

Appeal Site: Land On The North West Side Of Mays Lane, Arkley,

Barnet. EN5 2AH

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

7 January 2025

LPA Rebuttal Statement – Stephen Volley (Planning)

1. The Planning proof of evidence of George Whitehouse introduces new evidence not previously seen by the LPA. This is a brief rebuttal using the numbering system used in his proof.

Paras 17- 26 & 60 – 61

2. The issues raised relate to RfR1 - Inappropriate Development in the Green Belt. At this very late stage of the appeal process, Mr. Whitehouse is now suggesting that the appeal site constitutes ‘previously developed land’ due to the site history of the neighbouring site known as The Centre for Islamic Enlightening, 310 Mays Lane (known as Greenbanks).

Historic planning history - The Centre for Islamic Enlightening (“the Applicant”). 310 Mays Lane (known as Greenbanks).

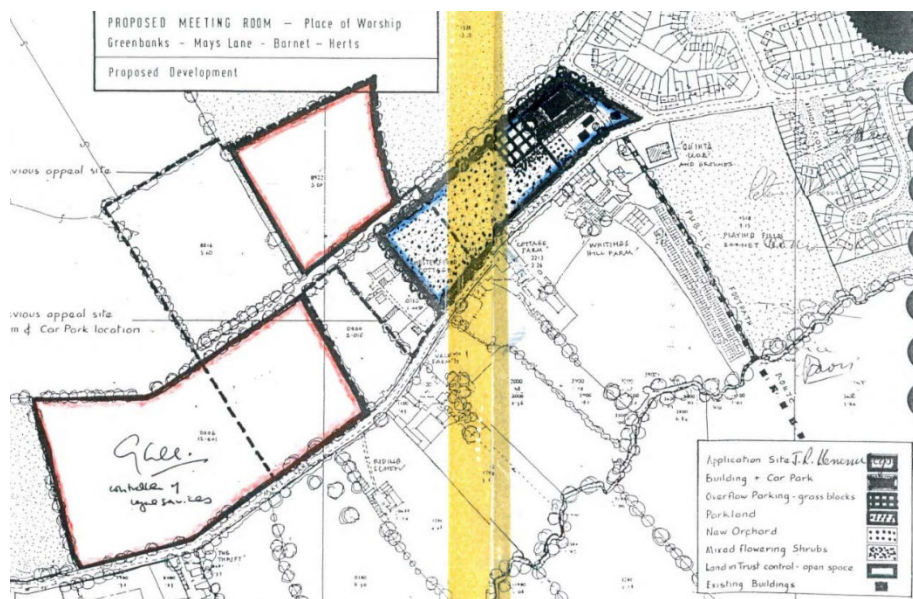
3. N02627M – Nov 1987 refused for ‘Erection of building as place of worship, new access roads, car parking provision for 72 cars and layout of grounds for amenity purposes with additional landscaping – outline’.
4. Appeal APP/N5090/A/88/089849 was made against refusal N02627M and dismissed in 1988. Under Section 245 of the 1971 Act, the 1988 decision was quashed by the Order of the Court 20th October 1989. There was then a further refusal of the appeal on 7th December 1990 to which there was another application to the High Court on 24th July 1992. Appeal APP/N5090/A/88/089849 was eventually allowed on 22nd February 1994 subject to the terms of a section 106 agreement.

The case for the appellant

5. The appellant now asserts that “*Either knowingly or unknowingly the Council have concealed a key material consideration in that the Site formed part of approved development which was lawfully implemented. The effect of this is that there is no encroachment of development into the countryside. The site forms*

part of the development area of the adjacent Place of Worship and indeed includes operational development from this namely the Swale and is therefore not the Countryside for the purposes of the Green Belt”.

6. Core documents CD2.22 and CD2.23 provide the detailed planning history for this neighbouring site and the S106 agreement. For ease of reference, the site plan contained in the S106 agreement is copied below. It is noted that the appeal site was proposed for ‘overflow parking’ comprising grass blocks only.



LPA Rebuttal:

7. It is clearly apparent from the existing and proposed drawings submitted with the application and with the photographic evidence submitted by both parties that no operational development exists on the appeal site to facilitate the overflow or any parking for the Islamic centre. It is simply ‘used for the keeping of horses’ as confirmed in the appellant’s application form and does not form part of the curtilage of the Islamic centre – indeed the appeal site and the Islamic centre are distinctly two separate planning units in separate occupation separated by boundary fencing and landscaping. Therefore, even if the historically permitted development included overflow parking in this area, that incidental / ad hoc overflow parking use was never implemented and since the site is now a separate planning unit in separate occupation, there is no lawful fallback parking use. Furthermore, even if there had been a lawfully implemented parking use, the use of the site for overflow parking was very much incidental to the main use

of the Islamic Centre and did not involve any operational development (i.e. hard standing, formal parking spaces etc). Indeed no such operational development or material operations were carried out. Therefore, the area / site was never occupied by a permanent structure or any fixed surface infrastructure associated with it and was intended to remain as a grassed open area (as per above plan). Such incidental use would not, in any event, bring the land within the definition of previously developed land. It is noteworthy that the London Borough of Barnet Green Belt Study 2018 – Final Report (CD5.6) which forms part of the evidence base for the Barnet Local Plan 2021 to 2036, provides a strong / very strong purpose for the continued green belt designation of the appeal site (which it would not have done if the site were considered previously developed land). The emerging Barnet Local Plan 2021 to 2036 has been through an examination in public and has been deemed by the Inspector to be legally sound (subject to some modifications).

8. Finally, it is important to note that the most recent application at the Islamic centre 24/2557/FUL (approved December 2024) - Single storey side extension. Single storey front extension plus porch/canopy. New porch/canopy to side elevation. Alterations to roof including raising the height of the eaves with associated cycle parking and landscaping – makes no reference to this historic case or the S106. The site location plan with site etched in red does not include the appeal site.



9. I therefore do not agree that the site comprises previously developed land and I maintain the Council's position that the land is countryside and performs strongly against the Green Belt purposes set out in the NPPF.