

**LOCATION:**

Land On The North West Side Of Mays Lane , Arkley, Barnet, EN5 2AH

**PROPOSAL:**

A material change of use for stationing of caravans for residential use with hardstanding and dayrooms ancillary to that use

**KEY DATES**

<b>Statutory Expiry:</b>	<b>1st November 2023</b>
<b>Recommendation:</b>	11th December 2023
<b>Ex. of time</b> (if applicable):	
<b>Site Visit</b> (if applicable):	

<b>Case Officer:</b>	<b>Stephen Volley</b>
<b>Responsible Planning Manager:</b>	Lesley Feldman
<b>Applicant:</b>	Mr Patrick Casey
<b>Ward:</b>	Underhill
<b>CIL Liable?</b>	

**OFFICER'S ASSESSMENT**

**1. Site Description**

The application site is located in the Underhill ward on the north side of Mays Lane being some 200 metres south west of Shelford Road, which defines the main settlement boundary of Arkley with Ducks Island and Dollis Valley; housing characterised in the main by post war two storey family dwellings. Measuring approximately 0.81 hectares it is a parcel of undeveloped agricultural land currently in use for the keeping and grazing of horses.

The site boundaries are defined by mature trees, bramble, and hedging with open countryside including Whitings Hill open space to the north. The site has a gated frontage onto Mays Lane providing access for agricultural vehicles only. To the east of the application site is Brethren's Meeting Room Place of Public Religious Worship, including a large car park to the rear. A livery yard known as Chesterfield is located to the west. This comprises a cluster of buildings and manège for the keeping, training and grazing of horses. Further equestrian uses are noted opposite the application site at Vale Farm Livery stables and Greengates Stables. Duck Island provides the nearest facilities to the application site including Whitings Hill Primary School and Quinta Convenience Store. A bus stop providing access to Whitings Hill Primary School is located approximately 600 metres from the site. The application site has a poor PTAL rating of 1b.

Directly opposite the site is Cottage Farm kennels, with planning permission secured in 2017 for 2no. dwellings (17/2326/FUL). A demolition notice for 11 buildings on site is pending consideration under application (UNDM/19/00042). Partridge Close, located opposite the application site towards the Mays Lane and Shelford Road junction is a relatively new build residential development comprising 20 dwellings (allowed at appeal in 1990 (N00032S)).

The site is located within the Metropolitan Green Belt where the fundamental aim is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Mature oak trees located sporadically along the site boundaries are protected by tree preservation orders due to their vigour and high visual amenity value. Whittings Hill open space to the north of the application site covers an area of approximately 2.05 hectares. The grassy hill dominates the space giving views over the surrounding area. The site is located within Flood Zone 1, however, the Environment Agency surface water flood map indicates the flood risk to the site from surface water flooding is 'very low to high. Areas of the site are potentially at high risk of flooding from fluvial and surface water sources. It is also shown to be at risk of reservoir failure.

An Article 4 Direction removing permitted development rights for agricultural buildings applies to this site, but is not relevant to the determination of this proposal. The site is not located within a conservation area and no listed buildings are located within or in close proximity to the site.

## **2. Site History**

None

## **3. Proposal**

Planning permission is sought for the material change of use of the land for the stationing of caravans for residential use, including hardstanding and dayrooms ancillary to that use. The application is supported by a proposed block plan depicting 2no. pitches comprising 2no. mobile homes, 2no. touring caravans and 2no. utility / day rooms located in the north east corner of the application site. A soakaway and treatment plant are also envisaged. Built under a clay tile roof the utility timber structures proposed measure 22.1sqm. The proposed access and hardsurfacing area to accommodate the use is formed from loose bound permeable materials.

It is envisaged that the site will be occupied by two Irish travelling families defined by the Government's Planning Policy for Traveller Sites (2015) as 'travelling showpeople'. For the purposes of this report it is accepted that the proposed caravans conform to the definition within Section 29(1) of the Caravan Sites and Control of Development Act 1960 and Section 13(1) of the Caravan Sites Act 1968.

The personal circumstances of the future occupiers have been submitted, with the applicant advocating that they constitute 'very special circumstances' to outweigh the inappropriateness of the development in the green belt, and any other harm resulting from the proposal.

## **4. Public Consultation**

Consultation letters were sent to 123 neighbouring properties, which has resulted in 1,306 letters of objections. A total of 10 letters have been received in support of the application.

The material planning objections raised are summarised below and referred to in their proper context in the main report.

- Pressure on existing infrastructure & local area
- Cannot afford to lose more green space in this borough
- Effect of the development on the character of the neighbourhood
- Loss of green belt, 'inappropriate development' on the Green Belt
- Unnecessary incursion on the green belt
- Creates urban sprawl
- Misuse of land set aside as green belt
- No exceptional reason why this Green belt land should be granted a change of use
- Alternative options are available
- Unacceptable high density/over-development of the site;
- Material change fails to show any environmental, economic or social benefit
- Not suitable to have caravans in the green belt with no proper pavements
- Breach of planning policies
- Dangerous precedent for further development
- Traffic congestion and safety concerns, particularly children
- Increase in local road traffic
- Access by vehicle to the site is already in very poor repair
- Mays lane is narrow and safety will be compromised
- Increase in Carbon emissions
- Pedestrian safety, no proper pedestrian footpaths.
- Adverse impact on wildlife corridor, affecting wildlife and biodiversity
- Impact to school and surrounding residents
- The concept of a 'dayroom' needs further explanation
- Location already overcrowded
- Potential to expand the site with further pitches
- Not sustainable
- Impact on trees and ecology
- Harmful to existing views - Whittings Hill Open Space and surrounding spaces & footpaths
- A beautiful area where people regularly walk and enjoy the wildlife
- Concrete over wonderful green fields that are rich in flora and insect life
- Noise/environmental pollution
- Generate noise, disturbance and overlooking from the increased number of residents, visitors and vehicles
- Whittings Hill School is oversubscribed. GP surgeries, Barnet Hospital and other NHS services are struggling to meet demand and fail to meet their targets
- The proposed building would cause significant loss of light, outlook and privacy to the adjacent properties,
- Mays Lane is frequently flooded after a rain storm
- Sewage system does not reach the area
- Dollis Brook may become a depository of waste which could lead to cross contamination of the local area
- Other proposals nearby, leading to overdevelopment
- Should be focus on building affordable housing wherever possible and appropriate

Support:

- The scheme is well considered and addresses a housing need for the travelling community

- limited impact on wildlife due to gravel driveway and a small number of buildings / temporary structures.
- In spirit it's within the appropriate range of uses for green belt land.
- The hard-standing is porous;
- local authority not providing appropriate spaces for Gypsies and travellers to live, within the borough
- Gypsy heritage unable to be maintained
- We should be supporting this individual effort by a family to maintain its cultural tradition and heritage.
- Need for legal stopping-place which is low-profile, in harmony with its rural surroundings, and permits adherence to cultural traditions of daily living.

