

Rule 6 Party

Proof of Evidence

Appeal Ref: APP/N5090/W/24/3346789

Section 78 of the Town and Country Planning Act 1990 (as amended)

Planning application ref: 23/3816/FUL

Description: For a material change of use for stationing of caravans for residential use with hard-standing and dayrooms ancillary to that use

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

Rule 6 Party: Quinta Village Green Residents Association (QVGRA), objecting to the appeal

Witness: Georgia Theodorou, Chair, QVGRA

Appellant: Mr Patrick Casey

Local Planning Authority: London Borough of Barnet

1. Personal Background

- 1.1.** My name is Georgia Theodorou, I am the Chair of the Quinta Village Green Resident's Association ("QVGRA") representing almost 200 members within the approximate 850 households within the neighbourhood of Quinta Village Green in which the appeal site is located. I was the applicant who registered Quinta Village Green in 2010 and represented more than 90 local residents at the determinative Public Inquiry.
- 1.2.** I have lived here for over 22 years and both of my children have grown up in the area. My family regularly walk along the various public footpaths and routes of the Dollis Valley, many of which follow the streams and other paths across the green spaces we are fortunate to live by where we enjoy the varied views of the local farms and green spaces.
- 1.3.** I present to this Inquiry a representation of the views of the members of the QVGRA who use the local green spaces and live nearby.
- 1.4.** This proof of evidence that I have prepared and provide for this appeal is true and I confirm that the opinions expressed are my true opinions.
- 1.5.** The scope of the evidence which I am giving to this Inquiry was set out in the QVGRA Statement of Case (Appendix 1) dated 12th November 2024.
- 1.6.** I am very grateful to the inspector and PINS for allowing a group of local residents, QVGRA, to be represented in issues that will impact them and that our local knowledge and opinion will be considered in democratic decision making affecting our locality.

2. Introduction

2.1. Executive summary

- 2.1.1.** This Proof relates to Green Belt and planning balance matters and should be read alongside the QVGRA's Statement of Case.
- 2.1.2.** It is acknowledged by all parties that the proposal is inappropriate development in the Green Belt and there is substantial harm to openness and permanence.
- 2.2.** The proposal would result in further urban sprawl and encroachment into the countryside.
- 2.3.** The new intensification of use of the place of worship next door to the appeal site has put, and will increasingly put as it grows, extra pressure on the highway and means the appellants' and Council's highways position are likely to need reviewing. As I am not a highways expert, and as explained in my post-Case Management Conference note to the Inspector, QVGRA does not raise a separate highways issue. However, it reports that local residents are concerned about potential highways impacts, on which basis the Inspector ought to consider the extent to which the evidence base before the Inquiry is accurate.
- 2.4.** An increase in caravans accessing a site some 60m from a building which could have 250+ attendees daily, is likely to greatly impact a highway that already suffers with

speeding and flooding. Walking to school without a footpath would not be in the 'best interests of the child' and dependence on private vehicles would not make this a sustainable location for development.

- 2.5.** The drainage capacity of existing pluvial flooding mitigation schemes (trenches, culverts & detention basin) at the appeal site and surrounding area is already overwhelmed as evidenced by the regular flooding of road and woodlands. A SuDS system discharging through the same mechanisms would put more pressure on the existing system, create more flooding and danger on the road, causing further harm. Accommodating children in caravans, vulnerable to flooding is not in the 'best interests of the child'.
- 2.6.** The appellant has failed to fully identify, map and safeguard Great Crested Newts ("GCN") and Bats which are protected species found on the appeal site. The proposal does not seek to protect the habitats and connections of GCNs and Bats and has an adverse impact on the local environment.
- 2.7.** The neighbourhood is characterised by farmed land, stables, open spaces and green recreational spaces. Caravans would urbanise the site in a manner which would not assimilate well with its surrounding context and would be visible from public rights of way such as Mays Lane and at the rear of the appeal site at Whitings Open Space and Woods through most of the year, detracting from the area's scenic value and harming rural character and visual amenity.
- 2.8.** The Council is able to demonstrate that there is no need for Traveller pitches in Barnet and that there is no failure of policy and the relevant policy in the emerging local plan has been robustly tested. The Council and QVGRA believe there are alternative more appropriate sites that do not harm Green Belt both in and outside the Borough.
- 2.9.** The appellant relies on special personal circumstances to outweigh the harms of the development but they have not sufficiently evidenced them nor demonstrated that this is the only site that can provide for their needs. As a planning application on land purchased privately for almost half a million pounds, it can be argued that the appellant has access to resources to seek alternative locations that meet the families' needs that do not harm the Green Belt.
- 2.10.** The development, whether on a permanent or temporary basis, causes substantial, demonstrable harm to the Green Belt by reason of its inappropriateness. None of the circumstances of the appellants case, individually or combined, override this strong established presumption.
- 2.11.** The appellant has not evidenced why this particular site which they have recently purchased but never lived on is more suitable for their needs than any other identified sites in the Borough or in neighbouring Boroughs that do not harm the Green Belt.
- 2.12.** The appellant purchased land knowing it was Green Belt which would be difficult to develop, and although the Council has human rights duties towards the family, the appellant is fortunate to have the resources to also be able to provide accommodation elsewhere for his family and notwithstanding this, the Council have suggested that there are other more suitable sites both within and outside the Borough that could meet their needs without harming Green Belt.

