|  |  |
| --- | --- |
| **PINS Ref** | APP/M5450/W/22/3299650 |
| **Site** | Former Stanmore and Edgware Golf Centre, Brockley Hill, Stanmore, HA7 4LR |
| **Appellant** | Sairam (Holdings) Ltd |
| **Local Planning Authority** | London Borough of Harrow |

**CLOSING SUBMISSIONS FOR THE APPELLANT**

**Introduction**

1. It is common ground that the Appellant’s proposal is, in policy terms, “inappropriate” development in the Green Belt because:
2. it is a proposal for the construction of a new building[[1]](#footnote-1); and
3. the inevitable consequence of the fire damage to the former golf club building was to make it impossible to apply any of the “exceptions” to inappropriate development in para. 149 of the NPPF that relate to existing/replacement buildings or to previously development land (“**PDL**”).
4. National and local policy therefore both require “very special circumstances” (“**VSC**”) to exist: that is, they require harm to the Green Belt by reason of inappropriateness and any other harm from the proposal to be “clearly outweighed” by other considerations[[2]](#footnote-2).
5. At the end of the inquiry, it is plain that the limited harm that would result from the proposal is clearly – we say obviously – outweighed, by the benefits of the proposal.
	1. As we explain in more detail below, the proposal would meet the substantial need for a dedicated “one-stop-shop” banqueting venue in the Borough that is able to meet the range of needs of the Borough’s South Asian and other ethnic communities in relation to weddings. That need is even more acute following the closure of both Premier Banqueting and its only comparable competitor in the Borough, the VIP Lounge in Edgware. The Council continues to refuse even to acknowledge the existence of this need and to insist instead that the needs of the relevant communities in relation to weddings can satisfactorily be met at existing venues within the Borough (none of which is fully comparable to the “one-stop-shop” offer that Premier Banqueting provided), or by travelling outside the Borough. The Council’s stance in this regard leaves it in clear breach of its public sector equality duty (“**PSED**”) under the Equality Act 2010 (“**the 2010 Act**”). When due regard is actually had to the need to advance equality of opportunity between people of different races and/or different religions or faiths, it is plain that **very substantial positive weight** should be given in the overall planning balance to the need for the proposal.
	2. **Substantial positive weight** should additionally be given to the absence of any sequentially preferable alternative, suitable and available site for the proposed banqueting facility. It is common ground between the main parties that there is no such site within a five mile radius of the former Premier Banqueting facility (the search area and criteria for the sequential site assessment were also agreed and accepted by the Council)[[3]](#footnote-3).
	3. Next, granting planning permission for the proposal would enable the replacement of an extremely unsightly, fire-ravaged building with a new building of very high design quality, transforming the character and visual amenity of the Site and its surroundings. This benefit of the proposal should also be accorded **very substantial positive weight** in the overall planning balance.
	4. **Moderate** **positive weight** should be given to the provision of economic (and related social) benefits during the construction and operation of the proposal.
	5. **Moderate positive weight** should also be given to the proposed ecological enhancements that will achieve a biodiversity net gain of at least 20% on the Site, double the minimum 10% that will in due course be required by the Environment Act 2021.
6. Turning to the harm that the above benefits must clearly outweigh in order for VSC to exist, the Appellant acknowledges that it follows from the fact that the proposal is in policy terms (i.e. under the NPPF) “inappropriate” development that it will cause “definitional” harm to the Green Belt[[4]](#footnote-4), i.e. harm “by reason of inappropriateness”[[5]](#footnote-5). There will be limited additional Green Belt harm. The Appellant’s evidence has shown that because the proposed building has a more compact form than its predecessor, it will cause only limited harm to the spatial aspect of openness – and no greater harm to the visual aspect of openness than the existing structure on the Site. Importantly, it is common ground[[6]](#footnote-6) that the proposal does not conflict with any of the five purposes[[7]](#footnote-7) of the Green Belt.
7. As regards non-Green Belt harm, the evidence provided to and heard at this inquiry has established that the Council’s Planning Committee was wrong to refuse the application on the additional ground (not supported by the Council’s planning officers) that the design and form of the proposal was unacceptable. Reason for Refusal (“**RfR**”) 2 should not have been pursued. There is no additional harm to factor in to the overall planning balance on this score beyond the limited harm to Green Belt openness already acknowledged above.
8. The scope of RfR 3 had significantly narrowed prior to the opening of this inquiry, to a dispute over whether the Appellant has done enough to manage the risk of guests parking in neighbouring residential streets should the car park on the Site reach capacity during large events. The evidence provided to and heard by the inquiry has substantiated our argument in opening that what remains of RfR 3 has no substance.
9. It follows that the “harm” side of the Green Belt overall planning balance includes only (i) “definitional” Green Belt harm (by reason of inappropriateness) and (ii) limited harm to the spatial aspect of Green Belt openness (only).
10. Even giving the substantial weight to that Green Belt harm that is required by para. 148 of the NPPF, the benefits of the proposal clearly do outweigh the harm. There are very special circumstances here and the appeal should be allowed.
11. The remainder of these closing submissions is structured as follows:
	1. The benefits of the proposal;
	2. Green Belt openness (the Inspector’s first main Issue);
	3. Character and appearance (the Inspector’s second main Issue);
	4. The effect of the proposal upon the local highway network and highway safety (the Inspector’s third main Issue);
	5. The overall planning balance, including consideration of whether there are VSC (the Inspector’s fourth main Issue).

**The benefits of the proposal**

The need for the proposal and the PSED

1. The PSED requires a public authority *inter alia* to have due regard, in the exercise of its functions, to the need to “advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it” (s. 149(1)(b) of the 2010 Act). The relevant protected characteristics include: race; and religion or belief (s. 149(7)). S. 149(3) explains that “having due regard” to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves “having due regard, in particular, to the need to – (a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it…” (emphasis added).
2. Given the clear terms in which the PSED is expressed in the 2010 Act it is unsurprising that planning policy similarly emphasises the importance of “inclusive growth”, with Policy GG1(C) of the London Plan explaining that “[t]o build on the city’s tradition of openness, diversity and equality, and help deliver strong and inclusive communities, those involved in planning and development must […] provide access to good quality community spaces, services, amenities and infrastructure that accommodate, encourage and strengthen communities…” (emphasis added)[[8]](#footnote-8). In the same vein, the London Plan also sets a requirement for all London Boroughs to consider the social infrastructure needs of their communities as part of their Local Plan[[9]](#footnote-9). The Council should therefore have *already* paid due regard to this assessment and its outcomes, based on a clear methodology and identifying gaps in provision, including for wedding venues that meet the needs of all its communities. In carrying out this assessment, the Council would have been required to ensure that “services are able to develop and modernise” in accordance with the NPPF[[10]](#footnote-10).
3. The factual context in which these legislative and policy requirements must be met here is that the Borough has one of the largest populations of people who identify as Asian or Asian-British in the United Kingdom. According to the results of the 2011 Census[[11]](#footnote-11), over two-fifths (42.6%) of the Borough’s population belong to these groups. This is very substantially higher than the equivalent percentage for Greater London as a whole (18.5%).
4. As many as one in four of the Borough’s residents identifies as Hindu (25.3%). Again, this is considerably higher than the equivalent figure for Greater London (5%).
5. Over half of the Borough’s Indian, Pakistani and Bangladeshi households include a married couple (53.8%), demonstrating a higher propensity for marriage than the Borough’s households taken as a whole (39.6%).
6. These facts are not disputed by the Council[[12]](#footnote-12). Miss Rankin agreed[[13]](#footnote-13): (i) that the proportion of the Borough’s residents identifying as Asian or Asian-British and/or followers of the Hindu faith is exceptionally high, judged against the London average; (ii) that Indian, Pakistani and Bangladeshi households are significantly more likely to contain a married couple than the average Harrow household, across the board; and (iii) that these facts are highly relevant to the Inspector’s assessment of whether there is a sufficient supply of wedding venues to meet the needs of Harrow’s South Asian and other ethnic communities.
7. Nor does the Council dispute that the relevant “needs” (that s. 149(3) of the 2010 Act envisages that the Council will take steps to meet) include the need of the Borough’s South Asian and other ethnic communities to access facilities that enable them to hold and celebrate weddings in a way that is appropriate to their religions and cultures.
8. There is similarly no dispute over the fact that the needs of the Borough’s South Asian and other ethnic communities in relation to weddings are different to those of other communities. A venue catering properly for weddings hosted by members of those communities needs to have the capacity and flexibility to accommodate a wedding that will tend to be a large event, with on average c. 350-500 guests (compared to an average of 80 guests across all UK weddings)[[14]](#footnote-14); and that often spans a number of events across different days[[15]](#footnote-15). Specific cultural and religious ceremonies require specific spaces (such as elevated ceiling heights to accommodate a stage and mandap) as well as specific décor[[16]](#footnote-16). Some faiths require gender segregation for some elements of a ceremony or celebration; and there might be catering requirements in relation to the handling of specific food and/or beverages[[17]](#footnote-17). None of this was disputed by Miss Rankin, who agreed that there are a range of different, additional requirements that apply to a South Asian wedding that do not apply to a typical Western wedding; and that those specific requirements inevitably limit the number of venues that are suitable for a South Asian wedding.
9. Put simply, if a typical Western wedding has far fewer guests than a typical South Asian wedding, lasts only a day, does not require any elaborate staging, does not require gender segregation and serves guests Western as distinct from Asian cuisine, it is plain that there is going to be a much wider range of suitable venues for the couple wanting a Western wedding in the Borough to consider than a couple who want a South Asian wedding.
10. It is also important to acknowledge that certain dates are considered “ominous” and “auspicious” dates for weddings in the Muslim and Hindu calendars respectively, in consequence of which some dates are actively avoided for cultural reasons whilst other periods in the calendar are in high demand[[18]](#footnote-18). Miss Rankin acknowledged that it was necessary for the Inspector to have regard to the fact that for cultural and religious reasons there is much higher demand for weddings in South Asian and other ethnic communities during some periods of the year; and that it was reasonable to try to plan to meet that higher demand at certain times of the year.