#### **4.1 Statutory Consultation**

**The Rt Hon Theresa Villiers MP, Member of Parliament for Chipping Barnet** strongly objects to the application as follows:

'As you will be aware, this site is green belt land which is subject to extensive protection in planning rules at both national and local level. This application cannot be viewed as being in any of the very limited categories which justify development on green belt land. A core purpose of the rules applying to green belt land is to maintain a sense of openness, and prevent residential use. Both of these would be jeopardised by allowing a caravan park to be established.

The area is part of a natural wildlife corridor and the application would see the loss of wildlife habitats which make an important contribution to local biodiversity. It is out of character for the area and goes against Barnet's policy on the open environment which seeks to protect and enhance the quality and character of the built and natural environment.

There is already pressure on the local infrastructure, such as medical facilities and schools, and this proposal would only add to that pressure.

If permission is granted, the owner will eventually seek permission to extend the number of pitches as he has done on another site, although I recognise that the planning committee cannot take that into account when determining this application. I hope that the fact that this is green belt land and is against a number of the council's own policies will be sufficient for them to refuse the application, otherwise I believe that a precedent will be set that will weaken the protection of the green belt in Barnet'.

**Scientific Services** Objection - Outdoor cooking and fires in Smoke Control Area

**Highway Officer** No Objection - Subject to S184 and planning conditions

**Tree Officer** Objection - Impact to Oak trees subject to TPO

**Senior Ecologist** Objection - Insufficient ecological information submitted.

**Sustainable Drainage Officer** Objection - FRA not provided. Areas of the site potentially at high risk of flooding from fluvial and surface water sources. Site also shown to be at risk of reservoir failure.

**Commercial Services - Street Scene** Observation - waste storage and collection arrangements to be confirmed.

**Planning Policy Manager** Comment - Council's planning policy position as part of the Local Plan EIP is set out in examination note EXAM 64 with Proposed Modifications to Policy HOU07

## 5. Planning Considerations

### 5.1 Policy Context

#### National Planning Policy

- National Planning Policy Framework (NPPF) (2023)
- Planning Practice Guidance (PPG)
- Planning Policy for Traveller Sites (2015)

#### The Mayor's London Plan 2021

The London Plan sets out the Mayor's overarching strategic planning framework for the next 20 to 25 years was adopted on the 2nd March 2021 and supersedes the previous Plan. The London Plan is legally part of each of London's Local Planning Authorities' Development Plan and must be taken into account when planning decisions are taken in any part of Greater London. Planning applications should be determined in accordance with it, unless there are sound planning reasons (other material considerations) which indicate otherwise.

Relevant London Plan Policies - GG1, D1, D2, D3, D4, D5, D6, D12, D14, H1, H2, H14, S1, S2, S3, S4, G1, G2, G5, G6, G7, SI1, SI2, SI12, SI13, T1, T5, T6, T6.1.

#### Barnet's Local Plan (2012)

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

Relevant Core Strategy Policies: CS NPPF, CS1, CS4, CS5, CS7, CS9, CS10, CS11, CS13.

Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM08, DM15, DM16, DM17

#### Barnet's Local Plan (Reg 22) 2021

Barnet's Draft Local Plan on 26th November 2021 was submitted to the Planning Inspectorate for independent examination carried out on behalf of the Secretary of State for the Department of Levelling Up, Housing and Communities. This is in accordance with Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2021 (as amended). The Barnet Local Plan Examination hearing sessions commenced on Tuesday 20 September 2022. Following the submission of a draft Main Modifications schedule the Inspectors is working with the Council to finalise the wording of proposed Main Modifications, together with any updates to the Sustainability Appraisal, Habitats Regulations Assessment and Policies Map. Subject to the outcome of the Examination in Public and further consultation on main modifications, adoption by the Council (regulation 26) is anticipated in Summer 2024.

The Local Plan 2012 remains the statutory development plan for Barnet until the replacement plan is adopted and as such applications should continue to be determined in accordance with the 2012 Local Plan, while noting that account needs to be taken of the policies and site proposals in the draft Local Plan and the advanced stage that it has reached.

Relevant Emerging Local Plan Policies: HOU07, GSS01, CDH01, CDH02, ECC02A, ECC05, ECC06, CHW02

### Supplementary Planning Documents

Sustainable Design and Construction SPD (2016)

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

## **5.2 Main issues for consideration**

The main issues for consideration in the determination of this application relate to:

- Policy background, including context for determining Traveller Sites
- Whether the Proposed Occupants of the Application Site have Gypsy/Traveller Status as defined by the PPTS
- Equality and Diversity Issues
- Green Belt policy assessment
- Other harm
- Whether Very Special Circumstances exist to outweigh potential harm to the Green Belt

## **5.3 Assessment of proposal**

### Policy background

#### NPPF 2023

The 2023 National Planning Policy Framework replaces the previous version of the NPPF published in July 2021.

The NPPF at paragraph 11 sets out a presumption in favour of sustainable development while Section 9 promotes sustainable transport. Paragraphs 137 to 151 of the NPPF refer to Green Belts. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is outweighed by other considerations. Paragraph 150 of the NPPF provides some material changes of use of land which are not inappropriate development provided they preserve its openness and do not conflict with the purposes of including land within it.

Paragraph 4 states that the Framework should be read in conjunction with the Government's Planning Policy for Traveller Sites. When preparing plans or making decisions on applications for these types of development, regard should also be had to the policies in this Framework, where relevant.