2.13. A planning balance is set out at section 7.0 of this Proof. I consider that the balance rests on the test at paragraph 153 of the NPPF, and that this test is failed given that the benefits of the proposal do not clearly outweigh the harms as I have identified and analysed them. There are therefore no very special circumstances. Accordingly, the appeal should be dismissed.

3. Statement of common ground

3.1. Although the statement of Common Ground between the appellant and LPA was not shared with QVGRA, I assume that the main points were that the proposal would be inappropriate development in the Green Belt and that the appellant has gypsy/traveller status.

3.2. As the only witness for the Rule 6 party, I confirm that I will address all of the main issues that the Inspector identified after the Case Management Conference. I make clear that I am not an expert, but as a local resident I consider that I have an informed view of the reality on the ground at the appeal site. As a result of my role at QVGRA I am also able to assist the Inquiry by attempting, where possible, to consolidate the views of other local residents which have been expressed to me: for example, in respect of highways concerns.

4. Planning History

4.1. Although there have been no previous planning applications on the appeal site, the adjacent site with class use as a Place of Worship given under exceptional circumstances in the Green Belt in 1994 (appendix 2). The adjacent site has recently been granted planning permission (appendix 3) for an extension that doubles the floorspace of a building from 1,000 to 2,000 people. This is a significant intensification of use within Green Belt, which the Inspector may consider will impact the appellants' Highways Report traffic survey [https://www.barnet.gov.uk/sites/default/files/a14_-_2024-06-14_jph_statement_d1_240302.pdf].

4.2. Historically, the most intensive use of the adjacent site was once a year by approximately 150 users. I would estimate that an average of 30-40 people otherwise use the building once or twice a week. The new planning permission has conditions which permit up to 250 people inside the building at any one time each day of the week, 350 people during Ramadan, and 800 people at one time each day of the 10 day Muharram celebrations(appendix 3). There are no conditions which restrict the use of the grounds outside of the building, which has considerable grounds and has already seen significant use.

4.3. The appellant's traffic survey [https://www.barnet.gov.uk/sites/default/files/a14_-_2024-06-14_jph_statement_d1_appendices_240302_0.pdf] was conducted before the new occupiers of this adjacent building took over the site. I expect that the Inquiry will want to confirm whether or not the traffic survey is up-to-date given the changing circumstances.

