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 Telephone 01-211 3000  
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14

Messrs George Carter and Company  
 Solicitors  
 27 Orchard Street  
 Bristol BS1 5EH

Your reference E/HG/LS

Our reference APP/N5090/A/88/089849

For the attention of Mr Esam

Date IN THE GROUP  
 REC'D - 62 NOV 1988  
 REF'D DEC 1988  
 PPI  
 COPY TO.....

Dismissed  
~~Allowed~~

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971 - SECTION 36  
 APPEAL BY BARNET MEETING ROOM TRUST  
 APPLICATION NO. NO2627M

1. I am directed by the Secretary of State for the Environment to refer to your clients' appeal against the decision of the Council of the London Borough of Barnet to refuse outline planning permission for the erection of a building as place of worship, new access roads, car parking provision for 72 cars and layout of grounds for amenity purposes with additional landscaping at "Greenbanks", Mays Lane, Barnet.
2. The Council's reasons for refusing planning permission were set out in their notice of refusal dated 31 July 1987 and amplified by the statement submitted under cover of their letter of 17 May 1988. The arguments in support of your clients' appeal were set out in the grounds of appeal contained in the appeal application dated 22 March 1988. These were supplemented by the written representations attached to your letter of 23 June 1988, and your further letter of 29 June 1988.
3. An officer of the Department has visited the site and has considered all the written representations made in connection with the appeal. A copy of his report is appended to this letter. The officer recommended that your clients' appeal be allowed subject to conditions relating to the submission and execution of a scheme of landscaping, including appropriate fencing and screening, and to the construction of the vehicular access to the Council's satisfaction.
4. In considering the merits of this appeal, the Secretary of State has borne in mind your clients' need for a larger and more conveniently situated meeting room. Against this, however, has to be balanced the desirability of maintaining and preserving the Metropolitan Green Belt. The Government's policy relating to the Green Belts is stated in Planning Policy Guidance Note 2. Paragraph 12 states that "... there is ... a general presumption against inappropriate development within [Green Belts]". Paragraph 13 identifies inappropriate development as that for purposes other than "agriculture and forestry, outdoor sport, cemeteries, institutions standing in extensive grounds, or other uses appropriate to a rural area". The question therefore is whether your clients' proposals constitute "inappropriate development" and if so whether the very special circumstances needed to justify approval in light of the general presumption against inappropriate development in the Green Belt obtain.

5. From the officer's report, the Secretary of State notes that the institutional nature of the meeting room was accepted by both parties. He shares, however, the Council's view that it cannot be said to stand in "extensive grounds" for the purpose of paragraph 13 of Planning Policy Guidance Note 2. Accordingly the proposal ought not to be approved unless there are very special circumstances justifying its approval.

6. The Greater London Development Plan (GLDP) reiterates the presumption against development in the Green Belt. The Secretary of State accepts the view given in the officer's report that the appeal proposal would be unlikely to preserve <sup>or</sup> ~~and~~ improve the open nature of the area. Therefore under the GLDP the appeal site should generally be left free from development of the type proposed.

7. In addition to their need for a larger and more conveniently situated meeting room your clients point out that the appeal site is untidy and of no useful agricultural value. Nevertheless the fact remains that it is at present in the Green Belt and the quality of the site has no bearing on its ability to fulfil Green Belt purposes. Attention was drawn to other cases where development of land for churches and meeting rooms have been allowed on appeal in Green Belt or rural areas. The Secretary of State agrees with the officer's assessment that despite various features in common, the cases are insufficiently alike to allow any parallels to be drawn with this one.

8. Having taken all of the above matters into consideration, together with his officer's appraisal and conclusions and the written representations of the parties, the Secretary of State is of the opinion that, on balance, there are not the special circumstances needed to justify development in a Green Belt. Accordingly, the Secretary of State disagrees with the officer's recommendation and hereby dismisses your clients' appeal.

I am Gentlemen  
Your obedient Servant

G C WINES  
Authorised by the Secretary of State  
to sign in that behalf

Tollgate House,  
Houlton Street,  
BRISTOL  
BS2 9DJ

File Ref : APP/N5090/A/88/089849

To the Right Honourable Nicholas Ridley MP  
Secretary of State for the Environment

Sir

I have been asked to advise on the appeal by Barnet Meeting Room Trust, made under Section 36 of the Town and Country Planning Act 1971 against the refusal of the Council of the London Borough of Barnet to permit the erection of a building as a place of worship, new access roads, car parking for 72 cars and layout of grounds for amenity purposes with additional landscaping at 'Greenbanks', Mays Lane, Barnet, and to carry out an inspection of the site on your behalf. I made an accompanied site visit on 8 August 1988.

1. This report contains a description of the appeal site and surroundings, my appraisal, on the basis of my observations and the written representations of the parties, of the likely impact of the proposed development and my recommendation as to the decision which might be made in this case.

#### THE SITE AND ITS SURROUNDINGS

2. The appeal site is located on the south western fringe of the built up area of Barnet at Ducks Island. It is an area of about 2.4ha, mostly grassland but including two detached houses which front on to Mays Lane. To the east is a road which encircles a public/private development of semi-detached houses. To the north, the rising land is an area of pasture in the ownership of the Council. To the west is a house and smallholding, one of several such properties dotted along Mays Lane. Opposite the appeal site, and on the south side of the lane are two larger developments, one a pig farm, the other, stables. On the east side of the pig unit and on the frontage of a playing field is a single storey community centre with car park, in the Council's ownership.

3. The appeal site rises gently from the road frontage and is surrounded by quite dense vegetation, especially to the north, and with horse chestnut trees and a close boarded fence along the eastern boundary. In general, the area to the west of the appeal site is low lying and well provided with vegetation. Despite the scattered development, that area has a rural atmosphere contrasting with the urban area to the east of the appeal site.

4. Mays Lane is about 6m wide, without footpaths and serves as a link between parts of Barnet and the A1 at Borehamwood. As far as I could judge, it is not a heavily used road.

#### APPRAISAL

5. The application, which is in outline, proposes the siting of a meeting room to the rear of 'Orchard House' and the illustrative detail indicates a building of about 600 sq m set about with parking for 72 cars. Access would



gained by an enlargement of the existing access between 'Orchard House' and 'Greenbanks', both of which houses are within the application area. The western part of the site would be open but available for overflow parking. The part of the site fronting Mays Lane would be undeveloped amenity space and additional planting is indicated, both there and on the western site boundary.

6. The appeal site is within the Metropolitan Green Belt as indicated in the Initial Development Plan for Greater London approved in 1965, and according to the Council is within an area of special character as identified in the GLDP approved in 1976. Paragraph 9.16 of the Greater London Development Plan provides that among the uses, together with appropriate buildings, which may be acceptable in the Green Belt are "Educational and institutional uses provided that they will either preserve or improve the open nature of the area..." The Council has undertaken informal topic studies, one of which relates to the Green Belt, and which emphasises the need to safeguard the Green Belt and to keep it free of development which is not compatible with the principal functions and rural character of the area.

