

Stanmore and Edgware Golf Centre

Proof of Evidence of Ms Nicola Rankin

Appeal reference APP/M5450/W/22/3299650
September 2022

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1.0 Executive Summary

- 1.1 My name is Nicola Rankin and I am a town planner, with over 15 years' experience in the public sector planning. I hold a Masters in Spatial Planning from the University of Oxford Brookes. I am member of the Royal Town Planning Institute. The evidence that I provide is my true professional opinion.
- 1.2 The scope of my evidence relates to the impact of the proposal on the openness of the Green Belt and consideration of the Very Special Circumstances case put forward by the applicant. My evidence also considers the residential amenity impact identified in reason for refusal 3 in relation to disturbance caused by vehicles on the roads surrounding the appeal site. I then provide evidence on other material considerations relevant to the appeal scheme and the 'planning balance'.
- 1.3 The Local Planning Authority refused planning permission for the appeal development for three reasons. These reasons remain in dispute since the appeal was lodged.
- 1.4 Reason for refusal one relates to the impact on the openness of the Green Belt. The appeal scheme would have a greater impact on the openness of the Green Belt compared to the existing site circumstances. As such, the development would constitute inappropriate development in the Green Belt. The spatial and visual impacts of the building by virtue of its appearance and the overall quantum of development proposed would cause serious harm to the character and appearance and openness of this Green Belt site. The site, and its context are special, being within an Area of Special Character and its tranquil setting, adjacent to a SINC and Stanmore Country Park. The appeal scheme is in conflict with policies of the Development Plan that seek to ensure that the openness of the Green Belt is maintained. Reason for refusal 1 also sets out that 'Very Special Circumstances' do not exist to outweigh the identified harm. Reason for refusal three relates to the impact on highway safety in relation to the residential streets to the south east of the application site as a result of parking overspill as well as the detrimental impact on the residential amenity that would be generated through the parking overspill in terms of disturbance by coming of goings of vehicles.
- 1.5 Whilst I recognise that the scheme would bring forward some benefits, these would not outweigh the serious harms that would result from the development.

1.6 Accordingly, it is my firm professional opinion that planning permission should be refused for these proposals and that this appeal should be dismissed.

2.0 Qualifications and experience

- 2.1 My name is Nicola Rankin and I am a Principal Planning Officer. I have over 15 years' experience in Local Authority Planning. I hold a Master's degree in Spatial Planning from the University of Oxford Brookes and am a member of the Royal Town Planning Institute.
- 2.2 I have worked at Harrow Council Local Planning Authority since 2010 and have experience of handling a wide variety of planning applications for major developments.
- 2.3 I can confirm that the evidence provided in this proof represents my true professional opinion.

3.0 The appeal proposal, the reasons for refusal and the scope of my evidence

The appeal proposal

3.1 This appeal relates to a development proposal for:

Demolition of former golf club buildings and construction of a single and two storey building for a banqueting facility; widening of existing vehicular access from Brockley Hill, car and cycle parking, waste/recycling storage, landscape enhancement and associated works

3.2 The planning application was submitted to the Local Planning Authority and was validated on 18th September 2020. The Council's officers considered the planning application and recommended that planning permission was refused. The Council's Planning Committee considered the proposals at the Committee on the 30th June 2021. Council Planning Committee members deferred the decision to enable the applicant to provide additional information on some of the issues raised at the meeting. The case was presented again to Council Planning Committee members on 17th November 2021 and members agreed with the overall recommendation but added an additional reason for refusal on design grounds. The application was refused planning permission on 26th November 2021.

The reasons for refusal

3.3 Planning permission was refused for the following reasons:

- 1. The proposed development would have a greater impact on the openness of the Green Belt than the existing development on the application site. The proposed development would therefore constitute inappropriate development in the Green Belt, to the detriment of the character, appearance and openness of the Green Belt, contrary to the National Planning Policy Framework (2021), policy G2 of The London Plan (2021), Core policy CS 1 F of the Harrow Core Strategy (2012), and policy DM 16 of the Harrow Development Management Policies Local Plan (2013), and no very special circumstances have been demonstrated by the applicant whereby the harm by reason of inappropriateness is outweighed by other considerations.*
- 2. The proposed building, by reason of its design and form, would appear as unsympathetic and obtrusive in an open setting, to the detriment of the character and appearance of the locality within the context of a Green Belt site, contrary to policy*

D1, G2 London Plan (2021), policy CS1.B of the Harrow Core Strategy (2012) and policy DM1 of the Development Management Policies (2013).

3. *The proposed development, by reason of failure to provide adequate on-site or off-site car / coach parking and lack of integrated drop off facilities to serve the proposed banqueting facility, would significantly intensify site usage and generated trips. The associated likely on site congestion and parking overspill into the London Borough of Harrow and the London Borough of Barnet, with particular reference to the residential streets to the south-east of the site, is therefore considered to be detrimental to highway and pedestrian safety, and the amenities of neighbouring occupiers, contrary to the National Planning Policy Framework (2021), Policy T4 of The London Plan (2021), and policies DM 42 E and F, DM 1 B (f) (C) and D (h), policy DM 42 E and F and DM 43 B and C of the Harrow Development Management policies Local Plan (2013).*

Material provided by the Appellant after the issue of the Council’s decision and Appellants Core Case

- 3.4 The Appellant has acknowledged within their Statement of Case that the proposed development would constitute inappropriate development in the Green Belt. The appellant considers there are a number of considerations which would collectively amount to ‘Very Special Circumstances’ to justify allowing the propose inappropriate development. These include:

- 1) The building would replace a fire damaged structure with a new building of significantly higher quality and appearance which would secure the long-term future of the site
- 2) The need to relocate the banqueting business in the borough where there is an absence of any alternative sites that could accommodate the facility
- 3) The need for a banqueting facility to support the diverse, multi-ethnic communities of the borough
- 4) Biodiversity net gain
- 5) Benefits to the local economy

3.5 In respect of the above VSC list, the appellant has provided additional information relating to ‘Very Special Circumstances’ which was not provided with the planning application. This relates to an Assessment of Need which provides analysis relating to the following matters:

- Evidence on the size and shape of the Asian and ethnic wedding market in the UK
- Evidence of the Asian and ethnic wedding market in London Borough of Harrow, benchmarked to national comparators
- Evidence on the existence of a “sub-regional market area” in north west London and neighbouring authority areas, relating to the location of the proposed development at Brockley Hill
- Customer demand-based evidence of the market for Asian and multicultural weddings locally
- Supply of potential alternative venues within the defined sub-regional market area
- Consideration of the type of economic impacts (or benefits) that are likely to be associated with the proposed development

3.6 The Appellant considers “*The research demonstrates that there is significant demand for this type of facility. With no other comparable facilities in Harrow Borough and a limited supply of alternative venues in the sub-regional market area, there is an identified exceptional need for the proposed banqueting facility.*” (Paragraph 6.12 Appellant Statement of Case).

3.7 The Local Planning Authority does not accept the appellants argument in respect of the need for the development and considers that there is sufficient supply to meet demand for banqueting facilities within the borough and wider area. Moreover, the Local Planning Authority considers that the other considerations put forward by the appellant collectively do not amount to ‘Very Special Circumstances’. The Council will present this in the scope of evidence below.

The scope of my evidence

3.8 Accordingly, my evidence addresses matters relating to:

1. Impact on Openness of the Green Belt,
2. Very Special Circumstances

3. Residential amenity impact identified in reason for refusal three
 4. The planning balance.
- 3.9 Mr Fabrizio Matillana will provide evidence in relation to the impact on character and appearance identified in reason for refusal two.
- 3.10 Ms. Nicolina Cooper will provide evidence in relation to the highways impacts identified in reason for refusal three.
- 3.11 My evidence on these matters is set out from Section 6 of my proofs.

4.0 The appeal site and its planning history

The appeal site

- 4.1 The appeal site relates to a former golf centre and driving range located on the west side of Brockley Hill. The application site is located 1.3km to the north east of Stanmore Town Centre.
- 4.2 The wider site (not the application site itself) comprises a broadly rectangular site. The wider site comprises a former 9-hole par-3 golf course and driving range. The golf course is situated around the edges of the driving range.
- 4.3 The application site relates to an irregular shaped plot of land located towards the centre of the wider site and contains the remains of the former golf building, a hard surfaced car park and an area of soft landscape directly in front of the former golf building which was previously used as a driving range. The overall site area is 1.63 hectares.
- 4.4 Vehicular and pedestrian access is from Brockley Hill and is located towards the east of former golf building.
- 4.5 The former golf club building on the application site has been subject to an extensive fire at the end of June 2020 which has destroyed much of the original building, leaving only part of the original frame and area of hardstanding in place. The current state of the building is shown in the figure 1 below:



Figure 1: Existing Site Circumstances

- 4.6 Prior to the fire the main building on site had linear form and was part single storey/part 1.5 and two storeys in height. The images below show the appearance of the site and building prior to the fire.





Figure 2: Former Golf Club Building

- 4.7 The former building contained a golf retail shop, the reception for the golf course and various office and storage areas at ground floor level. The first floor of the building contained office space and a flat for staff use.
- 4.8 To the south east of the former main golf building is a hard surfaced car park which is approximately 3000m² in area.
- 4.9 A wire fence of approximately 5 metres in height has been erected around the former driving range. This is secured by a number of metal pylons running around the perimeter of the range at a distance of approximately 15 to 20 metres apart. There is also a substantial earth bund around the driving range covered by grass.
- 4.10 The area of land surrounding the driving range comprises the former golf course and contains some man-made features including green and bunkers. However, over recent times the land has become overgrown and appears in a more natural, unmanaged landscape
- 4.11 There are significant level differences across the application site and immediate adjoining land with levels declining in height from north to south.
- 4.12 The site is screened by mature trees and hedges to the entire perimeter of the site.