5. Planning Policy

- 5.1.** The planning application conflicts with the following policies:
- 5.2.** PPTS – Paragraph 16 (Policy E: Traveller sites in Green Belt). The development whether permanent or temporary does not outweigh the substantial harm to the Green Belt, nor meets the exceptions within Chapter 13 of the NPPF as the special circumstances cited are insufficient and insubstantial evidence has been provided for them.
- 5.3.** PPTS – Paragraph 17 (Policy E: Traveller sites in Green Belt). Green Belt boundaries should not be adjusted through the planning application process since exceptional circumstances do not exist.
- 5.4.** PPTS – Paragraph 13(g) (Policy B: Planning for Traveller sites). This is an unsuitable location because it is in parts at too high a risk of flooding for such vulnerable types of accommodation.
- 5.5.** PPTS – Paragraph 23 (Policy H: determining planning applications for traveller sites). The emerging local plan (Regulation 24) robustly shows no evidence of a need for traveller sites and the appellant has insufficient evidence of any material considerations that could be applied as an exception.
- 5.6.** PPTS – Paragraph 24 (Policy H: determining planning applications for traveller sites). The appeal site cannot provide for a sustainable development due to the lack of footpaths at the appeal site and the heavy reliance on private vehicles for even short journeys.
- 5.7.** PPTS – Paragraph 25(d) (Policy H: determining planning applications for traveller sites). The emerging local plan criteria for allocating sites has not been followed by the appellant since the Council assert in paragraph 4.42 of their Statement of Case that within the Borough more suitable locations, outside of Green Belt would be identified through this criteria-based approach.
- 5.8.** Although I do not raise a highways issue, I am aware that other residents may do so, on which basis I hope it assists the Inquiry to report NPPF – Paragraph 116. The development may have unacceptable impact on highway safety. As I have set out, possible residual cumulative impacts on the road network may not have been considered as the appellant’s highways report relies on assessment of the local road before the significant impact of the adjacent building’s new intensification of use started in an area of poor transport connectivity.
- 5.9.** NPPF – Chapter 11 (Making effective use of the land) paragraph 124. The pluvial flooding and possible highways safety concerns do not provide for safe or healthy living conditions. The use of Green Belt land in circumstances where there are other, more appropriate, sites available is not making effective use of land.
- 5.10.** NPPF – Chapter 11 (Making effective use of the land) paragraph 129(c). This is not a sustainable development location as the lack of footpath, speeding cars and regular pluvial flooding would necessitate car use even for short journeys such as the school run.

- 5.11.** NPPF – Chapter 13 (Protecting Green Belt land), paragraph 143(a), (b) and (c). The NPPF is very clear that strategically only sites that perform the least well as areas of Green Belt should be considered for development, and within these, only the sites which give the most appropriate and sustainable pattern of development overall should be selected. This particular site performs well on at least the first three of these functions. Development would result in urban sprawl and encroachment into the countryside.
- 5.12.** NPPF – Chapter 13 (Protecting Green Belt land), paragraph 145. The change to Green Belt is not being proposed through Strategic or non-strategic policy changes, but through the planning application process.
- 5.13.** NPPF – Chapter 13 (Protecting Green Belt land), paragraph 146. Exceptional circumstances that could outweigh the harm to the Green Belt cannot be applied since the LPA has robustly determined in its advanced-stage emerging local plan that there is no need for this type of accommodation supply.
- 5.14.** NPPF – Chapter 13 (Protecting Green Belt land), paragraph 147(c). If examining options with neighbouring authorities to meet the needs of Travellers is required of LPAs in strategic policy changes to Green Belt, then surely in a privately-owned land planning application, the applicant has a duty to examine alternative options, particularly when the needs of elderly relatives and the childrens’ education and health needs can be met at locations in many of the neighbouring authorities without harming Green Belt.
- 5.15.** NPPF – Chapter 13 (Protecting Green Belt land), paragraph 148. Similarly criteria-led priority has not been applied by the appellant to find other available sites that are not Green Belt, as would be required by an LPA’s strategic decision to release Green Belt for development. It is not explained why the appellant has purchases Green Belt land, rather than previously developed land for example.
- 5.16.** NPPF – Chapter 13 (Protecting Green Belt land), paragraph 153. The substantial weight given to the Green Belt by this inappropriate development is not outweighed by the special circumstances presented by the appellant which are not only insubstantial but also not sufficiently evidenced.
- 5.17.** NPPF – Chapter 13 (Protecting Green Belt land), paragraph 154. None of the exceptions for developing the Green Belt apply to this development.
- 5.18.** NPPF – Chapter 13 (Protecting Green Belt land), paragraph 155. It is accepted that the development harms the Green Belt through inappropriateness and undermines Green Belt purpose and a need for traveller accommodation has not been measurably demonstrated as determined by the robustly tested emerging local plan; nor is the location sustainable due to heavy reliance on private vehicles due to the nature of the highway.
- 5.19.** NPPF – Chapter 1 (Meeting the challenge of climate change, flooding and coastal change), paragraph 164. The proposals are not proactive approaches to avoiding vulnerability to the impacts of climate change, since they are positioning vulnerable development on a site which has some high risks of pluvial flooding.
- 5.20.** NPPF – Chapter 1 (Meeting the challenge of climate change, flooding and coastal change), paragraph 170 & 181. The development is inappropriate in an area at high risk

of flooding and could increase flood risk to the road (which is already prone to flooding with even moderate rainfall) through the SuDS strategy to direct surface water into the already often overwhelmed brook and the loss of permeable surface.