7. The Council's objections to the proposed development are based upon an assessment of the impact of the proposal upon the character and appearance of the area. In their submission the building and car park would be intrusive features in an area of open land. It is the view of the council that the boundary of the Green Belt, which runs along the east side of the site, follows a clear cut division between the urban area to the east and the rural area to the west. Although the appeal site is not productive agricultural land, that cannot justify permission for development. The Council suggest that the proposal, although of an institutional nature, would not stand in extensive grounds, and its presence would detract from the open character of the area rather than enhance it.

8. The appellants stress the urgent need for a replacement for the present meeting room in a congested urban area, and set out details of their extensive search for a suitable location. The Council does not deny the existence of that need. The inclusion of the site within an area of special character is contested. It is argued that the site is a secluded fringe site, untidy and with no useful agricultural value on account of the detritus of former commercial uses. In the appellants' submission the proposed building would not be intrusive, and the proposed planting would enhance the appearance of the area. Such an institutional use would provide an appropriate transition from town to country and safeguard the boundary of the Green Belt at this point. A Section 52 agreement is offered in order to safeguard from development other land to the west in the Trust's ownership and to ensure satisfactory landscape enhancement. However the Council saw no benefit to be gained by such an agreement. The appellants have made clear that no social or recreational use of the building is intended and that it would not be let to others. For that reason they would object to any limitation upon the hours during which the building might be used by the Brethren for religious purposes.

9. In support of their case, the appellants have drawn attention to a number of cases where the development of land for churches and meeting rooms has been allowed on appeal in Green Belt or rural areas. They have also referred to their appeal in 1982 relating to a similar proposal to be located on land to the west of the present appeal site and in the vicinity of Chesterfield Cottage. In that appeal, which was dismissed in 1984, the use intended by the

appellants was accepted as an Institutional use for the purposes of interpreting paragraph 9.16 of the Greater London Development Plan. However that proposal was rejected on its merits, your predecessor accepting the Inspector's view that the proposal would neither preserve nor improve the open nature of the area (DOE Ref. APP/5004/A/83/000257). The appellants consider that the present proposal overcomes the objection found in the previous case, by utilising a well screened site close to other buildings. Reference is made to Circular 14/85, and to the need to take into account other factors in addition to policy. Having regard to need and the particular circumstances of the case, the appellants submit that the Council has not conclusively demonstrated why a permission should not be forthcoming in this case.

10. The overwhelming majority of the representations received from interested persons and those who wrote letters when the application was originally considered, attest to the difficulties encountered at the present meeting room premises and stress the urgency of providing a satisfactory replacement. A small minority of representations object to development in the green Belt, or express concern about the attraction of traffic to the area.

11. Undoubtedly the present location proposed for the meeting room is more secluded and more fully integrated with existing buildings than the site to which the 1984 appeal related. Moreover there is evidence of foundations, hardcore and bases on the site of the proposed building although the site cannot presently be described as derelict or unsightly, being overgrown with coarse grasses and weeds. I formed the view that the proposed development would not be readily visible from Mays Lane or other public viewpoints in summer at any rate, although it would be seen from the dwellings in Shelford Road to the east, albeit a view filtered by existing trees and vegetation.

12. In my judgement the appellants' proposal to plant up the western boundary and other areas close to the Mays Lane frontage would significantly improve the appearance of the area, but I see little value in using a Section 52 agreement in this connection. Moreover I consider that such an agreement in relation to the Trust's other land to the west would provide little in the way of additional protection or amenity. The powers already available to the Council by virtue of the Planning Acts are, in my judgement, adequate to safeguard that area from inappropriate development.

13. In my estimation, on days when the proposed meeting room would be used, at times which are unspecified by the appellants, the activity on and around the site due to the comings and goings of up to 72 cars would scarcely go unnoticed by nearby occupiers or passers by. However I consider that such activity would be intermittent and of relatively limited duration.

14. I have examined the other appeal decisions to which the appellants have referred. Accepting that development of a similar nature has been allowed in rural or Green Belt locations, I find that the cases possess insufficient common features to allow any direct parallel with the present case to be recognised, although various features may be held in common.

15. I conclude that the development would not significantly detract from the character and appearance of the area, nor significantly threaten the integrity of the Metropolitan Green Belt, and that positive benefits would flow from the proposed landscape treatment of a former derelict site. However in a strict sense I consider that the proposal would be unlikely to "preserve or improve the open nature of the area" in terms of the requirements set by para. 9.16 of the Greater London Development Plan.

#### RECOMMENDATION

16. On balance, and bearing in mind the established need for the development, I recommend that the appeal be allowed subject to conditions relating to the submission and execution of a scheme of landscaping, including appropriate fencing and screening, and to the construction of the vehicular access to the Council's satisfaction.

P. H. GARNHAM MA ARICS MRTPI  
PINS5

11 August 1988

PERSONS PRESENT AT THE SITE INSPECTION

Representing the Appellants

Mr G. Davis

Mr J. R. Hemmings

Mr R. Morrish

Mr S. Price

Representing the Planning Authority

Mr A. Riziotis



8 NOV 1990



# Department of the Environment

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Your reference JFN/JD.15

Our reference APP/N5090/A/88/  
89849 Part 2

Date 7 November 1990

**DISMISSED**

Gentlemen,

**TOWN AND COUNTRY PLANNING ACT 1971 - S.36  
APPEAL BY BARNET MEETING ROOM TRUST  
APPLICATION NO. 2627M  
GREENBANKS, MAYS LANE, LB OF BARNET**

1. I am directed by the Secretary of State for the Environment to refer to your clients' appeal against the decision of the Council of the London Borough of Barnet ("the Council") to refuse outline planning permission for the erection of a building as a place of worship, new access roads, car parking provision for 72 cars and layout of grounds for amenity purposes with additional landscaping at "Greenbanks", Mays Lane, Barnet.

2. The appeal was conducted by means of an exchange of written representations and an officer of the Department visited the site and furnished a description of it. A copy of the site visit report was sent to your clients on 28 November 1988, in company with a letter of that date giving the Secretary of State's decision to refuse the appeal. Subsequently, following an application by your clients to the High Court under Section 245 of the Town and Country Planning Act 1971, that decision was quashed by Order of the Court dated Friday, 20 October 1989.

3. Before reaching a fresh decision on the appeal, the Secretary of State offered the parties an opportunity to make further representations in writing. In reaching his decision now the Secretary of State has carefully considered the earlier submission from the parties, the officer's report, the Judgement of the High Court and all representations received in response to the Department's letter of 16 February 1990 and all subsequent exchanges of correspondence.

### THE COUNCIL'S CASE

4. In their further representations, the Council state that their approach in interpreting green belt policy as laid out in the Greater London Development Plan and PPG2 has been to seek to maintain the generally open character of green belt land.



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5. The Council accepts that the proposed meeting room constitutes an institutional building but question whether it could be considered to be standing in extensive grounds as it would be capable of independent operation without such grounds. Additionally they consider the appeal site to be of open and attractive rural appearance, making a significant green belt contribution; but its character and surroundings would not allow the meeting hall to be seen as having any relationship to it. The proposal would not be within the spirit of the meaning of an institution standing within extensive grounds.