- 4.13 The application site is situated within the Green Belt and is within the Harrow Weald Ridge Area of Special Character. The importance of the Area of Special Character is set out in paragraphs 2.35 to 2.44 of the Harrow Development Management Policies Local Plan (2013) (CD/3).
- 4.14 The application site lies partially within an Archaeological Priority Area. This area relates to a strip of land which runs through part of the car park and golf course and on the other side adjacent to Brockley Hill.
- 4.15 The application site has a PTAL rating of 1a which is poor. The nearest bus stop to the site is located to the south of the site on Brockley Hill approximately 300 metres away. The bus stops are served by the 107 bus service between New Barnet and Edgware via Elstree and Borehamwood.
- 4.16 The site is located around 1500 metres east of Stanmore underground station.
- 4.17 Part of the site in front of the existing structure lies within surface water flood zone 3a/3b as identified on the Local Area Map (2013).
- 4.18 The London Borough of Barnet adjoins the site to the east, the borough boundary line runs along Brockley Hill. There are a number of residential streets to the south east within Barnet's boundary which are located approximately 240 metres from the site entrance. The closest residential streets include Grantham Close, Pipers Green Lane, Brockley Avenue and Brockley Hill in the London Borough of Barnet. The closest residential streets in the London Borough of Harrow include Julius Caesar Way, Augustus Close and Cleopatra Close.
- 4.19 The extract below (Figure 3) is from the Council's Planning Policy Map and shows the site and the area around it. The area outlined and shaded in red is the adjacent Site of Importance for Nature Conservation (SINC) which includes Stanmore Country Park and Pear Wood to the West and north west. The land is connected to a number of other SINC's which are located further north west of the application site. The land outlined in orange is the Archaeological Priority Area and the area shaded in blue indicates the extent of flood zones on the application site. Figure 4 indicates the application site within the wider context. The area shaded in green is the extent of Green Belt land across the north of the borough

and the area of land outlined in blue is the area of land designated as the Harrow Weald Ridge Area of Special Character.

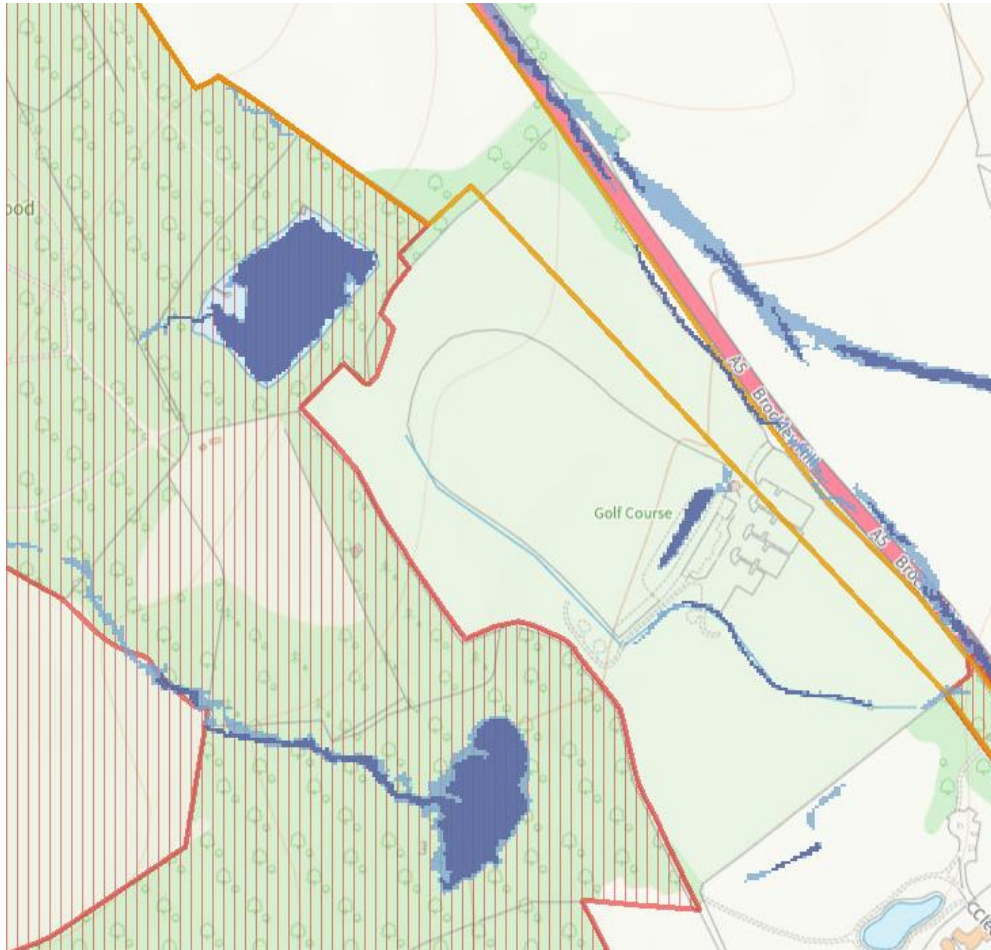


Figure 3: Extract from Harrow Proposals Map

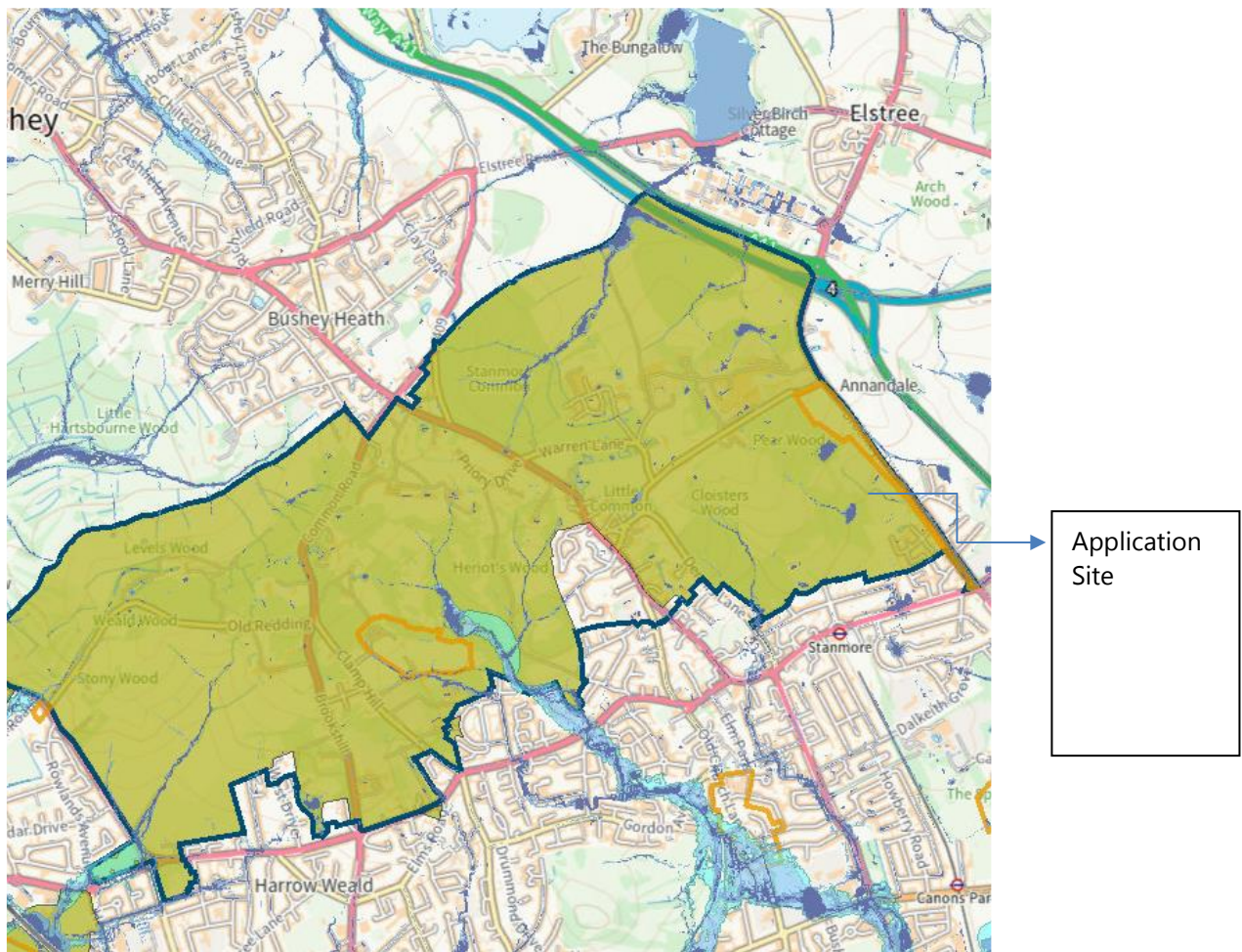


Figure 4: Extract from Harrow Proposals Map

Planning history

4.20 The planning history for the site is set out in the table below:

<u>Application Reference</u>	<u>Description</u>	<u>Status and Date of Decision</u>
P/1525/17	Change of use from a golf driving range with ancillary golf shop and first floor flat (Class D2) together with two storey rear extension and external alterations to nine flats (Class C3); Single storey detached building at side for use as replacement golf reception building; provision of parking, refuse and cycle facilities.	Refused 30/01/2018 Allowed on Appeal APP/M5450/W/18/3201017, dated 23rd August 2018
P/3036/20	EIA Screening Opinion to determine whether an Environmental Impact Assessment is required for demolition of the existing golf club (Use class D2) and construction of a new banqueting facility (Use class D2); widening of vehicle access; car and cycle parking;	Environmental Impact Assessment not required 10/09/2020

5.0 The planning policy context

The Development Plan

5.1 Section 38 (6) of the Planning & Compulsory Purchase Act 2004, read together with section 70(2) of the Town and Country Planning Act 1990, provides that planning applications should be determined in accordance with the Development Plan unless material considerations indicate otherwise. The relevant Development Plan against which the appeal proposals are to be considered comprises:

- The London Plan 2021 (CD/2);
- The Harrow Core Strategy 2012 (CD/4);
- The Development Management Policies Local Plan 2013 (CD/3); and
- Local Plan Policies Map (CD/5).

5.2 The relevant Development Plan policies are consistent with the National Planning Policy Framework and are otherwise up to date. They attract full weight in the determination of this appeal. Copies of those Development Plan policies set out on the Council's Decision Notice have been provided to the Inspector.