### Planning Policy for Traveller Sites (PPTS)

In August 2015, the Government published its Planning Policy for Traveller Sites (PPTS). The PPTS changed the definition for planning purposes of both 'gypsy and travellers' and 'travelling showpeople'. The previous definition as set out in the Housing Act (2004) was repealed by the Housing and Planning Act 2016. The key change for both definitions was the removal of the term persons...."who have ceased to travel permanently", the full definition (Annex 1: Glossary PPTS 2015) being:

'Persons of nomadic habit of life whatever their race or origin, including such persons who on health grounds only of their own or their family's or dependents' educational or health needs or old age have ceased to travel temporarily but excluding members of an organised group of travelling showpeople or circus people travelling together as such.'

The effect of this change is that those who have ceased to travel permanently will not now fall under the definition of a traveller for the purposes of applying planning policy, both in terms of assessing future need and the allocation of sites through a Local Plan, and in the determination of planning applications and appeals.

Policy E of the PPTS repeats the provisions of the NPPF that inappropriate development is harmful to the Green Belt and should not be approved, except in very special circumstances. Traveller sites (temporary or permanent) in the Green Belt are inappropriate development. Subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances.

Policy H of the PPTS provides that in making decisions on planning applications for traveller's sites, applications should be assessed and determined in accordance with the presumption in favour of sustainable development and the application of specific policies in the NPPF and the PPTS. This policy also provides that local planning authorities should determine applications from any travellers and not just those with local connections. However, new traveller site development in open countryside should be very strictly limited and such sites should respect the scale of, and not dominate, the nearest settled community.

The above provisions of Policy H are subject to the provision in Policy E that if local planning authorities cannot demonstrate an up-to-date 5 year supply of deliverable sites for gypsies and travellers, this should be a significant material consideration when considering applications for grant of temporary planning permission, with the exception of designated land such as Green Belt.

## Development Plan

### London Plan

London Plan 2021 seeks to protect the Green Belt from inappropriate development in Policy G2. Policies D1, D4 and D5 of the London Plan (2021) seek the delivery of high quality inclusive design that respects the character and appearance of the application site and the immediate and wider area. Policies T4, T5, T6 and T6.1 promote safe and sustainable transport modes. Policies G6, G7, SI 12 and SI 13 seek to protect the natural environment from harmful development, including trees, ecology and flood risk.

Policy H14 sets out the policy for Gypsy and traveller accommodation across London. Before the London Plan was finalised the Secretary of State directed changes to a number of the policies including the policy relating to gypsies and travellers. The effect of this was to delete the section in the draft London Plan policy that sought to give a much broader Gypsy and Traveller definition than that set out in the PPTS. Fulfilling a commitment in the

London Plan, (Policy H14 and para 4.14.2 refer) work is currently underway by Mayor / GLA on establishing an up-to-date gypsy and traveller London wide needs assessment (GTANA).

- GLA's consultants are using a broader definition of gypsy and travellers (G&Ts) than the one set out in the Government's 2015 PPTS - Planning policy for traveller sites - GOV.UK (www.gov.uk) - which does not include those who have permanently ceased to travel - so including consideration to those G&Ts and Roma who live in 'bricks and mortar' (B&M) but who culturally identify as being G&Ts.

-Anticipated date for publishing the final GTANA report is March 2024. The findings of this together with demographic data from 2021 census on gypsy, Traveller and Roma households in Barnet will inform the next review of the Barnet Local Plan.

### Local Plan

Policy CS NPPF of Barnet's core strategy local plan (2012), provides a presumption in favour of sustainable development. Policy CS1 states that in order to promote sustainable development, Barnet's place shaping strategy is to concentrate and consolidate housing and economic growth in well located areas that provide opportunities for development, creating a quality environment.

Policy CS4 of the Core strategy relates specifically to proposals for sites for Gypsies and Travellers and Travelling Showpeople. This states that provision will be made for sites for gypsies and travellers through a Site Allocation Development Plan document in accordance with any identified need and taking into account the existing authorised provision within the Borough. Within the Site Allocations DPD the Council will seek to identify land to meet the long term needs of Gypsies and Travellers and Travelling Showpeople based on an evidence base of the range of pitches/plots required in Barnet. The policy does not include any sites for gypsy and travellers. It should be noted that a separate Site Allocation DPD has not been produced by the Council to date.

Other provisions of Policy CS4 of the Core Strategy are relevant to the determination of applications for gypsy and traveller sites, including regard to the following criteria:

- close proximity to a main road and safe access to the site with adequate space on site to allow for the manoeuvring of vehicles
- reasonable access to local shops and other community facilities in particular, schools and health care
- the scale of the site is in keeping with local context and character
- appropriate landscaping and planting to address impact on amenity and enable integration of the site with the surrounding environment
- any use on the site does not have any unacceptable adverse impacts on neighbouring residents
- appropriate facilities must be provided on-site including water and waste disposal.

However, when occupiers or intended occupiers of gypsy and traveller sites that are subject to planning applications do not meet the planning definition of a traveller in the PPTS, Policy CS4 of the Core Strategy will not be relevant to determination of those applications. Such applications will have to be determined based on other relevant development plan policies, including Green Belt, countryside protection and sustainable development policies.



Core strategy policy CS5 states that the Council will ensure that development in Barnet respects local context and distinctive local character creating places and buildings of high quality design. Development Management Policy DM01 protects Barnet's character and amenity by ensuring that all development proposals are based on an understanding of local characteristics. Proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets. Proposals should also be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users.

Core strategy Policy CS10 enables inclusive and integrated community facilities and uses while Policy CS11 provides for improving health and well being in Barnet. Making Barnet a safer place is a key aim of policy CS13. Development management Policy DM08 seeks to ensure that a variety of sizes of new homes to meet housing need is provided within the Borough.

Core strategy Policy CS7 seeks to enhance and protect Barnet's open spaces, including Green Belt and Metropolitan Open Land. Development management Policy DM15 seeks to protect Green Belt and open spaces while policy DM04 provides the Environmental considerations for development. Policy DM16 seeks the retention and enhancement, or the creation of biodiversity.

Core strategy Policy CS9 provides for safe, effective and efficient travel. It seeks to promote the delivery of appropriate transport infrastructure in order to support growth, relieve pressure on Barnet's transport network and reduce the impact of travel whilst maintaining freedom and ability to move at will. Travel impact mitigation measures and parking standards are set out in Development management Policy DM17.