1. Considering the demographics of the Borough, the nature of the proposal and the clearly expressed requirements of both legislation and planning policy, it should have been obvious that the Council’s starting point in considering the proposal should have been a proper understanding of the requirements of the 2010 Act and the PSED. It is regrettable that those requirements were an afterthought[[19]](#footnote-19). It is still more regrettable that the Council, even at the end of this inquiry, stubbornly refuses to acknowledge the needs of its own communities, insisting that the proposal“would increase choice in the market, but it is not meeting a need which cannot be currently met”[[20]](#footnote-20). It is important to understand that the Council’s argument is not that there is a need but that the proposal will not meet it; the Council’s position is that there is no need because the offer provided by existing venues is sufficient.
2. It is this last point that betrays the Council’s failure properly to understand the PSED. What does the 2010 Act mean when it requires “equality of opportunity” to be advanced between different racial groups under the 2010 Act? In the present context, it must include, at a minimum, equality of access to comparable services. If I am a white person living in Harrow and I want to make arrangements for my Western wedding, I have a wealth of options, with my only real constraint being my budget. For example:
* Do I want a civil or religious ceremony (or both)?
* Do I want a small, medium or large wedding?
* Do I want to co-ordinate suppliers myself (or with a wedding planner) in a dry-hire venue, or do I want the food, décor and entertainment all arranged for me in-house by a wedding manager at a single, all-inclusive or “one-stop shop” venue (usually a hotel or heritage venue)?
1. The latter option – the all-inclusive or “one-stop shop” venue for a Western wedding – has become commonplace in the Borough and, indeed, across the Western world in recent years due to the obvious convenience of busy couples and families dealing with a single main supplier. Usually, all-inclusive wedding venues also make economic sense: a “one-stop” venue that already has décor and lighting options available for use in-house will be significantly less expensive than hiring bespoke décor and lighting and having it delivered, set up and then taken away from a dry-hire venue; having a working kitchen on-site avoids the cost of setting up a temporary kitchen; and dealing with a wedding manager employed by the venue avoids the exorbitant cost of using an external wedding planner to co-ordinate multiple suppliers at a dry-hire venue.
2. The Council does not dispute that residents of the Borough seeking a venue for a Western wedding are able to access, within the Borough and without difficulty, a wide range of facilities that enable them to hold and celebrate weddings in a way appropriate to their religions and cultures, including, critically, a plentiful supply of all-inclusive “one-stop-shop” venues that have become an established proposition in the wedding market[[21]](#footnote-21). *Equality of opportunity means that members of the Borough’s South Asian and other ethnic communities must also have access to equivalent “one-stop” venues that meet their religious and cultural requirements*, particularly when such “one-stop” venues are being proposed by members of those communities themselves (such as the Appellant) based on a clear market demand.
3. It is important to stress that the Appellant is not advancing its proposal on the basis that it is ‘testing the demand’ for an all-inclusive South Asian wedding venue because it is an unknown proposition within that market. The Appellant is advancing its scheme having already run a highly successful, “one-stop” wedding venue for the Borough’s South Asian and other ethnic communities for several years before the Council forced the business to vacate its site for reasons beyond the Appellant’s control. The uncontested evidence before the inquiry is that the Appellant’s business was highly successful – one of the most successful in the Borough – and met a clear need for a particular type of wedding venue to meet the evolving expectations of second and third generation South Asian and ethnic families who see the “one-stop” venues available to those wanting Western weddings and reasonably consider that they should have access to equivalent “one-stop” venues that enable their own religious and cultural practices to be honoured. *Equality of opportunity under the 2010 Act means equality of access to a sufficient number of comparable, culturally appropriate all-inclusive wedding venues.*
4. In these circumstances, for the Council to say that it is sufficient that South Asian and other ethnic couples can access other types of venue (dry-hire religious venues, banqueting suites at football grounds, etc.) or that they can travel to access a dedicated “one-stop-shop” banqueting venue in another local authority area is no answer at all to the duty under the PSED to have due regard to the need to advance equality of opportunity between persons of different races and religions. A white person living in Harrow and paying Council Tax to the Borough can rightly expect that they will be able to mark all major life events within the Borough: their own birth, and the births of their children, can be registered in the Borough; if they decide to get married, they will be able to register that marriage within the Borough, and choose from an extensive selection of venues for the wedding celebration within the Borough. For the Council to argue that there is no need for the Appellant’s venue because South Asian and other ethnic couples can access other “one-stop” venues *in other local authority areas* betrays a profound misunderstanding of the PSED and the Council’s responsibility under the NPPF to plan to meet the needs of its own citizens, irrespective of their race or religion (see, in particular, paras 8(b), 20(c) and 40(d) of the NPPF).
5. The Appellant’s evidence shows that there is an obvious need for a dedicated “one-stop-shop” banqueting venue in the Borough that is able to meet the range of needs of the Borough’s South Asian and other ethnic communities in relation to weddings. The Council’s contention that there is no such need is undermined by the fact that each of the other four local authority areas within the sub-regional market area (Barnet, Brent, Hertsmere and Watford) has *at least* one venue that fully meets the requirements for weddings in the South Asian and other ethnic communities[[22]](#footnote-22). Following the closure of both Premier Banqueting and the VIP Lounge (to which we return below), *Harrow does not have a single venue that fully meets the requirements of those communities* – yet it is the local authority area with the largest concentration of individuals with relevant protected characteristics[[23]](#footnote-23).
6. The identified need is not being met at present. Survey data gathered by the Appellant[[24]](#footnote-24) - the respondents being individuals who made enquiries with Premier Banqueting but ultimately held their event elsewhere - shows that whilst 84.1% of respondents had a first preference for a venue in the Borough, only 13.4% of respondents (whose event went ahead) held it in the Borough. Miss Rankin agreed that the survey data indicates that there is a high first preference amongst respondents to hold their wedding in the Borough and that that high first preference is not being met.
7. Miss Rankin also recognised that two dominant venues in the South Asian wedding banqueting sector pre-Covid – namely, Premier Banqueting and the VIP Lounge – have both since closed down.
8. As regards Premier Banqueting, Miss Rankin accepted that it had been a dominant player in Harrow. In her proof she contended that “they were operating below capacity” at their former site and that whilst it “was a busy site, it was not operating at maximum capacity and there was clearly surplus capacity in the area”[[25]](#footnote-25). Ms Gilham was correct to observe that this observation shows a misunderstanding of how venues operate (for example, the need for time within the calendar to show potential hosts around the venue, and to undertake the administration for imminent events) as well as the cultural limitations of holding events on certain dates[[26]](#footnote-26). It is wrong to assume that because Premier Banqueting hosted more than one event on some days, it was therefore able to host multiple events all day, every day. When more than one event was hosted on the same day, the events were typically held by the same host or family members[[27]](#footnote-27). Miss Rankin accepted that it was much less likely to be the case that two unconnected families would be celebrating on the same day in one venue; and that the fact that Premier Banqueting hosted more than one event on some days did not mean that it was able to host more than one event for two different wedding parties all year round. Miss Rankin also accepted that the fact that Premier Banqueting did not host a wedding every day of the year could be partly explained by the concept of ominous and auspicious dates (above).
9. Miss Rankin in cross-examination agreed that Premier Banqueting had been a “busy” site but had “still not been operating at saturation”. When asked whether she was seriously suggesting that the assumption to be applied in assessing whether a venue was at saturation was that a venue could reasonably hold a wedding every day of the year (and potentially more than one wedding per day), her initial response was that she did not see any reason why this was an unreasonable assumption. She was however unable to identify a single venue in the UK that did so and ultimately conceded that it was, indeed, unreasonable to assess the degree of saturation of a wedding venue on the basis that it should hold a wedding every day of the year.
10. That concession was rightly made. As Miss Rankin eventually acknowledged, Premier Banqueting was a heavily used venue and the fact that it was as busy as it was underlines how in demand it was.
11. As to the **VIP Lounge**, all of the survey respondents who did not hold their event at Premier Banqueting but went ahead and held their event elsewhere in the Borough did so at the VIP Lounge[[28]](#footnote-28). Miss Rankin accepted that this venue had clearly been the other dominant player in the South Asian wedding banqueting sector in Harrow. Whilst Miss Rankin would only agree that the loss of two dominant players in a short period of time was “a loss of supply” and “would have an impact”, the obvious reality – particularly when regard is had to the demographic of the Borough – is that this loss of supply was substantial.
12. Following the loss of both Premier Banqueting and the VIP Lounge, there is not a single venue in the Borough that fully meets the requirements for weddings in the South Asian and other ethnic communities. Appendix A to the May 2022 *Assessment of Need* compiled by Turley Economics[[29]](#footnote-29) considers alternative venues in the sub-regional market area. The Council does not dispute that venues with a guest capacity below 300 were legitimately discounted from the exercise[[30]](#footnote-30). Aside from the VIP Lounge (identified as closed), there are only three alternative venues in the Borough, all of which are assessed as amber: “venue is able to cater for Asian and ethnic weddings but stricter cultural or religious requirements may not be fully met”. Miss Rankin agreed that none of the three venues was fully comparable with a “one-stop-shop”, self-contained offer and that they “offer[ed] different things”. As to each of the three venues individually:
	1. The **Kadwa Patidar Centre** is a Hindu venue[[31]](#footnote-31). It is dry hire only and does not offer any in-house catering[[32]](#footnote-32). It is located on the edge of an industrial park[[33]](#footnote-33). Miss Rankin agreed that it was “not the same proposition” as that previously offered by Premier Banqueting;
	2. **Byron Hall** is not a dedicated venue and also fails to meet requirements relating to general availability against religious calendars, and the absence of potential clashes of use[[34]](#footnote-34). Miss Rankin conceded that it “obviously” offered something different to the Premier Banqueting offer;
	3. The **Dhamecha Lohana Centre** is a Hindu venue[[35]](#footnote-35). It is located within a heavy use industrial area[[36]](#footnote-36), which Miss Rankin agreed would not be most people’s idea of a setting for a wedding. She also acknowledged that Premier Banqueting’s former location had not been in such an area. Alcohol cannot be served at the Centre. Miss Rankin’s view was that the Centre was “not directly comparable” to the Premier Banqueting offer.
13. Miss Rankin at para. 7.8 of her proof of evidence identifies two additional venues in the Borough: the Hive and Harrow School. Addressing each of those in turn:
14. **The Hive**’s primary use is as a football stadium, with associated football activities (including regular fixtures) as well as community projects[[37]](#footnote-37). When asked in evidence-in-chief what the Hive was, Miss Rankin’s unprompted answer was “it’s a multi-use sports venue” that principally provides space for Barnet FC. She agreed in cross-examination that overall the complex is “heavily focused” on sports-related activity, with the use of space for events an ancillary use to the venue’s primary function as a sports facility.
15. Table 4 to Ms Gilham’s rebuttal sets out the uses of the East Stand at the Hive and Table 5 shows the variety of uses that are hosted at the venue on a regular basis. It can be seen (Table 4) that whilst the East Stand accommodates a banqueting suite (at first floor level) with an accompanying reception / pre-function area (ground floor), it also accommodates (across those two floors) a club shop, sports injury clinic, bar/café, gym, gym studios and changing rooms. In addition to the football stadium and pitches and the uses of the East Stand just mentioned, regular use of the venue (Table 5) includes a motorcycle driving school, use for filming and numerous activities run by the “Bees in the Community” foundation, including a soccer school, holiday camp and birthday party packages.
16. The football pitches are well used: see Fig. 3 within Ms Gilham’s rebuttal. Table 6 of Ms Gilham’s rebuttal shows some of the activity at the Hive programmed from July 2022 to July 2023. It provides an over-estimate of availability because it does not include football club training sessions, bookings for the football pitches, planned curricular and extra-curricular activities, school tournaments, birthday parties or activities associated with the Bees Academy, Premier League Kicks and Premier League Primary Stars, or planned weddings/conferences[[38]](#footnote-38). Table 6 nevertheless shows an activity most days, as Miss Rankin acknowledged.
17. Turning to consider the event spaces at the Hive, whilst Miss Rankin demurred on this point in cross-examination, it is obvious that this is a complex of generic event and conferencing spaces. Whilst Miss Rankin contended that the South Asian wedding market made up 70% of the venue’s banqueting business, it is important to acknowledge (as she recognised) that this statistic relates to the venue’s banqueting business (only) – i.e. the position is not that South Asian weddings account for 70% of all events at the Hive.
18. Unsurprisingly, when an event space is placed in the middle of a sports facility the result is a conflict of uses. See Figs. 6 and 7 within Ms Gilham’s rebuttal, which show the shared entrance to the Amber Suite, gym and fitness centres, offices and restaurant/bar (and the proximity of that entrance to the match day hospitality and club shop entrance); and the shared corridors within the East Stand. See also Fig. 5 within the rebuttal, which shows wedding celebrations taking place alongside other uses. The clash of uses in a setting such as the Hive makes the venue especially ill-suited to hosting the gender-segregated weddings that are required in some South Asian cultures[[39]](#footnote-39).
19. In addition to the Amber Suite, the Hive’s offer includes the Amber Lounge and Legends Lounge event spaces[[40]](#footnote-40). The Amber Lounge is located on the ground floor immediately adjacent to a football training pitch, which a long window in the Amber Lounge overlooks. It cannot accommodate a mandap; and priority is given to football functions on 20 Saturdays a year. Miss Rankin conceded that any suggestion that the Amber Lounge could be used for a wedding after those functions finish at 6pm was unrealistic given the time required to set up for a wedding celebration. Whilst her position was that the Chairman of the Hive had advised that all three event spaces at the Hive could be combined for larger events, the Amber Suite and the Amber Lounge are some distance apart, at opposite ends of the building on different floors. It is (again) unrealistic to suggest that the proposition that those two event spaces could be used together for a wedding would be attractive to any prospective host.
20. As Miss Rankin agreed, Legends Lounge is a football bar. It cannot seriously be suggested that it would be attractive as a wedding venue to more than a very small proportion of the population.
21. The Appellant acknowledges that some couples might well be enthusiastic about celebrating their wedding in a sports complex and even about having a football training session as a backdrop to their celebrations (for example, if both members of the marrying couple are dedicated football fans). Realistically, however, a sports complex is not most people’s idea of what constitutes a wedding venue. The overwhelmingly sports-oriented setting of the event spaces at the Hive, in particular, is not what the majority of people expect of a wedding venue’s setting. Miss Rankin accepted that the Appellant’s proposition for the Site was different to the offer available at the Hive. She was right to do so. The Appellant’s proposal includes a beautiful processional route in to the building - included at the encouragement of the Council’s own Design Review Panel (“**DRP**”) – that has been specifically designed to provide an attractive backdrop for photography. In experiential terms the proposal is vastly different to the Hive.
22. The sports-oriented character of the complex likely explains why the level of demand for South Asian weddings at the Hive does not match the venue’s capacity[[41]](#footnote-41). Furthermore, although Miss Rankin demurred on this point, it is obvious that in relation to Western weddings there is no general expectation that they will be held in sports complexes. To suggest to the Borough’s South Asian and other ethnic communities that they have no need for a new wedding venue in the Borough because a sports complex is available to them at the Hive is disrespectful and plainly contrary to the PSED, as it fails to have due regard to the need to advance equality of opportunity between different racial and religious groups.
23. Finally on the Hive, even if the Amber Suite were a like-for-like comparison for Premier Banqueting’s offer (which it is not), it alone cannot meet the need for venues that can accommodate South Asian and other ethnic weddings in the Borough; nor could it accommodate all of the bookings that would otherwise have been placed at Premier Banqueting (an average of 231 a year)[[42]](#footnote-42).
24. Turning next to **Harrow School**, whilst (again) some couples might be enthusiastic about the idea, there are few couples (of any faith) who would choose to marry in a school[[43]](#footnote-43). Whilst Miss Rankin would only accept that “some people” would not see a school as a wedding venue, it is evident from the fact that most people do not get married in schools that a school is not most people’s idea of a wedding venue. Miss Rankin asserted that people “regularly choose schools” for Western weddings but she was unable to support that assertion with any documentary evidence.
25. Harrow School is “a Christian foundation with the Chapel at its heart”; the dominance of the Christian faith means that it is highly unlikely to be considered appropriate by most prospective hosts of South Asian weddings[[44]](#footnote-44). Miss Rankin’s insistence in cross-examination that Harrow School would have “a wide appeal” for South Asian and other ethnic weddings served only to underline how unrealistic the Council’s approach to the need evidence in this appeal has been.
26. Availability for weddings at Harrow School is generally limited to weekends and school holidays. It is common ground that availability for auspicious dates for the Hindu community is extremely limited[[45]](#footnote-45): in 2022 the venue was unavailable for 83% of the auspicious dates, with only 9 auspicious dates available for private and corporate events[[46]](#footnote-46). Miss Rankin eventually accepted that in contrast to the Premier Banqueting offer, Harrow School is not a venue with week-long capacity every week of the year.
27. For these reasons, Harrow School would generally be considered inappropriate as a venue for a South Asian wedding[[47]](#footnote-47).
28. Additionally, it is common ground that facilities at the school are currently being refurbished and it does not have the capacity to accommodate over 300 guests for a seated reception at present. Whilst Miss Rankin states that the school has advised that it will have that capacity by 2024[[48]](#footnote-48), that statement is hearsay evidence unsupported by any corroborating documentary evidence directly from the school itself and should be given limited weight. Given the uncertainty over future provision the venue cannot be considered to contribute to current supply[[49]](#footnote-49).
29. The Council also relies on **Canons Park School**. Like Harrow School, the availability of that venue for wedding use is limited due to term-time restrictions. No information on the school’s wedding venue offer is available to the public (its website is silent on the matter); prospective hosts would not identify it within their search for venues and consequently it cannot be considered to make a reasonable contribution to the supply position[[50]](#footnote-50).
30. As is the case with sports complexes, there is no general expectation in relation to Western weddings that they will be held in schools. The suggestion from the Council that the offer provided by Harrow School and/or Canons Park School means that the Borough’s South Asian and other ethnic communities have no need for a new wedding venue in the Borough is a further example of the Council’s failure to understand what the obligation to have due regard to the need to advance equality of opportunity under the PSED requires of it.
31. The Appellant’s evidence has therefore shown that there is no venue in the Borough that is fully comparable to Premier Banqueting’s offer.
32. Turning to venues outside the Borough, such venues evidently cannot meet the identified need here, which for the reasons already explained is a need for a dedicated “one-stop-shop” banqueting venue in the Borough that is able to meet the range of needs of the Borough’s South Asian and other ethnic communities in relation to weddings. Even leaving that point aside, the two additional venues within the Appellant’s sub-regional market area (“**SRMA**”) that are identified by Miss Rankin at para. 7.10 of her proof are (i) Wembley stadium in Brent and (ii) the StoneX stadium in Barnet. The primary use of both of those venues is, of course, a sports use; as such, neither of them meets most people’s expectations of a wedding venue for the reasons articulated above in relation to the Hive. Miss Rankin accepted that neither venue was fully comparable with Premier Banqueting’s offer.
33. Miss Rankin contends at para. 7.13 of her proof that “the assessment of need should not be confined to Harrow and an arbitrary sub area”. The SRMA identified by the Appellant is certainly not arbitrary: see Map 1 within Appendix 1 to Ms Gilham’s proof, which shows (as Miss Rankin agreed) that the greatest concentration of interest in Premier Banqueting’s offer between 2017 and 2020 was from within the SRMA.
34. Finally on the need position, members of the public put forward numerous additional venues – not identified by the Council in its written evidence on need – during the course of the inquiry. Ms Gilham’s supplemental briefing note on those venues (October 2022) explains in detail why she maintains the conclusions set out in her earlier written evidence (proof and rebuttal). None of the additional venues is fully comparable to the Premier Banqueting offer. Of the 26 venues put forward by members of the public that were actually additional (i.e. not previously considered in Ms Gilham’s written evidence), ten are located outside of the SRMA. Eight do not meet the threshold criterion of being able to accommodate a minimum of 300 guests in banqueting style. One venue is still seeking £2m funding and is not yet operational. None of the remaining seven venues provides a dedicated “one-stop-shop” banqueting venue able to meet the range of needs of the South Asian and other ethnic communities in relation to weddings.
35. The Council produced its own 59-page supplementary note on the additional venues identified by members of the public, but contrary to the clear directions of the inspector and the spirit of the exercise, it grossly abused the invitation to comment only on the additional venues by:
36. providing further evidence about the Kadwa Patidar Centre (see p. 11) (which was a venue covered in the Council’s original evidence, not an additional venue);
37. undertaking an elaborate “Questionnaire survey” of the additional venues on 14 and 17/18 October (p. 3) when this had formed no part of its original approach to the venues it had relied upon in its evidence (those original venues had received a much shorter list of questions from Miss Rankin);
38. seeking to introduce, through the back door, additional evidence about general cultural practices relating to South Asian weddings (see, for example, pp. 9, 16-17) when this was not the purpose of the exercise; and
39. perhaps most egregiously of all, incorporating in its commentary on the Shree Swaminarayan Temple a lengthy 2-page statement purporting to be from a trustee of the temple (pp. 16-17), but curiously drafted in the style of a planning professional, when the Inspector had ruled during the inquiry that this evidence was not to be admitted given the level of detail that the trustee wanted to provide *after* the need evidence of both parties had already been heard. It is be deprecated that the Council and its professional advisers sought to go behind this clear ruling from the Inspector in providing this evidence.
40. The answers to most of the points made by the Council in its supplementary note were pre-empted by Ms Gilham in her own supplementary note on the additional venues (which should be read alongside these closing submissions). However, as regards the venues in **‘List A’** (see p. 6 of the Council’s note), the Appellant would highlight the following:
41. **Kadwa Patidar Centre**: Despite the unacceptable attempt to provide further evidence in relation to this non-additional venue, it comes to nothing as it remains the case that this venue is dry-hire only and so is substantially different from the Appellant’s all-inclusive, “one-stop shop” proposition. The Council makes the point that the venue is “open to all religions and faiths” (p. 8), but the Appellant has never suggested that religious venues, or venues with a religious affiliation, are not available to be used by those who do not follow the religion in question (a practice that would be unlawful under the Equality Act 2010). The Appellant maintains, however, that few people will be attracted to a venue with a religious affiliation that is not aligned with their own faith (or lack of faith), even if the services offered by that venue are, by law, accessible to them.
42. **Blue Room Sports Venue, Harrow**: The Council’s initial enthusiasm for this additional venue as a viable alternative appears to have cooled: the Council now claims only that it makes “some contribution” (not a significant or major contribution) to the overall supply of venues (p. 8). The Appellant is very familiar with this venue having viewed it as a potential new location for its business, as mentioned in the Appellant’s sequential site assessment, but then decided against it because it was too small. As noted in the Appellant’s note on additional venues, the venue itself admits (in an email from its manager) that it does not hold many South Asian weddings because of its low ceiling height (less than 10ft) “which doesn’t give the clearance for mandaps”. The main space also suffers from having several large pillars which would obstruct visibility of any unusually small mandap that could be fitted within the space (an essential requirement of South Asian weddings is that this critically important structure is visible to all attendants at all times).
43. Moreover, unlike the Appellant’s offer, the Blue Room Sports Venue does not have a licence to hold civil weddings. It is evident that the main focus of the Blue Room is the restaurant and live music events offer on weekends which in itself shows that it is not a venue that is commonly used for weddings[[51]](#footnote-51).
44. **Shree Swaminarayan Temple, Harrow**: Despite the Inspector encouraging representatives of the temple to engage with both the Appellant and the Council in good faith, the temple did not engage at all with the Appellant when it made modest requests for information about wedding ceremonies at the temple. The long email cited in the Council’s supplementary note, purportedly written by a trustee of the temple (p. 16), but drafted in the style of a planning professional, asserts that it is a “one-stop shop” for South Asian weddings, the clear implication being that it is making the same type of provision as Premier Banqueting. This is clearly wrong as the facts relied upon in that email confirm: (i) it is a venue primarily for religious Hindu weddings and so is highly unlikely to be considered an appropriate wedding venue by those who are not of Hindu faith; (ii) for all events, it allows only vegetarian food to be served; and (iii) no alcohol is ever allowed. It is significantly different from the genuinely all-inclusive, multi-faith, one-stop service offered by Premier Banqueting for both Hindu and Muslim weddings (and weddings for those with no faith), where both vegetarian and non-vegetarian food can be served, as preferred, and alcohol may be served if desired. It is simply wrong to suggest that a religious temple with all its attendant constraints is (or ever could be) fully comparable to Premier Banqueting’s offer.
45. The Council makes the point that religious temples of this nature will be attractive to some people of faith who would not have entertained using the Appellant’s former premises because it allowed meat and alcohol to be served if desired. This point serves only to underline the fact that what the Appellant offers the South Asian wedding market, and what a religious temple offers the same market, are significantly different. They are not reasonably comparable propositions. As a result, it would not advance equality of opportunity pursuant to the PSED to refuse planning permission for the Appellant’s proposition because a religious temple nearby hosts some South Asian weddings. The two venues are appealing to different sub-markets within the South Asian and other ethnic communities.
46. The letter from the temple claims that “many of our *clients*” (a peculiar word for a religious institution to use) “prefer to get married at a place of worship which gives them the added reassurance of religious blessings of their union” (p. 17). To be clear, the Appellant has long-standing relationships with senior religious leaders in the Borough who would regularly attend its new venue at the Site, as they did its former venue, to provide the religious blessings sought by most couples during their wedding. Religious leaders are central to the overwhelming majority of weddings held by Premier Banqueting.
47. **Husseini Islamic Centre, Stanmore**: Only members of the Centre, who identify as Shia Muslims, are permitted to hold a wedding there (p. 23: “We provide wedding services to our membership”), which is a very substantial constraint. Moreover, only halal food can be served at the venue for religious reasons (p. 23). It is a starkly different proposition to the Appellant’s offer.
48. The Council asserts that the Ladies’ Hall could accommodate 500 guests, but there are numerous columns in the space. Ms Gilham’s consultancy telephoned the Centre to verify the position and was told that the Centre could accommodate 500-600 guests but that they would have to sit on the floor. It seems that that the Centre does not offer *any* seated banqueting, making it a poor comparator for the proposal on the Site.
49. The Centre is also a Grade II listed building, but no listed building consent has been obtained for the renovation and roof works to the Centre that are currently ongoing.
50. In an email to the case officer at PINS on 2 November 2022 (at 16:12h), Miss Rankin explained that a comment made about a marquee on p. 18 of the Council’s supplementary note, stated there to be located on the site of the Shree Swaminarayan Temple, should have stated instead that the marquee in question was located outside the Husseini Islamic Centre. The Appellant’s planning consultant, Mr Henley, has since made enquiries about the planning status of any such marquee on the site of the Husseini Islamic Centre and has found that there is neither an extant planning permission for the marquee, nor any planning application awaiting determination seeking planning permission for a marquee on that land. Mr Henley has also discovered that previous application for temporary marquees on the Site have all been refused by the Council:





1. It is concerning that the Council, a public body, is relying on its own enforcement failures to try to support its case about alternative venues in this appeal. In any event, the venue is demonstrably not fully comparable with the Appellant’s proposition even if the breaches of planning control were regularized.
2. Bushey Arena, Herts: This is a dry-hire venue. Moreover, it remains the case that the grand hall in this location can only accommodate up to 300 seated guests.
3. Kenton Hall, Woodcock Hill: This venue has a capacity of only 80-250 guests and does not provide any catering in-house.
4. The Salaam Centre, Harrow: This venue has not even been built yet and is not scheduled for completion until January 2024 at the earliest. There is scant information currently about the nature of the services that the Centre will offer or whether it will host weddings. It is not even known currently whether it will have capacity for more than 300 guests (p. 32).
5. Victoria Hall, Harrow: The Council suggests that three rooms in this venue can be combined to cater for over 300 guests, but this conflicts with the information the venue gave to the Appellant’s team when it suggested that two of the three rooms could comfortably accommodate up to 250 people (so below the critical 300-guest threshold). The third room cannot be combined to provide one complete space capable of hosting a higher number of guests. Elsewhere in its supplementary note, the Council accepts that the venue is “below the guest capacity of 300” (p. 8), making the Council’s evidence internally inconsistent on this point. Ultimately, it is not necessary to dwell on this point as Victoria Hall is a dry-hire only venue in any case, so a vastly different proposition from the Appellant’s all-inclusive offering.
6. The Appellant’s enquiries of Victoria Hall suggest that it is a busy venue holding a wider diversity of events including choir concerts, rehearsals, business fairs, exhibitions for local artists, yoga classes and exercises classes, to name only a few. The website of the venue suggests that every Sunday, for at least the next year, is booked out already for an event.
7. The Mercure London Hotel, Hertsmere: The evidence provided by the Council on this venue is positively misleading. First, the hotel in question is currently devoid of any ‘Mercure’ branding or signage and has been used exclusively by the Home Office for months to provide accommodation for asylum-seekers. Secondly, it has been widely known and reported in the local area for well over a year that the hotel building is proposed to be demolished imminently to be replaced by new warehouse and storage space that was granted planning permission in January 2022, with plans submitted recently for additional warehousing: see the article dated 13 July 2022 from the ‘Borehamwood & Elstree Times’ at **Appendix 1** to these submissions (‘Larger plans come forward to redevelop Mercure hotel site’). None of these critically important facts is mentioned by the Council in its note, which instead seeks to give the false impression that the hotel is still hosting South Asian weddings despite having been under the Home Office’s exclusive control for months. This misleading evidence is unacceptable from a public body. A quick search for a reservation at the hotel online would have confirmed that it is impossible for the public to make any booking at the hotel at any time in future.
8. Harrow Central Mosque: This is a Sunni Muslim mosque. The questionnaire provided to prospective users of this venue for events (p. 26) confirms that the event spaces for hire are primarily used for “conferences/meetings”, with only a single reference to “Wedding” down the list of possible “Hall/Room Arrangements” having asked about facilities such as “Flipchart, “Whiteboard”, “Projector”, “WIFI” and “Lectern”. The venue prescribes strict requirements for hire including no cooking on site, a strict dress code for all attendees, halal-only food and drink, no live or recorded music, no alcohol and (as would be expected) Islamic weddings only.
9. Oshwal Centre, Northaw, Hertfordshire: This venue is not within the Appellant’s sub-regional market area, but in any event, it is a centre with a heavy focus on the Jain community. The centre is unavailable for weddings on 30 days a year due to religious events. Contrary to the Council’s note, this is a fairly significant constraint on availability (almost 3 days a month) which is a material point of distinction from the Appellant’s offer.
10. Navnat Centre, Hayes: This venue is not within the Appellant’s sub-regional market area. In any event, the fact that it has “70% vacancies in their booking for weekends and weekdays” strongly suggests that it has limited appeal to the wider wedding market. The venue does not allow the consumption of meat or alcohol (p. 9).
11. As regards the venues in the Council’s **‘List B’**, the Appellant comments briefly as follows (the Inspector having made clear that briefer comments on the venues in List B would be appropriate given that they were raised so late in the inquiry):
12. The Grove, Watford: It remains the case that The Grove is a super-luxury hotel affordable only to a very small minority of the population (and an even smaller minority of those of South Asian descent). It is not comparable to Premier Banqueting given the latter’s emphasis on affordability and appealing to a wide socio-economic demographic. (It should also be stressed that The Grove is in Watford, not Harrow).
13. Sangam Association of Asian Women, Edgware: This is a dry-hire, multi-use venue. Its focus is on providing advice and counselling services on matters relating to social welfare, the law, immigration and debt. It is not remotely comparable to the Appellant’s offer.
14. Shrinathdham National Haveli and Community Centre: This is a venue offering only specialist Gujarati catering with no meat, onions, garlic or root vegetables allowed. It is a highly specialist offering.
15. Masefield Suite, Harrow: The Council claims that it makes a “contribution” to the supply but it is important to stress that its capacity is below 300.
16. The Pendridge Suite, New Southgate, Barnet: The Council suggests that this venue has a capacity of 300, but a representative of the venue told the Appellant’s team during a telephone call that it can only comfortably accommodate 280 people. (In any event, the venue is not in Harrow.)
17. North Mymms Park: The marquee in this location only has temporary planning permission that runs out in a couple of years and is unlikely to be re-granted as it is a Green Belt location in the setting of a Grade I listed building. The temporary planning permission was only granted on the basis that events held at the marquee would generate revenue to fund a very specific list of works to the listed building agreed with Historic England (i.e. an ‘enabling development’ case). It was never envisaged that the marquee would become a permanent structure.
18. It is unfortunate that the inquiry came to be burdened with voluminous evidence about other venues (often a very long distance away from the Site) due to a failure on the part of some members of the public to be realistic and even-handed when suggesting additional venues for consideration. The Appellant has sought to engage with every suggestion made in good faith, but that exercise has served only to reinforce the Appellant’s core case that there is no venue in Harrow Borough that is fully comparable with the Appellant’s offer. Seven additional venues in Harrow Borough with a capacity for more than 300 guests were covered in the parties’ supplementary notes, but at the end of the exercise, the Council still conceded in its note that, for each of them, the “exact offering has shades of variation” when compared with the Appellant proposition (p. 8). This was a tacit admission that none of these seven venues is fully comparable to Premier Banqueting’s offer – the Appellant’s case all along.
19. In the light of the above, it is plain that very substantial positive weight should be given in the overall planning balance to the need for the proposal. That approach would be consistent with the approach taken by the inspector in the recent appeal decision in relation to ***The Lea***[[52]](#footnote-52), in which very significant weight was given to the quantitative and qualitative need for a crematorium that would serve the Hindu community (see paras. 5.23 and 5.28 of Mr Henley’s proof. The Appellant respectfully endorses the inspector’s approach in that decision which (rightly) was not subsequently challenged as the inspector’s application of the PSED to the facts was impeccable.