6. The Council considers that the sites in the appeal decision to which your clients refer are not comparable to the appeal site. A major factor in both the Feltham and Watford appeals was the poor condition of the sites whereas the proposed site is not in the same category and does not require any improvement. The Chipperfield site adjoins the village core whereas the appeal site lies outside the built-up area of Barnet. The Eastleigh site was not within the Green Belt and was therefore not relevant.

7. The Borough Development Plan was adopted on 2 August 1988 and contained a number of green belt policies relevant to this appeal. However, the Draft Unitary Development Plan for the Borough was approved for development control and consultation purposes on 8 November 1989 and also contains green belt policies. Taking these policies into account, the Council submits that the proposal would constitute an inappropriate development and therefore cause demonstrable harm to the green belt.

8. With regard to circular 14/85, the Council submits that the circular should not be an overriding factor in this case as the presumption in favour of development does not apply in respect of Green Belt land. The circular has been overtaken by PPG2 which states there is a presumption against inappropriate development in green belts and it is for the developer to prove the case for development.

9. The Council concludes that the proposal would neither preserve nor improve the open nature of the area. It would be in breach of local and national policies. Whilst accepting the need for a new meeting room, the Council considers it does not have to be located on a green field site within the Metropolitan Green Belt. They do not accept that other sites are not available and give examples.

#### THE APPELLANTS' CASE

10. In further written representations on behalf of your clients you state that they continue to rely on the material submitted with the application, their representations of 23 June 1988 and on the site visit report by an officer of the Department. You submit that in the light of the High Court judgement, there is no justifiable reason for withholding consent. There is no dispute as to the need for the proposed building nor the lack of an alternative site. If this planning application is not allowed, you cannot see how the needs of the congregation could be met.

11. At its simplest, your clients' case is that, as found by the Department's officer, the proposal would do no harm to the green belt or any other interest. The presumption in favour of development in circular 14/85 is relevant and, if it is necessary to show 'special circumstances', the acknowledged need for the proposal, its institutional use being not out of place in the green belt and that it would do no harm but would provide some improvement to the area, justified special treatment.

12. In conveying your clients' comments on the Council's further representations, you point out that there is no requirement for a functional connection between the proposed building and the land, as the Council appear to be suggesting.

13. As far as the Watford site is concerned, the significant issue is that the conclusion in that case was that the development was an institution in extensive grounds; it was unrelated to the condition of the site.

14. You consider that the proposal is not inconsistent with the policies in the draft Unitary Development Plan, again because it comprises an institution standing in extensive grounds. None of the sites suggested by the Council is a realistic possibility. In conclusion, you consider that the Department's officer found that there is no significant detriment to the green belt and the High Court held that in these circumstances no valid reason has been shown for refusing permission.

#### OTHER REPRESENTATIONS

15. Further representations were also received from the London Green Belt Council, the Barnet Ratepayers and Residents Association, both of which bodies made representations against the proposal, and from some private individuals who supported the proposal.

#### THE SECRETARY OF STATE'S CONSIDERATION OF THE ISSUES

16. This case involves Green Belt land. Accordingly, the Secretary of State has considered whether the proposal is "appropriate" or "inappropriate" in Green Belt terms; if the development is inappropriate, whether there are any very special circumstances which would justify the inappropriate development; and, more generally, whether there are any benefits which would stem from allowing the development to proceed which outweigh any damage which would be done to the Green Belt.

17. Paragraph 13 of PPG2 sets out what is meant by inappropriate in this context, namely "the construction of new buildings or ... the change of use of existing buildings for purposes other than agriculture and forestry, outdoor sport, cemeteries, institutions standing in extensive grounds, or other uses appropriate to a rural area." Your clients claim that the proposed development would constitute an institution standing in extensive grounds for the purpose of PPG2. The Council accept that the development would be an institution but do not consider that it would stand in extensive grounds. The reason for the reference to institutions in extensive grounds in paragraph 13 of PPG2 is that it is considered that such institutions will not threaten the overall impression of openness that is essential to the Green Belt. However, this will clearly only be correct if "extensive grounds" is given a sufficiently restrictive interpretation. One example of this would be an educational institution standing within a large parkland setting. In this type of case the institutional buildings would form a relatively small and unobtrusive part of an extensive site and would be compatible with the Green Belt. The Council have described this as the modern variant of the large country house. Whilst something less than the extent of parkland associated with, eg Woburn Abbey or Blenheim will suffice, the Secretary of State considers that the Council's restrictive interpretation is on the right lines. In particular, the Secretary of State does not consider that the present site could constitute extensive grounds for the purpose of paragraph 13 of PPG2 - as a comparison with the example case described above



will confirm.

18. Your clients referred the Secretary of State to several other decisions, in particular the Watford case which involved a site of only 3.2 acres. The Secretary of State considers that the view taken in that case that the proposed church could be regarded as an institution standing in extensive grounds was an incorrect interpretation of that expression as set out in PPG2. To interpret the expression in such a literal way would considerably weaken the protection afforded to the Green Belt. Whilst the Secretary of State acknowledges the need for consistency in decision making he does not consider that this requires him to perpetuate this previous error which would subvert his published Green Belt policy.

19. The Secretary of State does accept your clients' claim that there is no need for a functional relationship to exist between the institution and the grounds in which it is set. With regard to the other cases quoted by your clients, the Secretary of State accepts the Council's view, for the reasons given, that the sites in question are not comparable to the appeal site,

20. The proposed development is, therefore, in the opinion of the Secretary of State inappropriate in Green Belt terms and therefore he has considered whether there are any very special circumstances. Your clients point to the acknowledged need for the proposed development, which the Council accept. However, the Council do not accept that a new meeting hall must be located within the Green Belt. On this issue the Secretary of State takes the view that your clients' need for new premises does not justify inappropriate development in the Green Belt. He takes this view even if there are no alternative non-Green Belt sites for the development so that the need can not be satisfied more acceptably elsewhere. This is not because the Secretary of State is unsympathetic to your clients' need but reflects the weight attached by the Secretary of State to the importance of protecting the Green Belt. Because the Secretary of State takes this view he has not considered the conflicting evidence on the presence of alternative sites in any detail.

21. There are, therefore, no very special circumstances in this case which would justify this inappropriate development. Nor, in the view of the Secretary of State, do the alleged advantages which would stem from allowing the development to proceed outweigh the damage which would be done to the Green Belt if permission were granted. Your clients have referred to the poor state of the site and the landscape improvements that would flow from the proposed development. As paragraph 6 of PPG2 points out, although Green Belts often contain areas of attractive landscape, the quality of the rural landscape is not a material factor in their designation or continued protection. Even unattractive land can fulfil a Green Belt function. Whilst it is possible that in certain circumstances land may fulfil its Green Belt role more successfully if a particular proposal is permitted, the Secretary of State does not consider that such circumstances obtain in this case. In his opinion any potential landscaping benefits are outweighed by the effect the proposal would have on the open character of the site (which character is apparent from the various photographs submitted to the Secretary of State) and its ability to prevent further urban sprawl at the western tip of the built up area of Barnet. The officer, in paragraph 5 of his site visit report of 11 August 1988, said:

'However, in a strict sense, I consider that the proposal would be unlikely "to preserve or improve the open nature of the area" in terms of the requirements set by paragraph 9.16 of the Greater London Development Plan'.