- 5.21.** NPPF – Chapter 1 (Meeting the challenge of climate change, flooding and coastal change), paragraph 172. The development, particularly the access (especially if it is enlarged to accommodate a caravan’s turning radius) and escape routes; along with the proposed mitigation to direct more surface water, faster into an already overwhelmed brook that regularly floods the road is unlikely to pass the sequential test.
- 5.22.** NPPF – Chapter 15 (Conserving and enhancing the natural environment), paragraph 192(a). The proposal does not protect habitats and connections of protected species, has failed to fully identify, map and safeguard both GCN and bats which has an adverse impact on the local environment
- 5.23.** I will defer to the Council for where the proposal conflicts with the emerging local plan and London Plan.

6. Main Issues

6.1. Inappropriate development in the Green Belt

- 6.1.1.** The proposal does not fall within the exceptions listed in NPPF so is by definition inappropriate development which is harmful to the Green Belt and should not be approved except in very special circumstances.
- 6.1.2.** The proposal would continue to set the same precedent of allowing development in the Green Belt, as the adjacent development. It would amplify the significant intrusion of the built environment, encroaching into countryside and contradicts the essential characteristics of the Green Belt, prostrating openness and permanence which would otherwise prevent urban sprawl and encroachment into the countryside.
- 6.1.3.** The proposal would urbanise and intensify use of this Green Belt edge, effectively expanding the settlement boundary and reducing and altering the Green Belt; none of which is strategically intended by both the previous and emerging local plans.
- 6.1.4.** The siting of residential caravans and dayrooms plus the inevitable domestic appurtenances, parking areas, hard standings, vehicles, screening and soakaways etc, would have a significant and material reduction in the openness of this Green Belt and would impact the local character and visual amenity.
- 6.1.5.** This acknowledged inappropriate development should not be approved since very special circumstances - where other considerations clearly outweigh all harms identified (Green Belt and non-Green Belt) – do not exist either individually or when combined to outweigh the identified multiple significant and substantial material harms caused.
- 6.1.6.** There are few Village Greens in Barnet and none left that are still somewhat surrounded by Green Belt. Allowing further development here is not only a perfect example of precedents undermining and weakening the integrity of the Green Belt, but would also

sanction a catastrophic swell of development that could unseat Barnet's only Village Green within Green Belt

6.2. Appropriate location – flooding/drainage

6.2.1. From experience it is clear that the area is susceptible to Pluvial flooding. The trenches along Mays Lane (and the detention basin between the appeal site and adjacent place of worship) are supposed to mitigate for this risk which has been exacerbated by previous development in the area. Any increase in impermeable surfaces, such as the hardstanding required for the pitches and day rooms, will increase the already tangible risks of surface water flooding. Ordinance Surveys indicate a medium to high risk of flooding on at least two of the appeal site borders but this has also been repeatedly evidenced to local residents by the regular flooding of the road, appeal and neighbouring sites. Even moderate rain brings heavily documented (appendix 4) flooding to both the road at the southern corner of the site and in the woods behind the site (at the northern border) which could easily flood the paddock which is downhill of it. There is a trench to prevent this, but even this is often overwhelmed. This puts any inhabitant on this appeal site, but in particular those in vulnerable accommodation such as caravans, at significant risk.

6.2.2. The appeal proposal SuDS strategy is to discharge any excess surface water from the appeal site into the brook. I do not think this is a suitable solution as it would put additional pressure on an already failing system. The culvert that is supposed to transfer surface water from one side of the road to the other towards the main Dollis Brook in the south is known by locals to repeatedly become overwhelmed in even moderate rain. This causes flooding along the road between the appeal site and neighbouring Chesterfield Farm where the culvert is located. The clear position in real life is that the brook does not have the capacity for further discharging any more surface water into it - it currently cannot manage the natural attenuation of rainwater into it.

6.2.3. My experience is that drivers tend to speed along this stretch of Mays Lane: that might be something the Inspector looks out for on an unaccompanied site visit. Speeding vehicles and surface water flooding already makes the road dangerous. All indications suggest that this danger will increase if even more of the soak-away effect is concreted over by this development and further surface water is artificially discharged into the already overwhelmed Dollis Brook.

