**RE : FORMER STANMORE AND EDGWARE GOLF CENTRE, BROCKLEY HILL**

**APP REF 3299650**

**OPENING SUBMISSIONS BY THE LOCAL PLANNING AUTHORITY**

1. The appeal scheme is to be determined in accordance with the development plan unless material considerations indicate otherwise[[1]](#footnote-1).
2. The scheme is not in accordance with the development plan.
3. That conflict with the development plan is not outweighed by other material considerations.
4. The development plan consists of the Harrow Core Strategy 2012, the Development Management Policies Local Plan 2013, The Local Plan Policies Map, and the London Plan 2021.
5. At the application stage, the planning committee refused planning permission through three Reasons for Refusal which encapsulated four objections. Those objections can be summarised as follows :
6. The proposed development is inappropriate development in the Green Belt and would harm the openness of the Green Belt, and Very Special Circumstances do not exist.
7. The impact on the character and appearance of the locality.
8. The impact on parking overspill on highway safety.
9. The impact of parking overspill on the amenity of neighbouring occupiers.
10. The highway safety objection has since been overcome by way of a s106 contribution agreed in both principle and quantum by the appellant in respect of the introduction of waiting restrictions on Brockley Hill. Subject to that contribution therefore being secured through the s106 agreement, that objection is not pursued by the LPA.
11. The three other objections remain unresolved and are in issue at this Inquiry.
12. National, regional, and local planning policies are committed to protecting Green Belt land. That protection does not amount to a prohibition, however policy strictly controls the circumstances in which such development should be allowed.
13. It is agreed between the parties that the proposed development would be within the Green Belt.
14. It is further agreed between the parties that the proposed development is inappropriate development.
15. Inappropriate development is, by definition, harmful to the Green Belt[[2]](#footnote-2).
16. Any harm to the Green Belt, including definitional harm, should be given substantial weight by planning decision-makers[[3]](#footnote-3).
17. Since the appellant agrees that the proposed development is inappropriate, the government have made it crystal-clear that it should not be approved unless very special circumstances (‘VSC’) exist[[4]](#footnote-4).
18. VSC will not exist unless the potential harm to the Green Belt by way of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations[[5]](#footnote-5).
19. In approaching the question of whether VSC exist, the harm by reason of inappropriateness is accompanied in this case by harm to the openness of the Green Belt, harm to the character and appearance of the locality, and harm to the amenity of neighbouring residents.
20. The appellant’s VSD case relies at its heart on a claim that there is an unmet need escribed in the following terms : that there is no appropriate banqueting venue within the Borough to meet the cultural needs of (principally) the South Asian community for wedding and other large events.
21. The matters which are relevant to an assessment of impact on openness are a matter of planning judgment[[6]](#footnote-6) and openness is an open-textured concept. Both parties appear to agree in this case that spatial and visual considerations are relevant. There appears to be no factual disagreement either that in terms of footprint and volume the proposed building is larger than both its predecessor and its post-fire remnants. The LPA do not agree with the appellant’s argument about ‘compactness’, and the LPA will further invite the Inspector to consider the consequences of the proposed landscaping. In terms of visual impacts, viewpoints have been identified from Brockley Hill, from where allowance has to be made for seasonal variation, but the views within the open land are also important to consider. In the LPA’s view, the proposed scheme would clearly result in harm to the openness of the Green Belt
22. The proposal would in addition harm the character and appearance of the locality. In this respect, it is important to note that the appeal site falls within the Harrow Weald Ridge Area of Special Character. The supporting text to the ASC policy[[7]](#footnote-7) describes the identified Area as “a visual reminder that Harrow is an outer London Borough “. The proposal will harm the ASC.
23. The LPA will explain how the character and appearance of the locality will be harmed in the public views from Brockley Hill and from views within the surrounding parcel of open land.
24. The appellant looks to draw planning support from graffiti and piles of rubbish evident on the appeal site, which the appellant identifies as a form of comparator. However, that is an unattractive argument since it is plainly within the owner’s control to address this and the LPA have a statutory power[[8]](#footnote-8) to require the condition of the land to be remedied. Given the limited access to the site it should not be very difficult to prevent fly-tipping.
25. In the view of the LPA, relying on the professional judgments of its highways officers, the parking provision at site will not prevent overspill for larger events. The appellant has failed to identify any alternative to give the Inspector confidence that that parking at an appropriate location off-site be secured. Elstree Manor Hotel, which the LPA had not regarded as an appropriate location, seems to have disappeared as part of the appellant’s strategy, whilst a last-ditch attempt to rely on Haberdashers School amounts to no more than a very preliminary discussion (a point apparently conceded by the appellant in a very recent email to PINS). In the absence of a workable alternative, vehicles will not be able to park on Brockley Hill because as it is unsafe to do so waiting restrictions would be introduced, so they will head for the nearby enclave of quiet residential streets.
26. A regular influx of cars and perhaps coaches, all coming and going at a similar time, will adversely affect the amenity of those who live quietly in those streets, by introducing a material level of noise and disturbance.
27. On the other side of the argument is the claim by the appellant that there is a need for the proposed facility, particularly as a replacement for the now-closed Premier Banqueting venue previously operated by the appellant.
28. However, the appellant’s need case does not fare well under scrutiny :
29. The appellant has under-stated the existing relevant venues in Harrow ;
30. The appellant has under-stated the geographical parameters of a notional sub-area ;
31. The appellant has under-stated the existing relevant venues even in within the sub-area identified by the appellant ;
32. The appellant’s evidence does not demonstrate that the existing provision cannot accommodate demand.
33. The appellant’s needs case is in reality about increasing choice in the market. That is itself a benefit which can and should be considered in the determination of this appeal, but it is plainly a less weighty benefit than a genuine needs case.
34. Of course the Inspector must have due regard to the Public Sector Quality Duty arising under s149 of the Equality Act 2010. However, in the LPA’s view, a refusal of planning permission does not compromise this duty.
35. It is the LPA’s case that the evidence will demonstrate that the scheme is in conflict with a raft of development policies **(G2, D3, CS1, CS7, DM1, DM6, DM16)** and the development plan as a whole. The conflict is not outweighed by material considerations and the LPA will therefore invite the Inspector to refuse planning permission.

Ed Grant 11th October 2022

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1. S38(6) PCPA and s70(2) TCPA [↑](#footnote-ref-1)
2. NPPF paragraph 147 [↑](#footnote-ref-2)
3. NPPF paragraph 148 [↑](#footnote-ref-3)
4. NPPF paragraph 147 [↑](#footnote-ref-4)
5. NPPF paragraph 148 [↑](#footnote-ref-5)
6. See R (on the application of Samuel Smith Old Brewery and others v North Yorkshire County Council [2020] UKSC 3 ; Turner v SSCLG [2016] EWCA Civ 466 [↑](#footnote-ref-6)
7. Policy DM6 [↑](#footnote-ref-7)
8. S215 TCPA [↑](#footnote-ref-8)