National Planning Policy Framework

5.3 The National Planning Policy Framework June 2021 (NPPF) sets out the Government's planning policies for England and how these should be applied. The NPPF should be read as a whole but I have identified the relevant sections from paragraph 5.5 which are of particular relevance to the matters at hand.

Other relevant material considerations

5.4 Other planning considerations that the Council considers are material in the determination of this appeal include:

- The National Planning Practice Guidance (NPPG) Core Document ref (CD/86);
- The National Design Guide 2021 (CD/6);
- London Plan Guidance: Characterisation and Growth Strategy (February 2022 Consultation Draft) (CD/7)

- London Plan Guidance: Optimising Site Capacity: a design led approach (February 2022 Consultation Draft)(CD/8)
- The Harrow Planning Obligations and Affordable Housing Supplementary Planning Document 2013 (Provided at Appendix 6) (CD/85);
- Case law and appeal decisions where they are relevant to the matters presented by this appeal.

Relevant Policy Context

Impact on Green Belt - Reason for Refusal 1

National Policy

- 5.5 The National Planning Policy Framework sets out the purposes and importance of Green Belt land at paragraph 137 to 138 stating:

The government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. (Paragraph 137)

Green Belt serves 5 purposes:

- (a) to check the unrestricted sprawl of large built-up areas;*
- (b) to prevent neighbouring towns merging into one another;*
- (c) to assist in safeguarding the countryside from encroachment;*
- (d) to preserve the setting and special character of historic towns; and*
- (e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land. (Paragraph 138)*

- 5.6 In relation to proposals affecting Green Belt the NPPF states that:

Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. (Paragraph 147)

When considering any planning application, 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 harm resulting from the proposal, is clearly outweighed by other considerations. (Paragraph 148)

A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

- (a) buildings for agriculture and forestry;*
- (b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;*
- (c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;*
- (d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;*
- (e) limited infilling in villages;*
- (f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and*
- (g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:*
 - not have a greater impact on the openness of the Green Belt than the existing development; or*
 - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority. (Paragraph 149)*

Certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it.

These are:

(a) mineral extraction;

(b) engineering operations;

(c) local transport infrastructure which can demonstrate a requirement for a Green Belt location;

(d) the re-use of buildings provided that the buildings are of permanent and substantial construction;

(e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and

(f) development, including buildings, brought forward under a Community Right to Build Order or Neighbourhood Development Order. (Paragraph 150)

Regional Policy

5.7 Policy G2 of the London Plan outlines that:

A The Green Belt should be protected from inappropriate development:

1) development proposals that would harm the Green Belt should be refused except where very special circumstances exist,

2) subject to national planning policy tests, the enhancement of the Green Belt to provide appropriate multi-functional beneficial uses for Londoners should be supported.

Local Policy

5.8 Harrow Core Strategy Policy CS1 F states that:

5.9 *Harrow's open spaces and green grid will be managed as an interconnected, multifunctional environmental resource that contributes to biodiversity, adaption to climate change and to people's health and well being. The quantity and quality of the Green Belt, Metropolitan*

Open Land, and existing open space shall not be eroded by inappropriate uses or insensitive development.

5.10 Policy DM 16 of the Harrow Development Management Policies Local Plan (Maintaining the Openness of the Green Belt and Metropolitan Open Land) states that:

A. The redevelopment or infilling of previously developed sites in the Green Belt and Metropolitan Open Land will be supported where the proposal would not have a greater impact on the openness of the Green Belt and Metropolitan Open Land, and the purposes of including land within it, than the existing development, having regard to:

a. the height of existing buildings on the site;

b. the proportion of the site that is already developed;

c. the footprint, distribution and character of existing buildings on the site; and

d. the relationship of the proposal with any development on the site that is to be retained.

B. Proposals for the redevelopment or infilling of previously-developed sites in the Green Belt and Metropolitan Open Land will also be required to have regard to the visual amenity and character of the Green Belt and Metropolitan Open Land.

C. In addition to (A) and (B) above, proposals for partial infilling or redevelopment of previously developed sites within the Green Belt and Metropolitan Open Land should be put forward in the context of a comprehensive, long term plan(s) for the site as a whole.

D. Proposals for inappropriate redevelopment or which, for other reasons, would harm the Green Belt or Metropolitan Open Land will be refused in the absence of clearly demonstrated very special circumstances.

Character and Design - Reason for Refusal Two

National Policy

5.11 In regard to achieving well-designed places paragraph 126 of the NPPF states that:

The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.

5.12 Paragraph 130 of the Framework requires that planning policies and decisions should ensure that developments:

(a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;

(b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

(c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

5.13 Further to this paragraph 134 states that “*Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents which use visual tools such as design guides and codes*”.

Regional Policy

5.14 Policy D3 of the London Plan (2012) was not included in the reason for refusal but was referenced in the Council’s Statement of Case as it is considered to be highly relevant. In addition, it was also outlined in the Council’s Statement of Case that policy D1 was referred to in reason for refusal two, but this is not considered to be relevant.

5.15 Policy D3 of The London Plan outlines that:

“All development must make the best use of land by following a design led approach that optimises the capacity of sites, including site allocations. Optimising site capacity means

ensuring that development is of the most appropriate form and land use for the site. The design-led approach requires consideration of design options to determine the most appropriate form of development that responds to a site’s context and capacity for growth, and existing and planned supporting infrastructure capacity, and that best delivers the requirements set out in D”.

5.16 Policy D3 of the London Plan (Optimising site capacity through the design led approach) sets out under part D what development proposal should achieve. In relation to form and layout and quality and character it states that proposal should:

1) enhance local context by delivering buildings and spaces that positively respond to local distinctiveness through their layout, orientation, scale, appearance and shape, with due regard to existing and emerging street hierarchy, building types, forms and proportions

11) respond to the existing character of a place by identifying the special and valued features and characteristics that are unique to the locality and respect, enhance and utilise the heritage assets and architectural features that contribute towards the local character

12) be of high quality, with architecture that pays attention to detail, and gives thorough consideration to the practicality of use, flexibility, safety and building lifespan through appropriate construction methods and the use of attractive, robust materials which weather and mature well

Local Policy

5.17 Policy CS 1 B of the Harrow Core Strategy states that:

“Proposals that would harm the character of suburban areas and garden development will be resisted. All development shall respond positively to the local and historic context in terms of design, siting, density and spacing, reinforce the positive attributes of local distinctiveness whilst promoting innovative design and/or enhancing areas of poor design; extensions should respect their host building.”

5.18 Policy CS7 A of the Harrow Core Strategy outlines that “Development will be managed to maintain the special character and identified views of Harrow Weald Ridge”

5.19 Policy DM1 of the Harrow Development Management Policies Local Plan (Achieving a High Standard of Development) states that:

A. All development and change of use proposals must achieve a high standard of design and layout. Proposals which fail to achieve a high standard of design and layout, or which are detrimental to local character and appearance, will be resisted.

B. The assessment of the design and layout of proposals will have regard to:

a. the massing, bulk, scale and height of proposed buildings in relation to the location, the surroundings and any impact on neighbouring occupiers;

b. the appearance of proposed buildings, including but not limited to architectural inspiration, detailing, roof form, materials and colour, entrances, windows and the discreet accommodation of external services;

c. the context provided by neighbouring buildings and the local character and pattern of development;

d. the provision of appropriate space around buildings for setting and landscaping, as a resource for occupiers and to secure privacy and amenity;

e. the need to retain or enhance existing landscaping, trees, biodiversity or other natural features of merit;

*f. the functionality of the development including but not limited to the convenience and safety of internal circulation, parking and servicing (without dominating the appearance of the development) and the appearance, capacity, convenience, logistics and potential nuisance of arrangements for waste, recycling and composting;
and*

g. the arrangements for safe, sustainable and inclusive access and movement to and within the site.

C. All development and change of use proposals must achieve a high standard of privacy and amenity. Proposals that would be detrimental to the privacy and amenity of

neighbouring occupiers, or that would fail to achieve satisfactory privacy and amenity for future occupiers of development, will be resisted.

D. The assessment of privacy and amenity considerations will have regard to a. the prevailing character of privacy and amenity in the area and the need to make effective use of land; h. the impact of proposed use and activity upon noise, including hours of operation, vibration, dust, air quality and light pollution

5.20 Policy DM6 (Areas of Special Character states) that:

A. Proposals affecting an area of special character will be considered having regard to:

- a. the impact of the proposal upon the strategic value of the area of special character;*
- b. the desirability of preserving or enhancing the environmental, architectural, historic and landscape features that contribute to the area of special character;*
- c. the protected views to and from areas of special character.*

B. Proposals that would realise sustainable opportunities for increased appreciation of, or public access to, areas of special character will be supported.

C. Proposals that would substantially harm an area of special character, or its setting, will be refused.

Reason for Refusal 3 – Transport and Residential Amenity Impacts

National Policy

5.21 Paragraph 110 (d) of the Framework set out that in “In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that: *“any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.”*

5.22 Paragraph 111 of the Framework states that: *“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”*

5.23 Paragraph 185 states that:

“Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment as well as the potential sensitivity of the site or wider area to impacts that could arise from the development. In doing so they should (a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life”.

Regional Policy

5.24 Policy T4 of the London Plan (Assessing and Mitigating Transport Impacts) states under part F that *“Development proposals should not increase road danger”.*

Local Policy

5.25 Policy DM 42 (Parking Standards) states that:

“E. The design and layout of parking areas (including those for scooters, motorcycles and bicycles) should be safe, secure and fit for purpose. Access to and from the public highway should maintain and, where necessary, improve safety and give priority to the convenience of pedestrians and cyclists.

F. that would result in inappropriate on-site parking provision, having regard to the criteria in this policy, and those which would create significant on-street parking problems, prejudice highway safety or diminish the convenience of pedestrians and cyclists, will be resisted.”