Other benefits of the proposal

1. Substantial positive weightshould additionally be given to the absence of any sequentially preferable alternative, suitable and available site for the proposed banqueting facility. It is common ground between the main parties that there is no such site within a five mile radius of the former Premier Banqueting facility (the search area and criteria for the sequential site assessment were also agreed and accepted by the Council)[[53]](#footnote-53). Whilst the Council affords only limited weight to this benefit of the proposal, Miss Rankin accepted that because the justification for doing so is the alleged absence of need, if the Inspector agrees with the Appellant that there is a need for the proposal, the weight to be afforded must logically be greater than “limited”.
2. Granting planning permission for the proposal would enable the replacement of an extremely unsightly, fire-ravaged building by a new building of very high design quality, transforming the character and visual amenity of the Site and its surroundings. This benefit of the proposal should also be accorded very substantial positive weight in the overall planning balance.
3. No weight should be given to the alleged potential for the Council to use s. 215 of the Town and Country Planning Act 1990 “to tidy up the site”[[54]](#footnote-54). There is real doubt as to whether the s. 215 power can go beyond the proper maintenance of land to require the demolition of structures, although the Inspector does not need to determine this point: it would be sufficient to note that neither party has been able to cite a court judgment to the inquiry in which the demolition of a large structure was approved as a proper exercise of the s. 215 power. In any event, Miss Rankin confirmed that no active consideration is presently being given by the Council to the issue of a s. 215 notice.
4. It is common ground[[55]](#footnote-55) that moderate positive weight should be given to the provision of economic (and related social) benefits during the construction and operation of the proposal.

1. Moderate positive weight should also be given to the proposed ecological enhancements that will achieve a biodiversity net gain of at least 20% on the Site, double the minimum 10% that will in due course be required by the Environment Act 2021. The Council’s insistence that this benefit should be afforded only limited weight is ungenerous and is premised on the erroneous understanding that the proposed ecological enhancements “do not go beyond the policy requirement”[[56]](#footnote-56), when in reality they are double the impending minimum legislative requirement.

