

- 3 a) No development other than demolition works shall take place until details of the materials including colours to be used for the external surfaces of the building and materials and extent of any hard surfaced areas (which shall be permeable) have been submitted to and approved in writing by the Local Planning Authority.

b) The development shall thereafter be implemented in accordance with the materials as approved under this condition.

Reason: To safeguard the character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies 1.1, 7.4, 7.5 and 7.6 of the London Plan 2016.
- 4 a) The approved temporary dwelling shall not be brought onto the site or constructed until details of boundary treatments to the rear of 32 and 34 Galley Lane and of any other means of enclosure have been submitted to and approved in writing by the Local Planning Authority.

b) The development shall be implemented in accordance with the details approved as part of this condition before first occupation or the use is commenced and retained as such until the building is no longer occupied and in preparation for its removal from the site.

Reason: To ensure that the proposed development does not prejudice the appearance of the locality and/or the amenities of occupiers of adjoining residential properties and to confine access to the permitted points in the interest of the flow of traffic and conditions of general safety on the adjoining highway in accordance with Policies DM01, DM03, DM17 of the Development Management Policies DPD (adopted September 2012), and Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012).
- 5 a) No site works or development (including any temporary enabling works, site clearance and demolition) shall commence on site until a detailed tree felling / pruning specification has been submitted to and approved in writing by the Local Planning Authority.

b) All tree felling and pruning works shall be carried out in full accordance with the approved specifications under this condition and in accordance with British Standard 3998 (Recommendation for Tree Works).

Reason: To safeguard the health of existing trees which represent an important amenity feature in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012), Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy 7.21 of the London Plan 2015.
- 6 a) No development shall take place until details of the location, extent and depth of all excavations for services (including but not limited to electricity, gas, water, drainage, telecommunications and installation of electric vehicle charging points including electricity supply cables) in relation to trees on and adjacent to the site have been submitted to and approved in writing by the Local Planning Authority.

b) The development shall thereafter be implemented in accordance with details approved under this condition.

Reason: To safeguard the health of existing tree(s) which represent an important amenity feature in accordance with CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policy 7.21 of the London Plan 2015).
- 7 Prior to the first occupation of the new dwellinghouse(s) (Use Class C3) hereby approved they shall all have been constructed to have 100% of the water supplied to them by the mains water infrastructure provided through a water meter or water meters and each new dwelling shall be constructed to include water saving and efficiency

measures that comply with Regulation 36(2)(b) of Part G 2 of the Building Regulations to ensure that a maximum of 105 litres of water is consumed per person per day with a fittings based approach should be used to determine the water consumption of the proposed development. The development shall be maintained as such in perpetuity thereafter.

Reason: To encourage the efficient use of water in accordance with policy CS13 of the Barnet Core Strategy (2012) and Policy 5.15 of the March 2016 Minor Alterations to the London Plan and the 2016 Mayors Housing SPG.

- 8 a) No external lighting shall be installed and used until details of the appearance and luminance of the proposed lighting has been submitted to and approved in writing by the Local Planning Authority.
b) The development shall thereafter be implemented in accordance with the materials as approved under this condition.
Reason: To safeguard the character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies 1.1, 7.4, 7.5 and 7.6 of the London Plan 2016.
- 9 Before the temporary building is first occupied, all windows on the north-east elevation (facing 32 and 34 Galley Lane) shall be fitted with obscure glazing, and shall be permanently fixed shut with only a fanlight opening, and shall be retained as such until the building is removed from the site.
Reason: To safeguard the privacy and amenities of occupiers at the development and of adjoining residential properties in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012) and the Residential Design Guidance SPD (adopted October 2016).
- 10 The dwelling hereby permitted shall be occupied only by Mr Lyndon Osborne and his family.
Reason: To protect the amenities of the area and its Green Belt setting, in accordance with the NPPF, policy 7.16 of the London Plan (2016), policy CS7 of the Adopted Local Plan Core Strategy (2012) and policy DM15 of the Barnet Local Plan Development Management Policies DPD (2012).

Informative(s):

- 1 In accordance with paragraphs 186-187, 188-195 and 196-198 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
- 2 The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Details of how the calculations work are provided in guidance documents on the Planning Portal at www.planningportal.gov.uk/cil.

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge. Your planning application has been assessed at this time as liable for a payment under Mayoral CIL.

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 are exempt from this charge. Your planning application has therefore been assessed at this time as liable for a payment under Barnet CIL.