6.3. Impact on areas Character/ Appearance

6.3.1. The appeal site has been used as a paddock for at least the last 30 years. When the road was slower, residents would visit and pet the horses from the gate. The line of fields and hedges is a familiar view to locals, but once the entrance to the appeal site is widened (as I understand it, it might be doubled for the necessary visibility splay, although confirmation from the appellant would be appreciated as these hedges are protected) the caravans, day rooms and other residential paraphernalia would be visible and would be out of character with the area. This is not somewhere tucked away. The proposed development would not assimilate with its surroundings and would be an obvious and jarring incursion into the appearance of the area. The proposed development will be highly visible as it is on a busy road (which will only get busier as a result of the extension

and intensifications of use next door) and adjacent to local public footpaths in the woods where it can be overseen during most of the year.

- 6.3.2.** All the fields surrounding our neighbourhood are either farmed and in agricultural use by several local farmers, or part of Nature Reserves, or owned by the London Borough of Barnet and administered as Green Open Space for walkers, children to play and for pedestrians to generally enjoy the open spaces. The stationing of caravans would be out of character with the rural open nature of the area, detract from the area's scenic value and diminish the enjoyment of the landscape for local residents and visitors.
- 6.3.3.** The general belief of residents is that the community of Underhill is separated from Arkley by the Green Belt between them on either side of Mays Lane. This is further signified by the different types of housing on either side of the Green Belt, with mostly typical ex-council red brick housing on the eastern side and more modern, varied larger houses in the west.
- 6.3.4.** The appeal site is on the northern edge of Barnet's Green Belt, which is under pressure and increasingly becoming fragmented. Local houses in the Green Belt already existed or were renovated from farm buildings by the time Green Belt protections were implemented in London, fixing them into place within the rural character of the land bordering the settlement of Ducks Island.
- 6.3.5.** There is no built development on the appeal site and it is open in character. Features around the site, such as the nearby settlement have an urban influence, but they do not detract significantly from the largely rural feel beyond the settlement, with the appeal site maintaining a strong unspoilt character. Therefore, the appeal site has value as open land and should be protected from encroachment.
- 6.3.6.** Development is partly visible from public rights of way, during most of the year, harming the local rural character, visual amenity and openness.

6.4. impact on biodiversity – newts & bats

- 6.4.1.** QVGRA support the Council's position that a traditional survey is required for an application for Natural England's EPS mitigation licence before any development can take place.
- 6.4.2.** QVGRA members have regularly seen and heard bats at the appeal site and a search by GIGL (Green Information for Greater London) has provided historic sightings of 4 species of tree roosting bats. The appellant has not conducted a bat roost survey of the trees and hedges at the appeal site to determine the extent of bats on site and whether mitigation strategies are required, particularly if roosts are impacted by the removal of trees/hedges required for increasing the visibility splay.
- 6.4.3.** The proposal does not protect habitats and connections of protected species, and the appellant has failed to fully identify, map and safeguard both GCNs and bats which has an adverse impact on the local environment.