**The effect of the proposal upon the openness of the Green Belt (Main Issue 1)**

1. The Appellant’s evidence shows that the proposal would result in only limited harm to the spatial aspect of Green Belt openness; and in no greater harm to the visual aspect of Green Belt openness than is caused by the existing structure on the Site.
2. Before addressing each of the two aspects of Green Belt openness in turn, it is appropriate first to consider the Site’s contribution to the Green Belt. That contribution is limited: it is common ground that the proposal would not conflict with any of the five Green Belt purposes listed in para. 138 of the NPPF.

Limited harm to spatial aspect

1. The fire in 2020 did not reduce the footprint of the former golf club building, which is still defined by the external frames and surviving sections of wall; the areas of hardstanding on the Site (including the car park) also remain[[57]](#footnote-57).
2. Whilst the cladding to the clubhouse and the majority of internal and external walls were lost to the fire, the volume of the former golf club building on the Site is still apparent in the structural form provided by the remaining sections of walls and the steel frame. The ridgeline of the former clubhouse remains intact, as well as the cross-members and uprights of the main roof and the wings / bays of the former driving range[[58]](#footnote-58). Mr Hughes is correct to observe that “[w]hen appreciated in context, and as part of the dynamic experience when moving around the site, the uprights and cross beams of the structure come together and overlap, appearing as a more solid form from different angles”[[59]](#footnote-59) and that this internalised openness “is contained within the retained structure and is experienced only in a partial context and as part of the form and massing of the overall structure”[[60]](#footnote-60).
3. As Mr Hughes explains[[61]](#footnote-61), the proposal’s design incorporates measures to ensure that it is contained within the landscape and does not encroach into the open undeveloped Green Belt. The proposal is consolidated towards the centre of the Site and has a more compact form than the existing remains of the former golf club building: the projecting “wings” to the former golf course building are removed[[62]](#footnote-62). (See Fig. 3 within Mr Hughes’s proof.) The proposal has been specifically designed to ensure that the building is lower than the former golf club building[[63]](#footnote-63). That approach ensures that it does not break the skyline that is formed by the wooded backdrop to the Site boundaries, including the mature trees that bound Stanmore Country Park to the west and on the rising land towards Pear Wood to the north. The proposal also retains the existing car park and access road in their current location, maintaining the relationship of areas of hardstanding to built development.
4. Compared to the former golf club building, the proposal will result in an increase in the overall footprint of development of 30%; a corresponding increase in volume of 30%; but a 0.4m reduction in height[[64]](#footnote-64). The Council is wrong to suggest that the proposed building is “baggy” (i.e. larger than it needs to be): the need for the space was clearly explained by Mr Thornton in detail during the round-table session.
5. As a result of the above, impacts on the spatial aspect of Green Belt openness are limited and highly localised within an area of PDL, retaining the openness of surrounding land within the former golf course and driving range.

No greater harm to visual aspect

1. It is common ground that the Site is PDL[[65]](#footnote-65). It sits within an amenity landscape, with the former golf course wrapping around the driving range, which is defined by bunding, ditches, netting and associated supports[[66]](#footnote-66). It is contained by woodland at Stanmore Country Park to the west, by Pear Wood to the north, by mature belts of trees along Brockley Hill to the east and by mature hedgerows and trees to the south[[67]](#footnote-67).
2. The remains of the former golf club building on the Site have been subject to vandalism, including extensive graffiti to the building. This draws the eye and detracts from the character of the Site and the local landscape, as well as from the visual amenity of the area. That includes publicly available views at the Site entrance on Brockley Hill, where the concrete barriers and graffiti adversely affect visual amenity for users of the road and pavement[[68]](#footnote-68). As Mr Henley explained in the round-table session, the removal of the unsightly, fire damaged building will be a significant benefit.
3. The existing trees and hedgerows that bound the Site - providing containment and separation from the undeveloped, open land within the former golf course – will be retained. The mature trees and woodland that bound the former golf course limit any indirect impacts beyond the immediate vicinity of the Site. The proposal’s more compact form (in comparison to the existing remains) enables it to sit within the existing landscape structure and to be contained by the existing trees, which will screen and soften views of the proposal[[69]](#footnote-69).
4. As Mr Hughes emphasised in the round-table session, views of the Site from along Brockley Hill are glimpsed, linear and sequential. Where previously there was a view of the entrance to the Site (the golf club), there will remain a view of the entrance to the Site (the wedding venue).
5. The visual impacts of the proposal will, therefore, be limited due to the physical containment of the Site and adjacent former golf course; and the lack of public access and publicly accessible views and vantages of the Site[[70]](#footnote-70). As detailed within the Supplementary Openness and Landscape Appraisal and LVA, views from beyond the Site are screened, with the exception of those obtained from Brockley Hill by the Site entrance. In particular, the proposal will not impact on any of the key views associated with the Harrow Weald Ridge Area of Special Character. The proposal will have no impact upon the visual aspect of the openness of the wider Green Belt beyond the Site and the former golf course[[71]](#footnote-71).
6. Additionally, the landscape proposals will serve to strengthen the containment of the proposal within areas of PDL. The proposed structural landscape planting including native trees and hedgerows will tie in with the existing trees that bound the Site. This includes trees to the north of the proposed built development, on the landscaped mound.
7. The landscape proposals were developed as part of the iterative design process for the proposal and included consultation with the design team at the Council. They form an integral part of the overall proposal, ensuring that the proposals provide a contextual fit, minimising visual impacts, respecting the landscape character and retaining the openness of the Green Belt[[72]](#footnote-72).
8. The landscape strategy also includes smaller intimate areas around the proposed venue, including a secret garden. There is also scope for the existing netting and lighting associated with the former golf course use beyond the Site boundary to be removed. The mixture of native structural planting proposed to the Site boundaries, tying in with and reinforcing existing trees and hedgerows, will assimilate the proposal into the landscape whilst ensuring the surrounding open aspect of the former golf course is retained[[73]](#footnote-73).
9. The more formal, managed areas proposed within the Site reflect the former character of the clubhouse, car park and driving range and the former use of the adjacent land as a golf course, an amenity landscape set out with fairways, bunkers and greens. The proposed landscaped mound to the northern edge of the Site reflects the land modelling across the former golf course associated with the driving range, fairways, greens and bunkers[[74]](#footnote-74). The Council is wrong to suggest that the landscaped mound will be “a very unnatural break” that will “add a degree of urbanisation” to the landscape, “detracting overall from the visual amenity of the Green Belt”[[75]](#footnote-75). The mound is shown at Fig. 6 within the proof of Mr Hughes. As he explained in the round-table session, it is part of the drainage proposals for the Site and was recommended by the Flood Risk Assessment (“**FRA**”). Its function is to prevent water from flowing into the building during more extreme flood events. Whilst its design has not yet been worked up in detail, the FRA recommends a height of 0.5m. It will therefore be a small feature on the ground. The degree of undulation that it presents is barely discernible given the topography: there are two (former golf course) bunkers at that location, which are probably of greater depth. The feature is characteristic of the existing landform in that area.
10. Overall, the proposal will not cause any greater harm to the visual openness of the Green Belt than the existing structure on the Site.

**The impact of the design and form of the proposal on the character and appearance of the locality (Main Issue 2)**

1. The poorly expressed second reason for refusal is entirely unfounded. It should not have been added to the reasons for refusal identified by the Council’s planning officer[[76]](#footnote-76) and it should certainly not have been pursued at appeal.
2. The starting point for consideration of this reason for refusal is that it is common ground[[77]](#footnote-77) that:
	1. The assessment in the planning officer’s report to Committee (“**OR**”, CD71) considered the design of the proposal and its impact on the character and appearance of the locality to be acceptable. The planning and urban design officers considered the design to be acceptable and one that responded well to its semi-rural setting.

