

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. The proposed development does not include a formal undertaking to provide affordable housing contrary to Policies CS NPPF and CS15 of the Local Plan Core Strategy (adopted September 2012), Policy DM10 of the Development Management Policies DPD, the Planning Obligations SPD (adopted April 2013) and the Affordable Housing SPD

INFORMATIVE(S):

1. 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, Bat Survey, Great Newt Survey, 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,
2. This is a reminder that should an 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 £39 480 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 £152 280 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.

3. 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.

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 Government's 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, DM10, 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 and allowed at appeal 13 October 1989

N07957B - Erection of detached two storey dwelling house with attached double garage, to replace existing cottage - planning permission refused and dismissed at appeal 11 July 1990

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:

On 19 September 2014, Cllr Paul Edwards called in the application. Cllr Edward considered that the proposal would result in an improvement to the area by reason of a reduced building footprint, the removal of derelict buildings, and the provision of energy efficient units that will be screened by existing vegetation.

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 managed so non-native species are not introduced.

In Favour

- The existing Kennels are a source of 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

In addition to the information submitted with the application, the applicant has further commented that the proposed development is acceptable because:

- The proposal will occupy brownfield land only
- The proposal will return 60% of what is brownfield land into "green" (I.e. grass and trees)
- Feedback from neighbouring property is very positive
- If refused the remaining options are not environmentally friendly:
- Allow site to deteriorate
- Expand existing kennels on a commercial scale
- Sell site.

Internal/Other Consultation

Thames Water: No objection raised.

Highways: No objection

Natural England - No objection

Date of Site Notice: 07 August 2014

2. PLANNING APPRAISAL

On 21 October 2014, the Chairperson of the Chipping Barnet Planning Committee resolved to refer the application to the Planning Committee for decision and requested officers to provide an updated report to that meeting.

Site Description and Surroundings:

The application 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 unused buildings (x7), previously in use as kennels. Access to the site is gained via Mays Lane.

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 bespoke 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 3050m² to 1815m²), and to erect 2x new detached single family dwelling houses and 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. In paragraph 6 of the allowed 1998 appeal (See Site history for details of appeal), the Planning Inspector found the use of the site as Kennels to be an appropriate use within the Green Belt and commented that,

'Overall it is my conclusion that this proposal is a use which would be appropriate and acceptable within the Green Belt, and would not be of any harm to the rural character and appearance of this part of the Green Belt'

The applicant seeks to use the entire site as residential. Paragraph 89-91 of the NPPF considers residential development within the Green Belt to inappropriate and unacceptable.

The applicant states the existing kennels/outbuildings occupy a footprint of 1368m², and that the proposed development would occupy a footprint of approximately 861m². 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, the impact of large and bulky dwellings and a leisure block set within a substantial residential garden would not be offset by a reduction a floorarea.

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 blocks are twice that of the existing approved single storey kennel buildings. There are considerable concerns about the proposal to provide two storey accommodation where currently exists modest single storey buildings of a form of development which supports a use that the Planning Inspector considered to be acceptable in the Green Belt (1998 appeal decision quoted above). 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

Affordable Housing

Policy DM10 states that the maximum reasonable amount of affordable housing will be required on site, subject to viability, from all new sites covering an area of 0.4 hectares or more. As the site area of the site is 0.96 hectares, the provision of affordable housing should form a part of this application. Such an agreement has not been agreed and can not be secured by condition in respect of this requirement, and therefore the proposal would not comply with the requirements of Policy DM10 and is considered to be unacceptable.

Neighbouring amenity

The site is located in a secluded rural location accessible from the May Lane. The pattern of development is of an open character 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, as proposed.

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.

To that end a the applicant has carried out a Bat and Newt Survey. The Bat survey revealed, low levels of bat foraging activity were recorded at the site, largely associated with the pond and gardens in the west of the site.

Mitigation /enhancement schemes are proposed to ensure that no bats are harmed during the works and that provisions are made for bats post-development. The recommendations include removing weather boarding and lead flashing by hand,

employing a sensitive lighting scheme both during and post-construction, and including bat box provisions in the development scheme. Mitigation /enhancement methods are considered to be acceptable.

No Great Crested Newt or their eggs were recorded at ponds within 500m of the site. Therefore no adverse impacts upon Great Crested Newt are anticipated as a result, no recommendations for further mitigation works are required. Natural England has not raised an objection.

3. COMMENTS ON GROUNDS OF OBJECTIONS

No trees located within the site are considered to be protected by Tree Protection Orders.

Response to additional comments made by applicant

1. The proposal will occupy brownfield land only
The NPPF defines Brown Field sites as, 'land that has been previously developed

The NPPF further advises that whilst the construction of new buildings in the Green Belt should be regarded as inappropriate, exceptions to this might include *"limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), where redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development"*.