A new Barnet Local plan is emerging. Subject to the outcome of the Examination in Public and further consultation on main modifications, adoption by the Council (regulation 26) is anticipated in Summer 2024. The Local Plan 2012 remains the statutory development plan for Barnet until the replacement plan is adopted and as such applications should continue to be determined in accordance with the 2012 Local Plan, while noting that account needs to be taken of the policies and site proposals in the draft Local Plan and having due regard to the stage that it has reached.

Within the emerging draft replacement Barnet Local Plan, Policy GSS01 sets out the presumption in favour of delivering sustainable growth. Policies CDH01 and CDH02 promote high quality, sustainable and inclusive design objectives. Policies ECC02A (Water Management), ECC06 (Biodiversity), and CHW02 (Promoting Health and Wellbeing) provide the environmental policy framework. Policy ECC05 sets out similar provisions to development management Policy DM17 in providing detailed policies with respect to development in the Green Belt. Policy HOU07 sets out the criteria for planning permission to be granted for gypsy/traveller sites but contains no provision for such sites to be located within the Borough, including the Green Belt.

The evidence base for the emerging Local Plan includes the 'West London Alliance Gypsy, Traveller and Travelling Showpeople Accommodation Assessment' (final report October 2018) and a subsequent 'Update on Gypsy, Traveller and Travelling Showpeople Accommodation Assessment (GTAA) (2018)' dated July 2021. The GTAA has been prepared in the context provided by the PPTS (2015) and the planning definition of gypsy and traveller that it contains. In this regard, a key change made by the PPTS was to remove from the definition of traveller "persons who have ceased to travel permanently" meaning that the needs of this group are not now assessed in the GTAA.

For the purposes of making decisions on planning applications, the GTAA is a material consideration because it contains the most up-to-date assessment of gypsy and traveller needs in the Borough and has been prepared in the context of the PPTS (2015) and the London Plan. The Council considers that the 2018 GTAA and Update provides a credible evidence base to support policies in the Local Plan and the provision of new Gypsy and Traveller pitches and Travelling Showpeople (PPTS). The outcomes of this study (commissioned by external specialist consultants (ORS) identified no objectively assessed need for pitches and plots for Gypsies and Travellers and Travelling Showpeople households within the Borough and thus none have been allocated through the site allocations process.

The application site would not have been included in the GTAA assessment because it was not occupied by a gypsies or travellers at the time.

The Council's position is reflected in emerging local plan Policy HOU07. In the event that proposals for such accommodation do come forward then the Council will assess each application against the planning and environmental considerations listed in the policy, which generally reflect the criteria based policy approach contained in adopted core strategy policy CS4. This emerging policy HOU07 is still evolving through the EIP process. Matters debated at the Local Plan examination and the Council's responses to questions raised by the Local Plan Inspectors is set out in examination document Exam 64 Local Plan EIP - Revised Note on Gypsies and Travellers.pdf (barnet.gov.uk) exam 64 Local Plan EIP - Revised Note on Gypsies and Travellers.pdf (barnet.gov.uk). The Inspector has been invited to consider further modifications to the policy wording. Although the policy has reached an advanced stage of the EIP process the Council is mindful that the proposed modifications to it are still subject to consultation on the Council's proposed modifications prior to receipt of the Inspectors' report. Therefore, only limited weight should be afforded to its aims and objectives. In affording only 'limited weight' to this policy, Officers are mindful of the advice set out at paragraph 48 of the National Planning Policy Framework (weight to relevant policies in emerging local plans) ' and the recent unsuccessful legal challenge of the PPTS definition (Lisa Smith v Secretary of State for Levelling Up, Housing & communities - dated 31st October).

However, Policy CS4, and all other relevant policies contained in the 2012 Core strategy and development management plan, are to be afforded full weight in the determination of this application.

#### Whether the Proposed Occupants of the Application Site Have Gypsy/Traveller Status

The applicant to support their gypsy/traveller status have provided a statement explaining the personal circumstances of the two families, including past and present living arrangements, and educational / health needs. At the request of the applicant, the content of the statement is referred to in more detail in a confidential report. The conclusion being that the Council cannot conclude with any certainty that the applicant has gypsy/traveller status to meet the definition of gypsy and traveller in Annex 1: Glossary to the PPTS. Nor can it be established with any substantial weight that the occupation of the site is within the best interest of the children.

The Council notes that gypsy/traveller status could potentially be established by way of the applicant providing further information and therefore notwithstanding the above, the assessment as set out below, will also consider the application on the basis that the PPTS planning policy definition for gypsy/traveller status could be demonstrated.

## Equality and Diversity Issues

### Human Rights and Equalities Considerations:

A key matter in this type of application is the European Convention on Human Rights as applied by the Human Rights Act 1998 along with the Council's requirement to act in accordance with the Equality Act 2010. In terms of Equalities legislation, Gypsies and Travellers have a protected status that must be considered in all decisions made by Public Authorities. The Council needs to be consistent in its application of the PPTS, as described above, which itself has been subject to Equality Impact Assessment (EqIA) by the Government. Specifically, the Council in the exercise of its statutory functions (in this case the determination of planning applications) has a clear duty to have due regard to particular needs and lifestyles when making decisions. The Public Sector Equality Duty is set out at Section 149 of the Equality Act 2010. It imposes a duty on all public authorities that they must, in the exercise of their functions, have due regard to the need to: -eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act; -advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; -foster good relations between persons who share a relevant protected characteristic and persons who do not share it. This is a duty that applies to Local Planning Authorities, the Planning Inspectorate and the Secretary of State. The key point is that whilst the duty is not a lone justification to grant planning permission or to not take enforcement action, decision makers must have regard to it when considering Traveller cases. For example, it is necessary for consideration to be given as to whether refusing planning permission (which could potentially mean that the applicants would have to resort to roadside encampments) would be an action which would "foster good relations" between the settled community and Travellers (where such status has been evidenced). This is a matter to which the decision maker must give due regard to in the consideration of this case, and one that the Planning Inspectorate will have regard to in determining any subsequent appeal lodged in the event that planning permission is refused and enforcement action commenced.