Please note that Indexation will be added in line with Regulation 40 of Community Infrastructure Levy.

Liability for CIL will be recorded to the register of Local Land Charges as a legal charge upon your site payable should you commence development. Receipts of the Mayoral CIL charge are 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, London's highest infrastructure priority.

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

The CIL becomes payable upon commencement of development. You are required to submit a 'Notice of Commencement' to the Council's CIL Team prior to commencing on site, and 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 this grant of planning permission, please email us at: cil@barnet.gov.uk.

Relief or Exemption from CIL:

If social housing or charitable relief applies to your development or your development falls within one of the following categories then this may reduce the final amount you are required to pay; such relief must be applied for prior to commencement of development using the 'Claiming Exemption or Relief' form available from the Planning Portal website: www.planningportal.gov.uk/cil.

You can apply for relief or exemption under the following categories:

1. Charity: If you are a charity, intend to use the development for social housing or feel that there are exception circumstances affecting your development, you may be eligible for a reduction (partial or entire) in this CIL Liability. Please see the documentation published by the Department for Communities and Local Government at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6314/19021101.pdf

2. Residential Annexes or Extensions: You can apply for exemption or relief to the collecting authority in accordance with Regulation 42(B) of Community Infrastructure Levy Regulations (2010), as amended before commencement of the chargeable development.

3. Self Build: Application can be made to the collecting authority provided you comply with the regulation as detailed in the legislation.gov.uk

Please visit

<http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil> for further details on exemption and relief.

1. Site Description

The application property is a long-established horticultural unit that is understood to have been established during the 1950s, which covers approximately 0.7 hectare to the west of Galley Lane, Barnet and to the rear of numbers 18-36 Galley Lane. The site shares boundaries on three sides with residential gardens including 16 and 38 Galley Lane which, being longer than those of numbers 18-36, form the southern and northern boundary respectively, while to the west lies open countryside. Access to the site is gained from Galley Lane via an access road between 36 and 38 Galley Lane. The property is in use as a plant nursery and contains three glass houses, seven polytunnels, a potting shed and a garage.

Within this area, the application site is a smaller area of 480 square metres adjacent to the rear boundaries of 32, 34 and 36 Galley Lane, together with the access road into the site. The main part of the site currently accommodates a garage located adjacent to the end of the access road and perpendicular to it, where the road opens out into the main part of the site, and a potting shed located immediately to the south of the garage.

The whole of the nursery and its surroundings, including the adjacent residential properties on the western side of Galley Lane, are located within the Green Belt.

2. Site History

Reference: B/05073/14

Address: 36A Galley Lane, Barnet, EN5 4AJ

Decision: Refused and subsequently dismissed at appeal

Application decision date: 24 March 2016

Appeal decision date: 10 April 2017

The 2014 application was refused planning permission for the following reason:

The construction of the new dwelling is an inappropriate form of development within the green belt, which does 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 paragraph 55 and section 9 of the National Planning Policy Framework Published 2012.

It should be noted that the current application site includes additional land on the western side of the site, which amounts to approximately 0.1 hectare, as compared to the area within the site location plan in the above proposal.

The following application is being considered alongside this application for a temporary dwelling:

Reference: 17/5066/FUL

Address: 36A Galley Lane, Barnet, EN5 4AJ

Decision: Pending Consideration

Decision Date: No Decision Made.

Description: Relocation of a nursery potting shed and store

3. Proposal

The proposal seeks planning permission for the siting of a temporary dwelling on the property for a temporary period of three years. It follows the refusal of an application for a permanent dwelling in 2016, and the dismissal of an appeal against the refusal in 2017. The dwelling would be located close to the rear boundaries of 32 and 34 Galley Lane.

The dwelling would be a single-storey structure, and as shown on the submitted elevation drawing would be 13.72m long including a small veranda at one end, 6m wide and 3.45 metres high along the ridgeline running the full length of the building. It would be located on the site of the existing potting shed. The current application noted in the site history above, ref. 17/5066/FUL, would provide for the separate dismantling and relocation of that shed.

4. Public Consultation

Consultation letters were sent to 18 neighbouring properties.

12 responses have been received including nine objections and three letters of support.