In the opinion of the Secretary of State failure to at least preserve the open nature of the site would be detrimental to this part of the Green Belt and justify refusing the present proposal.

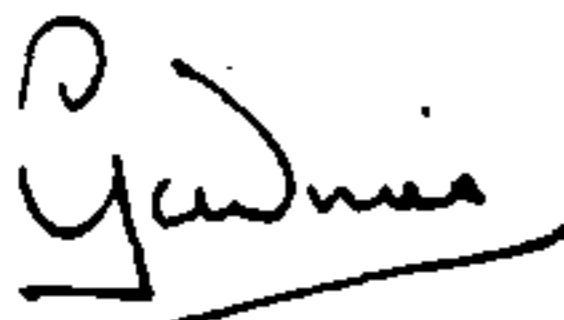
22. Thus, in the opinion of the Secretary of State the proposal should be refused on Green Belt grounds, in accordance with Green Belt policy as set out in PPG2 and in the relevant development plan documents, which reflect national policy in this respect.

FORMAL DECISION

23. For the reasons given above, the Secretary of State disagrees with the officer's recommendation and hereby dismisses your clients' appeal.

24. A note is attached setting out the circumstances in which the validity of the Secretary of State's decision may be challenged by the making of an application to the High Court.

I am Gentlemen,  
Your obedient Servant



G C WINES  
Authorised by the Secretary of State  
to sign in that behalf

Department of the Environment  
London Regional Office  
Millbank Tower  
21-24 Millbank  
LONDON SW1P 4QU

## RIGHT TO CHALLENGE THE DECISION

Under the provisions of section 288 of the Town and Country Planning Act 1990\*, a person who is aggrieved by the decision given in the accompanying letter may seek to have it quashed by an application made to the High Court within 6 weeks from the date of the decision letter.

The grounds upon which such an application may be made to the Court are:-

1. that the decision is not within the powers of the Act (that is, the Secretary of State has exceeded his powers); or
2. that any of the relevant requirements have not been complied with, and the applicant's interests have been substantially prejudiced by the failure to comply.

"The relevant requirements" are defined in section 288 of the Act\*; they are the requirements of that Act and the Tribunals and Inquiries Act 1971, or any enactment replaced thereby, and the requirements of any orders, regulations or rules made under those Acts or under any of the Acts replaced by those Acts. These include:

For appeals decided by the written method, the Town and Country Planning (Appeals) (Written Representations Procedure) Regulations 1987 (SI 1987 No 701);

For Appeals and referred applications decided following a local inquiry, the Town and Country Planning (Inquiries Procedure) Rules 1988 (SI 1988 NO 944).

A person who thinks he may have grounds for challenging the decision is advised to seek legal advice before taking any action.

For cases decided following a local inquiry only

### Right to inspect documents

Under the provisions of rule 17(3) of the Town and Country Planning (Inquiries Procedure) Rules 1988, any person who has received a copy of the Inspector's report may apply to the Secretary of State in writing within 6 weeks of the date of the Secretary of State's decision for an opportunity of inspecting any documents appended to the report. Such documents etc are listed in an appendix to the report. Any application under this provision should be sent to the address from which the decision was issued, quoting the Department's reference number shown on the decision letter and stating the date and time (in normal office hours) when it is proposed to make the inspection. At least 3 days' notice should be given, if possible.

\*Section 63 of the Planning (Listed Buildings and Conservation Areas) Act 1990 in the case of a decision on a listed building consent appeal



## Department of the Environment

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Your reference KMH/B1141/(q1)

Our reference  
APP/N5090/A/88/89849

Date 22 February 1994

Dear Messrs Berwin Leighton

**TOWN AND COUNTRY PLANNING ACT 1971 - SECTION 36  
APPEAL BY BARNET MEETING ROOM TRUST  
APPLICATION NO. 2627M  
"GREENBANKS", MAYS LANE, BARNET (LB OF BARNET)**

1. I am directed by the Secretary of State for the Environment to refer to your clients' appeal against the decision of the Council of the London Borough of Barnet to refuse outline planning permission for the erection of a building as a place of worship, new access roads, car parking provision for 72 cars and layout of grounds for amenity purposes with additional landscaping at "Greenbanks", Mays Lane, Barnet, LB of Barnet.
2. The appeal was conducted by means of an exchange of written representations and an officer (officer 1) of the Department visited the site and furnished a description of it. A copy of the site visit report was sent to your clients on 28 November 1988, together with a letter of that date giving the Secretary of State's decision to refuse the appeal. Subsequently, following an application by your clients to the High Court under Section 245 of the Town and Country Planning Act 1971, that decision was quashed by Order of the Court dated 20 October 1989.
3. The Secretary of State offered the parties an opportunity to make further representations in writing. Following consideration of these, a letter was issued on 7 November 1990 giving the Secretary of State's decision again to refuse the appeal. Subsequently, following another application by your clients to the High Court under Section 245 of the Town and Country Planning Act 1971, that decision was quashed by Order of the Court dated 24 July 1992.
4. Before reaching a fresh decision on the appeal, the Secretary of State offered the parties an opportunity to make further representations in writing. He also asked an officer of the Department to make a further site visit.
5. An officer (officer two) of the Department has accordingly visited the site and has considered the written representations on the likely impact of the proposed development. A copy of his report is appended to this letter. In view of the considerations expressed in paragraphs 4-24, the officer recommended that the



appeal be dismissed.

6. Following receipt of the officer's report, a further letter enclosing a copy of the report was sent stating that the Secretary of State was minded not to accept the inspector's recommendation to dismiss the appeal and inviting comments on the officer's comment in paragraph 9 of his report that the Council have implicitly rejected the argument that the additional 18 acres of land under the appellants' control should be included for the purpose of assessing 'extensive grounds'.

7. It was subsequently stated in the Department's letter of 15 December 1993 that the Secretary of State was minded to allow your clients' appeal provided that the section 106 Agreement was executed and provided that proof of title to the 'red land' referred to therein was supplied.

8. The Secretary of State notes that an appropriate Section 106 Agreement was completed on 31 January 1994 and is now satisfied as to the title to the 'red land'.

#### THE COUNCIL'S FURTHER SUBMISSIONS

9. In their further submissions the Council accept that the building constitutes an institutional building but not that it would form a relatively small and unobtrusive part of an extensive site which would preserve the openness of the Green Belt. The present and proposed buildings together with associated parking would represent some 22% of the 6 acre application site and they do not regard this as a small part of the site. The proposed building would be clearly visible from the surrounding area, especially Shelford Road. It would be further away from Mays Lane, but being set at a higher level would be clearly visible from it and would seriously detract from the openness of the Green Belt. The Council had responded to the need for alternative accommodation by suggesting four sites to the appellants, one of which is at Whittings Hill Farm opposite the appeal site and another in Mays Lane less than a mile from the site. Whilst they sympathise with the appellants' view that the residential value of the Mays Lane site is too expensive for their means, they consider that the appellants' inability to pay the market rate should not be used as mitigating or exceptional circumstances to allow inappropriate development in the Green Belt. This could equally be applicable to similar inappropriate uses in the Green Belt. The Council are concerned at the self imposed constraints the appellants have placed on themselves in confining their search to the Barnet Postal District only. They mention a Meeting Room at Chandos Avenue, Whetstone, which is the same distance from the existing premises in Union Street as the Mays Lane site is. The appeal proposal would have a detrimental effect on the open character of the site and would result in urban sprawl at the western tip of the built up area of Barnet.