Barnet's Draft Local Plan is currently at Examination stage. The Draft Plan and the policies therein has been subject to an Equalities Impact Assessment (EqIA). The Local Plan EqIA assessed the equalities impact of Policy HOU07 - Gypsies, Travellers and Travelling Showpeople and concluded that although it is considered that there is no identified need for gypsy and traveller accommodation in Barnet, this policy makes provision for this group, and that Policy HOU07 had a neutral impact on gypsies, travellers and travelling showpeople.

The application is determined in accordance with these key principles.

### Planning Assessment

In assessing the application, it will first be necessary to establish the principle of the development within the Green Belt before going on to assess the other relevant planning considerations.

### Green Belt

The application site is located in the Metropolitan Green Belt on the north west side of Mays Lane. It is bordered by hedging and mature trees with post and rail fencing. A gate allows access into the site directly off Mays Lane. The site comprises a parcel of undeveloped agricultural land currently in use for the keeping and grazing of horses. No

previous planning permission exists, and no fallback or betterment option has been advanced by the applicant.

As above, the site is free from any built form. The change of use of this open and undeveloped site to provide 2no gypsy/traveller pitches with associated hard standing and utility / day rooms would be an inappropriate form of development within the Green Belt. Whilst the site is bounded by mature trees and hedging and some native hedge and tree planting is proposed directly around the pitches and hardsurfacing areas it would not completely obscure views of the site. Glimpses of the site can be gained during the autumn / winter months from users of the footpaths running parallel with the northern boundary and from longer views within Whitings Hill Open Space where the land begins to rise above the application site. Although the Brethren's Meeting Room Place of Public Religious Worship car park is bounded by an evergreen hedge along its western boundary the rooftops of the utility day rooms will be seen. Although the built up area of the site will not be readily apparent from Mays Lane or from the neighbouring livery yard known as Chesterfield, almost the full extent of the access track to be formed from loose bound hardstanding will be clearly apparent, including the comings and goings of vehicles and caravans. By introducing development onto this site where there currently is none the proposal effectively interrupts the sporadic form of existing development surrounding the application site on both sides of Mays Lane. Furthermore, the proposed use of the site would be a more intense that the existing use for grazing and equestrian activity. As such the proposed development would be considered to encroach in the countryside. Taking the above into account in addition to its visibility from the wider area the proposal is considered to result in material harm to the openness of the Green Belt. As such, the development proposed is inappropriate development in the Green Belt and would result in material harm to openness. National policy in the NPPF, Core strategy Policy CS7 and Development Management Policy DM15 seek to resist inappropriate development in the Green Belt and protect openness. Policy E of the PPTS provides that traveller sites (temporary or permanent) in the Green Belt are inappropriate development. Both the NPPF and development plan policy provide that development proposals involving inappropriate development in the Green Belt will only be permitted where very special circumstances exist, to the extent that other considerations clearly outweigh any potential harm to the Green Belt by reason of inappropriateness and any other harm. Through the submission of personal details, the applicant has sought to put forward a case of very special circumstances. It will therefore be necessary to establish if there are any other harms as a result of the development before undertaking an assessment whether very special circumstances would apply in this case.

#### Other harm

Any other potential harm associated with this proposal are determined within the context of the NPPF and development plan, including policies CS4 of the Core strategy and emerging local plan policy HOU07, which together seek development for Gypsies, Travellers and Travelling Showpeople to accord with the fundamental principles for achieving high quality sustainable development.

#### Character and Appearance

The NPPF states that 'The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this.

Policies D1, D4 and D5 of the London Plan (2021) seek the delivery of high quality inclusive design that respects the character and appearance of the application site and the immediate and wider area. Policy CS5 of Barnet's Core Strategy DPD (2012) provides that development in Barnet respects local context and distinctive local character creating places and buildings of high-quality design. Policy DM01 of Barnet's Local Plan (Development Management Policies) Development Plan Document (2012) states that: "Development proposals should be based on an understanding of local characteristics. Proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets."

Policy CS4 of Barnet's Core Strategy DPD (2012) and emerging development management local plan policy HOU07 are criteria-based policies. Both require the scale of the site to be in keeping with local context and character with appropriate landscaping and planting to address impact on amenity and enable integration of the site with the surrounding environment. Emerging Policy HOU07 specifically refers to the 'Effective use of previously developed land' for such purposes.

The proposal will significantly alter the appearance of the application site by introducing 2no. pitches comprising 2no. mobile homes, 2no. touring caravans and 2no. utility / day rooms. It is noted that the PPTS does not discount suitable sites in rural areas or the countryside and therefore such sites may alter the appearance of a site in a countryside location. It is also noted that the PPTS also allows weight to be attached to soft landscaping that positively enhances the environment and increases its openness.

In this case however, and as outlined earlier in this report, the development proposed is not considered to enhance openness of this Green Belt location. It will result in an increase in built form and hard standing on a site that has not been previously developed and will result in a use of greater intensity. Such a use is completely at odds with the prevailing characteristics of the immediate and wider area and would result in harm to the character and appearance of this site. The proposal does include some additional planting surrounding the built up area of the site but this will not completely obscure the development from public views. The development is therefore considered to be contrary to the requirements of the aforementioned policies and cannot be supported.

#### Residential amenity and standard of accommodation

One of the key objectives of the NPPF (2023) is to create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users (para 130 (f)). Policy D3 of the 2021 London Plan seeks to deliver appropriate outlook, privacy and amenity through a design led approach. Policy CS5 of the LB Barnet; Local Plan (Core Strategy) DPD (2012) and Policy DM04 of the LB Barnet; Local Plan (Development Management Policies) DPD (2012) seek to protect and enhance Barnet's character and identify the environmental considerations for development. Policy DM01 of Barnet's Development Management Policies Document DPD (2012) states that development proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users.

Similar objectives are set out in Policy CS4 of Barnet's Core Strategy DPD (2012) and emerging development management local plan policy HOU07 with both policies also seeking a good standard of amenity for future occupiers, including appropriate facilities for water and waste disposal and reasonable access to local shops and other community facilities in particular, schools and health care.

