

**LOCATION:** Cottage Farm, Mays Lane, Barnet, Herts, EN5 2AQ

**REFERENCE:** B/04041/14

**Received:** 26 July 2014

**Accepted:** 28 July 2014

**WARD(S):** Underhill

**Expiry:** 22 September 2014

**Final Revisions:**

**APPLICANT:** Mr Varsani

**PROPOSAL:** Construction of two detached dwellings and one outbuilding to provide leisure facilities

**RECOMMENDATION: Refuse**

- 1 The construction of two residential dwellings and an outbuilding are inappropriate forms of development within the green belt, which do not preserve the openness of the Green Belt. No very special circumstances have been demonstrated that would justify the development. The development would therefore have an unacceptable impact on the aims, purpose and openness of the Green Belt, contrary to Policies CS NPPF, CS1 and CS7 of the Local Plan Core Strategy (adopted September 2012), Policy DM15 of Barnet's Local Plan Development Management Policies (Adopted September 2012), and paragraphs 89 and 90 of the National Planning Policy Framework Published 2012.
- 2 Inadequate information has been submitted in respect of the impact of the proposed development on protected species, including Bats and Great Crested Newts, as identified in the submitted Ecological Reports, and Bat and Great Crested Newt surveys have not been submitted. Therefore there is potential for the proposed development to result in a loss of biodiversity within the site and loss of habitat to protected species. The proposal would therefore be contrary to Policy DM16 of the Development Management Policies DPD (adopted September 2012)

**INFORMATIVE(S):**

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

The Mayor of London adopted a Community Infrastructure Levy (CIL) charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for a £0 per sq m rate for education and health developments.

The London Borough of Barnet adopted a CIL charge on 1st May 2013 setting a rate of £135 per sq m on residential and retail development in its area of authority. All other uses and ancillary car parking were set at a rate

of £0 per sq m.

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

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

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

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

- 2 In accordance with paragraphs 186 and 187 of the NPPF, the Council takes a positive and proactive approach to development proposals, focused on solutions. To assist applicants in submitting development proposals, the Local Planning Authority has produced planning policies and written guidance to guide applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered.

The applicant sought formal pre-application advice which was provided.

During pre-application, officers raised a in principle objection to the scheme.

- 3 The plans accompanying this application are: Tree Survey dated 22 April 2014, 2028, 2027, Design and Access Statement, Planning Statement, Sustainability Statement, Site Photos, Ecological Assessment, Residential and Water Search, Contaminated Land Risk Assessment, Groundsure Floodview, GroundSure Screening, 0.5, 0.6a, 0.6b, 0.6c, 0.7a, 0.8, 2.0b SP2.1, SP2.2, SP2.2, SP2.3, SP2.4, H2. 2.1, H2. 2.2, H2. 2.3, H2. 2.4, H2. 3.1, H2. 3.2, H2. 3.3, H2. 2.4, H2. 3.5,

## **1. MATERIAL CONSIDERATIONS**

### National Planning Policy Framework

The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another.

The 'National Planning Policy Framework (NPPF)' was published on 27 March 2012. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The NPPF states that "good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people". The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would "significantly and demonstrably" outweigh the benefits.

### The Mayor's London Plan July 2011:

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital to 2031. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

The London Plan provides a unified framework for strategies that are designed to ensure that all Londoners benefit from sustainable improvements to their quality of life.

The Mayor's Housing Supplementary Planning Guidance (November 2012) provides guidance on how to implement the housing policies in the London Plan.

### Relevant Local Plan (2012) Policies:

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents (DPD). Both DPDs were adopted on 11 September 2012.

Relevant Core Strategy DPD (2012): Policies CS NPPF, CS1, CS5 and CS7.

Relevant Development Management DPD (2012): Policies DM01, DM02, DM08, DM15 and DM17.

### Supplementary Planning Documents and Guidance

The Council's Residential Design Guidance SPD was adopted by Cabinet in April 2013. This sets out information for applicants to help them design an extension to their property which would receive favourable consideration by the Local Planning Authority and was the subject of separate public consultation.

Included advice states that large areas of Barnet are characterised by relatively low density suburban housing with an attractive mixture of terrace, semi detached and detached houses. The Council is committed to protecting, and where possible

enhancing the character of the borough's residential areas and retaining an attractive street scene.

The Council adopted a Sustainable Design and Construction SPD in April 2013, following public consultation. This SPD provides detailed guidance that supplements policies in the adopted Local Plan, and sets out how sustainable development will be delivered in Barnet.