10. In response to the Department's letter of 22 September 1993, the Council contend that, even taking account of the additional 18 acres, the appeal proposal is difficult to be seen as an institution standing in extensive grounds. They agree that if the appeal is allowed, the 18 acres should remain within the

appellants' control. They are concerned at the precedent effect of a decision to allow the appeal on the operation of Green Belt policy. The additional 18 acres are geographically unrelated to the appeal site and the enlarged area is fragmented. They consider that the proposal would conflict with PPG2, paragraph 14, as the visual amenities of the Green Belt would be injured.

#### YOUR CLIENTS' FURTHER SUBMISSIONS

11. In further written representations on behalf of your clients you state that although the appeal site is some 6 acres in size, your clients have a further 18 acres under their control, which they propose to create flower-rich meadows on and to donate to the community under a Section 106 obligation. It is therefore appropriate to consider the site as a total area of 24 acres. The proposed building would take only about 3% of the 6 acre site and 0.7% of the 24 acre site. The Council have no justification for including the surrounding grounds, whether for car parking or amenity space, within its calculation of the built development. Such areas would be properly landscaped and obscured from view and would have no impact on the open nature of the area. The Council have ignored the existing screening provided by hedges and trees. The proposed building would not be readily visible from Mays Lane or other public viewpoints in summer and, although visible from dwellings in Shelford Road, would be filtered by trees and vegetation.

12. You further submit on behalf of your clients that each of the alternative sites suggested by the Council is far beyond their financial means. The Council's assertion, that they are acting under unrealistic self-imposed constraints of location, is rejected. The need for religious groups to obtain Meeting Halls near their members' homes is recognised in the Urban Development Plan. The Council is putting pressure on them, rather than the other way round, by not allowing sufficient facilities for car parking for disabled people, for users of their Union Street site. They cannot combine with the congregation meeting at Chandos Avenue, Whetstone, which is already full to capacity. Chandos Avenue is nearly twice as far from Union Street as Mays Lane.

13. The granting of planning permissions for housing at Whittings Hill Farm and at the west side of Orchard House extends the built-up area significantly to the west, so the Council's claim of increase of urban sprawl at the western tip of the built-up area of Barnet is inappropriate. Permission has been given by the Secretary of State to build a mosque on Green Belt land in Hounslow, which is higher and more prominent than the appeal building, and on an open and unscreened site. It would also appear from most Green Belt locations as part of the built-up area surrounding the Green Belt. In the Watford decision, the building was nearly twice the size of this proposal, was close to the road, in an area of only 3.2 acres and prominently sited on the slope of a wide valley. The Northavon decision allowing a substantial meeting complex in the centre of a 21.5 acre site with extensive views is comparable to this case. You conclude that the proposal fully meets the criteria set out in the



Secretary of State's redetermination letter of 3 November 1992 as a development appropriate in the Green Belt. Even if it does not qualify as an institutional use in extensive grounds, under the "Pehrsson Rules" balancing the harm to the Green Belt against the very special circumstances of the proposal, it would qualify. The officer in his report in 1988 had acknowledged the absence of harm and the positive benefits that would accrue from this proposed development.

14. In response to the Department's letter of 22 September 1993, you state that you are settling a deed to be made under section 106 of the Town and Country Planning Act 1990 imposing planning obligations in respect of the future use of the 18 acres of land. The land consists of three contiguous fields which form part of the same agricultural holding and were bought as one parcel by the present owners. They are connected by a track which was traditionally maintained by the farm. The owners of "Greenbanks" own the track or at least have registered rights of way along it. Each case should be considered on its own merits. Your clients are not aware of any similar proposals for development in this part of the Green Belt and do not see how the question of precedent can arise. It does not follow that because their proposals are acceptable and comply with current green belt policy that an application for a different development in another part of the green belt would also be found to be acceptable. The proposal must be decided against the background of current green belt policies.

#### OTHER FURTHER SUBMISSIONS

15. Further representations were also received from the London Green Belt Council and the Barnet Residents' Association, both of which bodies made representations against the proposal. Cllr Don Goodman and a number of private individuals supported the proposal. In response to the Department's letter of 22 September 1993, further representations were received from the London Green Belt Council and the Barnet Residents' Association, again making representations against the proposal. The London Green Belt Council consider that the two fields comprising the extra 18 acres are not contiguous with the 6 acre application site or with each other, one separated by a track and mainly opposite a dwelling and field which are not part of the holding and the other further down Mays Lane beyond that dwelling and field. They cannot, in any ordinary use of language, constitute 'grounds' extensive or otherwise. The Resident's Association state that there have been many changes with new developments in the residential area doubling the traffic and causing traffic hold-ups at week-ends resulting in one lane traffic.

#### THE SECRETARY OF STATE'S CONSIDERATION OF THE ISSUES

16. In reaching his decision now, the Secretary of State has considered the earlier submissions from the parties, the officers' reports of 11 August 1988 and 9 February 1993, the two judgements of the High Court and the representations received in response to the Department's letters of 3 November 1992 and 22 September 1993. He has also had regard to section 54A of the Town and Country Planning Act 1990, which provides that planning



determinations shall be made in accordance with the development plan unless material considerations indicate otherwise. In this case the relevant plans are the Barnet Unitary Development Plan, adopted in 1991 and the Greater London Development Plan 1976.

17. The Secretary of State agrees with officer two's identification of the relevant local policies in paragraph 5 of his report.

#### Main Issues

18. The Secretary of State considers that the main issues to be decided in this appeal are whether the appeal development should be allowed:-

- (a) with regard to development plan policies;
- (b) in the light of other material considerations;

in particular;

- (c) whether the appeal proposal is appropriate in green belt terms, especially whether or not it comprises an institution standing in extensive grounds; and
- (d) if not, whether there are any very special circumstances which would justify the grant of planning permission.

19. The Secretary of State notes that the two officers who undertook site visits made opposing recommendations. Officer two considered the appeal on the specific basis of whether or not it constituted an institution standing in extensive grounds. The Secretary of State considers that officer two adopted the correct approach in this respect in his report and has taken account of it accordingly.

20. Officer two concludes that, while the appeal proposal qualifies as an institution, it should not be treated as standing in extensive grounds, and therefore represents inappropriate development in the green belt. Paragraphs 11 and 12 of his report set out his reasoning on this issue, which is based on the cumulative effect of a proliferation of institutions of a size and in grounds comparable to those in the present case. The Secretary of State considers this approach to be flawed as it effectively amounts to a negation of national policy.

21. As stated in the Department's letter of 3 November, 1992, the Secretary of State considers that, to qualify as standing in extensive grounds, an institutional building should form a relatively small and unobtrusive part of an extensive site. Whether a proposed development falls within this category of appropriate development in a particular case is a matter of fact and degree to be determined by the exercise of planning judgement. In exercising such judgement, regard should be had to such factors as the size of the application site, the size and positioning of the proposed buildings in relation to the site, and the topography and shape of the site and its surrounds. The

need to preserve the openness of the Green Belt is a major factor.