5.26 Policy DM 43 (Transport Assessments and Travel Plans) states that:

5.27 *“B. Proposals for major development will be required to satisfactorily mitigate the impacts identified in the Transport Assessment and any others arising from the Council’s assessment of it. Mitigation measures will be required to contribute to the desirability of achieving modal shift away from private car use and should include the preparation and implementation of Travel Plans. C. Proposals that fail to satisfactorily mitigate the transport impacts of development will be resisted.”*

5.28 Policy DM1 of the Harrow Development Management Policies Local Plan (Achieving a High Standard of Development) states that:

“A. All development and change of use proposals must achieve a high standard of design and layout. Proposals which fail to achieve a high standard of design and layout, or which are detrimental to local character and appearance, will be resisted.

B. The assessment of the design and layout of proposals will have regard to:

a. the massing, bulk, scale and height of proposed buildings in relation to the location, the surroundings and any impact on neighbouring occupiers;

b. the appearance of proposed buildings, including but not limited to architectural inspiration, detailing, roof form, materials and colour, entrances, windows and the discreet accommodation of external services;

c. the context provided by neighbouring buildings and the local character and pattern of development;

d. the provision of appropriate space around buildings for setting and landscaping, as a resource for occupiers and to secure privacy and amenity;

e. the need to retain or enhance existing landscaping, trees, biodiversity or other natural features of merit;

f. the functionality of the development including but not limited to the convenience and safety of internal circulation, parking and servicing (without dominating the appearance of the development) and the appearance, capacity, convenience, logistics and potential nuisance of arrangements for waste, recycling and composting; and

g. the arrangements for safe, sustainable and inclusive access and movement to and within the site.

C. All development and change of use proposals must achieve a high standard of privacy and amenity. Proposals that would be detrimental to the privacy and amenity of neighbouring occupiers, or that would fail to achieve satisfactory privacy and amenity for future occupiers of development, will be resisted.

D. The assessment of privacy and amenity considerations will have regard to a. the prevailing character of privacy and amenity in the area and the need to make effective use of land; h. the impact of proposed use and activity upon noise, including hours of operation, vibration, dust, air quality and light pollution.”

6.0 Impact on Openness of the Green Belt

6.1 Planning policy at all levels is deliberately robust in protecting the Green Belt land from urban sprawl and inappropriate development and ensuring land is kept permanently open.

6.2 The factors to be taken into account when considering the potential impact of development on the openness of the Green Belt are set out in the National Planning Practice Guidance. These include but are not limited to:

- openness is capable of having both spatial and visual aspects – in other words, the visual impact of the proposal may be relevant, as could its volume;
- the duration of the development, and its remediability – taking into account any provisions to return land to its original state or to an equivalent (or improved) state of openness; and
- the degree of activity likely to be generated, such as traffic generation.

(Paragraph 001 Reference ID; 64-001-20190722) from 22 July 2019.

6.3 The Supreme Court in **Samuel Smith Old Brewery (Tadcaster) v North Yorkshire County Council [2017] EWHC 442 (Admin) [2017] 3 WLUK 161** looked again at the issue of development which is not inappropriate, provided openness in the Green Belt is preserved and the development does not conflict with the purposes of including land in the Green Belt, in paragraph 90 of the 2012 NPPF (paragraph 149 of the current NPPF). (Therefore, para. 149, provides a closed list of categories of development which is "not inappropriate" provided openness is preserved and the development does not conflict with the purposes of including land in the Green Belt.)

6.4 The Supreme Court in the Samuel Smith case considered whether it was necessary (rather than just permissible) to take landscape and visual impacts into account, in deciding whether openness was preserved. It was held that it was not necessary to take them into account. Lord Carnwath confirmed that "*visual quality of landscape is not in itself an essential part of the "openness" for which the Green Belt is protected*" (Paragraph 5), nor was the visual impact so obviously material here, as to require such direct consideration. The issue which had to be addressed, as a matter of planning judgement, was therefore whether the

proposed mineral extraction, through the extension of the quarry, would preserve the openness or otherwise conflict with the purposes of including the land in the Green Belt.

6.5 At paragraph 22 the judgement outlined that:

“The concept of “openness” in para 90 of the NPPF [now para 149] seems to me a good example of such a broad policy concept. It is naturally read as referring back to the underlying aim of Green Belt policy, stated at the beginning of this section: “to prevent urban sprawl by keeping land permanently open ...”. Openness is the counterpart of urban sprawl and is also linked to the purposes to be served by the Green Belt. As PPG2 made clear, it is not necessarily a statement about the visual qualities of the land, though in some cases this may be an aspect of the planning judgement involved in applying this broad policy concept. Nor does it imply freedom from any form of development. Paragraph 90 shows that some forms of development, including mineral extraction, may in principle be appropriate, and compatible with the concept of openness. A large quarry may not be visually attractive while it lasts, but the minerals can only be extracted where they are found, and the impact is temporary and subject to restoration. Further, as a barrier to urban sprawl a quarry may be regarded in Green Belt policy terms as no less effective than a stretch of agricultural land.”

6.6 The planning officer’s report was held to have considered the broad policy concept of Green Belt openness appropriately and so the Council was correct to have accepted it and allowed the development.

6.7 Importantly, the Supreme Court re-enforced the importance of planning judgement within the role of the decision maker by stating under paragraph 25 and 39:

6.8 *“[Openness] is a matter not of legal principle but of planning judgement for the planning authority or the inspector ... Paragraph 90 [now 149] does not expressly refer to visual impact as a necessary part of the analysis, nor in my view is it made so by implication. As explained in my discussion of the authorities, the matters relevant to openness in any particular case are a matter of planning judgement, not law.”*

6.9 **Turner v Secretary of State for Communities and Local Government 2017** shows that the concept of ‘openness’ is not ‘narrowly limited to [a] volumetric approach’ (Paragraph 14);

in this case, it is considered that the ‘*visual impact is implicitly part of the concept of ‘openness of the Green Belt’*’ and it relates to the capacity of the Green Belt to fulfil its purposes.

- 6.10 The Council consider the starting point for the assessment of the impacts on openness are the existing site circumstances. This is supported by the approach of the inspector in Appeal Decision Ref: APP/J1915/W/20/3254917 – Lanbrook, St.Mary’s Lane, Hertingfordbury, SG14 2LD (Appendix 1). Matters considered by the Inspector in that case are very similar to those in this case. Namely, that the existing on-site building was destroyed by a fire. In this instance planning permission was sought for a replacement dwellinghouse.
- 6.11 In the appeal decision, the inspector set out that Paragraph 145 of the Framework establishes that the construction of new buildings should be regarded as inappropriate in the green belt, unless they fall within certain categories of development which may be regarded as not inappropriate, subject to certain conditions. Part d) of this paragraph, he recorded, lists the replacement of a building as one such exception, provided that the new building is in the same use, and not materially larger than the one it replaces. He appreciated that both parties had considered the dwelling as a replacement for that which existed prior to the fire. However, for something to be considered as a replacement, he pointed out, the element that it replaces must exist at the time the replacement development is considered. However, there was no existing building on the site, and as such, the proposal did not fall to be considered under the exception at Paragraph 145(d) of the Framework, he ruled (DL 6).
- 6.12 Rather, the inspector determined, the proposal comprised the redevelopment of previously developed land and fell to be considered under Paragraph 145(g). This exception allows for the redevelopment of previously developed land providing it would not have a greater impact on the openness of the green belt than the existing development. But, he reasoned, the proposed new building would have a greater impact on openness as no building currently existed on the site (DL 8).
- 6.13 The inspector next turned to a consideration of openness in spatial and visual terms. He found that due to its overall height and bulk, the proposed dwelling would be visually intrusive (DL 14). In addition, he found that the development would result in less than substantial harm to the setting of a conservation area and listed building (DL 24).

- 6.14 The inspector recognised that the appellants had lost their established residential use for reasons beyond their control and he afforded this factor great weight (DL 26). He nonetheless concluded that the benefits of providing a replacement dwelling following the destruction of the previous property by fire did not clearly outweigh the harm he had identified. Consequently, there were not the very special circumstances necessary to justify inappropriate development in the green belt (DL 34).
- 6.15 It is acknowledged that the circumstances of the above appeal and the current situation with the subject site are not directly comparable in that in the appeal case the building had been completely removed from the site whereas in the current case, there are clearly remains of the pre existing structure present. Nevertheless, the approach taken by the Inspector in the appeal decision remains directly relevant to this case in that it is the existing site circumstances which should be taken into account in the assessment.

Purposes and Inappropriate Development

- 6.16 Both the Council and the Appellant agree that the proposed development would constitute inappropriate development in the Green Belt as set out under paragraph 7.3 of the Statement of Common Ground. It is accepted by the Appellant that the scheme would be larger in spatial terms in respect of footprint, floorspace and volume than the structures that currently exist on site (Paragraph 6.23 Appellant Statement of Case).
- 6.17 The appellants Supplementary Openness and Landscape Appraisal (CD/77) identifies that the site makes a limited contribution to the purposes (c) and (e) of Green Belt land as outlined under paragraph 138 of the NPPF. The identified limited contribution relates to (C) “to assist in safeguarding the countryside from encroachment” and (e) “to assist in urban regeneration, by encouraging the recycling of derelict and other urban land”. The Council do not disagree with this.
- 6.18 Notwithstanding the above, the Appellant considers that the proposed development will not result in greater visual harm to the openness of the Green Belt in relation to both the existing and former conditions on site.

Impact of the proposal compared to the previous building on site

6.19 Both the former golf building and proposed building would be sited on previously developed land. However, the proposed building would have a greater footprint, floorspace and volume compared to the former building. The differences in the scale between the former and existing buildings are identified in the table below.

	Pre - Existing	Proposed	Difference
Building Footprint	850 sqm	1,108 sqm	+258 sqm (30%)
Floorspace	1, 308 sqm	1, 458 sqm	+ 150 sqm (11%)
Volume	4859 cubm	6,300 cubm	+1, 441 cubm (30%)
Roof Datum Level	106.450 m	106.055 m	-0.4 m
Eaves	103.520 m	103.100 m	- 0.42 m
Lower Ridge	102.390 m	102.675 m	+ 0.28 m
Lower eaves	100.670 m	100.600 m	-0.07 m

6.20 As can be seen from the above figures, the proposed building would be bigger both volumetrically and in terms of its overall footprint. The appellant accepts that the building would be larger than the previous one but considers its form would be more compact and would have a less sprawling form and therefore would maintain the visual openness of the Green Belt.