The closest neighbouring properties to the application site are the Brethren's Meeting Room Place of Public Religious Worship to the east and a livery yard known as Chesterfield to the west, both separated from the application site by hedging and trees. The proposed development will result in an intensification of the use of the site, which will bring around additional activity and traffic movements within the site. Whilst the proposal would bring forward these additional activities to the site, this is however limited only to the movement and activities associated with two families, occupying the pitches. The developed area within the north eastern corner of the site abuts the car park of Brethren's Meeting Room only and thus no direct overlooking or loss of daylight / sunlight is noted to either neighbour. The proposal access is located centrally within the site at an acceptable distance from the neighbouring boundaries to avoid traffic noise and pollution. The proposal is therefore considered acceptable and in accordance with the aforementioned policies.

The layout of the site, and its associated facilities, including pitches, hard-standings, amenity blocks, water and waste disposal, parking and turning areas, play spaces and hedge /tree planting, are well planned to ensure the amenity and healthy lifestyles of site residents. The application site has reasonable access to Duck Island, which provides local shops and other community facilities including Whitings Hill Primary School (700m), Quinta Convenience Store (900m) and Whitings Hill Primary School Bus Stop (600m).

The application site is located within a Smoke Control Area, which prohibits outside fires for the purposes of cooking and heating, however the applicant has confirmed by email that no such facilities are envisaged. To prevent this hazard a planning condition can be imposed requiring electric heating only.

Whilst the integration of the site protects the amenity of neighbouring occupiers and provides a good standard of amenity for future occupiers in accordance with the aforementioned policies, it does not positively enhance the environment or increase its openness, as discussed in previous sections.

### Highways

Policy CS9 of the Barnet Core Strategy (Providing safe, effective and efficient travel) identifies that the Council will seek to ensure more efficient use of the local road network and more environmentally friendly transport networks, require that development is matched to capacity and promote the delivery of appropriate transport infrastructure. Policy DM17 (Travel impact and parking standards) of the Barnet Development Management Plan document sets out the parking standards that the Council will apply when assessing new developments. Other sections of Policies DM17 and CS9 seek that proposals ensure the safety of all road users and make travel safer, reduce congestion, minimise increases in road traffic, provide suitable and safe access for all users of developments, ensure roads within the borough are used appropriately, require acceptable facilities for pedestrians and cyclists and reduce the need to travel.

Policy CS4 of Barnet's Core Strategy DPD (2012) and emerging development management local plan policy HOU07 both require the site to be in close proximity to a main road with safe access and adequate space to allow for the manoeuvring of vehicles.

The proposal is for a site for a private gypsy and traveller site which is not included within the parking standards, however highway safety is paramount.

The proposal site is accessed directly off Mays Lane that runs parallel with the sites southern boundary and has as a PTAL rating of 1b (poor access). The lane provides

direct access to Ducks Island and the Dollis Valley housing estate to the east and gives access to the A1 Barnet By Pass to the west. The access track runs in a northerly direction within the centre of the application site before terminating in the north eastern corner of the site, where development is proposed.

Transport Officers have been consulted and based on the limited information submitted (site plan only) they raise significant concerns for highway safety at the proposed access junction with Mays Lane. The proposal presents one way lane vehicle movement only, which could result in safety concerns with vehicles, caravans and emergency vehicles needing to reverse back into Mays Lane to allow for oncoming vehicles. This safety issue is compounded by the fact that potential turning conflict may arise with the existing access located directly opposite, serving Cottage Farm, and the absence of a pedestrian footway on this section of Mays Lane. Although appropriate visibility splays can be secured by condition, the day to day manoeuvring of vehicles cannot be controlled on Mays lane.

Although detailed information has not been submitted regarding on site car parking provision (including disabled parking) and cycle parking the extent of the site allows for minimum standards to be met. A planning condition can be imposed to secure such measures. To further ensure highway and pedestrian safety a further condition can be imposed to prevent additional pitches and parking being made available without the express consent of the Local Planning Authority. The storage and collection of waste and recycling at the proposed access can also be controlled by condition. As part of a section 184 application, the speed limit along Mays Lane would be reviewed due to the safety aspect for pedestrians and potential conflict of traffic movements.

However, on balance, the potential for turning conflict at the proposed access is significant and in the absence of supporting information to indicate safe passage the proposal is contrary to the aforementioned policies and cannot be supported.

#### Arboricultural / Ecological Impact

The importance of trees, ecology and landscape is recognised at every policy level, Nationally NPPF chapter 15; regionally London Plan (2021) policy G6 and G7, and locally within Barnet Council's adopted policies CS5, CS7 DM01, DM04, DM15 & DM16 all require developers to consider, trees, ecology and landscape which builds biodiversity. Policy CS4 of Barnet's Core Strategy DPD (2012) and emerging development management local plan policy HOU07 require appropriate landscaping and planting to address impact on amenity. Policy HOU07 provides that the site does not have an unduly adverse impact on the local environment.

The site is situated within the Green Belt and there are numerous TPO oak trees on the site boundaries, particularly along the north and eastern boundaries. These trees provide significant public amenity and are integral to the character of the Green Belt and Barnet's urban fringe (the contribution of these trees would have justified the creation of these TPOs in 1983 and 1989 respectively). The proposal seeks to introduce hardstanding across the site, a portion of which is to be situated in close proximity to TPO oaks TRE/BA/53/G3. This proposal is likely to necessitate excavation and soil compaction in the Root Protection Areas of TPO trees. In addition, a soakaway is to be installed in close proximity to TPO oak TRE/BA/49/T8. This aspect would cause significant harm to roots of the TPO oak, including significant root severance. A submitted site plan (numbered 003 Rev PO3) depicts the root canopy of boundary trees, but this is considered by Officers to be insufficient. Endorsing this proposal without adequate supporting information with respect to trees, particularly given the proximity of the development to trees which are

subject to a Tree Preservation Order, could result in irrevocable harm to trees in direct contravention of BS 5837:2012, "Trees in relation to design, demolition and construction - Recommendations and the aims and objectives of Policy G7 of The London Plan (2021), and policies DM01 and DM16 of Barnet's adopted local plan (2012).