22. In paragraph 10 of his report, officer two, correctly in the Secretary of State's view, concluded that there is no justification for excluding the additional adjoining 18 acres of land under the appellant's control. In coming to this conclusion, officer two had the benefit of having seen the site and being aware that the parcels of land concerned were not contiguous. The Secretary of State sees no reason to disagree with this conclusion, particularly as the two extra parcels of land will preserve the openness of the Green Belt at this point. In the Secretary of State's judgement, a total area of 24 acres with a building covering only some 0.7% of it, is sufficient to constitute extensive grounds. As far as 'standing in' extensive grounds is concerned, the Secretary of State takes the view that the phrase has to be given its ordinary and natural meaning and does not mean 'surrounded by'.

23. The Secretary of State concludes, taking account of the considerations mentioned above, that, for the purposes of paragraph 13 of PPG2, the 24 acres of land under your clients' control constitutes extensive grounds, in which the proposed institution would stand. The appeal proposal is accordingly acceptable as a use appropriate in a Green Belt. That being so, the appeal proposal is considered not to be in conflict with the relevant local plan policies regarding institutions standing in extensive grounds.

24. Having concluded that the appeal development is an institution standing in extensive grounds and is therefore development appropriate in a Green Belt, the Secretary of State has gone on to consider whether the visual amenities of the Green Belt would be injured by the proposal. He agrees with officer two that the proposed building and parked cars would intrude visually only very slightly into the area, bearing in mind the extent of screening features that exist, particularly hedges and trees. He accordingly concludes that the visual amenity of the Green Belt at this point would not be injured to an extent that would conflict with the policy mentioned in paragraph 14 of PPG2.

25. In coming to these conclusions, the Secretary of State has taken account of all other issues involved in this case, including the effect of traffic arising as a result of the appeal proposal and the 19 houses proposed for the Whittings Hill Farm site. However, he is not persuaded that the proposal would cause demonstrable harm so as to indicate that the appeal should be dismissed.

26. In view of the above conclusion, the Secretary of State has taken account of the submitted Section 106 agreement, designed to ensure that the additional 18 acres mentioned in paragraph 11 above remain free of development. He is satisfied that the submitted agreement would successfully overcome the identified planning objection.

#### THE DECISION

27. For the reasons given above, the Secretary of State allows your clients' appeal and hereby grants outline planning permission for the erection of a building as a place of worship, new access roads, car parking provision for 72 cars and layout of grounds for amenity purposes with additional landscaping at "Greenbanks", Mays Lane, Barnet, LB of Barnet, in accordance with Application No. 2627M dated 31 July 1987 and the submitted drawing 122.112, subject to the following conditions phrased to accord with the principles laid down in Department of the Environment Circular 1/85:-

- i) Approval of the details of the siting, design and external appearance of the building, the means of access thereto and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the local planning authority.
- ii) Application for approval of the reserved matters shall be made to the local planning authority before the expiration of 3 years from the date of this permission.
- iii) The development hereby permitted shall be begun either before the expiration of 5 years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
- iv) The width of the vehicular access shall not be less than 4.1m and not more than 5.5m and such access shall be constructed before any part of the building hereby permitted is occupied.
- v) No development shall take place until there has been submitted to and approved by the local planning authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of the development.
- vi) All planting, seeding and turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 3 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation.
- vii) Before the development hereby permitted is commenced, details of the location, extent and depth of all excavations for drainage and other services in relation to trees on the site shall be agreed with the local planning authority.

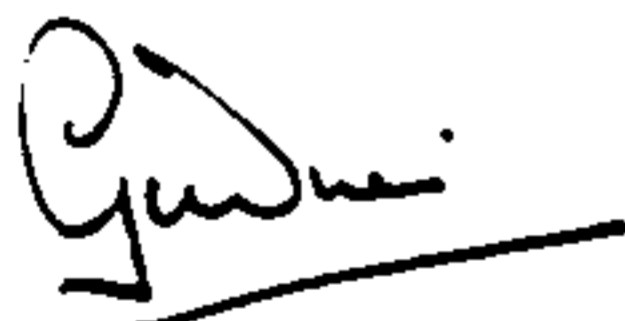


- viii) Before any part of the building hereby permitted is occupied, the site shall be enclosed except at the permitted points of access in accordance with details to be agreed with the local planning authority.
- ix) Before any part of the building hereby permitted is occupied, screened facilities for the storage of refuse and satisfactory means of access for collection shall be provided within the curtilage of the site in accordance with details to be agreed with the local planning authority.
- x) Before any part of the building hereby permitted is occupied, any retaining wall to be constructed on the site shall be constructed in accordance with details to be agreed with the local planning authority.
- xi) Notwithstanding the provisions of the Town and Country Planning General Development Order 1988, no buildings shall be erected on the site other than those expressly authorised by this permission.
- xii) With regard to any condition that requires the prior approval of the local planning authority, the works thereby approved shall be carried out in accordance with that approval unless subsequently otherwise approved by the local planning authority.

28. Attention is drawn to the fact that where any condition imposed upon the grant of planning permission requires any consent, agreement or approval of the local planning authority, the applicant has a statutory right of appeal to the Secretary of State if approval is refused or granted conditionally or if the authority fail to give notice of their decision within the prescribed period. Attention is also drawn to the enclosed note relating to the requirements of the Chronically Sick and Disabled Persons Act 1970.

29. This letter does not convey any approval or consent which may be required under any enactment, byelaw, order or regulation other than Section 57 of the Town and Country Planning Act 1990.

Yours faithfully



G C WINES  
Authorised by the Secretary of State  
to sign in that behalf

Tollgate House  
Houlton Street  
BRISTOL  
BS2 9DJ

To the Right Honourable Michael Howard QC, MP

Sir

I have been asked to advise on the appeal by Barnet Meeting House Trust, made under Section 36 of the Town and Country Planning Act 1971, against the refusal of the Council of the London Borough of Barnet to permit the erection of a building as a place of worship, new access roads, car parking for 72 cars and the layout of grounds for amenity purposes and additional landscaping, at 'Greenbanks', Mays Lane, Barnet, and to carry out an inspection of the site on your behalf. I made an accompanied site visit on 11 and 29 January 1993. This follows the 2 High Court decisions to quash the earlier decisions in 1988 and 1990.

1. This report contains a description of the appeal site and the surrounding area, my appraisal on the basis of my observations and the written representations of the parties on the likely impact of the proposed development, and my recommendations as to the decision which might be made in this case.

#### THE SITE AND ITS SURROUNDINGS

2. The appeal site lies on the western fringe of a built up part of Barnet. It is some 2.4 ha of mainly grassland but also includes a large barn and 2 detached houses with frontages to and access from Mays Lane, which links Barnet and the A1 at Borehamwood. This road adjoins the southern boundary of the site. Along this length it is about 6 m wide and without footpaths. To the south of Mays Lane is a community ~~centre~~ building and sports field, a large group of apparently disused farm buildings known as Whitings Hill Farm and stables at Cottage Farm. To the west is a house and smallholding with several outbuildings; one of a small number of similar properties occurring along a considerable length of Mays Lane further in this same direction. Immediately adjoining the northern boundary is an overgrown track lined by 2 thick hedgerows with trees, and beyond this a low hill in poor grass. On the opposite side of Shelford Road which immediately adjoins its eastern boundary, is 2-storey housing.