The objection letters raise the following issues:

- The Nursery should not be allowed accommodation permanent or temporary, as later it will give grounds for a house to be built.
- This is a residential street in the Green Belt and should remain so.
- Traffic hazard from additional traffic.
- The Nursery should not expand as that would result in additional traffic including commercial vehicles.
- The proposed siting is directly at the bottom of at least one objector's garden, with direct effects on the objector, his family and the green belt.
- The application statement is subjective and does not present the facts.
- Location of a new residential dwelling whether temporary or permanent is inappropriate development in the Greenbelt, in conflict with the National Planning Policy Framework.
- The proposed siting of this new dwelling will harm the openness of the Greenbelt.
- The site is not on wholly previously developed land so there will be harm to the openness of the Green Belt.
- Concerned that the application forms part of a wider strategic plan to establish the principle of residential accommodation on the site which will lead to a proposal for a permanent residential unit.

- The applicant relies on the now superseded PPS7 (2004) Annex A as the main policy to support this application. Greater weight should be given to the NPPF and the Local Plan.

The letters of support raise the following issues:

- The provision of on-site accommodation is an essential part of the development and future of Leahurst Nurseries.
- There is a practical need for a regular overnight presence on the nursery to protect the stock from disease, weather damage, effects of equipment failure
- Running a nursery is a very time demanding job - involving a very high level of working antisocial hours in sometime very unpleasant weather conditions.
- On-site accommodation would make an enormous difference to the functioning and future of the nursery business.

These issues are considered in sections 5.3 and 5.4 of this report.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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 2016

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 for the next 20 to 25 years. It forms part of the development plan for Greater London and is recognised in the NPPF as such.

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.

Policy 5.1 - Climate change mitigation

Policy 5.2 - Minimising carbon dioxide emissions

Policy 5.3 - Sustainable design and construction

Policy 5.7 - Renewable energy
Policy 5.13 - Sustainable drainage
Policy 7.4 - Local Character
Policy 7.16 - Green Belt
Policy 7.19 - Biodiversity and access to nature
Policy 8.1 - Implementation
Policy 8.2 - Planning Obligations
Policy 8.3 - Community Infrastructure Levy

Barnet's Local Plan (2012)

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents. Both were adopted in September 2012.

- Relevant Core Strategy Policies:

CS NPPF National Planning Policy Framework - Presumption in favour of sustainable development
CS1 Barnet's place shaping strategy - the Three Strands approach
CS5 Protecting and enhancing Barnet's character to create high quality places
CS7 Enhancing and protecting Barnet's open spaces
CS15 Delivering the Core Strategy

- Relevant Development Management Policies:

DM01 Protecting Barnet's character and amenity
DM02 Development standards
DM03 Accessibility and inclusive design
DM08 Ensuring a variety of sizes of new homes to meet housing need
DM15 Green Belt and open spaces
DM16 Biodiversity
DM17 Travel impact and parking standards

The Council's approach to development as set out in Policy DM01 is to minimise their impact on the local environment and to ensure that occupiers of new developments as well as neighbouring occupiers enjoy a high standard of amenity. Policy DM15 is particularly relevant to the determination of this application, setting out that the construction of new buildings in the Green Belt is inappropriate unless required for agriculture, horticulture or woodland.

- Supplementary Planning Documents

Mayor of London's Supplementary Planning Guidance

- Mayor of London's Housing SPG

London Borough of Barnet Supplementary Planning Documents

Residential Design Guidance SPD (adopted October 2016)

- Sets out information to assist in the design of new residential development.

Sustainable Design and Construction SPD (adopted October 2016)

- Provides detailed guidance that supplements policies in the adopted Local Plan, and sets out how sustainable development will be delivered in Barnet.

5.2 Main issues for consideration

The main issues for consideration are:

- (i) Principle of development in the Green Belt
- (ii) Whether the reason for refusal of the 2014 application and its subsequent dismissal at appeal are overcome in this application;
- (iii) Whether harm would be caused to the character and appearance of the locality;
- (iv) Whether harm would be caused to the living conditions of neighbouring residents;
- (v) Other matters.

These are considered below.

5.3 Assessment of proposals

Principle of the development in the Green Belt

Paragraph 28 of the NPPF deals with rural and agricultural development and notes that:

Planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should:

- *support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well-designed new buildings;*
- *promote the development and diversification of agricultural and other land-based rural businesses...*

Paragraph 55 deals with residential development in the countryside and states:

To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.... Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as:

- *The essential need for a rural worker to live permanently at or near their place of work in the countryside...*

Section 9 of the NPPF sets out policies in the Green Belt, advising that

- *inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances (para. 87);*
- *when considering planning applications Local Planning Authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other planning harm, is clearly outweighed by other considerations (para. 88); and*
- *A local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this are:*
 - *buildings for agriculture and forestry....*

- *the partial or complete redevelopment of previously developed sites (brownfield land), whether 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. (para. 89).*

(The above bullet points are two of the six exceptions listed in paragraph 89.)