6.5. Highways Safety Impacts – access & egress

- 6.5.1.** Although I understand the Council does not intend to pursue Highways as a ground for refusal, and I have explained that QVGRA similarly does not pursue a Highways ground, I offered at the Case Management Conference to try to consolidate the concerns of local people to assist the Inquiry. I cannot be certain whether or not local people will still intend to appear at the Inquiry, but I thought it would be useful to set out what I have understood to be the issues to hopefully help the Inspector and the appellant. In summary, I have spoken to many local residents who use this road daily, and they are concerned for the safety of their neighbours and the potential risks to any children using the site.
- 6.5.2.** As explained above, many locals are concerned that the road is a fast one, and the experience is that drivers tend to speed in the area. I can provide my own experience - I live less than 300m away from the appeal site entrance and regularly see cars speeding past the site at speeds much greater than the limit for the road. For that reason, the average speed used by the appellant to calculate stopping sight distances might not reflect the reality on the ground. In the absence of a speed survey, the Inspector may have concerns about the reliability of the stopping sight distances in those calculations. As noted, this is a matter which the Inspector ought to be able to observe independently.
- 6.5.3.** Similarly, the traffic flow survey is potentially out-of-date of the recently permitted intensification of the adjacent place of worship which I have already set out. The appellants traffic flow survey was completed in May 2023, and the new intensified use of the building started in June 2023. As a result, locals have observed a significant increase in traffic since June 2023 resulting from the further intensification of use of both the building and the road network since the sites are in PTAL rating 1a.
- 6.5.4.** Residents are also concerned that the cumulative impacts of the addition of caravans and large trades vans accessing the appeal site which is less than 60m away from the place of worship, has not been properly assessed, particular as regards cumulative impacts on the road network and potential highways conflicts and safety issues. Without any current, relevant and meaningful data, residents have said that it is difficult to understand either the appellant's or the Council's position on highways safety and impacts.
- 6.5.5.** There is no footpath for 250m towards the nearest settlement (or 220m on the opposite side of the road, more than 100m further away than the appellants highway's report suggests) and over 2/3 of a mile in the other direction. This would suggest that accessing the site is difficult and hazardous for pedestrians, particularly in light of the adjacent development.
- 6.5.6.** Cars regularly exceed the speed limit making walking along the road without footpath potentially hazardous particularly for small children. There would therefore be heavy reliance on private vehicles, even for short distances, making the site unsustainable.
- 6.5.7.** According to the appellant's swept path analysis the turning radius of the towed caravan is 5.8m, yet the road is only 5m wide at the access point, suggesting that the road and site cannot currently accommodate such an example of a caravan accessing the site without encroaching onto oncoming traffic, especially since the access to the site is

only 3.5m wide and widening it would result in loss of hedgerows that are protected by UK law.

6.5.8. The highways report has not considered the visual obstruction of foliage at both of the road bends on reducing inbound visibility splays – if the foliage at the appeal site can affect the outbound visibility splay, then foliage at the bends can also reduce the approaching traffics’ views. This, added to the effect of the regular exceedance of speed limits on the stopping sight distances, means that the Inspector should interrogate the Highways report.

6.6. General other considerations – need, supply, failure of policy, and other PPTS considerations

6.6.1. The latest GTANA does not identify any need for gypsy and traveller pitches within the Borough so no allocations are proposed in the emerging Local Plan. The plan process is up-to-date and has been robustly tested and the council has never before received a planning application for this type of development in the Borough.

6.6.2. I defer to the Council with regards to their determination of need, supply and alleged failure of policy.

6.7. Personal circumstances of appellant – availability or lack of alternative sites to meet accommodation needs, health, education and welfare, ‘best interests of child’ and Public Sector Equity Duty

6.7.1. A fair planning process depends on full disclosure and thorough examination and testing of evidence in order to be able to balance the factors and considerations of each case that the parties are relying on. Therefore, all parties must provide evidence for their positions, particularly if they are to be relied upon to outweigh substantial harm. In particular, it is my understanding that the appellant’s need to prove their case.

6.7.2. The appellant’s case on personal circumstances is compromised by a significant lack of evidence. The appellant has provided no or insufficient evidence, for example, that:

6.7.2.1. the appellant has connections to the area;

6.7.2.2. they have overwhelming need to be located at this site despite the harms to the Green Belt.

6.7.2.3. the appellant’s regular clients are mostly based specifically in Barnet;

6.7.2.4. the appellant’s elderly dependent relatives live in Barnet (they only state that they live in Potters Bar and Shenley, both Hertsmere);

6.7.2.5. the children must attend local schools in Barnet (they only state one child attends a school in [REDACTED] and

6.7.2.6. the children have health conditions (ambiguity regarding [REDACTED] and no evidence about [REDACTED]).

6.7.3. Without evidence none of the claimed personal circumstances can be relied on to determine that they outweigh the substantial harm of development within the Green Belt.