* 1. On siting and layout, the OR agrees with the Appellant’s approach, which seeks to minimise the impact of the proposal on the surrounding area by being sited broadly on the footprint of the pre-existing structure and PDL. The OR acknowledges that the building would have a more compact form compared to the remains of the post-fire damaged building.
	2. The OR is also supportive of the proposed internal layout, stating that “[t]he analysis of how the existing banqueting hall functions and the subsequent rationale which has defined the spatial layout for the proposed scheme is commended and well-considered” (para. 6.3.3). The OR agrees that the Appellant has sought to respond to comments and suggestions from the independent Design Review Panel (“**DRP**”), “particularly regarding maximising landscaping opportunities both to add richness and biodiversity to an already rich landscape but also to increase the experiential value of the wedding venue itself”. At para. 6.3.4 of the OR officers also agree that the internal spaces are well considered, including the rhythm of spaces from entrance to reception space and on to the banqueting space, allowing for procession during events. The linear orientation of the buildings (which reflects the site topography) and the utilisation of the southern site aspect of the building onto the landscape is considered by officers to be a logical approach.
	3. On massing and scale, at para. 6.3.5 the OR explains that “[t]he proposed massing and scale of the building has been based on an assessment of the pre-existing building on site […] Setting aside the issue of Green Belt openness, it is considered that the overall compact design and barn typology is considered to be acceptable. The height and overall scale of the building which is focussed on a previously developed part of the site is considered to be comfortable and appropriate”.
	4. On public realm and landscape, para. 6.3.6 of the OR finds the approach to be positive, noting that “[t]he fan element to the pedestrian entrance is considered highly successful in signifying an arrival point to the venue for guests. The secret garden and swale elements maximise the southern aspect of the site and SUDS swale/pond and create more intimate and sheltered spaces for guests through planting and landscaping. The revisions to pagoda path and re-siting of secret garden are considered to be positive and successful”.
	5. On architectural form and materiality, para. 6.3.8 of the OR recognises that the Appellant has taken on board feedback from the DRP with the refinement of the material palette: “[n]atural materials have been selected to help the building blend into its semi-rural green belt setting. The proposed green wall, timber cladding and grey slate are in keeping with the site’s Green Belt setting”.
1. Against the very positive assessment reported by its officer in the OR, it is unfortunate that the Committee saw fit to introduce the second reason for refusal. The evidence produced by the Council on appeal has not come close to justifying its decision to do so. That is however unsurprising given that Councillor Ashton explained on the first day of the inquiry that she had written the second reason for refusal because she considered it to be “a matter of your own personal view, not a collective view in that sense […] That reason was down to me”.
2. Turning to the text of the reason for refusal drafted by Councillor Ashton, the assertion is that the design and form of the proposal 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. It is immediately apparent from the references to “an open setting” and “the context of a Green Belt site” that this second reason for refusal overlaps significantly with the first (Green Belt openness). Indeed - as we explained in opening – in reality it adds nothing to it.
3. As regards the key points made by Mr Matillana in his proof:
	1. Mr Matillana noted that the design “has been informed by the barn type” and acknowledged that “[c]onsidering the character of the area is open, this is an appropriate building type reference as it borrows from traditional and historic rural use of the [High Weald Ridge Area of Special Character: “**HWR AoSC**”]. It is also suitable in that barn architecture maintains the open character due to utilitarian reason of working the fields, but also in its rural vernacular connotation which is also part of the historic broader character of Harrow’s open land”[[78]](#footnote-78).
	2. However, Mr Matillana considered that the proposed design “derives from a misreading of type”, evidenced by the precedents referred to in the DAS[[79]](#footnote-79). This point was not properly developed. Mr Matillana noted that the precedents referred to in the DAS are (or appear to be) residential, workspace and a winery but it does not follow from the fact that no “barn type” wedding venue is identified in the DAS that the Appellant has misread that design typology. Mr Matillana explained that “updates and deviation from a type are part of developing projects and hybridising functions (e.g. a barn house turned into workspace)”[[80]](#footnote-80). He did not explain why that approach is impermissible in relation to a wedding venue. Indeed, he later observed that “[t]he barn house approach is a relevant typological and material reference as it is associated to the context of open fields and often barns have been converted for social uses at the scale and use proposed by the appellant’s design”.
	3. Under the heading “Footprint”, Mr Matillana complained[[81]](#footnote-81) that “the compactness of the layout which benefits the use of the banqueting house” has been prioritised “to the detriment of the character of the area”. He nowhere explained, however, why it is illegitimate for an architect to take their client’s operational requirements as the starting point for design. A design that fails to meet the client’s operational requirements is not good design: it is a waste of time and money. Accepting Mr Matillana’s criticism requires the cart to be put before the horse.
	4. In any event, Mr Matillana was obviously wrong to suggest that what “ultimately tipped the balance”[[82]](#footnote-82) as the driver for the “compact” layout of the proposal was the client’s operational requirements. The Site is located in the Green Belt. This point was not mentioned even once by Mr Matillana in his “Footprint” section – which is odd, given that during the round-table session he stated that “openness should have been the primary concern”. As Mr Thornton explained[[83]](#footnote-83), at application stage there was a tension between the views of the DRP (which, as Mr Matillana records[[84]](#footnote-84), was encouraging the Appellant to “celebrat[e] interstitial space by pulling the buildings apart”) and the views of the Council’s planning officer, who supported a compact layout (above). Given the importance ascribed by national planning policy to the protection of Green Belt openness, the planning officer’s stance was plainly to be preferred to that of the DRP. Moreover, the Council cannot fairly criticise the Appellant simultaneously (i) for harming Green Belt openness and (ii) for having a design that is too compact. The Council has never even attempted to explain how a “looser” design could come forward without increasing the impact on Green Belt openness.
	5. On massing, Mr Matillana observed that “[t]ying the height of the proposed scheme with the club house is a sensitive response to height, however, this is undermined by the increase in footprint and the changes to roof form”. It does not follow from the fact that an increase in footprint is proposed that that increase is necessarily harmful to character and appearance. As to the “roof form” point, the complaint was that it ought to have had a more pronounced pitch but again, the Site’s Green Belt location amply justifies the approach taken.
	6. Mr Matillana observed in his proof that the LVIA images do not show a winter setting. As Mr Thornton explained,[[85]](#footnote-85) winter views were however reviewed: see p. 15 of the DAS.
	7. As to materials, it is common ground that that issue can appropriately be addressed through the imposition of a planning condition[[86]](#footnote-86).
	8. Similarly, whilst Mr Matillana raised “Landscape design”, he acknowledged that landscape matters can also be addressed through the imposition of a planning condition[[87]](#footnote-87).
4. Overall, the evidence before the inquiry shows that the very positive assessment of the design and form of the proposal reported by the Council’s planning officer in the OR was justified; and that the Committee was wrong to depart from that analysis. Mr Thornton notes that well designed places and buildings “come about when there is a clearly expressed ‘story’ for the design concept and how it has evolved into a design proposal”[[88]](#footnote-88). The “story” of the Appellant’s proposal has been clearly told through Mr Thornton’s written and oral evidence. He is correct to conclude that “[t]he result is a high-quality architectural design which is appropriate to the local context” and that in terms of massing, form and materials “the application constitutes a wholly appropriate and sustainable design response to policy and guidance for the site”[[89]](#footnote-89). The proposal is a high quality design that fully complies with relevant policy (both national and local) and with applicable guidance.