6.21 The former building appeared prominent when viewed from south and north within the site as demonstrated in the images below.



Figure 5 – Former Golf Building -North and South Views

6.22 Although the proposed building will be laterally more compact as a result of the loss of the existing driving range bays, the appellant will introduce a large scale banqueting hall which will sprawl to a much greater extent further northward where currently there is no built development. The diagram below shows an overlay of the former and proposed development where the green area shows the extent of the new banqueting hall projecting further northward into currently open land. The former driving range bays are shown in yellow.



Figures 2 and 3 - Existing and proposed building overlay

Figure 6: Former Building and Proposed Building Overlay

6.23 The former golf building had a width of approximately 79 metres and depth of approximately 17.5 metres. The projecting driving range wings made up a good deal of the overall width and had a height of approximately 4 metres and were narrow elements with a modest depth of around 6.5 metres. The proposed building would span a maximum width of approximately 43.3 metres and a maximum depth of approximately 31.3 metres.

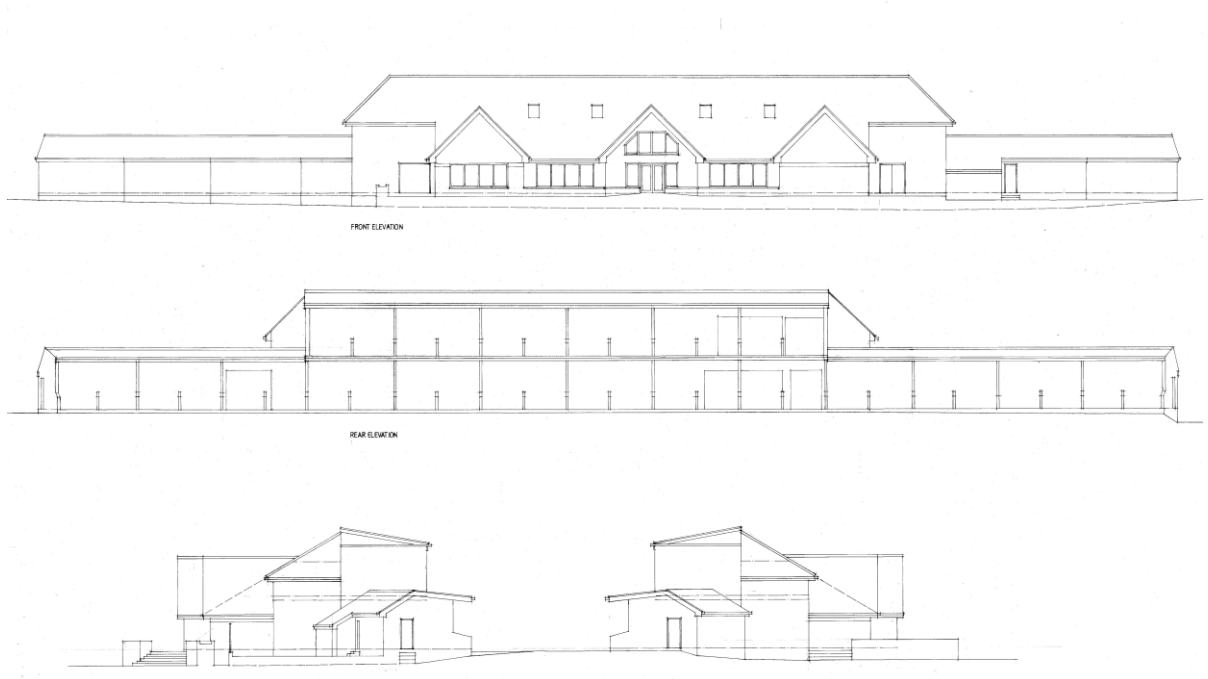


Figure 7: Elevations of the Former Golf Building

6.24 In contrast, although the overall height of the building would be no taller than the former building, the proposed building would have higher elements than the existing including the banqueting hall which would have a height of 5.5, greater than the height of the former projecting driving range bays which had a height of approximately 4 metres.



Proposed Northern Elevation



Proposed Southern Elevation



Proposed southern Elevation

Figure 8: Proposed Building Elevations

6.25 I consider that the proposed building would be much more visually prominent than the former building, particularly as a result of the bulky banqueting hall, compared to the form of the previous building. Although the former building was wider, the slender wings of the lower driving range bays were not as visually imposing or intrusive in my opinion, as demonstrated by the proposed elevations as shown in figure 8 above. The overall volume of the proposed building appears considerably more dominating and obviously greater than the former building. Whilst it is accepted that the maximum ridge height of the proposal would be no greater than the former building, its volume was broken down through subservient gable roof elements and low eaves levels on the main front elevation which helped to break down its massing. The previous northern elevation of the building was open whereas views of the proposed building, in particular in views from the north, east and west, would have a strong solid appearance as a result of its box like form, and use of materials.

6.26 Moreover, a staff car parking area and formal landscaped garden would be introduced on the eastern and northern sides of the building (refer to figure 8 below) which would further exacerbate the harm to openness of the Green Belt through the introduction of cars, cycle parking spaces and bin stores onto land which is currently open and retains a natural character, in keeping with the surroundings. The appellants have outlined that there would be a 4% reduction in the overall hardstanding on the site but this is not considered to be accurate. Section 4.19 of the Design and Access Statement (CD/49) provides a hardstanding comparison which outlines 732sqm of hardstanding would be made permeable, thereby reducing the overall existing hardstanding on the site. However, even if it is made permeable it should still be included as hardstanding. As such, the difference in hardstanding between existing and proposed would reduce to 157sqm. However, the landscape strategy plan shows other areas of hardstanding within the formal landscape garden area which appear not to be have included in the calculations. As such, when this is taken into account, it is considered unlikely there would be any reduction in hardstanding area on the site.

6.27 The appellants landscape proposals also include the introduction of a mound to the north west of the building as apparent from the image below (Figure 9). Existing site sections have not been provided to show the comparison of land level changes in relation to the proposal. However, it is considered that the introduction of the mound would only serve to increase the prominence of the formal landscape setting, thereby further reducing the visual quality of the openness of the Green Belt. The appellants have not outlined that this is intended to be a screening feature to screen views of the building from within the north of the site but if such a feature is considered necessary to provide screening, it would only further highlight the reduction in visual openness that would be caused as a result of the northward building sprawl.



Figure 8: Proposed Landscape Strategy Plan



Figure 9: Proposed Site Section

6.28 In conclusion, it is clear that as a result of the overall increase in the footprint and volume of the building, which would introduce a bulkier element of built development in an area where

currently there is none, combined with the formal landscaped area and staff car park, would result in greater spatial and visual impacts to the openness of the Green Belt when compared against the former building. This harm would be substantial in my opinion. Nevertheless, as set out earlier, the more appropriate comparison in this case would be in relation to the existing site circumstances as discussed below.

6.29 Impact of the proposal compared to the existing site circumstances

Spatial Impacts on Openness

6.30 While the appeal site sits at a low point within the surrounding land and is fairly well screened from public vantage points outside the application site, the proposed mass and bulk of the building would be substantial, and its overall size and scale and solid mass would result in the erosion of three-dimensional space which would in itself result in the erosion of the openness of the Green Belt.

6.31 The building footprint would be sited on previously developed land as depicted in the diagram below.



Figure 10: Location of Building within Application Site

6.32 Whilst the derelict structure on the application site has a greater width than the proposed, it is open to the landscape. In contrast the proposed building would have a solid, bulky visual

presence in the landscape. The footprint of the building would also be situated further north on an area of land which is currently open. The proposed building would therefore be much more spatially and visually prominent compared to the existing site.

Visual Impacts on Openness

- 6.33 The landscape and visual appraisal, and photomontages are all useful tools to assist in making judgements on the impact of the scheme on openness of the Green Belt. The starting point for any appraisal of the effects on visual openness, should be to understand the openness of the existing site.
- 6.34 The appeal site itself comprises, tranquil Green Belt land which is comprised of open fields, surrounded by woodlands and mature vegetation. To the north west of the site is a designated Site of Importance from Nature Conservation (SINC) which includes Stanmore Country Park and Pear Wood Nature Reserve. Significantly, the entire sites lies within the Harrow Weald Ridge Area of Special Character. This is an area of high ground above the predominantly suburban development of the central lowland area and is considered to be of strategic importance to the character and distinctiveness of the Borough. Brockley Hill runs adjacent to the east of the application site and beyond this is further open fields. To the south of the application site is more green open space known as Cleopatra Close Park. Further beyond the application site to the south and south east is some modest low rise two storey suburban residential development. There is tree planting around all edges of the site and the land beyond it. The predominant character of the area around the immediate site is green and open with the strong presence of mature trees and vegetation. These characteristics contribute positively to the visual amenity of the area.



Figure 11: Aerial photograph of site and its context from Google Earth (Please note this image is prior to fire)

- 6.35 Visual openness can be affected by a number of factors including screening by existing features such as landform and woodland, the extent of existing development and infrastructure already in view and also the opportunity for people to experience or perceive views by accessing the area.

Visual Impacts from public vantage points

- 6.36 There are no public footpaths running across the site. However, the site can be viewed from public vantage points from the east adjacent to the entrance area from Brockley Hill.
- 6.37 The appeal proposals would introduce new built form onto the site along with associated infrastructure and car and coach parking. These elements will inevitably have an adverse impact on the visual openness of the Green Belt through the introduction of new development which has a solid built mass compared to the remains of the open steel frame

structure on site. This would cause significant harm to the visual openness of the Green Belt. The scheme identifies that:

- Approximately 0.11 hectares of the site would accommodate built form (approx. 7% of the site area)
- Approximately 0.33 ha of the site will accommodate car parking (approx. 21% of the total site area).

6.38 The Supplementary Openness and Landscape Appraisal (CD/78) provides a written comparison of the existing and proposed impact on the visual openness of the Green Belt in respect of long range views outside of the application site as well as more immediate views in the application site. However only a single photomontage has been provided of the proposed building from Brockley Hill. The visual impacts of the proposed building from within the site have not been demonstrated in a photomontage.