- 6.7.4.** Alternative accommodation (both in and outside the Borough), where the appellant's needs can be met but which do not cause harm to the Green Belt, has not been investigated by the appellant in the same way that a Council is obliged by the NPPF when making strategic changes to Green Belt boundaries.
- 6.7.5.** The Council themselves also suggest in their Statement of Case that there are other more suitable sites within the Borough for this type of development which are not Green Belt and which should be considered by the appellant. The fact that the appellant has recently (potentially overpaid) bought Green Belt land without permission does not mean that the appellant can or should be able to secure a valuable planning permission without meeting the relevant policy tests.
- 6.7.6.** [REDACTED] (appellant's grandma) and [REDACTED] (appellant's father) homes and [REDACTED] (appellant 2's son) school are in the two Hertfordshire County Council 'boroughs' located north west of Barnet (the appellant's preferred location). Many of the following neighbouring councils northwest of Barnet have permanent Traveller sites that the appellants have not yet said they have been rejected from and could be alternative options: Hertsmere (Brookes Place or The Mimms), Watford (Sandy Lane or Tolpits Lane) or St Albans (Barley Mow or Watling Street). Similarly, Enfield (Bulls Cross or Ridgeway proposed for development), which is northeast of Barnet but easily accessible by the M25 from the appellants schools and family members and Barnet where the appellant claims to have clients, also has sites that are currently being planned.
- 6.7.7.** The appellant clearly has the resources that can be used to find other sites since they themselves or a close relative paid over £490k for the site.
- 6.7.8.** The appellant cites the "best interests of the child" with respect to their special circumstances, but none of the children or adults are currently living on site – it is difficult to understand how a prospective living arrangement can be in the child's best interest in any sensible or unique way.
- 6.7.9.** In order to establish "best interests of the child", one would need evidence of the harm of the children's current living conditions - this has not been provided, and evidence as to why the proposed development is the best place to meet those interests. No proper explanation has been given. Furthermore, the best interests of the child can be met in other more appropriate locations that do not harm the Green Belt or come with flooding or highways safety risks.

6.8. Temporary Permission

- 6.8.1.** The proposed development, whether on a permanent or temporary basis, causes substantial, demonstrable harm to the Green Belt by reason of its inappropriateness. This harm and the weight afforded to it in the decision-making process are not a matter in dispute with the appellant.
- 6.8.2.** In the circumstances of this case none of the issues weighing in favour of the appellant, whether individually or when combined, override the strong established presumption against inappropriate development within the Green Belt to tip the balance in favour of either temporary or permanent permission.

6.8.3. The appellant currently has no demonstrable links to the area, but of course will justifiably make links once they live here and since they admit to wanting to be permanently settled here, specifically after purchasing the land privately, this would quite accurately indicate the appellant's long-term intentions but would also suggest that temporary permission would very likely be given permanently on reapplication.

6.9. Harm of inappropriateness outweighed by other considerations as to amount to very special circumstances to justify it (planning balance)

6.9.1. The appellant has not provided evidence to support his special circumstances sufficiently enough to outweigh the harms of the proposal, in particular the inappropriate development in the Green Belt harm. It is the appellant's appeal, and this is all evidence which should have been addressed in advance rather than at proof stage or orally at the Inquiry.

6.9.2. There is no evidence of links to the area or infirm dependent relatives living in the Borough. They have not evidenced why this particular site which they have recently purchased but never lived on is more suitable for their needs than any other identified sites in the Borough or in neighbouring Boroughs that don't harm the Green Belt.

6.10. Human Rights implications if permission not granted

6.10.1. The appellant has already demonstrated that he has sufficient resources to provide an alternative site for themselves which would not cause the harms I have identified. The appellant is able to sell the land and buy elsewhere where there is no harm. The land was bought privately in good knowledge that the land was Green Belt (appendix 5). The appellant's expectation must have been that it would be difficult, if not impossible, to get planning permission to develop. This is more akin to private buyers wanting to develop land, rather than travellers settling in an area where they have made work and personal connections.

6.10.2. If the appellant's case is correct, QVGRA questions whether there is any protection for Green Belt land – as any person could make similar arguments that they ought to be able to develop Green Belt land for what amounts to convenience or a bargain. That is the reason why there are policy tests, which, as QVGRA has set out, are not met by the appellant.

6.10.3. The appellant can also access other sites which are just as near and in some cases nearer to work, children's current school and infirm dependent relatives without even employing these resources or harming Green Belt.

6.10.4. The appellant cites his right to live with his family under Article 8 of the European Convention on Human Rights as a reason for the proposals but this is not a special consideration since any site which provides permanent accommodation to his family would provide this and is not unique to this particular site.

7. Other matters

- 7.1.** We believe the appellant has resources to find an alternative site since he or a close relative paid £491,000 for the land. He could therefore sell the land and find a more appropriate site where there is less harm. Within 3 months of buying the site, he had applied for planning permission – arguable evidence that they intended to purchase the site to live here permanently.
- 7.2.** This proposal comes by way of a planning application not strategic planning policy which would better and objectively determine the best use of the Green Belt; instead, this appeal demands a response to a calculated private purchase of designated and protected land (which was made clear in the auction documents), where there is only reliance on flimsily evidenced special circumstances to outweigh this great harm and inappropriateness.
- 7.3.** There is no evidence that the appellant has sought out brownfield land or sought accommodation on existing Traveller sites himself and yet expects the LPA to acquiesce to his demands to develop volitionally purchased protected land.