**Highways (Main Issue 3)**

1. It is common ground that with the exception of car parking, all other transportation and highways matters relating to the proposal are acceptable[[90]](#footnote-90). As regards parking, it is common ground that any risk to highway safety from overspill parking on Brockley Hill can satisfactorily be addressed through the financial contribution to parking control measures that is secured in the s. 106 agreement[[91]](#footnote-91).
2. The sole issue that remains in dispute between the Appellant and the Council in relation to the third reason for refusal[[92]](#footnote-92) is “[w]hether car parking demand generated by the development in relation to large scale night time events will result in overspill to surrounding residential streets that would result in detrimental impacts to the residential amenities of occupiers of those streets”[[93]](#footnote-93).
3. The context for consideration of the potential impact of “large scale” events is that the Appellant is content to agree to a planning condition capping the number of guests at events at 500.
4. It is highly unlikely that large scale events will result in overspill parking. Appendix A to Mr Bird’s proof shows that a “Standard Layout” car park on-Site will accommodate 109 bays (104 guest and 5 staff). Appendix A to Mr Bird’s rebuttal shows that a “Valet Layout” car park on-Site will accommodate 129 bays (124 guest and 5 staff; he explained in evidence-in-chief that the reference to 128 bays in a Valet Layout [in Appendix B to his proof] had been a drafting error). It is important to note that “Valet Layout” is not referring to off-site valet parking but to the additional capacity that will be gained if cars are professionally/valet parked on Site (including an element of double-parking[[94]](#footnote-94)). These car parking capacities on the Site are agreed by the Council[[95]](#footnote-95).
5. Mr Bird’s evidence demonstrates that it is highly likely that the Standard Layout will accommodate all of the car parking demand generated by an event on the Site, irrespective of whether that event is for 300, 350 or 500 guests: see paras. 5.20 to 5.25 of his proof. There is also sufficient “slack” in the analysis to accommodate religious leaders, photographers and other persons assisting at weddings: Table 5.3 in Mr Bird’s proof shows that a 500 guest event will result in 100 of the 104 parking bays in the Standard Layout being occupied by guests (leaving four bays over for persons assisting)[[96]](#footnote-96). Valet parking staff (whether for on-site valet parking – for the Valet Layout – or off-site “overspill” valet parking, as to which see below) will not park on Site[[97]](#footnote-97).
6. Table 5.4 in Mr Bird’s proof shows that even if only three coaches travel to the event (as opposed to the 11 coaches that travelled to the large (500 guest) event that is included in the survey data), the car parking demand from a 500 guest event can still be comfortably accommodated on Site if the Valet Layout is used (the demand in that scenario would be for 124 car parking spaces against the provision of 129 car parking spaces in the Valet Layout). Mr Bird’s view[[98]](#footnote-98) was that Table 5.4 shows that “all the parking ever likely to be generated by a 500 guest event can be accommodated on Site”.
7. Mr Bird’s analysis assumes a car occupancy ratio (“**COR**”) of 3.25 (guests/car). It is common ground that that assumption is reasonable[[99]](#footnote-99). It is supported by survey data: 3.25 was the COR for a small (65 guest) event; for a large (500 guest) event the COR was 3.41 and the average COR across both events was 3.37[[100]](#footnote-100).
8. Turning to the survey data upon which Mr Bird relies, the Council agrees that the TRICS database of trip information did not have appropriate survey data[[101]](#footnote-101) and that in consequence it was reasonable for the Appellant to obtain its own evidence[[102]](#footnote-102). The Council acknowledges that it has not provided any alternative trip rate evidence of its own[[103]](#footnote-103). The Council does not criticise the methodology of the survey, the form of the survey or the results. The Council’s concern is that it would have been beneficial to have undertaken more surveys. Seven events were surveyed, two in 2020 (after which the Covid pandemic intervened) and five post-pandemic in 2022. Mr Bird’s evidence was that the survey results were not “outliers” but were consistent with what we he would have expected as a transport planning professional. There was high car occupancy, as would be expected with family groups attending a wedding. The number of coaches increased as the size of the event and the geographical spread of guests grew.
9. Responding to the Council’s criticism of the second (2022) set of surveys, Mr Bird’s professional view was that a sample rate of 18% was “perfectly reasonable to give credible results”[[104]](#footnote-104). In any event, the main point to be taken from the 2022 surveys is confirmation of the COR, which is entirely consistent with the results of the 2020 surveys[[105]](#footnote-105).
10. Moreover, Mr Bird’s analysis is founded upon a very precautionary approach, with factors of safety added. Thus, instead of providing only the 39 car parking bays that the survey of the 500 guest event indicates are required for an event of that size, the proposal provides either 104 (Standard Layout) or 129 (Valet Layout) – the latter being a factor of safety of three.
11. Further assurance that it will be possible to accommodate on-Site all of the car parking demand generated by an event is provided by:
	1. The Car Park Design and Management Plan that is required[[106]](#footnote-106) to be submitted and approved - this will *inter alia* need to provide details of how parking spaces and vehicular movements will be managed on Site, including details of an online system that will be used to enable car parking spaces to be booked in advance; and details of the management company that will be employed to manage parking at all events[[107]](#footnote-107).
	2. The Travel Plan that the section 106 agreement requires to be submitted and approved. Mr Bird is correct to recognise that the Travel Plan will potentially have a material effect on guests’ travel choices[[108]](#footnote-108). Amongst other things, it will provide guests with information about the option of free taxi travel (funded by the Appellant) between Stanmore Underground Station and the Site. Mr Bird’s professional view[[109]](#footnote-109) was that the combination of public transport and the free taxi will provide a real opportunity for guests from the London area to travel safely, securely and in a weather-proofed manner without worrying about “what happens at the other end”.
12. Against the above, the only way in which a need for off-Site car parking can be shown is by assuming that coaches will be parked on the Site during a large-scale event. However, the Appellant does not seek permission for coach parking on the Site at any time, even if a small number of coaches could in theory be parked on the Site during large-scale events without causing parking stress. The Car Park Design and Management Plan will be required to ensure that coaches only drop off and pick up guests on-Site, and that they park off-Site at other times[[110]](#footnote-110). Specifically, the Plan will require any coaches travelling to and from the Site to be managed to ensure that there is only one coach on Site at any one time.
13. Miss Cooper asserted (based on her own, somewhat vague personal experience) that managing coaches was “an absolute nightmare”. Mr Bird’s evidence (to the contrary) was that it was common, when managing public events, for coaches to be given a specific “window” within which to arrive at the event and to then park up elsewhere. He was able to identify numerous potential locations for coach parking within the area (e.g. London Gateway motorway service area) and explained that this approach to managing coaches was “a hugely common thing, not of particular concern”. Mr Bird’s evidence should be preferred on this point given that the survey data includes 11 coaches recorded at Premier Banqueting’s previous venue (located in a much more urban and relatively constrained area) and there is no evidence of any difficulties having been experienced in managing coaches. The approach proposed for the proposal will simply be a continuation of the approach taken previously.
14. Next, in the highly unlikely event that large scale events do result in overspill parking, it is extremely unlikely that that overspill parking will occur on surrounding residential streets. That is because the section 106 agreement requires an Event Management Plan (“**EMP**”) to be agreed with and approved by the Council (prior to commencement of development), implemented and regularly reviewed thereafter. The EMP is to provide a proposal for the provision of overspill car parking and off-site coach parking for “Large Events” (defined as events with more than 350 guests and so in practice, events with between 351 and 500 guests). The proposal set out in the EMP is to include the location of the overspill car parking and how it has been secured; the location of off-site coach parking; and a strategy in the event of a breakdown or other obstruction in the car park including but not restricted to ensuring access for emergency vehicles.
15. Thus, in the highly unlikely event that overspill parking ever occurs, it will be accommodated at an off-Site location – not on surrounding residential streets. Off-Site overspill parking will be facilitated by a valet parking service: see Section 6 of Mr Bird’s proof.
16. Miss Cooper’s view was that the Inspector should only rely to a limited extent on the likelihood of guests taking up such a valet parking service, querying their willingness to do so. As Mr Bird observed, however, valet parking is a very common practice and is usually a service that people pay a premium for (e.g. at hotels and airports)[[111]](#footnote-111). Very significant weight in this regard should be given to Appendix F to Mr Bird’s proof (the statement of intent letter from valetparked.co.uk Ltd), which evidences that dedicated professional valet parking companies exist (including within the relevant geographical range from the Site) for whom the provision of valet parking services is (as Mr Bird put it) “the day job”. Miss Cooper accepted that there was nothing particularly new, innovative or untested about the valet parking industry. Furthermore, Mr Bird was able to identify[[112]](#footnote-112) numerous examples of other sites in Harrow that have off-site overspill parking arrangements.
17. In the unlikely event that it is necessary to provide off-Site overspill parking, guests’ cars will be parked by fully qualified and fully insured operatives, obviating any risk to the owners of the vehicles[[113]](#footnote-113). As to concern around “delay” acting as a deterrent to use of a valet parking service[[114]](#footnote-114), there will be no delay on arrival at the Site – to the contrary, the availability of the service will mean that guests do not need to worry about whether they will be able to find a parking space on arrival. Only c. 15 minutes notice will be needed prior to departure, giving guests time to say goodbye to their hosts and family/friends; Mr Bird was correct to observe that the process of leaving the event would not be time-critical given that guests would be driving home, not leaving to catch a train or plane[[115]](#footnote-115). His professional view[[116]](#footnote-116) was that only a “handful” of guests *per* event would be unwilling to use a valet parking service and that the car parking management company would be able to keep contingency parking spaces to one side on-Site in order to accommodate the very small number of guests that might object to the convenience of valet parking.
18. The Council’s suggestion that the Appellant has not yet succeeded in identifying an appropriate off-site overspill parking location that the Inspector can have any confidence in is misplaced. It is common ground that the question for the Inspector in this regard (i.e. the “test” that the Appellant must satisfy) is whether it has been shown that there is a realistic prospect of an appropriate location being found*.* That threshold is plainly met. As Mr Bird explained[[117]](#footnote-117), it is normal at this stage (i.e. prior to planning permission being granted) for an operator not to have entered into contractual arrangements with a venue that can provide off-site overspill parking; Mr Bird noted that even in relation to Hinkley Point - a nuclear power station project requiring large amounts of off-site parking – the off-site parking was not secured prior to the proposal being given planning consent.
19. The factual position here, as Mr Bird explained in evidence, is that discussions are ongoing with a number of potential locations. One of those is the Haberdashers’ Aske’s Boys’ School (“**Habs**”), which confirmed in an e-mail dated 16 September 2022 (Appendix B to Mr Bird’s rebuttal) that it had the requisite car park capacity to accommodate the Appellant’s requirements and that “[i]n principle, we would be willing to commercially explore your client’s future access and usage requirements”. Mr Bird explained[[118]](#footnote-118) that that was a level of agreement that one might expect at this stage of the planning process.
20. Habs was subsequently contacted by Miss Rankin on behalf of the Council by e-mail on 5 October 2022; Miss Rankin spoke with Rob Dunn (Chief Operating Officer at Habs) by telephone on 10 October 2022. Mr Dunn subsequently confirmed later that day (by e-mail to Miss Rankin) that “we have not entered into any form of agreement” (with the Appellant) and that the points raised in the e-mail from Miss Rankin to which he was replying were correct. Those points included: that the discussion between Habs and the Appellant was “a very early stage conversation”; that the proposed commercial arrangement was not currently a priority for Habs; that there were “a number of considerations to take into account in looking at potential coach and car parking on site as there are residents on site and a lease arrangement with the Haberdashers Hall”; and that any agreement would need to go through the school’s governing structure.
21. The 10 October 2022 e-mail from Habs does not evidence that Habs has moved from its previous position (16 September 2022) of willingness in principle, to a position of unwillingness in principle. Mr Bird was correct to read the correspondence between Habs and the Council as simply listing out the considerations that would need to form part of the commercial “exploration” anticipated in the 16 September 2022 e-mail.
22. There is nothing unusual in the proposition that land that is under-used at certain times of the day would be made available by property owners for parking for financial gain. The Site is located within a London Borough and there are numerous areas of land within close proximity of the site with unused parking capacity for periods of time. As noted above, Mr Bird was able to identify[[119]](#footnote-119) numerous examples of other sites in Harrow that have off-site overspill parking arrangements. There is no reason why this site should be any different.
23. The evidence before the Inspector therefore shows that there is (at least) a realistic prospect of an appropriate location for off-site overspill parking being found. Moreover, any other conclusion would be obviously unfair to the Appellant given that when the Council learned of the Appellant’s discussions with Habs, it intervened in a manner that led to a change in tone (albeit not a change in position) on the part of Habs, most probably due to statements made privately by Miss Rankin during her unevidenced telephone call to Mr Dunn on 10 October 2022.
24. Unfortunately, this was not an isolated incident of a representative of the Council contacting third party landowners directly after learning that they were in productive discussions with the Appellant about making land available for “backup” overspill parking. The Appellant respects the Inspector’s ruling that he did not consider it necessary to admit any further evidence in relation to the Appellant’s discussions with third party landowners beyond (i) the Appellant’s email correspondence with Habs; and (ii) Mr Bird’s oral evidence referencing discussions with other third parties. Suffice to note that during the long adjournment of the inquiry, the Appellant made a polite request for information from the Council about the nature of its approaches, in the course of this inquiry, to another third party landowner that had been in discussions with the Appellant about providing land for overspill parking. In a letter of reply dated 28 October 2022 written by external solicitors instructed by the Council, this request was rebuffed aggressively without providing any of the information requested.
25. It is not necessary to detain the Inspector with an application to admit this unfortunate correspondence as this inquiry draws to a close. The Appellant will simply record here that, in light of this misjudged letter, it will be proceeding to the next stage of making an ethical standards complaint to the Council on the ground that it reasonably suspects that a representative of the Council (possibly an elected Councillor) has been making inappropriate representations to third parties about the Appellant’s proposal in an attempt to unravel progress made by the Appellant in resolving an outstanding issue in this appeal. This is a serious matter given the responsibilities of main parties in planning appeals to seek to resolve outstanding matters in good faith in the public interest, in a context where the Appellant is stating that the development is needed to enable the Council to comply with its PSED.
26. To be clear, the relevance of this complaint to this appeal is that it would be unfair to criticize the Appellant for not having made further progress with other third party landowners about overspill parking arrangements when (i) it has a reasonable suspicion that a Council representative has not only sought to prevent that progress, but to unravel progress already made; and (ii) when asked during the inquiry to be transparent about the nature of those approaches to third parties in accordance with its duty of candour, the Council rejected the request in an intemperate fashion unbecoming of a public body. The matter must – and will – be investigated further by the Council’s complaints officer as a matter of public interest.
27. However, to return to the substance of the issue, the arrangements proposed to be secured by the EMP, including a backup plan for overspill parking, mean that it is not tenable for the Council to submit that a significant risk remains of guests choosing to park in large numbers some distance away from the Site on surrounding residential streets in the highly unlikely event that the car park on Site were full. This would mean guests choosing to walk to the Site next to traffic in their formal wedding attire, rather than accept the offer of a professional valet driver parking their car safely to a supervised location nearby and returning it to them on demand. Brockley Avenue is c. 650m from the Site[[120]](#footnote-120); Mr Bird’s view was that it was highly unlikely that a guest at an event at the Site would choose to park there. Grantham Close is closer but would still require a guest to drive there, find a parking space (if available) and then walk back to the Site (potentially in inclement weather); and to walk back to their car at the end of the night (again potentially in poor weather). When asked to agree that that would not be an attractive proposition *against the valet parking alternative*, Miss Cooper’s answer was “I can see your point”.
28. The Council contends that if overspill parking were to occur on surrounding residential streets it would be detrimental to residential amenity. However, its evidence in support of that assertion is extremely limited. Indeed, as Miss Rankin accepted, it is confined to a single paragraph in her proof of evidence[[121]](#footnote-121). Miss Rankin’s specific concern (expressed in that paragraph) is that “[n]oise 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”.
29. There is no legislation, policy or guidance that suggests that people returning to their cars after an event is capable of giving rise to residential amenity issues sufficiently material to be of concern to the planning system. Nor is there any appeal decision before the inquiry in which the decision-maker refused planning permission on residential amenity grounds simply because of a concern about noise / disturbance from people returning to their parked cars.
30. In any event, in the extremely unlikely event that a significant number of guests were to park on surrounding residential streets, the Council could (as Miss Cooper accepted) introduce parking controls. London Plan Policy T6(C) states expressly that “[a]n absence of local on-street parking controls should not be a barrier to new development, and boroughs should look to implement these controls wherever necessary to allow existing residents to maintain safe and efficient use of their streets”. Mr Bird’s view[[122]](#footnote-122) was that such parking controls would be in the form of event-day management, which is a very common occurrence in the area (it is used extensively around Wembley).
31. During the inquiry, the Inspector reasonably queried whether parking controls introduced to protect residential amenity would be within the scope of the instruction in Policy T6(C) to introduce parking controls in the interests of ‘safety’ or ‘efficiency’. However, any parking controls introduced on the residential streets would be introduced for the primary purpose of ensuring that the existing residents maintained safe and efficient access to their own properties and parking places; any further amenity benefit that would result from this in terms of reducing (or even removing altogether) the number of guests returning from the Appellant’s venue to cars parked on those streets late at night would be secondary.
32. In any event, the Council’s legal power to introduce parking controls by designating paying parking places on highways is contained in s. 45 of the Road Traffic Regulation Act 1984 (see **Appendix 2** to these closing submissions for the full text). Section 45(3) states *(emphasis added)*:

“(3) In determining what parking places are to be designated under this section the authority concerned shall consider both the interests of traffic *and those of the owners and occupiers of adjoining property*, and in particular the matters to which that authority shall have regard include –

1. the need for maintaining the free movement of traffic;
2. the need for maintaining reasonable access to premises; and
3. *the extent to which off-street parking accommodation, whether in the open or under cover, is available in the neighbourhood or the provision of such parking accommodation is likely to be encouraged there by the designation of parking places under this section.*”
4. The reference to the “interests” of “the owners and occupiers of adjoining property” is certainly broad enough to encompass their interests in an acceptable standard of residential amenity. In any event, s. 45(3)(c) explicitly encourages the designation of paid parking controls on the highway if the likely effect would be to encourage the use of off-street parking accommodation in the neighbourhood. This subsection captures precisely the scenario in the present case. If there is genuinely a concern that some guests to the Site might choose to park on nearby residential streets rather than take up the option of off-Site valet parking, Parliament explicitly envisages the use of parking controls in that scenario to incentivize the use of the off-street parking option.
5. Having heard the oral evidence provided to the inquiry, the Appellant remains of the view that a local planning authority acting positively and reasonably would have accepted long before the inquiry opened that concerns about overspill parking – which in the Appellant’s submission are in any event baseless – can be satisfactorily addressed through the measures outlined above.
6. Returning to the wording of the third reason for refusal, the proposal does not, therefore, fail to provide adequate parking. It is highly unlikely that there would be a need for any overspill parking, and if there were, it is extremely unlikely that it would occur on surrounding residential streets. In the highly unlikely event that significant numbers of guests were to park on those streets the Council could introduce parking controls, as s. 45(3)(c) of the Road Traffic Regulations Act 1984 provides. The parking arrangements for the proposal do not breach any of the development plan policies listed in the third reason for refusal; nor are they contrary to the NPPF. The third reason for refusal has not been made out.