Figure 12: Existing and Proposed view of development from Brockley Hill to the east

6.39 The submitted Accurate Visual Representation photo viewpoint 1 by Tyler Grange shown above demonstrates the clear visibility of the proposal from public vantage points along the

eastern side of Brockley Hill. The prominence and visibility at this junction will be greatly increased as a result of the alteration of the access way into the site.



Figure 13: View from Brockley Hill to the South of the Site (Photo viewpoint 3)

- 6.40 Figure 13 shows the existing view to the south of the site along Brockley Hill (taken from Supplementary Landscape and Openness Appraisal CD/79). Here the existing structure is not strongly perceptible in the landscape due to its open nature. I consider that the proposed building would be readily visible in this view due to its scale, massing and materials which would stand out strongly against the green landscape.
- 6.41 It is recognised that the trees around the application site will provide some visual containment. However, it should be noted that the degree of visibility will vary according to the seasons as many of the trees around the application site are deciduous. As such, the views into the site from Brockley Hill will certainly increase during the winter months.
- 6.42 Whilst it is accepted that the visual effects on openness would be limited to these localised public vantage points along Brockley Hill, the effects would nonetheless be significant.

Views within the site

- 6.43 The impact on more localised views within the site would have significant impacts on the visual openness of the Green Belt. A number of appeal decisions have held the view that although the site is screened, this does not mean that the spatial or visual openness of the land should be compromised. This view is taken in appeal decisions APP/P2935/W/21/3285884, dated 15 July 2021 (Whitehouse Farm, Northumberland (Appendix 4)), APP/P1940/W/18/3218067, dated 10 August 2018 (Seabrook Road, Kings Langley (Appendix 2)), APP/M5450/W/19/3232030, dated 4th April 2019 (Linden House,

Pinner) and APP/C2741/W/19/3242886, dated 12th September 2018 (Coney Garth Farm, Dunnington, York) (Appendix 3).

- 6.44 Figure 15 demonstrates that the open nature of the structure on site blends into the landscape much more readily and is visually recessive. As outlined, the visual impacts of the proposed building have not been provided as evidence (in a photomontage) to demonstrate the contrast that would arise from the proposal. Nonetheless, I am of the opinion that the solid scale and massing of the building would be highly visually apparent, and the proposal would constitute a visual encroachment on the Green Belt.
- 6.45 Whilst the wings of the existing structure would be removed and despite the buildings siting at a lower part of the site, this would not serve to mitigate the proposal. The building form would not be significantly more compact east to west compared to the derelict structure. It would encroach further northward onto an area of open land, albeit on previously developed land. The Council's urban design witness has emphasized that the use of materials would be in stark contrast to green open space and would appear highly conspicuous in the landscape as demonstrated by Figure 14 below. The proposals include limited green construction, such as a green roof, which would be a highly important consideration for a building in this setting.



Figure 14: Proposed visualisation from south western corner

6.46 The applicant has advised that the tall fencing and netting surrounding the golf course is proposed to be removed and the bunkers surrounding the land infilled for beneficial ecological purposes. It is acknowledged that the removal of the netting and pylons from the site would be a visual benefit to the Green Belt. However, this is considered to be limited when weighed against the impact of the proposed building, given they netting is associated with a recreational use in the green belt and does not obstruct views across the land. Moreover, the area of land which contains these features are not within the red line application boundary and as such it could not be guaranteed that this could be secured through condition or section 106 agreement due to potential land ownership issues.



Figure 15: View from the north – existing structure



Figure 16: Northern side of remaining structure on site



Figure 17: View from southern side of the site

- 6.47 Notably, the proposal would also incorporate substantial areas of formal landscaping in front of the proposed building. This would fall to be considered under paragraph 150 (e) of the Framework. This states that the change of use of land in the Green Belt is not inappropriate, provided it preserves its openness and does not conflict with the purposes of including land within it. The proposal would have a greater impact on the openness of the area at the front of the building as a result of the introduction of formal landscaping, pathways and manmade structures on that land. Moreover, the proposal would require additional lighting on the building facades and in the landscaped area. This would increase the urban nature of the development as it would not reflect the natural qualities of the surrounding land. This element would further contribute to the reduction of the visual openness of the Green Belt.

Conclusion

- 6.48 There would be a substantial decrease in the spatial aspect of Green Belt openness compared to the remains of the open steel frame structure as well as a notable reduction to the visual openness of the Green Belt in localised views from Brockley Hill and from within the site. When these factors are taken together, the harm to the openness of the Green Belt would be substantial. Any harm to the Green Belt should be given substantial weight (NPPF Paragraph 148) and this include definitional harm from inappropriate development (NPPF Paragraph 147). The appellant has not demonstrated that there are ‘Very Special Circumstances’ where the harm to the openness of the Green Belt and any other harm would be outweighed by other material considerations (This is discussed in section 7.0 of the appraisal below).
- 6.49 In my professional opinion, the appeal development is in conflict with the National Planning Policy Framework (2021), policy G2 of the London Plan (2021), Policy CS1 F of the Harrow Core Strategy 2021 and policy DM16 of the Harrow Development Management Policies Local Plan.

7.0 Very Special Circumstances

- 7.1 There is no measure or guidance as to what defines VSC, rather it is a matter of planning judgement based on all of the circumstances taken ‘in the round’. It is therefore a matter of fact and degree. The NPPF explains that VSC will exist where the potential harm to the Green Belt by reason of inappropriateness (and any other harm) is clearly outweighed by other considerations.
- 7.2 It is necessary to weigh up, in order to see whether the benefits clearly outweigh the harms in which case there will be VSC. The harm includes the ‘definitional harm’ that arises from inappropriate development in the Green Belt any and other harm – both to the Green Belt (purposes and openness) and generally.

Case Law

- 7.3 Case law has established that a number of factors ordinary in themselves can combine to create something ‘very special’ and it is necessary to consider all the benefits as against the definitional harm and any other harm: see *R (Basildon District Council) v First Secretary of State* [2005] JPL 942.
- 7.4 The *Wychavon DC v Secretary of State for Communities and Local Government* [2008] EWCA Civ 692 judgement sets out that the “*proper approach*” is to “*start from the premise that inappropriate development was by definition harmful to the purposes of the Green Belt, then to ask whether the harm by inappropriateness and further harm caused to the openness and purpose of the Green Belt was clearly outweighed by the benefit*” (Para. 2). This was supported in *R (Wildie) v Wakefield Metropolitan BC* [2013] EWHC 2769 (Admin).

The Need for a Banqueting Facility

Appropriate Venues in the Borough of Harrow

- 7.5 The Council accept that Harrow Borough has a significant representation of Asian and Asian British residents and residents of Hindu and Muslim faiths. The Council also agree with the appellant that there is a market for Asian and other ethnic weddings and celebrations. Premier banqueting previously formed part of the offering but has now closed.

7.6 For the purposes of analysis, I have adopted the appellants approach for considering venues which have capacity for over 300 plus guests.

7.7 The appellant at Appendix A of the Assessment of Need by Turley identify the following venues in the London Borough of Harrow:

- Kadwa Patidar Centre
- Byron Hall, Harrow Leisure Centre
- Dhamecha Lohaha Centre

7.8 In my view there are additional venues which can host Asian/ethnic weddings and celebrations for 300 plus guests. One such facility identified within The London Borough of Harrow is the Hive, Edgware which has not been included at Appendix A. The Hive is a licensed wedding venue with capacity for upto 1000 guests and has over 300 on site car parking spaces. Its web site describes that it can cater to any kind of celebration or event, including all faith weddings, pre and post covid wedding parties (including Mehndi nights) Bar and Bat Mitzvahs, corporate parties, conferences, birthday, engagement and anniversary parties (Refer to Appendix 6). The Hive banqueting facility has confirmed to the Council that they regularly host south-Asian and other ethnic wedding at their premises and although they are busier than usual due to the restrictive period during the Covid-19 pandemic, they do normally have plenty of availability. In addition, Harrow School has confirmed that they host weddings and other events for Asian/ethnic communities. They can accommodate upto 550 people for the ceremony. It is acknowledged they can't offer a seated reception currently for 300 plus guests but their facilities are currently being refurbished and they have advised they will be able to provide this by 2024.

Appropriate Venues in the Sub Regional Market Area

- 7.9 In addition to venues in Harrow, I have explored additional venues within the appellants identified sub regional market area (Boroughs of Brent, Hertsmere, Watford and Barnet)
- 7.10 From my search, it is evident there are a variety of other venues available to hire which would be suitable to host Asian/ethnic weddings and other celebrations. Within the Borough of Brent, Wembley stadium includes arrange of different sized venues for hire and packages for weddings. A very wide range of room capacities is offered from smaller 300 guest events up to 2000 people. The website outlines that the venues can ‘be adapted to the most discerning client needs’ (refer to extracts from web site at Appendix 6). In the London Borough of Barnet, there are a number of different size capacity rooms for hire at the Stone XStadium. Their website states “We have been the location of choice for weddings of many denominations and cultures over the years”.

Wider Area

- 7.11 The appellant has not included other nearby boroughs within their search area including Hillingdon, Hounslow or Ealing and Welwyn, Hatfield. It is evident that there are further facilities available within these boroughs for example including:
- Stockley Marque, Hillingdon
 - North Mymms Park, Hertfordshire
 - Radisson Blu, Edwardian Heathrow Hotel and Conference Centre, Hillingdon
 - Silverdine Banqueting and Conferences, Hounslow
 - Waterfront Suite, Hounslow
 - Vuk Banqueting Suite, Ealing
 - Saffron D’OR, Ealing
- 7.12 Details of the above venue’s services/facilities are included at Appendix 6.
- 7.13 From the above search, it is clear in my view that the assessment of need should not be confined to Harrow and an arbitrary sub area.

- 7.14 Table 3 of the Turley report shows that there are events taking place outside of the sub regional market area. Aside from 42 survey respondents which held events in Harrow and the sub regional area, a further 62 held events in London, Luton or Watford (55%). Additionally, of 113 respondents 42 held events in the midlands or the north of England (37.5%). In my view, one cannot infer from the results that 42 respondents were unable to find a venue closer to Harrow or London. In my opinion, it is a matter of common sense as it is unlikely that a wedding would take place in Birmingham or Bolton for example, unless there were strong family/friend connections in these areas.