Barnet's Local Plan is consistent with the above approach, and the decision cited Core Strategy policies CS NPPF, CS1 and CS7 and Policy DM15 of the Development Management Policies DPD, alongside paragraph 55 and Section 9 as noted above.

- Whether the reasons for refusal and subsequent dismissal of the appeal have been overcome

The 2015 application was for a new permanent dwelling adjacent to buildings within the nursery, on the southern side of the building complex. In the Council's refusal, this was found to be an inappropriate form of development that would not have preserved the openness of the Green Belt. No very special circumstances had been demonstrated that would justify the development, and the development would therefore have had an unacceptable impact on the aims, purpose and openness of the Green Belt.

In the appeal decision letter, the Inspector concluded that on-site plant production operations was a viable element of the business (para. 14), but that an essential need for a permanent dwelling has not been demonstrated (para 23). On that basis the application failed to meet the appropriate policy tests and there were no special circumstances to justify the proposal in the context. The decision concluded that:

The Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The proposal would be inappropriate development in the Green Belt as defined by the Framework. In addition, it would cause material harm to the openness of the Green Belt. I afford substantial weight to this harm.

As explained above, I have found that the appellant has not adequately demonstrated an essential need for a permanent dwelling in this location. In addition, I only afford limited weight to the other considerations cited in support of the proposal and conclude that, taken together, they do not

outweigh the harm that would arise as a result of the proposal. Consequently, no very special circumstances exist that would justify inappropriate development being allowed. Moreover, had I found an essential need, I am not convinced that such a special circumstance to justify a dwelling in the context of Paragraph 55 of the Framework would, along with the other considerations cited in support of the proposal, amount to the very special circumstances necessary to justify inappropriate development being allowed. This is notwithstanding that the appellant and the Council agree that it could be.

For the reasons set out above and having regard to all other matters, including the character and appearance of the area, pollution, emergency vehicle access, ecology, noise and disturbance, highway safety and light pollution, I conclude that the appeal should be dismissed.

It was common ground in the appeal that, while the dwelling proposed would be ancillary to the horticultural business, it could not be classified as an agricultural building. It was agreed

therefore that the dwelling would therefore be inappropriate and that, consistent with NPPF para. 88 as noted above, very special circumstances would only exist if the potential harm to the Green Belt by reason of inappropriateness, and any other harm, was clearly outweighed by other considerations. The dwelling subject to that appeal was a single storey house of contemporary design, about 160 sq.m. in area, measured externally. In this proposal, the temporary dwelling proposed would be approximately 80 sq.m.

In the refused application, the proposed dwelling would have been detrimental to the openness of the Green Belt due to the cleared nature of the site where it intended to be developed. The ground level in this part of the site is also higher than to the north, so this would have added to the prominence of the proposed dwelling. It was also considered that the proposal would have had the effect of moving the edge of the built up area further into the countryside and adding to a perception of urban sprawl within the locality.

In this case, the proposed temporary dwelling would be located within a group of existing buildings at the nursery, albeit close to the boundaries of two adjacent residential properties, 32 and 34 Galley Lane. While the implementation of the proposal would be dependent on the removal of the existing potting shed and its relocation as proposed under application ref. 17/5066/FUL, any impact on Green Belt openness would be minor as compared to the refused application. The area of the shed to be removed in this application is approximately 70 sq.m, about 10 sq.m. less than the area of the proposed temporary dwelling. The maximum height of the shed is 3.2m, although lower over most of the structure, as against 3.4m maximum for the proposed temporary dwelling. While the location of the building and the orientation of the building would make it a little more visible as viewed from 32 and 34 Galley Lane than the existing potting shed, the impacts on openness are marginal, and within the parameters of what is considered to be acceptable.

While buildings required for horticultural and agricultural purposes are not considered to be inappropriate within the Green Belt, as noted above dwellings for businesses engaged in horticulture and / or agriculture are inappropriate. The applicant has put forward a case that there is an essential need for a worker to live at Leahurst Nursery, and included a "needs case" which has been assessed on the Council's behalf by an independent agricultural consultant, Richard Tattersall. Mr Tattersall is a chartered surveyor and land management consultant of some 25 year's experience who acted for the Council in the recent appeal against refusal of the permanent dwelling.