8. Planning balance

- 8.1.** It is acknowledged by all parties that the proposal is inappropriate development in the Green Belt and represents substantial harm.
- 8.2.** The development conflicts with the functions of the Green Belt of preventing urban sprawl and encroachment into the Countryside. The development, whether temporary or permanent, substantially harms the openness and permanence of Green Belt character. It is therefore contrary to local and national planning policy.
- 8.3.** If the Inspector finds that any of the local residents' highways concerns have merit, that would be a matter weighing against the proposed development in the planning balance.
- 8.4.** With regards to pluvial flooding, the appeal site particularly at the access, but also at the southern and northern corners (and behind and uphill of the site), is known by locals as a flooding hot-spot. It is clear that existing mitigation strategies become easily overwhelmed and the appellant's SuDS strategy to use existing measures to discharge surface flooding from the site can only put further pressure on an already failing system, therefore the weight of the harm would be moderate.
- 8.5.** The appellant's proposals and suggested mitigation measures fail to fully identify, map and safeguard both GCN and bat protected species habitats and connections, therefore the harm to the local environment is moderate.
- 8.6.** The development would be out of character with the semi-rural open nature of the area. There has never been development on the site which has a largely rural feel and the site itself is visible from some parts of the road and from the public paths within woodlands at the back. Although not as intrusive as brick or concrete buildings there will be up to six structures on site with related domestic paraphernalia, parking hardstanding, vehicles and soak pit which would significantly encroach into countryside and would harm the local character and visual amenity, resulting in moderate harm.

- 8.7.** It is accepted by all parties that the appellant has gypsy status and wishes to settle permanently with his immediate and extended family. It is unclear why this would be afforded any particular weight in the balance given the matters I have addressed in this proof of evidence.
- 8.8.** The appellant has not been able to evidence the personal conditions and needs that he believes amount to special circumstances that outweigh the evident harms, in particular the substantial harm to Green Belt.
- 8.9.** Even if these conditions were demonstrated, including the need to live near work locations, the need to live nearby dependent elderly relatives, and the childrens' education and healthcare needs, these could all be met by other locations either in the Borough or outside the Borough that do not result in harm to the Green Belt. And furthermore having voluntarily purchased Green Belt for a substantial sum, the appellant must surely have understood that permission was not guaranteed and has the ability to sell-up and find a more appropriate site for his proposal. Again, it is unclear what weight these personal needs should be given in the planning balance: many people would like to purchase cheaper land and build accommodation on it for a host of reasons, but personal needs should be afforded limited weight.
- 8.10.** The best interests of the child should absolutely be a priority for all parties, but the children are not currently living on site and the education and healthcare needs of the children can be achieved by permanently settling at most sites, including those where there is no harm to Green Belt. But a site where vulnerable accommodation can succumb to flooding or travel to school is potentially hazardous is not in the best interests of the child.
- 8.11.** QVGRA would not wish to see a family homeless but we also understand that the human rights impact of the decision to refuse permission is not a black and white outcome. The appellant does have alternative options to meet all of his family's needs – whether it is other sites in the borough or outside the borough or the good fortune to have the resources, through selling the land, to buy land elsewhere where development can take place without harm to Green Belt and in a more appropriate location in terms of flooding and highway safety. In that regard, the appellant is no different to many other people in the country.
- 8.12.** In conclusion, I believe that the development has multiple unacceptable harmful impacts upon the Green Belt, and further harms to Highway safety, flooding, local ecology and character and appearance of the area, that outweigh factors in favour of the development in the planning balance. Therefore special circumstances do not exist and the appeal should be dismissed.

9. Appendices

- 9.1.** Appendix 1 – QVGRA Statement of Case
- 9.2.** Appendix 2 – Planning permission for adjacent meeting room for place of worship ref: NO2627R
- 9.3.** Appendix 3 – Planning permission for extension of adjacent place of worship ref: 24/2557/FUL
- 9.4.** Appendix 4 – Photos of flooding
- 9.5.** Appendix 5 – Auction documents