**VSC and the overall planning balance**

1. At the end of the inquiry, it is plain that the limited harm that would result from the proposal is clearly – indeed, obviously – outweighed by other considerations. As we have explained above, the “harm” side of the Green Belt overall planning balance includes only (i) “definitional” Green Belt harm (by reason of inappropriateness) and (ii) limited harm to the spatial aspect of Green Belt openness (only). Even giving the substantial weight to that Green Belt harm that is required by para. 148 of the NPPF, the harm is clearly outweighed by the benefits of the proposal.
2. It follows that there are very special circumstances here. As a result, the proposal accords with national and local Green Belt policy (including the development plan policies that are listed in the first reason for refusal).
3. The proposal accords with all other development plan policies and thus with the development plan as a whole. There are no material considerations that indicate that planning permission should nevertheless be refused. To the contrary, para. 11(c) of the NPPF requires development proposals that (like the proposal) accord with the development plan to be approved without delay. In those circumstances, s. 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning permission to be granted.
4. The Inspector is therefore respectfully invited to allow the appeal.

**GWION LEWIS K.C.**

**HEATHER SARGENT**

**Landmark Chambers**

**London**

**4 November 2022**

1. Para. 149 of the NPPF. [↑](#footnote-ref-1)
2. NPPF para. 148. [↑](#footnote-ref-2)
3. Main SoCG paras. 7.9 and 7.10. [↑](#footnote-ref-3)
4. See para. 147 of the NPPF. [↑](#footnote-ref-4)
5. *Ibid*. para. 148. [↑](#footnote-ref-5)
6. Main SoCG, para. 7.6. [↑](#footnote-ref-6)
7. See NPPF para. 138. [↑](#footnote-ref-7)
8. See also para. 93 of the NPPF and Policy S1(C) of the London Plan. [↑](#footnote-ref-8)
9. Ms Gilham proof para 3.7 [↑](#footnote-ref-9)
10. Ms Gilham proof para 3.5 [↑](#footnote-ref-10)
11. Ms Gilham proof 5.3 to 5.9. [↑](#footnote-ref-11)
12. Confirmed by Miss Rankin in cross-examination. [↑](#footnote-ref-12)
13. References to a witness accepting, acknowledging, agreeing, confirming or recognising a point are references to their cross-examination, unless stated otherwise. [↑](#footnote-ref-13)
14. Ms Gilham proof 4.5. [↑](#footnote-ref-14)
15. *Ibid.* [↑](#footnote-ref-15)
16. *Ibid*. [↑](#footnote-ref-16)
17. *Ibid.* [↑](#footnote-ref-17)
18. Ms Gilham rebuttal 1.3. [↑](#footnote-ref-18)
19. The single reference to the PSED in Miss Rankin’s written evidence is a bald assertion at para. 9.5 of her proof that she has had due regard to it. There is no explanation of how consideration of the PSED has influenced Miss Rankin’s approach to the application / appeal. [↑](#footnote-ref-19)
20. Miss Rankin proof 7.26. [↑](#footnote-ref-20)
21. Cross-examination of Miss Rankin [↑](#footnote-ref-21)
22. Ms Gilham proof 6.19 and fig. 6.2. [↑](#footnote-ref-22)
23. *Ibid*. 2.18. [↑](#footnote-ref-23)
24. *Ibid.* 6.2 and Appendix 2, Tables 1 and 3. [↑](#footnote-ref-24)
25. 7.17. [↑](#footnote-ref-25)
26. Rebuttal 2.2. [↑](#footnote-ref-26)
27. *Ibid.* 2.3 and 2.4. [↑](#footnote-ref-27)
28. Ms Gilham proof 6.5. [↑](#footnote-ref-28)
29. Appendix 1 to Ms Gilham’s proof. [↑](#footnote-ref-29)
30. Miss Rankin proof 7.6 and cross-examination. [↑](#footnote-ref-30)
31. Appendix 3 to Ms Gilham’s October 2022 *Briefing Note – Additional Alternative Venues*. [↑](#footnote-ref-31)
32. Appendix 4 to Ms Gilham’s proof, p. 70. [↑](#footnote-ref-32)
33. *Ibid.* p. 69 and Ms Gilham rebuttal, Table 7. [↑](#footnote-ref-33)
34. Ms Gilham rebuttal, Table 7. [↑](#footnote-ref-34)
35. Appendix 3 to Ms Gilham’s October 2022 *Briefing Note – Additional Alternative Venues*. [↑](#footnote-ref-35)
36. Appendix 4 to Ms Gilham’s proof, p. 65. [↑](#footnote-ref-36)
37. Ms Gilham’s rebuttal 3.7. [↑](#footnote-ref-37)
38. Rebuttal of Ms Gilham, 3.17. [↑](#footnote-ref-38)
39. Ms Gilham’s rebuttal, 3.18. [↑](#footnote-ref-39)
40. Miss Rankin’s rebuttal, 3.2. [↑](#footnote-ref-40)
41. *Ibid.* 3.3. [↑](#footnote-ref-41)
42. Ms Gilham’s rebuttal, 3.29. [↑](#footnote-ref-42)
43. Ms Gilham’s rebuttal, 3.32. [↑](#footnote-ref-43)
44. *Ibid.* [↑](#footnote-ref-44)
45. Cross-examination of Miss Rankin. [↑](#footnote-ref-45)
46. Ms Gilham’s rebuttal, 3.32. [↑](#footnote-ref-46)
47. *Ibid.* [↑](#footnote-ref-47)
48. Proof, 7.8. [↑](#footnote-ref-48)
49. Ms Gilham’s rebuttal, 3.31. [↑](#footnote-ref-49)
50. Ms Gilham’s rebuttal, 3.37. [↑](#footnote-ref-50)
51. Blue Room website: “Every Saturday and Sunday live band with talented artists will be playing Bollywood golden hits from 6:00PM – 9:00PM” [↑](#footnote-ref-51)
52. Appendix 2 to Mr Henley’s proof. [↑](#footnote-ref-52)
53. Main SoCG paras. 7.9 and 7.10. [↑](#footnote-ref-53)
54. Proof of Miss Rankin, 7.27. [↑](#footnote-ref-54)
55. Confirmed by Miss Rankin in cross-examination. [↑](#footnote-ref-55)
56. Cross-examination of Miss Rankin. [↑](#footnote-ref-56)
57. Proof of Mr Hughes, 3.6. [↑](#footnote-ref-57)
58. *Ibid*. 3.11. [↑](#footnote-ref-58)
59. *Ibid.* 5.20. [↑](#footnote-ref-59)
60. *Ibid.* 5.21. [↑](#footnote-ref-60)
61. *Ibid.* 5.22. [↑](#footnote-ref-61)
62. *Ibid.* 3.8. [↑](#footnote-ref-62)
63. *Ibid.* 3.14. [↑](#footnote-ref-63)
64. Proof of Mr Hughes, 5.17. [↑](#footnote-ref-64)
65. Main SoCG, 2.7. [↑](#footnote-ref-65)
66. Proof of Mr Hughes, 2.2. [↑](#footnote-ref-66)
67. *Ibid.* 2.3 and 2.4. [↑](#footnote-ref-67)
68. *Ibid.* 3.16. [↑](#footnote-ref-68)
69. *Ibid.* 3.9. [↑](#footnote-ref-69)
70. *Ibid.* 5.30. [↑](#footnote-ref-70)
71. *Ibid.* 5.31 and 5.32. [↑](#footnote-ref-71)
72. *Ibid.* 3.21. [↑](#footnote-ref-72)
73. *Ibid,* 3.26 to 3.28. [↑](#footnote-ref-73)
74. *Ibid*.3.29. [↑](#footnote-ref-74)
75. Oral evidence of Miss Rankin in the round-table session. [↑](#footnote-ref-75)
76. See the officer’s report (“**OR**”), CD71. [↑](#footnote-ref-76)
77. Main SoCG paras. 7.3 and 7.13 to 7.22. [↑](#footnote-ref-77)
78. 6.5. [↑](#footnote-ref-78)
79. Proof of Mr Matillana at 6.6 and 6.7, cross-referring to the DAS at pp. 36 and 56 (CD48-51). [↑](#footnote-ref-79)
80. Proof 6.10. [↑](#footnote-ref-80)
81. Proof 6.19. [↑](#footnote-ref-81)
82. Round-table session. [↑](#footnote-ref-82)
83. Proof para. 23 and round-table session. [↑](#footnote-ref-83)
84. Proof 6.28. [↑](#footnote-ref-84)
85. Round-table session. [↑](#footnote-ref-85)
86. Proof of Mr Matillana, 6.66. [↑](#footnote-ref-86)
87. *Ibid.* 7.18. [↑](#footnote-ref-87)
88. Proof, para. 149. [↑](#footnote-ref-88)
89. *Ibid.* para. 151. [↑](#footnote-ref-89)
90. Main SoCG para. 7.3. [↑](#footnote-ref-90)
91. *Ibid*. [↑](#footnote-ref-91)
92. Erroneously labelled as a second “2” in the decision notice: CD81. [↑](#footnote-ref-92)
93. Main SoCG para. 9.3. [↑](#footnote-ref-93)
94. For details of how valet parking would operate in relation to the Site see Section 6 of Mr Bird’s proof. [↑](#footnote-ref-94)
95. Transport SoCG paras. 3.6 and 3.7. [↑](#footnote-ref-95)
96. Explained by Mr Bird in evidence-in-chief. [↑](#footnote-ref-96)
97. *Ibid*. [↑](#footnote-ref-97)
98. *Ibid.* [↑](#footnote-ref-98)
99. Transport SoCG para. 4.3. [↑](#footnote-ref-99)
100. Proof of Mr Bird, 5.13 to 5.15. [↑](#footnote-ref-100)
101. Miss Cooper’s proof of evidence, para. 5.17. [↑](#footnote-ref-101)
102. Cross-examination of Miss Cooper. [↑](#footnote-ref-102)
103. Transport SoCG para. 4.2. [↑](#footnote-ref-103)
104. Evidence-in-chief. [↑](#footnote-ref-104)
105. Evidence-in-chief. [↑](#footnote-ref-105)
106. By planning condition. [↑](#footnote-ref-106)
107. See Mr Bird’s proof at 6.7 and 6.8. [↑](#footnote-ref-107)
108. Evidence-in-chief. [↑](#footnote-ref-108)
109. *Ibid.* [↑](#footnote-ref-109)
110. *Ibid*. [↑](#footnote-ref-110)
111. Evidence-in-chief. [↑](#footnote-ref-111)
112. *Ibid.* [↑](#footnote-ref-112)
113. *Ibid.* [↑](#footnote-ref-113)
114. Raised by Miss Cooper in oral evidence. [↑](#footnote-ref-114)
115. Evidence-in-chief. [↑](#footnote-ref-115)
116. *Ibid.* [↑](#footnote-ref-116)
117. Evidence-in-chief. [↑](#footnote-ref-117)
118. *Ibid.* [↑](#footnote-ref-118)
119. *Ibid.* [↑](#footnote-ref-119)
120. Mr Bird’s rebuttal, para. 24. [↑](#footnote-ref-120)
121. 8.6. [↑](#footnote-ref-121)
122. Evidence-in-chief. [↑](#footnote-ref-122)