The application contains revised budget forecasts for the business together with a list of works which it is intended will be carried out in order to further develop the scope and range of plant production. This includes a detailed plan for improving the existing horticultural facilities at the site. The independent review considers that the financial projections demonstrate that the proposals have the potential to further improve the financial base of the business at a relatively modest capital outlay and that this is considered to be achievable through the increased sales anticipated.

The assessment relies to some extent on Annex A to PPS7, which was superseded by the NPPF in 2012. The review notes that the methodology continues to be widely used in the assessment of 'essential need', including by Planning Inspectors. The consultant does acknowledge that if the application for a temporary dwelling is successful then this may well lead to an application for a permanent dwelling in due course, and notes that this "has long been accepted as the appropriate route by which to develop residential accommodation on farms or other agricultural or horticultural holdings where the appropriate tests may not be met at the outset, but where there is every reason to consider that they are likely to be achieved over the term of the temporary consent".

The Council's consultant has assessed the applications Essential Needs Appraisal as follows:

i. Evidence of an intention and ability to develop the enterprise concerned

The applicant has the necessary personal skills of a dedicated plantsman and nursery operator that are required to successfully manage and oversee the range of plants and propagation methods undertaken at the nursery, and has been operating the business for many years.

ii. An Essential Functional Need

While there is the theoretical ability of monitoring systems and remote alarms to warn when problems arise, it is also the case, in the context of a modest plant rearing operation such as Leahurst Nursery, that such systems are not yet proven to be sufficiently fail safe to remove the need for a human presence and intervention. The review advises that it is essential and more cost effective in the long run, and would provide an improved level of overall management and operation of the nursery, if there was someone living within close proximity of the production buildings to provide direct monitoring and response as and when the need arises.

iii. Clear evidence that the enterprise has been planned on a sound financial basis

The financial projections and assessments provided are considered by the Council's consultant to provide sufficient evidence of the financial position of the business to show that it is viable.

iv. That no other dwelling can meet the need

It would be difficult for other properties to meet this need except those immediately backing on to the nursery. It was previously noted at the appeal that the value of any available dwelling on Galley's Lane could not be supported by the business.

Taking all of the above points, it is noted that the unit has operated without the availability of a dwelling for many years. However, the case made for the need at this point is that the development of the business is increasingly dependent on the provision of on-site accommodation. It is recognised that the application is predicated on building up the business to grow an increasingly wide range of plants with a wide range of conditions and relatively high attention requirements at the nursery. While the proposal is considered to be inappropriate in Green Belt terms, this is the heart of the "very special circumstances" argument that is required in order to justify the inappropriate development. In this case, the minor impacts on Green Belt openness assist the applicant's case. For that reason, it is considered that previous reasons for refusal and dismissal of the appeal have been addressed sufficiently to justify the location of a relocatable dwelling for a period of three years as applied for.

- Whether harm would be caused to the character and appearance of the locality

The proposed building is of utilitarian appearance, but being of a height and roof pitch which is similar to those existing at the site, subject to a condition to control materials and colours, it is considered that the building would not impact adversely on the character and appearance of the surrounding area.

- Impact on neighbours

The relocatable dwelling would be approximately 39 metres from the closest neighbouring residential properties at 32 and 34 Galley Lane. The proposal is not therefore considered to be detrimental by reason of the scale of the building to the amenities of the occupants of any neighbouring property. Unless a 2m high boundary fence or equivalent boundary treatment is provided, light spill could impact on neighbours to a very small degree as compared to the existing non-residential situation where the countryside would be completely dark at night, and a condition is recommended to provide for boundary treatment details to be submitted and approved. Subject to this and to the temporary siting as applied for, it is considered that neighbour impacts would be acceptable.

- Other matters

It is acknowledged that the application is a likely prelude to an application for a permanent dwelling at the site if the business continues to develop successfully over the next two to three years. While it is not the purpose of this application to consider what might be acceptable in future, it may be helpful at this point to consider what could be considered for such an application.

First, it would be necessary to demonstrate unambiguously that the business is viable and capable of continuing on a long-term basis, and to this end full accounts and financial information of business performance would be required. Provision would also need to be made for this to be audited on the Council's behalf with costs met by the applicant. Unless the viability of the business for a period of two to three years was properly demonstrated, there would be no justification for a permanent dwelling. Secondly, if viability was successfully demonstrated, while the location of the temporary building applied for now is considered to be acceptable, it should not necessarily be expected that this would be the right location for any permanent dwelling. This is likely to need to be located considerably further into the site in a location where neither Green Belt openness nor future amenity of neighbours would be affected. Thirdly, design would need to be of a very high standard and alongside this, very high standards of sustainability should be provided. Last and perhaps most important of all, the application would need to be considered in the light of any changes in policy that had come about in the intervening period.