Relevant Planning History:

N07957 - Two single storey buildings - planning permission granted 2 April 1986

N07957A - Erection of single storey building comprising thirty kennels each with external exercise area - planning permission refused 9 November 1988

N07957B - Erection of detached two storey dwelling house with attached double garage, to replace existing cottage - planning permission refused 24 October 1989

N07957C - Erection of detached bungalow with integral garage to replace existing - planning permission refused 10 September 1991

N07957D - Demolition of part of bungalow, single storey side extension and dormer windows on front and rear - planning permission granted 29 April 1992

N07957G - Erection of single storey building for use as a boarding cattery - planning permission granted 24 January 1995

N/07957/D/00 - Demolition of storage building adjacent to main entrance and erection of single storey side extension to Cottage Farm house - planning permission granted 4 July 2000

N/07957/R/05 - Conversion of existing barn into 1 no. self-contained residential unit and storage room - planning permission refused 22 November 2005

N/07957/S/05 - Single storey front extension. New dormer window to rear elevation to provide additional bedroom - planning permission granted 2 February 2006

Consultations and Views Expressed:

Neighbours Consulted: 11

Replies: 10 - In favour

1 - Objection.

Neighbours Wishing To Speak 0

Objections :

- The proposal will result in a net increase of 3 times as many residential units on the site.
- The drawings depicts 3 houses for residential units not "leisure facilities".
- The title of the planning application is ambiguous and misleading.
- The increase in the residential units on the property is contrary to the original intend and purpose of Cottage Farm, which was intended for livery, horticultural and animal husbandry use

- Cottage Farm is in the vicinity of protected woodlands with an indigenous bio-diversity. The proposed screen planting will therefore need to be managed so non-native species are not introduced.

#### In Favour

- The existing Kennels cause noise and disturbance. As such their removal is welcomed
- The proposal is more in keeping with the Green Belt than that of the existing use
- Existing buildings are an eyesore
- The proposal would increase safety, reduce traffic and increase a sense of community

#### Internal/Other Consultation

Thames Water: No objection raised.

Highways: No objection

Date of Site Notice: 07 August 2014

## **2. PLANNING APPRAISAL**

#### Site Description and Surroundings:

The applications site, located on Mays Lane and known as Cottage Farm, is located within the Metropolitan Green Belt. The site is occupied by a single dwelling, and a collection of derelict buildings (x7), previously in use as kennels. Access to the site is gained via Mays Lane. The site is surrounded on all sides by open countryside.

#### Proposal:

The applicant seeks permission for the construction of two detached, two storey dwellings (One x 5-bed, One x 5-Bed + library) and an ancillary leisure block. The Leisure block will house a swimming pool, gym, sauna, steam room, changing rooms, storage and associated plant equipment.

All existing buildings will be removed so to permit the proposed structures to be located to the rear of the site.

All three blocks will be unique to themselves in design.

#### Planning Considerations:

The main issues are considered to be:

- The principle of the proposed development in the Green Belt and whether harm would be caused to the openness of the Green Belt;
- Any other harm arising from the proposed development.

These shall be addressed in turn:

#### **Principle of development and Visual Amenity**

The application seeks to demolish all existing outbuildings to the rear of the site, reduce the amount of hard-surfacing (from 3050m<sup>2</sup> to 1815m<sup>2</sup>), and to erect 2x new detached single family dwelling houses and non-essential ancillary leisure use. Owing to the existing kennels/outbuildings holding no designation and containing limited

architectural merit, no in principle objection is raised to their removal. As such, the discussion now falls to the merits of their replacements. Paragraph 89 of the NPPF states, the replacement of a building within the Metropolitan Green Belt is only appropriate, provided the new building is in the same use and not materially larger than those insitu.

Whilst the applicant states the use of the site to be residential only, the lawful use of the property is animal husbandry (Kennels). Therefore as the proposal involves the change of use from Kennels to residential, the proposed use is not the same as the existing and would not comply with the first test noted above.

The applicant states the existing kennels/outbuildings occupy a footprint of 1368m<sup>2</sup>, and that the proposed development would occupy a footprint of approximately 861m<sup>2</sup>. However, an assessment of openness does not solely relate to the quantum of floor space but also to the scale and bulk of the proposal. Whilst the development would result in a reduction of built footprint on the site (in part due to replacing existing hard landscaping with soft landscaping), the new structures will be multiples, large, bulky and predominately two storeys buildings and therefore be significantly greater in volume, size, bulk, mass, form and character from the existing single storey collection of buildings. In addition, the site would continue to be enclosed. It would be landscaped to form residential gardens and would almost certainly include some domestic paraphernalia, such as outside seating areas, washing lines, children's play equipment and the like. As such any benefit arising from the reduction in floor area would not be offset by the creation of large and bulky dwellings and a leisure block set within a substantial residential garden.

There are significant concerns with the size of the replacement developments, proposed. Whilst the combined footprint of the proposal is less than that of the existing and the volumes of the existing and proposed are comparable, the height of the resulting proposals are twice as large as those insitu. There are considerable concerns about the proposal to provide two storey accommodation where currently exists modest single storey buildings. It is considered that the proposed developments are inappropriate in terms of its size, scale, mass, bulk and design, within the context of the Green Belt. This is because it is considered to detrimentally impact on openness. The proposed buildings would be materially larger than those to be replaced and would fail to comply with Green Belt Policy.

Paragraph 90 of the NPPF states that certain other forms of development are also appropriate in Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in the Green Belt. These include the re-use of buildings provided that the buildings are of permanent and substantial construction. However, the proposal seeks permission for new building and not for the re-use of existing buildings. The proposed development as independent residential and leisure facilities are therefore found to be unacceptable uses within the Metropolitan Green Belt.