Capacity/Availability/Choice

- 7.15 It is accepted that there are a number of factors why people might select to use a particular venue for a wedding or event including price and venue size. Figure 8 of the Turley report makes clear that an affordable large space seems to be the main criteria for choosing Premier Banqueting. Whilst location is identified as a high priority for selecting the venue, this does not necessarily relate to a preference for Harrow itself but there could be other relevant considerations, for example access to the venue. It should be noted that the former Premier Banqueting facility had a PTAL rating of 6a which was much more accessible than the proposed application site (PTAL 1a).
- 7.16 The Turley report finds that one third of customers hosting events at Premier Banqueting between 2017 to 2020 originated from the local authority of Harrow. This is not considered to represent significant high demand, given that two thirds of customers are therefore coming from outside of the borough. The Transport Assessment (CD/68) identifies the home locations of surveyed Premier Banqueting guests in relation to the Wealdstone venue (Appendix K) and this shows that guests are coming from a wide area which suggests that there isn't a significant strong local need and it is more likely to be other factors such as price and venue size which was driving the selection for Wealdstone Premier Banqueting facility.

7.17 In relation to Premier Banqueting at the former Wealdstone site, it is noted they were operating below capacity. The appellants Transport Statement outlines at paragraph 4.13 that in 2019, events were held on around 80% of Saturdays, 55% of Sundays and on average on 1.8 days per week. Paragraph 5.17 of the Transport Statement outlines that events can generally be grouped as lunchtime or evening events and that the former typically run from around 10:00 to around 16:00; the latter from 18:00 to 00:00 or 01:00. It goes on to say that evening events comprised around 85% of weekday events, 60% of Saturday events and 50% of Sunday events and that there was both a lunchtime and evening event on the same day on around 20 days in the year. This leads me to conclude that whilst Premier Banqueting, Wealdstone was a busy site, it was not operating at maximum capacity and there was clearly surplus capacity in the area.

7.18 I acknowledge that the VIP Lounge in Edgware has closed. However, I have seen no evidence which leads me to conclude that existing venues in Harrow, the local region and London cannot accommodate demand.

7.19 The Council has contacted all the venues with the capacity to host 300 plus guests identified at Appendix A of the Turley report as well as other known local venues on August 22 and asked the following questions:

- Does your venue host south-Asian and other ethnic weddings?
- What number of people are you able to cater for?
- Are there any barriers to hosting south-Asian and other ethnic weddings at your venue?
- How in demand are your services currently?
- Do you have many vacancies in your bookings over the next 12 months?
- What on-site parking arrangements do you have and how many parking spaces?
- Do you have an over-flow car parking contingency?

7.20 To date I have received responses from the following venues:

- KP Centre
- Cavendish Banqueting
- Clay Oven
- Bushey Country Club

- Harrow Leisure Centre
- Oakington Manor Primary School
- The Hive, Edgware
- Harrow School
- Canons Park School

7.21 The responses I have received to date are set out in table 1 below.

7.22 The Council do not agree with the degree of emphasis placed on the availability of venues in the sub regional market area. As can be seen from the table 1 below, the responses provided do not indicate that alternative venues cannot cope with demand. There are no identified barriers to holding the events. The appellant outlines that stricter/cultural requirements may mean venues are not suitable but has not provided any further clarification. It is evident from my search of other venue websites, that they can offer facilities for a range of events and can cater for a wide range of dietary requirements. The Council's own venue (Harrow Leisure Centre) has been used for a long period of time for the types of events described in the Turley report. It regularly holds weddings and events for all cultures and communities. It also regularly hosts mehndi nights. The Council's Culture and Leisure department have confirmed that there is availability for this venue over the next 12 months.

7.23 Notably the Turley report identifies two venues which would not be able to adequately cater for Asian and ethnic weddings including the Sattavis Patidar Centre, Wembley and Oakington Manor Primary School Wembley. However, this is contrast to the information provided by the venue website for the Sattavis Patidar Centre which outline their facilities are "adaptable and flexible" and is ideally suited to all occasions. In addition, Oakington Manor Primary school has confirmed in writing that the regularly host (refer to Appendix 6) south Asian weddings and ethnic events.

7.24 It is clear from the Council's evidence that the appellants proposed use would add to the existing choice but is not meeting a need.

- 7.25 It is acknowledged that the appellants undertook a detailed sequential search assessment during the course of the planning application and were unable to identify any alternative suitable sites in more sustainable locations for new banqueting facilities in Harrow and the sub regional market area. However, given that the Council evidence suggests there is sufficient alternative existing premises to meet demand, this is only given a limited amount of weight.
- 7.26 In conclusion, there are in my view additional venues in Harrow and nearby areas to those which have been identified by the appellant that are currently not operating at capacity. I consider the appellant has underplayed the significance of the wider area. I cannot conclude on the evidence that I have seen that existing venues are at saturation point. In my opinion, the proposal would increase choice in the market, but it is not meeting a need which cannot be currently met. Moreover, unmet need in my opinion does not clearly outweigh the harm that would be caused to the openness of the Green Belt and any other harm.

Venue	Able to host south Asian/ethnic wedding/events	Capacity	Any Barriers to hosting events	Current Demand	Vacancies in next 12 months	On Site Parking	Overflow parking
Harrow School, Harrow	Yes	-Seated ceremony 550 guests -Seated reception 150 guests -Seated reception 350 guests by 2024	-No real flames permitted -clients not able to source own catering	Regular enquiries	Small number of bookings	150 car parking spaces	No, but on street parking available in locality
KP Centre, Harrow	Yes – caters for all communities	-Theatre style 800 guests -seated reception 500 guests	No – most functions south Asian	Very high	Most weekends booked. Availability for weekdays	158	Overflow parking at nearby school for 60 spaces
Clay Oven, Brent	Yes, we host south Asian and ethnic weddings	500 guests	No barriers to host weddings	We are in demand and sell dates on a regular basis	We have plenty of vacant dates for the next 12 months	Free parking with capacity for 200 cars on site	-
Canons Park School, Harrow	Yes	450 guests	No	Increasing after pandemic	Yes	150	No restrictions for on street parking

Cavendish Banqueting, Barnet	Yes	350 to 400 guests	No	Not very busy due to nearby venues – the Hive and Serenity	Yes, plenty of availability	Most Guests use Asda parking	On street parking available after 7pm Sunday free all day
Bushey Country Club, Hertsmere	Yes – form 70% of weddings	850 guests	No	Average demand	Good availability over next 12 months	300 car parking spaces	No requirement but space can be provided
The Hive, Harrow	Yes regularly	Up to 1000	No	A range of facilities to cater for the market and recently added further banqueting suites	Good availability over the next 12 months	300 parking spaces	A little
Harrow Council Leisure Centre, Harrow	Yes-all cultures and communities	Byron Hall: - 1800 standing, -1400 theatre style -800 round tables Masefield: -250 standing -220 theatre style -200 round tables	No	Demand is strong but usage is not full	Yes, larger events typically booked 3 to 6 months in advance, smaller events 2 to 4 months	400	No

Oakington Manor Primary School, Brent	Yes, we host south Asian weddings	Two large halls with capacity for 400 and 650 guests table seating	-	We are in demand	We have vacancies in our booking over next 12 months	350 cars on site	-
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Table 1: Venues in Harrow and the Sub Regional Market Area which can host South Asian/Ethnic weddings and celebrations

Untidy Land

- 7.27 The site is currently in a derelict and dilapidated condition as a result of the fire and fly tipping on the land and graffiti on the buildings which occurred post fire. However, as discussed in detail in the proof of evidence concerning Character and Appearance, it is not considered the buildings have been sympathetically designed to reflect the semi-rural and green open setting of the area. The proposal would not sufficiently integrate into its Green belt setting and would be very apparent and intrusive, appearing as an incongruous form of development that would urbanise the verdant appearance of the site. Moreover, the Council could consider the use Section 215 of the Town and Country Planning Act to tidy up the site. Section 215 (s215) of the Town & Country Planning Act 1990 provides a local planning authority (LPA) with the power, in certain circumstances, to take steps requiring land to be cleaned up when its conditions adversely affects the amenity of the area. In this case, it is clearly apparent that the fly tipping on the land, graffiti on the buildings and their general dilapidated appearance of the former buildings is having a detrimental impact on the surrounding landscape and as such the Local Planning Authority could therefore reasonably serve a notice on the owner requiring that the situation be remedied within an appropriate timescale. The LPA could also consider the use of powers under section 219 to undertake the clean up works themselves and to recover the costs from the landowner. Given there are other mechanisms by which to remedy the situation on site, this element is given a limited amount of weight in the planning balance.

Biodiversity Benefits

- 7.28 Paragraph 174 of the Framework states that: *“Planning policies and decisions should contribute to and enhance the natural and local environment by: (a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils”*
- 7.29 Policy G6 of the London Plan (2021) states: *“Development proposals should manage impacts on biodiversity and aim to secure net biodiversity gain. This should be informed by the best available ecological information and addressed from the start of the development process.”*

- 7.30 Policy DM20 (Protection of Biodiversity and Access to Nature) states that: *“The design and layout of development should retain and enhance any significant existing features of biodiversity value within the site. Potential impacts on Biodiversity should be avoided or appropriate mitigation sought”.*
- 7.31 Policy DM21 (Enhancement of Biodiversity and Access to Nature) states that: *“Opportunities to enhance locally important habitats and to support locally important species will be sought in accordance with the Harrow Biodiversity Action Plan. Where possible, proposals should secure the restoration and re-creation of significant components of the natural environment as part of the design and layout of development.”*
- 7.32 The ecological value of the site and surrounding land is considered to be of strategic importance for biodiversity due to its siting within the Green Belt connecting a whole chain of highly important wildlife sites. This is shown in Figure 17 below where the hatched area indicates designated SINC areas. The northern and western boundary of the site directly adjoins the Pear Wood and Stanmore Country Park Site of Importance for Nature Conservation (SINC).

