

IN THE MATTER OF

LAND ON THE NORTH WEST SIDE OF MAYS LANE,

ARKLEY, BARNET EN5 2AH

PLANNING APPEAL REF: 23/3816/FUL

OPENING STATEMENT ON BEHALF OF
QUINTA VILLAGE GREEN RESIDENTS ASSOCIATION

Introduction

1. The Rule 6 Party, Quinta Village Green Residents Association (“QVGRA”), represents approximately 850 families within the registered neighbourhood of Quinta Village Green. QVGRA has almost 200 subscribed members. The village green which was the genesis of QVGRA is a short distance to the east of the Appeal Site. Every member of QVGRA, and many others in the local community, are deeply concerned about the development of this Appeal Site.
2. By this appeal, the Appellant seeks to introduce caravans, hard standing, buildings and other residential paraphernalia into Barnet’s cherished Green Belt. The Appeal Site is an open field. Local people enjoy the openness and greenery and the important contribution the Appeal Site makes to the Green Belt.
3. The importance of the Appeal Site to local people will be explained to you by the interested parties whom QVGRA understands are shortly to address the inquiry and by QVGRA’s evidence. The level of wider concern is amply demonstrated by the

1,306 objections received in the consultation period¹ by the Council. There were only 10 letters in support of the application.

QVGRA's Case at this Inquiry

General

4. QVGRA supports the Council's case. It will discuss the character and appearance of the area, the unique feel of the Quinta Village Green area, the hard fight to preserve it as open space, and the consequences of further unwarranted incursions into the Green Belt by inappropriate development.
5. The importance of protecting the purposes of the Green Belt at the Appeal Site and the local impacts of the Proposed Development are made all the more pressing by the Council's grant of permission for a significant intensification of use at the adjacent place of worship. The cumulative impact of that development on the Appellant's assessments of environmental harm, to the Green Belt, on flooding and on highway safety are all matters which ought to be considered in this appeal.

Green Belt and Very Special Circumstances

6. The Appellant's case appears to have shifted, but certainly at the time the appeal was lodged, all parties agreed that the Appeal Site is in the Green Belt. All parties agreed that the Proposed Development represented inappropriate development in the Green Belt².
7. Perhaps on reflection, the Appellant realised that a case based on the impact on the openness of the Green Belt being only related to the quantum of development was doomed to fail. QVGRA now understands that the Appellant's updated case is that the Appeal Site is "grey belt" on which basis the Proposed Development would not be inappropriate development. QVGRA agrees with the Council's rebuttal evidence in that regard. Further, in respect of unmet need, it is extraordinary to suggest that

¹ CD3.2: Delegated Report §4

² Appeal Statement §25

simply because of the Appellant's wish to move to a certain area there is demonstrable unmet need. That is not how a need case is established.

8. If the Appellant fails on his opportunistic grey belt case, the Appellant's fall back argument is that very special circumstances apply which would justify the substantial harm caused by inappropriate development in the Green Belt.
9. QVGRA treads carefully in respect of the personal circumstances of the Appellant but says for now that if it is the case that a desire to move to Barnet on a Green Belt site is sufficient to justify very special circumstances it is unclear even then on the very limited evidence which has been provided (i) why that would sound particularly in favour of the Appellant and (ii) why that would not apply equally to non-travellers and gypsies i.e. anyone else.
10. Moreover, if reliance is to be placed on personal circumstances, there has to be evidence and explanation to justify and to prove those personal circumstances. The burden of proof in that regard is the Appellant's. There is a significant paucity of evidence which has been provided so far, despite this issue being front and centre of QVGRA's written submissions. It is regrettable that QVGRA will have to respond to whatever the Appellant's witnesses say in oral evidence, rather than having the opportunity to consider any independent documentary evidence (if such evidence is available) to support the Appellant's case on personal circumstances.
11. QVGRA suggests that a question which needs to be answered by the Appellant is why he is seeking to develop this site. The Appellant purchased the Appeal Site, at auction and at significant expense, knowing that it was Green Belt land and residential development was unlikely to be permitted. It is not clear from the evidence provided so far what it is about this particular Appeal Site which calls the Appellant's personal circumstances to the fore.
12. There are plenty of people who would like to build homes nearer to their work, nearer to their families, closer to good schools. But mere desire is not very special circumstances.

Environmental Harms - Flooding

13. QVGRA is disappointed that the Council no longer defends Main Issue 2.
14. As QVGRA expected the Council to pursue flooding issues, it does not have any expert evidence to offer. However, what it will suggest is that whatever the expert evidence is in theory, the Appeal Site is in fact susceptible to regular pluvial flooding.
15. Moreover, QVGRA has noted your concerns and questions in respect of Main Issue 2 and respectfully agrees with them. There are unanswered questions which do require answers.

Environmental Harms – Ecology

16. QVGRA takes a similar position. Although it does not offer expert evidence, it offers the inquiry the benefit of evidence as to what is the actual position on and around the Appeal Site. This is based not on a desk-based study, or a snap shot in time, but on the experience of many people, seeing the Appeal Site daily, over the course of years.
17. What QVGRA does know is that there are greater crested newts around the Appeal Site and bats are regularly observed flying in and around the Appeal Site by QVGRA members. QVGRA agrees with the Council that the Appellant's approach is inadequate in respect of greater crested newts and is surprised that bats have not been properly considered given the evidence of the actual bat presence on the Appeal Site.
18. It seems obvious to QVGRA that putting buildings and caravans into an empty field, putting up lighting and cutting hedgerows to expand access will have a significant and detrimental impact on greater crested newts and bats.

Sustainability and Highways

19. QVGRA does not need to advance a positive case on highways. Quite simply, it asks you to consider on the site visit whether it would be safe to walk anywhere from the Appeal Site, perhaps in the evening, perhaps in poor weather – and particularly whether it would be safe for children to make such journeys on foot. If you think it would not be, the reality is that the Appeal Site is not sustainably located. This is perhaps no surprise, given that the Appeal Site is in the Green Belt.

Conclusion

20. Of course, it would be nice for the Appellant if he lived in a lovely part of Barnet. You might suspect that there are many people who would like to do so. But to-date, no explanation has been proffered as to why the Appellant must live in Barnet in general and at the Appeal Site in particular. None of the Appellant's asserted harms and concerns appear to have arisen yet, and there has been no explanation as to why those needs cannot be met where the Appellant presently lives or elsewhere. QVGRA cannot understand why it is that the Appellant's needs can only be met on this important piece of Green Belt land.
21. It follows that in the circumstances of this Appeal, the Appellant will need to provide proper justification for the substantial harm to the Green Belt, the purposes of which will be undermined by the Proposed Development at the Appeal Site. The Appellant should also need to justify the harm to amenity, views, protected species and the other issues which concern QVGRA.
22. Fundamentally, QVGRA's case is that this is a Proposed Development in the wrong place and adequate justification for its location has not been provided. The impacts of the Proposed Development are unacceptable for the reasons advanced by the Council and QVGRA. In due course, you will be invited to dismiss the Appeal.

MICHAEL FRY
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17 January 2025