At the request of Officers, a preliminary ecological appraisal has been submitted (dated 14th November 2023). According to the PEA report there are seven ponds within 500m of the site including one adjacent to the site that is connected to the site by suitable terrestrial habitats for great crested newts. Given that the proposed development would result in the potential loss of 0.09ha of habitat within 100m of the potential breeding pond there is a "Amber: offence likely" (Natural England's great crested newts *Triturus cristatus* risk assessment tool form WML-A14-2 (Version April 2020) that the proposed development would result in the disturbance of great crested newts and their foraging/sheltering habitats. To confirm the presence or likely absence of great crested newts eDNA tests of those pond within 500m of the site will need to be completed and submitted to the LPA for approval. These surveys can only be undertaken by a suitably qualified ecologist between April 15th and July 15th (breeding season). eDNA testing (and potentially further traditional GCN surveys) are required to confirm presence/likely absence and the level to which mitigation is required which may necessitate the works being undertaken through a Natural England Low Impact or European Protected Species Licence. No other ecological surveys are required in support of the application as the PEA report demonstrates that there is low risk of injury to protected species such as badgers, hedgehogs, and disturbance to foraging and commuting bats onsite, and priority habitats such hedgerows. Such species and habitats can be reasonable safeguarded by precautionary mitigation measures secured by planning conditions.

Given the significant contribution of the protected oak trees to the Green Belt and Barnet's urban fringe and in the absence of eDNA testing (and potentially further traditional GCN surveys) the development is contrary to the aforementioned policies and cannot be supported. The fact that no soft landscaping and/or green roofing has been incorporated into the scheme to offset the impact of built development in the Green Belt and Barnet's urban fringe is also a factor in this decision.

### Potential for flooding

Policies SI 12 and SI13 seek to protect development from flood risk from all sources. Policy CS13 of the Barnet Core Strategy states that "we will make Barnet a water efficient borough and minimise the potential for fluvial and surface water flooding by ensuring development does no cause harm to the water environment, water quality and drainage systems. Development should utilise Sustainable Urban Drainage Systems (SUDS) in order to reduce surface water run-off and ensure such run-off is managed as close to its source as possible subject to local geology and groundwater levels". Emerging local plan policy HOU07(g) provides that flood risk and the impacts of climate change are taken into account when assessing the suitability of sites to ensure that residents on these sites are not highly vulnerable to flooding.

Although the application site is located entirely within Flood Zone 1 and is less than 1 ha in size, the applicant has not indicated whether the site is at risk from any other potential sources, including but not limited to surface water, groundwater, sewer, and artificial sources. Proposal resulting in a change in land use to residential caravans, are classified as 'highly vulnerable development' requiring a flood risk assessment on all the potential sources of flood risk. A large area of loose bound permeable hardstanding areas is proposed and as these can become compacted over time and effectively become impermeable, a surface water drainage strategy is required confirming these areas will not



adversely affect surface water runoff and flood risk. The strategy also needs to confirm the appropriateness of the proposed soakaway in relation to adversely affecting surface water runoff and potential flood risk.

In the absence of a flood risk assessment and surface water drainage strategy the proposal does not comply with aims and objectives of Policy CS13 of the Barnet Core Strategy or Emerging local plan policy HOU07(g).

### Very Special Circumstances

Both the NPPF and development plan policy provide that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. Policy E of the PPTS repeats the provisions of the NPPF that inappropriate development is harmful to the Green Belt and should not be approved, except in very special circumstances. Traveller sites (temporary or permanent) in the Green Belt are inappropriate development. Subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances.

The case of very special circumstances put forward by the applicant within their statement relates to the personal circumstances of the two families, including their educational and health needs. These sensitive matters are addressed in detail in a separate confidential report with the conclusion being that the Council cannot conclude with any certainty that either household has gypsy/traveller status to meet the definition of gypsy and traveller in Annex 1: Glossary to the PPTS. Nor can it be established with any substantial weight that the occupation of the site is within the best interest of the children.

The Council notes that gypsy/traveller status could potentially be established by way of the applicant providing further information and therefore notwithstanding the above conclusions this further assessment considers the application on the basis that gypsy/traveller status could be demonstrated and that a need for a site exists for both families.

Firstly, the application site has already been assessed against the criteria for determining applications that do come forward and has been found not to comply with the fundamental principles for achieving high quality sustainable development. Equally, the application site has been assessed against green belt policy and the guidance contained in the PPTS and found to be inappropriate development, being materially harmful to openness.

Secondly, in regard to the need for a site and the educational and health requirements of the two families these issues have been carefully considered with the Council taking the view that established sites within the neighbouring administrative boundaries of Harrow, Brent and Herts (being the closest neighbouring authorities to the application site), can potentially provide the necessary provisions for the two families. These are well established sites located at Watling Farm Close, Stanmore (Harrow), Lynton Close, Brent Park (Brent), Brookes Place, Potters Bar (Herts) and Bignells Corner, South Mimms (Herts), which provide both permanent and transit pitches. In each case they provide good connections to local schools and hospitals including the Royal Free Hospital, Barnet Hospital and Whiting's Hill School. They also provide the necessary services and utilities required for day to day living. The applicant has failed to explore these alternative options or to provide reasoning for why these established sites would not provide the necessary provisions for their families. Accordingly, it is the view of the Council that the need for a site and the educational and health requirements of the two families can be met elsewhere

without resorting to roadside encampments or causing unnecessary harm to the green belt. The very special circumstances set out in the supporting statement do not therefore outweigh the inappropriateness of the development and its potential harm to the Green Belt.

## **6. Conclusion**

The application proposes the development of 2no gypsy/traveller pitches on what is currently open countryside in the Green Belt. The proposal represents inappropriate development in the Green Belt being materially harmful to its openness, character and the natural environment. The supporting information provided is not considered sufficient to confirm gypsy/traveller status according to the definition in Annex 1 to PPTS 2015. No very special circumstances have been adduced that outweigh harm to the Green Belt. The recommendation to refuse planning permission is made in light of the National Planning Policy Framework (NPPF) the PPTS and the Government's Planning Practice Guidance (PPG). In accordance with Section 3 and 4 of the NPPF, full weight has been given to the aims and objectives of policies contained in the London Plan 2021, and the adopted Barnet's Core Strategy and Development management Policies (2012). The emerging policies, particularly Policy HOU07 have been afforded limited weight given the stage reached in preparation. All other material considerations, including third party comments, have been considered.

The application for Planning permission is recommended for REFUSAL.