5.4 Response to Public Consultation

The issues noted in the letters of objection are discussed above. With regards to letters of support, issues raised in regards to requirements of a small working nursery have essentially been acknowledged in the recommendation for approval.

6. Equality and Diversity Issues

The proposal does not conflict with either Barnet Council's Equalities Policy or the commitments set in the Equality Scheme and supports the Council in meeting its statutory equality responsibilities.

7. Conclusion

The construction of a new dwelling is an inappropriate form of development within the green belt. However, the proposal would result in little impact on the openness of the Green Belt. The needs case is accepted as the very special circumstances required to justify the development.

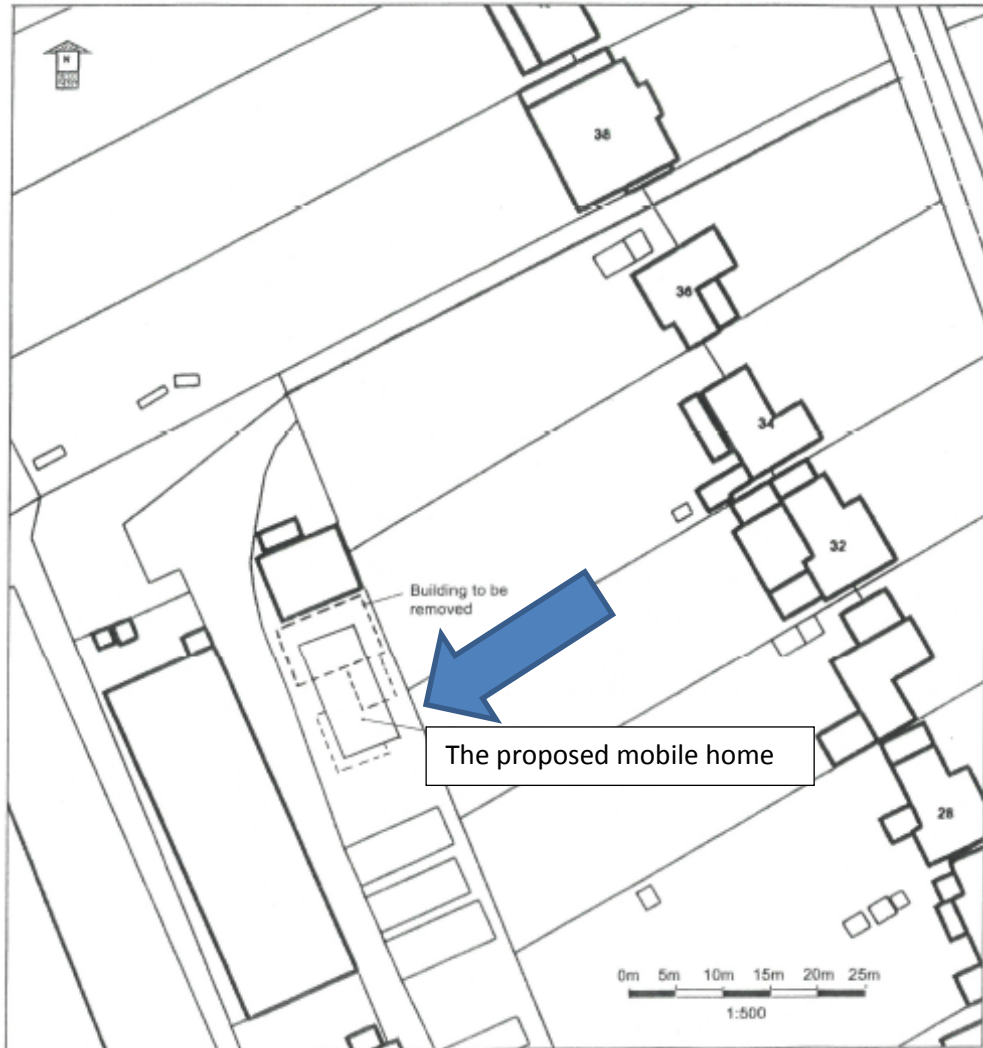
Site Plan



SITE PLAN



Proposed Block Plan



Refused layout plan for B/05073/14 (dismissed at appeal):