3. The site is on a gentle slope rising northwards from the Dollis Brook south of Mays Lane, and merges with an area of open countryside of hedgerows and fields between the ridge of Totteridge to the south and high ground to the north at Arkley. There is a thick almost continuous hedgerow along its Mays Lane boundary, with high close boarded fencing part of a large timber storage building at the rear of one of the houses and, in part, mature trees, along the eastern boundary. A



double hedge runs east-west roughly across the centre of the eastern part of the site.

#### APPRAISAL

4. The application is in outline but with all matters except siting reserved for determination later. The proposed meeting house of 600 m<sup>2</sup> would be positioned in the north-eastern corner of the site. Illustrative drawings of its narrow side elevation to Shelford Road suggest a building some 6.75 m high to a flat roof but cut partly into existing ground to give a minimum height of some 5.6 m above the present level of the latter. These also indicate the use of the existing access off Mays Lane and provision for 72 parked cars confined to an area around the building. A suggested possible landscaping scheme for the rest of the site includes a possible overflow parking area to the west of this. The storage building at the rear of the house 'Greenbanks' would be removed prior to starting work on the proposed development. In a letter accompanying the original application the appellants expressed their preparedness to enter into a Section 106 obligation to retain a further 18 acres of land to the west of the site (parcels 0006 and 9922), free from development. The appellants are now offering an alternative Section 106 obligation to upgrade the additional 18 acres in ecological terms and to donate the area to the community.

5. The site is included within an area of Green Belt defined in the Initial Development Plan for Greater London. The GLDP includes the policy, at paragraph 9.16, of generally keeping land in the Green Belt free of development other than that falling within certain defined appropriate categories. These include institutional uses provided that these will either preserve or improve the open nature of the area. The recently adopted Barnet UDP includes a number of policies in respect of the Green Belt which reflect that in the GLDP. These now supersede the policies 1.1 and 3.1 of the Council's approved informal Green Belt Topic Study which were referred to in the Council's reasons for refusal. UDP Policy 01.2 in dealing with institutional uses standing in extensive grounds accords closely with paragraph 13 of the PPG. In addition the GLDP includes defined 'Areas of Special Character' whose amenity value is of Metropolitan significance.

6. The Council maintains its principal objection that the proposal is not development appropriate to the Green Belt. It disputes the appellants claim that in any event the need for the proposed meeting house and the circumstances surrounding the site amount to very special circumstances. It contends that the proposal would cause harm to the open character and appearance of this part of the Green Belt and be in conflict with Government, GLDP and UDP policies relating to this. In addition the building and car parking area would be an undesirable visual intrusion into an area of open land, to the detriment of its rural character. The appellants dispute the Council's claim that the site falls within a defined Area of Special Character.



7. Dealing first with the matter of the appropriateness of the proposed development in the Green Belt in terms of paragraph 13 of PPG2, there is no dispute that the proposal represents an institution. The Secretary of State has also accepted that this policy applies to both existing and new buildings. Whether or not the proposal involves a building within 'extensive grounds' remains the crucial first issue between the parties. Since the Council makes no separate case against the proposal in terms of its effect on the 'Area of Special Character' it must be assumed that this is subsumed in the general case against the proposal on Green Belt grounds.

8. The appellants continue to place weight on the views expressed by the previous officer in his 1988 report as to the effects of the proposal on the openness of the area of Green Belt. They maintain that the 18 acres additional to the appeal site proper and the subject of the offered Section 106 obligation, should be treated as part of the grounds. They consider that on this basis the proposal performs well when assessed in relation to factors of site size, the size and positioning of the proposed building in relation to the site, and the topography and shape of the site and its surrounds which were set out in the letter of 3 November 1992. It should accordingly be treated as a proposal involving an institution in extensive grounds and therefore one appropriate to the Green Belt. The fact that it also compares favourably in these respects with the proposal the subject of the 1986 Watford decision is seen as reinforcing this view, although no reliance is placed on this decision in support of the case.

9. The Council holds that the proposal would not form a relatively small and unobtrusive part of an extensive site which would preserve the open character of the Green Belt. However it continues to make this assessment on the basis of the 2.4 ha (6 acres) appeal site, thereby implicitly rejecting the argument that the additional 18 acres should be included for the purposes of assessing whether or not the 'grounds' are extensive.

10. In the light of the ruling in Northavon DC v SSE and the Trustees ~~of~~ the Congregation of Jehovah's Witnesses (1992), that there is no requirement of a functional link between the institution and its grounds, and the terms of either of the offered section 106 planning obligations, it seems to me that there is no justification for excluding the additional land within the notional 'grounds'. On the basis of the appellants' uncontested estimate the proposal involves a building covering 0.7% of these 'grounds'.

11. However in my view any assessment of whether such a proposal would involve an institution in extensive grounds and therefore be appropriate to the Green Belt should not be made in respect of this site in isolation. This is for 2 reasons: first, once one particular proposal has been accepted as involving extensive grounds, it will be difficult to deny comparable proposals on other sites in the Green Belt; secondly, there is an obligation placed on those interpreting the meaning of 'extensive grounds', and hence appropriateness,

to take account of the implications of this for the realisation of the explicit objectives underlying the policy.

12. To my mind there is therefore a need to visualise and assess the cumulative effects on the present open character of the Green Belt of a proliferation of institutional buildings of a size and in 'grounds' comparable to those in the present case. ~~in my opinion there are no topographical features within this part of the Green Belt whose nature and extent might constrain building sufficiently to invalidate such an assessment.~~ In making ~~it~~ I have considered a wide range of permutations of site shapes and positions of buildings within the sites. In my judgement the overall effects would detract from the present open nature of this area of Green Belt, and conflict with the objectives of checking the unrestricted sprawl of large built-up areas and safeguarding the surrounding countryside from further encroachment. On this basis the proposal should not be treated as an institutional building in extensive grounds, and would therefore represent inappropriate development in the Green Belt.

13. The comparison made between the present case and the Watford and Northavon cases do not assist the appellants; the Secretary of State has already stated that his interpretation of the expression 'institutional' building standing in extensive grounds in the former case is incorrect, and in the Northavon case there is no evidence that the inspector took account of the implications for Green Belt objectives of his conclusion that the proposal involved a building in extensive grounds.

14. The appellants' case that there are special circumstances justifying the grant of permission rests on the need for the meeting house. In addition they maintain that there would be benefits with the proposal and there are features of the site and its surrounds which mean that in the event no harm would be caused to the objective of maintaining the open nature of the wider area of Green Belt.

15. On need the gross inadequacy and unsuitability of the present meeting room in the town centre, and the urgency of finding a replacement is stressed by the appellants and the large number of representations in support. Alternative sites offered or suggested by the Council are regarded as either too distant in relation to the catchment area of members, or too expensive.