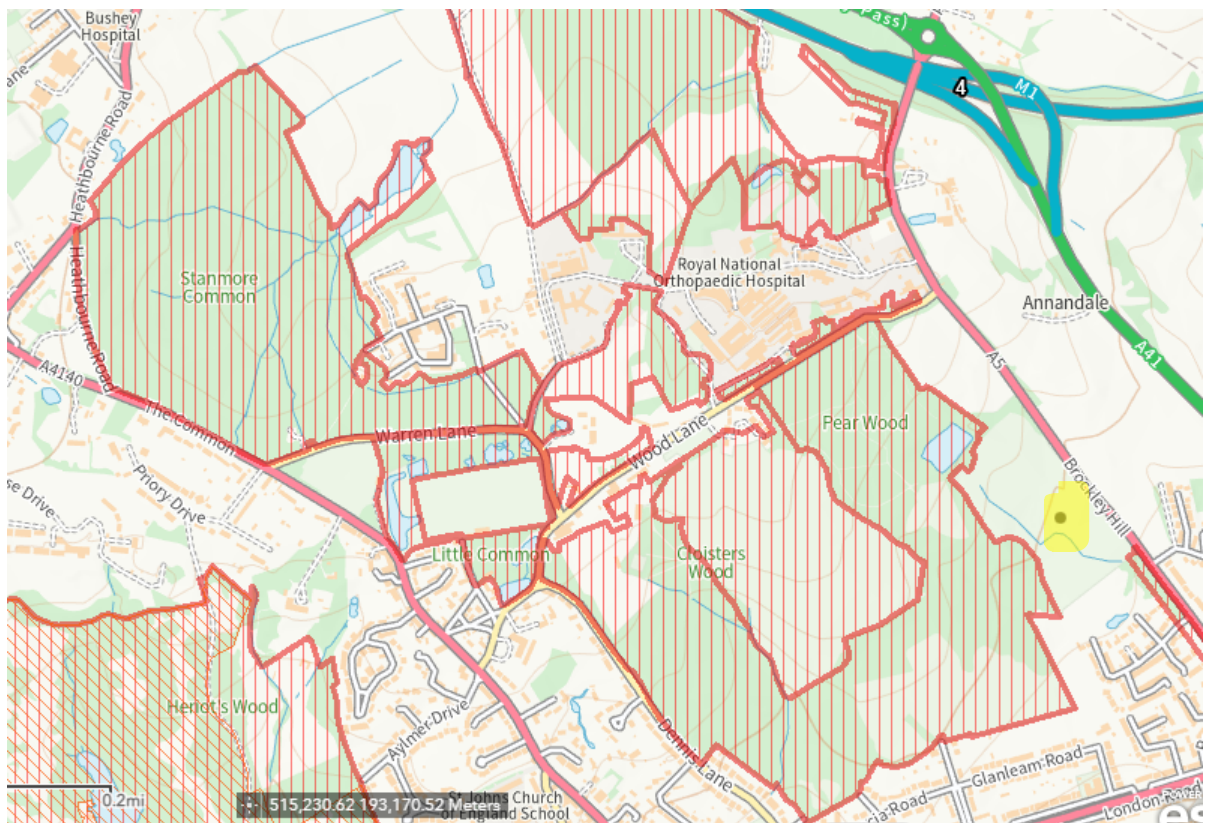


Figure 17: Extract from Harrow Proposals – Sites of Importance for Nature Conservation in relation to the application site (highlighted yellow)

- 7.33 It is accepted that that the biodiversity proposals would be acceptable in relation to national, regional and local, policy (DM20 and DM21 of the Harrow Development Management Policies Local Plan), subject to securing appropriate planning conditions. The biodiversity benefits are considered to be positive but are given limited weight.
- 7.34 In summary, whilst it is recognised that there would be improvements to biodiversity and surface water management through new landscaping and ponds, however, the uplift would be small and is therefore only given limited weight.

Economic and Other Sustainability Benefits

- 7.35 The appellant has highlighted a range of suppliers that serve the business outlining 8 (32%) are within Harrow and 18 (72%) are within London. It is also highlighted that there will be economic benefits arising from expenditure associated with the use of the venue such as travel, accommodation shopping, leisure and food and beverage purchases. The operation itself will generate employment and business rates for the local economy. However, it should be noted that business rates are not regarded as a benefit of the scheme, as they are necessary to provide services required by the site. Having regard to the number of local suppliers and scale of the venue, the overall outlined benefits are not considered to be significant. Nevertheless, it is acknowledged that there will be some direct and indirect economic and social benefits from the supply chain, local expenditure and employment opportunities to which I attach moderate weight.

Conclusion

- 7.36 In my professional opinion, the weight of other considerations in this instance would not be sufficient to clearly outweigh the substantial weight in relation to the harm to the Green Belt in addition to any other harm that would arise. Consequently, the very special circumstances necessary to justify the development do not exist.

7.37 The development would therefore be contrary to the objectives of the NPPF policy G2 of the London Plan 2021, policy G2 of the London Plan (2021), Policy CS1 F of the Harrow Core Strategy 2021 and policy DM16 of the Harrow Development Management Policies Local Plan.

8.0 Impact on Residential Amenity

8.1 The proposed development would result in overspill parking to the surrounding roads to the south/south east of the site within the London Borough of Harrow and Barnet. The Highways evidence sets out which roads can safely accommodate parking and these include the following:

- Augustus Close
- Brockley Avenue
- Fauna Close
- Flora Close
- Grantham Close
- Julius Caesar Way

8.2 I make the assumption that those attending the venue would not be able to park safely on the following streets based on the observations of the Council Highways Officer as discussed in the Highway Proof of Evidence:

- Cleopatra Close
- Newlands Close
- Pipers Green Lane

8.3 Parking surveys demonstrate how little parking there is currently on the surrounding streets to the south east of the site. The results (as discussed in the Highways Proof of Evidence) shows that there is upto 81 on street parking spaces that could accommodate possible overspill from the development site. There is also the potential for a further 26 spaces to be accommodated on site. Based on the need for 131 car parking spaces in relation to a 500 person event, there would need to be an additional 27 parking spaces plus space for staff parking for 31 members of staff.

8.4 Based on the assumption that an additional 26 vehicles would be parked on site, a substantial number of vehicles would still be looking to park in a limited number of residential streets. It is likely that people attending events would look to park as close to the venue as possible. The closest roads to the venue with identified parking capacity include Grantham Close and Julius Caesar Way.

- 8.5 Grantham Close has a capacity for 10 vehicles. The survey results show that on Saturday there were only 5 vehicles parked there at 23:00 and 2 on a Sunday at 23:00. Julius Caesar Way has a capacity for 13 vehicles and 6 were shown to be parked at 23:00 on Saturday and Sunday. In my view the survey results are not surprising, given that no one is likely to park on those roads other than visitors.
- 8.6 However, when large events are held, there will be significant parking overspill which is likely to transform comings and goings and associated noise and disturbance in these very quiet suburban roads. Noise and disturbance would arise from people coming and going and from conversation from guests gathering and departing in the latter evening and at unsocial hours when the majority of events would take place. In my view this will have an unacceptable impact on the residential amenities of the surrounding neighbouring occupiers. Residents would be highly sensitive to any degree of noise activity taking place, particularly during the evening and at night, given the quiet and calm nature of the existing streets.
- 8.7 Table 4.1 of the Transport Statement provides a typical fortnight events schedule based on events occurring at Premier Banqueting in 2019. This shows that relatively high-capacity attendance (over 300 guests) would occur both during the week and weekends, ranging from 18:00 to 01:00am. It would be much more difficult to effectively manage the dispersal of guests after events which could be well beyond the end of event time. Many people will arrive and leave within a short window of time. Having regard to these factors and the likely regular events during both the week and weekends, there would be unacceptable amenity impacts on these neighbouring occupiers in my view.

9.0 Other material planning considerations and the Planning Balance

- 9.1 I have set out in this proof, the social, environmental, and economic benefits of the scheme.
- 9.2 There would be direct, indirect, more permanent economic benefits brought forward by the appeal scheme, to which I attach further moderate positive weight. I give limited weight to the short-term economic benefits that would arise during the build process.
- 9.3 The proposed development would deliver some biodiversity improvements. Whilst this is a matter of note, the overall increase to biodiversity would be relatively small when the size of the site is assessed within the context of the wider area. The overall proposed improvements to biodiversity will not be large and can therefore only be attributed a limited amount of weight.
- 9.4 It is recognised that the proposal would increase choice in social spaces for events for Asian and other ethnic communities to which I attach a moderate amount of weight.
- 9.5 I have had due regard to the Public Sector Equality Duty contained in section 149 of the Equality Act 2010 which specifies the need to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. I have also had regard to the rights conveyed within the Human Rights Act 1998, which requires consideration to Human Rights and any protected characteristics.
- 9.6 However, in my view, when the above considerations are taken together, the benefits do not outweigh the conflicts with the development plan arising from harm to the Green Belt, harm to the character and appearance of the locality, to the highway safety on Brockley Hill and also in relation to the harm to residential amenity on nearby residents.

10.0 Conclusions

- 10.1 Pursuant to s.38(6), this appeal should be determined in accordance with the Development Plan unless material considerations indicate otherwise.
- 10.2 The proposal would represent inappropriate development in the Green Belt that would fail to preserve its openness. Inappropriate development is, by definition, harmful and should not be approved except in very special circumstances. The Framework advises that substantial weight is given to any harm to the Green Belt.
- 10.3 Against this harm benefits identified by the appellant, including the need for the facility and social and economic benefits of the proposal, afford only limited weight. The framework sets out that very special circumstances will not exist unless the harm to the Green Belt by reason of inappropriateness and any other harm is clearly outweighed by other considerations. In this case, the other considerations in favour of the proposal would not clearly outweigh the harm identified to the Green Belt. Therefore, very special circumstances necessary to justify the proposal do not exist.
- 10.4 The appeal scheme would conflict with the Development Plan when read as a whole and there are no material considerations of sufficient weight to indicate that planning permission should be granted. Accordingly, my evidence is that this appeal should be dismissed, and planning permission refused.