The provided Design and Access Statement states each block will be bespoke in their architectural vernacular. No objection is raised to the unique modern architectural design approach. However issues rehearsed above do not outweigh the merits of design quality proposed here.

### **Any Other Harm**

#### **Neighbouring amenity**

The site is located in a secluded rural location accessible from the May Lane. The pattern of development is sparse and as a result it is not considered that the proposals would harm neighbouring amenity. The proposed dwellings would provide adequate amenity for existing and future residents.

#### **Highway safety**

The proposals could make provision for parking in accordance with the Council's standards. This is considered acceptable in highways terms.

#### **Sustainable Development**

The development would be required to meet Level 3 of the Code for Sustainable Homes, and the applicant has proposed this.

The Ecological Survey concluded that some onsite features contained potential to support wildlife:

- Pond - Good potential to support Great Nested Newts,
- Buildings and trees – potential to support bats – further surveys required.
- Trees and Hedgerows – Potential to support nesting birds.

Whilst ecological enhancements have been proposed to improve the overall value of biodiversity, further ecological enhancements will be required following bat and Great Crested Newt surveys. In the absence of surveys and relevant steps of protection, it is not considered the sufficient information has been submitted to demonstrate that existing biodiversity will be protected.

### **3. COMMENTS ON GROUNDS OF OBJECTIONS**

No trees located within the site are considered to be protected by Tree Protection Orders. All other matters raised during consultation have been addressed in the appraisal above.

### **4. EQUALITIES AND DIVERSITY ISSUES**

The proposals do not conflict with either Barnet Council's Equalities Policy or the commitments set in our Equality Scheme and support the council in meeting its statutory equality responsibilities.

### **5. CONCLUSION**

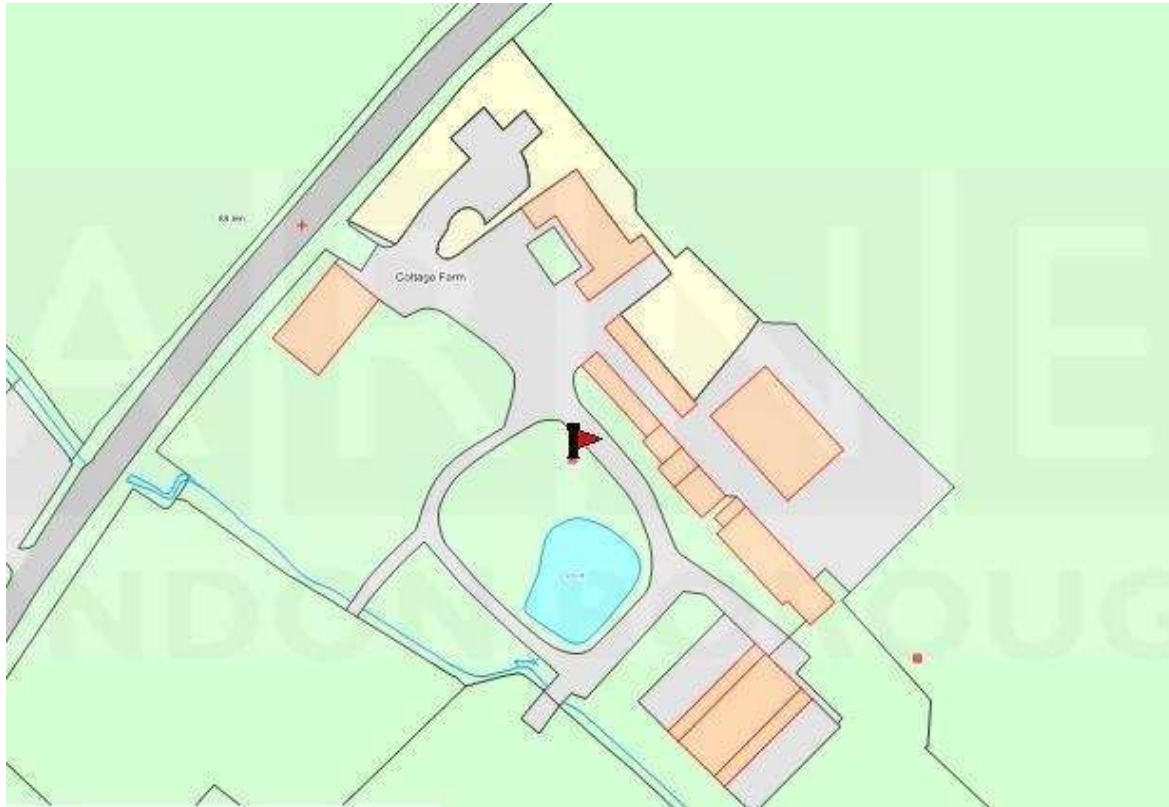
The application is recommended for **REFUSAL**.

**SITE LOCATION PLAN:  
2AQ**

**Cottage Farm, Mays Lane, Barnet, Herts, EN5**

**REFERENCE:**

**B/04041/14**



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