16. The Council accepts the existence of a need for a replacement meeting house but takes the view that the alternative sites would be suitable. In its view the unwillingness of the appellants to consider paying market value for land is imposing an unjustifiably severe constraint on its ability to find such a site. Furthermore, the cost of urban land should not be accepted as an exceptional circumstance since it is equally applicable to other inappropriate uses in the Green Belt. The London Green Belt Council uses a similar argument in its support of the Council.



17. As to the site and its surrounds, the appellants maintain that this is a secluded fringe site, well screened by hedges and trees. The proposed building and car park have been positioned to take maximum advantage of the screening effects of the existing 2 storey buildings between these and Mays Lane, and the hill to the north of the site. In these respects the proposal overcomes the objections found to apply against its proposal for a meeting room on a site further to the west which was dismissed on appeal in 1984. Also, the grant of planning permission on appeal to 19 houses on the Whittings Hill Farm site on the southern frontage of Mays Lane and to a large extension to Orchard House on the appeal site has the effect of significantly extending the built-up area westwards. This reinforces their view that the building would round off existing built development and from most locations would appear as part of the built-up area surrounding the Green Belt. In this connection it draws attention to this as a consideration in the Secretary of State's decision in the Hounslow case [LRP 219/F5540/05].

18. In the appellants' view the proposal offers the benefit of improvement to the site including the now overgrown former yard area in the north-eastern part of the site which contains buried rubble and foundations. The site has no agricultural potential. In addition the donation of the additional 18 acres would be a considerable advantage particularly when account is taken of the UDP policies for improving access to the countryside.

19. In the Council's view the proposed building would be clearly visible from the surrounding area, particularly from Shelford Road and topographical features would not diminish its detrimental impact on the open nature of the area. While the site is partially overgrown it is not derelict. The illustrative landscaping would not make the proposal any more acceptable since the existing open field and hedges already give the site a rural appearance. The benefits claimed do not match those that would arise in the Whittings Hill Farm case.

20. In the Council's view the circumstances surrounding the proposal ~~are~~ are not of sufficient weight to overcome the presumption against it as inappropriate development in the Green Belt. It would result in urban sprawl at the western tip of the built-up area of Barnet, and its detrimental effect on the open nature of the Green Belt would amount to demonstrable harm.

21. In my view it is apparent that the cost of land in the urban area has been a crucial factor in the appellants' inability to find an acceptable alternative site. This is a factor that would be expected to apply to many other institutions including religious groups experiencing difficulties in securing new or replacement buildings. I conclude that the need for the meeting house on this site does not amount to a very special circumstance.

22. In my estimation the site appears, as a whole, to be part of the countryside extending generally westwards of



Shelford Road. The extent to which an abundance of hedges and trees supplement other screening features means that only the upper part of the building is going to be seen from parts of the adjoining roads. In the summer months this would be in fleeting glimpses through one or two small gaps in the screening along the 2 road frontages; in the winter months when plant screening would be less effective it would be clearly evident from much of Shelford Road, but only slightly more evident from Mays Lane. While the building and parked cars would therefore intrude visually only very slightly into the area, the present clear distinction between the countryside to the west and the urban area to the east of Shelford Road would become blurred. The redevelopment of the Whittings Hill Farm site would not change this.

23. As to the benefits to be derived from the proposal the removal of the unattractive bulky shed at the rear of 'Greenbanks' would represent the only significant improvement to the appearance of the site, which does not justify being described as derelict. In complete contrast to this I consider that the present appearance of the Whittings Hill Farm buildings detracts considerably from the area south of Mays Lane.

24. Even allowing also for the advantages to be derived from the latest offered section 106 planning obligation and the appellants' pressing need for the new meeting house I do not consider that these are circumstances sufficiently special to overcome the general presumption against inappropriate development in the Green Belt.

#### RECOMMENDATION

I recommend that the appeal be dismissed.

I have the honour to be  
Sir  
Your obedient Servant

---

G CHAPMAN BSocSc DipTP MRTPI  
PINS 2

9 February 1993

M.M. CALLER, B.Sc.(Eng.), C.Eng.,  
M.I.C.E., M.I.W.E.M., C.Dip.A.F.  
Director of Technical Services

D.J. BUCKMAN, A.R.I.B.A.  
Controller of Development Services &  
Deputy Director of Technical Services

G.G.T. BEATTIE B.Sc., M.P.H.I.L.,  
C.Eng., M.I.C.E., M.B.I.M.  
Controller of Engineering Services



Appealed  
London Borough of Barnet

Directorate of Technical Services

Development Services Division  
Northern Area Planning Office  
Town Hall, Station Road  
New Barnet, Herts EN5 1QN

Telephone: 01-446 8511

Fax No. 01-446 6494

All correspondence should be directed to:  
THE NORTHERN AREA PLANNING OFFICE

TOWN AND COUNTRY PLANNING ACT 1971  
REFUSAL OF PLANNING PERMISSION

Applicant: Barnet Meeting Room Trust,  
Agent: Mr. W. R. Evershed,  
Address: Strable Services,  
3 Wayville Road,  
Dartford,  
Kent, DA1 1RL.

Application No: N02627M  
Dated: 31st July 1987  
Registered: 12th August 1987

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:-

Erection of building as place of worship, new access roads, car parking provision for 72 cars and layout of grounds for amenity purposes with additional landscaping  
- Outline.

at:-

Land r/o "Greenbanks" and "Orchard House", Mays Lane.

as referred to in your application and shown on the accompanying plan(s), for the following REASON(S):-

- 01 The site lies within the Metropolitan Green Belt as defined in the Initial Development Plan for Greater London and is within an Area of Special Character identified in the Greater London Development Plan. The proposed development would conflict with the provisions of the Greater London Development Plan concerning the maintenance of the Green Belt and the area of special character and would be contrary to policies 1.1 and 3.1 of the Councils Approved Green Belt Topic Study.
- 02 The proposed building and car parking areas would, be an undesirable visual intrusion into an area of open land to the detriment of the rural character of the locality.

INFORMATIVES:-

- 01 The plans accompanying the application are:- S1; S2; S3; S4; S5;  
122.110; 122.111; 122.112; 122.113

Signed:   
Controller of Development Services and  
Deputy Director of Technical Services

Date of Decision: 11th November 1987

Date of Issue: 24th November 1987

NOTE

M.M. CALLER, B.Sc.(Eng.), C.Eng.,  
M.I.C.E., M.I.W.E.M., C.Dip.A.F.  
Director of Technical Services

D.J. BUCKMAN, A.R.I.B.A.  
Controller of Development Services &  
Deputy Director of Technical Services

G.G.T. BEATTIE B.Sc., M.P.H.I.L.,  
C.Eng., M.I.C.E., M.B.I.M.  
Controller of Engineering Services



# London Borough of Barnet

Directorate of Technical Services

Development Services Division  
Northern Area Planning Office  
Town Hall, Station Road  
New Barnet, Herts EN5 1QN

Telephone: 01-446 8511

Fax No. 01-446 6494

/Contd

Applicant: Barnet Meeting Room Trust,  
Agent: Mr. W. R. Evershed,  
Address: Strable Services,  
3 Wayville Road,  
Dartford,  
Kent, DA1 1RL.

All correspondence should be directed to:

THE NORTHERN AREA PLANNING OFFICE

Application No: N02627M

Dated: 31st July 1987

Registered: 12th August 1987

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.