## **OFFICER'S RECOMMENDATION / PREVIEW OF DECISION**

Refuse

- 1 The development proposed is inappropriate development in the Green Belt and would result in material harm to openness. The very special circumstances advanced by the applicant(s) do not clearly outweigh the inappropriateness of the development and its potential harm to the Green Belt. As such the proposal is contrary to the National Planning Policy Framework (2023), Policy G2 of London Plan (2021), Policy CS7 of Barnet's Adopted Core Strategy (2012), and Policy DM15 of the Local Plan Development Management Policies DPD (2012).
- 2 The local planning authority does not consider based on the information provided with the application that the intended occupants of the site come within the definition of gypsies and travellers as set out in Annex 1: Glossary of the Planning Policy for Traveller Sites August, 2015, or that the personal circumstances of any of these intended occupants establishes very special circumstances that would outweigh harm to the Green Belt. As such the proposal is contrary to the National Planning Policy Framework (2023), policy G2 of London Plan (2021), policy CS7 of Barnet's Adopted Core Strategy (2012), and Policy DM15 of the Local Plan Development Management Policies DPD (2012).
- 3 The proposed development will result in an increase in built form on a site that has not been previously developed and will result in a use of greater intensity. Such a use is at odds with the prevailing characteristics of the immediate and wider area and would result in harm to the character and appearance of this site contrary to the National Planning Policy Framework (2023), policies D1, D4 and D5 of London Plan (2021), Policies CS4 and CS5 of Barnet's Adopted Core Strategy (2012), Policy DM01 of the Local Plan Development Management Policies DPD (2012) and emerging local plan policy HOU07.
- 4 In the absence of eDNA testing (and potentially further traditional GCN surveys) it has not been demonstrated that the proposed development would mitigate against the disturbance of great crested newts and their foraging/sheltering habitats within 500 metres of the application site contrary to the National Planning Policy Framework (2023), Policy G6 of the London Plan (2021), Policies DM01 and DM16 of the Local Plan Development Management Policies DPD (2012) and emerging local plan policy HOU07.

- 5 In the absence of detailed tree protection measures indicating site levels and the protection and enhancement of existing protected trees in and around the application site it has not been demonstrated that the trees would be protected during the course of the proposed development. Therefore, the proposal is not considered to safeguard the health of existing tree(s) which provide significant public amenity and are integral to the character of the Green Belt and Barnet's urban fringe contrary to the National Planning Policy Framework (2023), Policy G7 of the London Plan (2021), Policies CS4, CS5 and CS7 of Barnet's Adopted Core Strategy (2012), Policy DM01 of the Local Plan Development Management Policies DPD (2012) and emerging local plan policy HOU07.
  
- 6 In the absence of a flood risk assessment and surface water drainage strategy it has not been demonstrated that this highly vulnerable form of development would be protected from potential sources including but not limited to surface water, groundwater, sewer, and artificial sources. The strategy also needs to confirm the appropriateness of the proposed soakaway in relation to adversely affecting surface water runoff and potential flood risk. In the absence of such, the proposal is contrary to the National Planning Policy Framework (2023), Policies SI 12 and SI 13 of the London Plan (2021), Policy CS13 of Barnet's Adopted Core Strategy (2012), Policy DM01 of the Local Plan Development Management Policies DPD (2012) and emerging local plan policy HOU07.
  
- 7 In the absence of a transport statement, including swept path analysis and highway mitigation measures, it has not been demonstrated that vehicles can safely access and egress the application site without causing detrimental harm to highway and pedestrian safety and the free-flow of traffic along Mays Lane, contrary to Policies CS4 and CS9 of the Local Plan Core Strategy DPD (2012), Policy DM17 of the Local Plan Development Management Policies DPD (2012) and emerging local plan policy HOU07.

**Informative(s):**

- 1 The plans accompanying this application are:

Site Location Plan

002 PO1 - Existing site and block plan

003 PO3 - Proposed site plan

005 PO2 - Proposed dayroom

006 PO1 - Proposed refuse store

- 2 In accordance with paragraphs 38-57 of the NPPF, the Council takes a positive and proactive approach to development proposals, focused on solutions. To assist applicants in submitting development proposals, the Local Planning Authority (LPA) has produced planning policies and written guidance to guide applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered.

The applicant did not seek to engage with the LPA prior to the submission of this application through the established formal pre-application advice service. In accordance with paragraph 189 of the NPPF, the applicant is encouraged to utilise this service prior to the submission of any future formal planning applications, in order to engage pro-actively with the LPA to discuss possible solutions to the reasons for refusal.

- 3 This is a reminder that should an application for appeal be allowed, then the proposed development would be deemed as 'chargeable development', defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Therefore the following information may be of interest and use to the developer and in relation to any future appeal process:

We believe that your development is liable for CIL. The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £60 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge. The London Borough of Barnet first adopted a CIL charge on 1st May 2013. A new Barnet CIL Charging Schedule applies from 1 April 2022 (<https://www.barnet.gov.uk/planning-and-building/planning/community-infrastructure-levy>) which applies a charge to all residential (including sui generis residential), hotel, retail and employment uses.

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

Liability for CIL is recorded to the register of Local Land Charges as a legal charge upon a site, payable should development commence. The Mayoral CIL charge is collected by the London Borough of Barnet on behalf of the Mayor of London; receipts are passed across to Transport for London to support Crossrail.

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

The Community Infrastructure Levy becomes payable upon commencement of development. A 'Notice of Commencement' is required to be submitted to the Council's CIL Team prior to commencing on site; failure to provide such information at the due date will incur both surcharges and penalty interest. There are various other charges and surcharges that may apply if you fail to meet other statutory requirements

relating to CIL, such requirements will all be set out in the Liability Notice you will receive. You may wish to seek professional planning advice to ensure that you comply fully with the requirements of CIL Regulations.

If you have a specific question or matter you need to discuss with the CIL team, or you fail to receive a 'Liability Notice' from the Council within 1 month of any appeal being allowed, please contact us: [cil@barnet.gov.uk](mailto:cil@barnet.gov.uk).

#### Relief or Exemption from CIL

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

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

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

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

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

Please visit

[www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil](http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil) for further details on exemption and relief.

**Signature of Officer  
with Delegated  
Authority**

A handwritten signature in black ink, appearing to read 'ATBates', written in a cursive, slightly stylized font.

Andy Bates, Head of Development Management