full, with the conclusion being that they are insufficient in this case to amount to very special circumstances sufficient to outweigh the harm to openness to this part of the Metropolitan Green Belt, and other harm. The need for a site with good connections to local services can be met through alternative means without resorting to roadside encampments or harming the Green Belt. The location of alternative sites outside the Borough and their proximity to essential public are explored.

6.4 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.

7.0 Main Matters – RfR3 (Impact on Character and Appearance)

7.1 As detailed within my Proof of Evidence I explore the national and local plan policy objectives for creating places and buildings of high-quality design that respect Barnets local context and distinctive local character.

7.2 The agreed position between the main parties is that public viewpoints exist from Mays Lane and Whitting Hill Open Space (which provides a network of public footpaths). I state that the proposal will result in an increase in built form and hard standing on a site that has not been previously developed and will result in a use of greater intensity. Moreover, it would effectively interrupt the sporadic form of existing development surrounding the application site on both sides of Mays Lane. The structures proposed to facilitate the use and the use itself is completely at odds with the prevailing characteristics of the immediate and wider area and would result in visual harm to the prevailing character and appearance of the area. There will thus be moderate to significant harm to the character and appearance of the Site and its environs.

8.0 Main Matters – RfR4 (Ecology Impact)

8.1 These matters are dealt with by the LPA's senior Ecologist in his own proof of evidence, with the conclusion being that the Appellant has not provided adequate survey information to demonstrate 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.

9.0 Main Matters – RfR6 (Flooding)

9.1 These matters are dealt with by the LPA's Flood Officer in his own proof of evidence, with the conclusion being that this is a highly vulnerable form of development that needs to be protected from potential sources including but not limited to surface water, groundwater, sewer, and artificial sources. In the absence of appropriate technical evidence and mitigation measures the development thus conflicts with the NPPF and the development plan for Barnet.

10.0 Temporary Consent

10.1 Should the inspector be minded to refuse permanent planning permission the Appellant seeks an alternative five year temporary consent based on the expectation that planning circumstances will change in a particular way at the end of that period.

10.2 The Appellant relies on PPTS para 27, which provides that "If a local planning authority cannot demonstrate an up-to-date 5 year supply of deliverable sites, this should be a significant material consideration in any subsequent planning decision when considering applications for the grant of temporary planning permission'.

10.3 I state that the emerging local plan is now at an advanced stage with the Inspectorate confirming that the most up to date policy HOU06 of the draft Local Plan is sound and in general conformity with the London Plan insofar as its approach to housing needed for the Traveller community. This is a criteria based policy only that seeks to determine each application on its own merits. Therefore, there is no policy basis for allowing a temporary consent on the grounds of needing to give an opportunity for allocated sites to come forward. Moreover, there is also no persuasive personal basis put forward to support a temporary consent in this case.

10.4 I also explain that the Council has no identified need for Gypsy and Traveller sites, therefore it does not need to demonstrate a 5 year supply of sites for such purposes.

11.0 Planning Benefits and Balance

11.1 I state that sustainable development is achieved through the economic, social and environmental objectives of the NPPF. These are interdependent and need to be pursued in mutually supportive ways. The proposal is in direct conflict with the environmental objectives as it constitutes inappropriate development in the Green Belt, causing a moderate to significant impact to its openness, character, and to the natural environment in terms of potential flooding and wildlife species. No very special circumstances or indeed any benefits arising from the proposal have been demonstrated to outweigh this harm. On balance, I take the view that the proposed development and its associated benefits do not contribute to sustainable development. Furthermore, the proposal conflicts with the adopted and emerging Development Plan, particularly with the aims and objectives of emerging policy HOU06, as fully explored throughout this proof.

12.0 Human Rights Implications and Declaration

12.1 The evidence I have prepared and provided for this appeal is true and has been prepared in accordance with the guidance of the appropriate professional institutions. I confirm that the opinions expressed are my true and professional opinions.