Whilst it is acknowledged that the site falls within the definition of a 'Brownfield' that in itself is not sufficient to justify allowing an otherwise inappropriate development within the Green Belt. The proposed residential re-development of the site does not fall within any of the five purposes of including land within the Green Belt. Furthermore, as stated previously it is considered that the proposal would adversely affect the openness of the Green Belt.

2. The proposal will return 60% (floor space) of what is brownfield land into "green" (i.e. grass and trees)
As previously stated, the use of the premises was considered by the Inspector to be an appropriate use of this Green Belt site. Whilst the introduction of soft landscaping is noted an assessment of openness does not relate solely to the quantum of floor space but also to the scale and bulk of the proposal. It is not considered that the introduction of soft landscaping would outweigh the harm to the Green Belt arising from this inappropriate development.
3. Feedback from neighbouring property is very positive
Whilst support from neighbouring properties is noted this does not change the planning merits of the proposal and is not considered to amount to very special circumstances, such as to justify allowing inappropriate development within the Green Belt.
4. If refused the remaining options are not environmentally friendly
As noted by the Inspector (see section on 'Principle of Development'), the existing Kennels are considered to be an appropriate use within the Green Belt
All other matters raised during consultation have been addressed in the appraisal above.

4. EQUALITIES AND DIVERSITY ISSUES

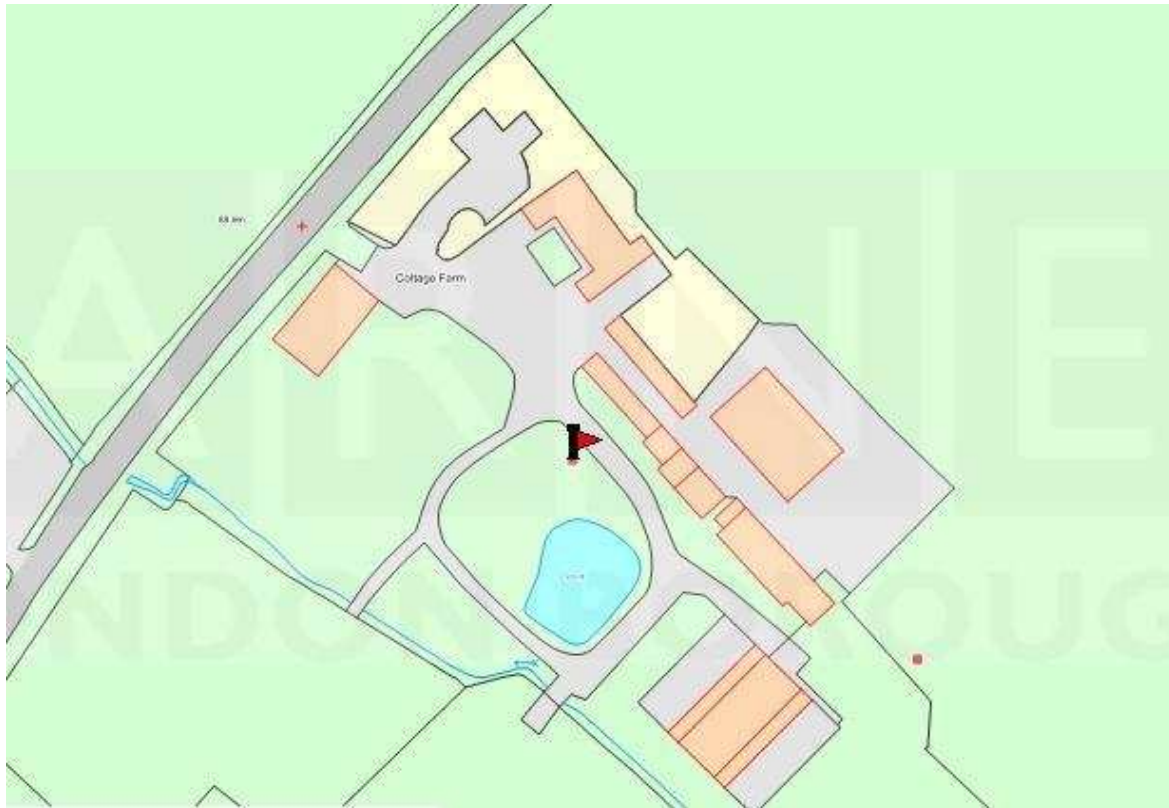
The proposals do not conflict with either Barnet Council's Equalities Policy or the commitments set in our Equality Scheme and support the council in meeting its statutory equality responsibilities.

5. CONCLUSION

The application is recommended for **REFUSAL**.

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

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