

Planning Appeal- Statement Of Case

Description:

Demolition of garage and erection of detached House

Site:

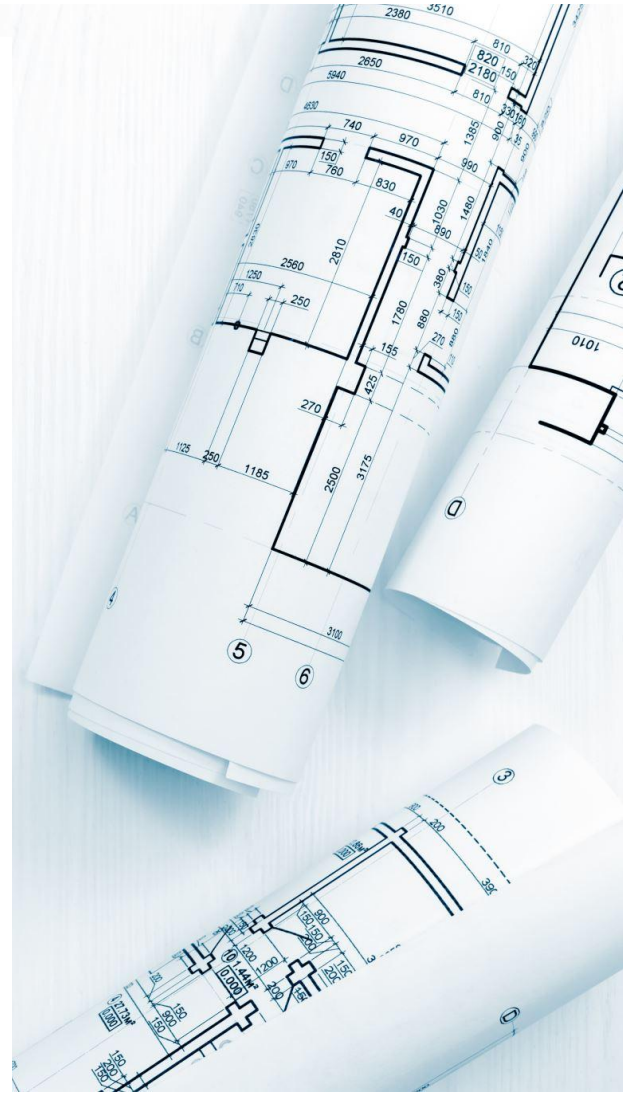
Land Opposite 15 Sunset View, Barnet
EN5 4LB

Applicant:

Christchurchgrove Ltd

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March 2026

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1. Introduction

This statement has been prepared by Alan Cox and Architects Ltd (ACA) and Stuart Robinson Dip TCP MRTPI of Stuart Robinson Consultancy Ltd., on behalf of Christchurch Grove Ltd. The latter are the appellants who are project managing this proposal for the Barnet Recreational Trust (hereinafter BRT, a registered charity who sponsor local community projects) and London Borough of Barnet (LBB), joint landowners of the above site. A planning application was submitted on this site on 13th January 2026 for the above development.

This appeal is lodged against the London Borough of Barnet acting as Planning Authority (LPA) and their refusal under delegated powers to grant consent for the above proposal on 10th March 2026.

The reasons for refusal are set out in Appendix 1 of this statement but can be summarised as follows;

1. Loss of woodland habitat and protected trees.
2. Significant harm to the site's biodiversity.
3. Impact on the character and appearance of the conservation area.

The appellants will address each of these issues in turn, later in this statement. The LPA's Delegated Report (DR) giving the background to their decision can be found in Appendix 2.

2. Site and Surrounding Area

This site comprises a vacant and neglected plot of land of 0.39 of a hectare, split into two ownerships, with the larger western portion owned by LBB and the remaining eastern part owned by the BRT.

The site has a maximum dimension from south to north of 87m and an east to west dimension of 48m. The site is generally flat.

It is located adjacent to Christ Church Lane, at the eastern end of Sunset View, approximately 250m to the north Chipping Barnet town centre, a market town with a good range of shops and services as well as excellent public transport including a London Underground station.

The site is situated on the western edge of the Monken Hadley Conservation Area. This area is characterised by a low residential density with large dwellings, with sizeable gardens interspersed by clumps of mature trees. The core area is formed by the large open spaces formed by Hadley Green and Hadley Common.

Formerly gardens, the site has been neglected for over 50 years since it was bought by Barnet Council (LBB) for road scheme long since abandoned. The eastern section was recently transferred to the BRT as part of a legacy following the death of a local resident.

Without any management for several decades, the combined site has been allowed to become overgrown with dense foliage interspersed with a large number of mature trees, particularly on the western edge, which include those covered by eight Tree Preservation Orders. In addition, the area along the western boundary forms a “priority woodland habitat” as indicated by DEFRA ‘s Magic Map (as shown in Plan 1) and described in the Ecologist’s report although.

A Woodland TPO covering the whole site was issued by the Local Planning Authority immediately prior to the refusal of the planning application. However, following an objection by the landowners the LPA have written to landowners indicating that they propose to consider these objections at the Planning Committee on in July 2026. Notwithstanding this Woodland TPO has still been cited in the reasons for refusal. The objection to the Woodland TPO and the LPA’s notification on the timing of their consideration on these objections are set out in Appendix 3 and 4 respectively.

Access into the site is from the north via Christchurch Lane via a dirt track which exposes the dilapidated condition of the northern boundary which includes a derelict garage on the BRT land. There is another garage next door in the ownership of the freeholders of the 6 Hadley Grove, the immediate neighbour, who has a right of way to their garage over the applicants land.

Many of the properties that surround the site to the north and east are typical of the Conservation Area, being substantial dwellings on larger plots with verdant gardens facing

onto Hadley Green. This includes Pymlicoe House (Grade 2 listed) some 90 m to the east.

To the west is Sunset View and to the south is Hadley Grove which in contrast, were developed at a higher density as residential streets. The former constitutes a series of “Arts and Crafts” homes and the latter as a more formal composition of Edwardian semi-detached buildings. The latter are locally listed as a group, with their long gardens facing the application site. Sunset View includes two individually listed buildings, one of which has its flank wall and garage facing the western side of the application site on the other side of Christ Church Lane..

In terms of planning policy allocations affecting the site, the most important is its inclusion in the Monken Hadley Conservation Area. It also within a Special Archaeological Area as a result of the site’s proximity with the historic market town centre. Adjacent to the north, is the Battle of Barnet Registered Battlefield Site which is close by.

The site is in Flood Zone 1.

3. Planning History

As mentioned above, the site is formed by two plots of land which were formerly the extended gardens for the houses forming the northern side of Hadley Grove.

The larger western plot is owned by LBB and the remaining part of the site was in private ownership and then more recently transferred by a legacy to the BRT. As this land could not be developed on its own, the Trust approached the Council who agreed to sell an option, subject to planning, which in turn led to the formation of Christchurchgrove Ltd to promote the development of this vacant plot, one of the last remaining in the area.

Monken Hadley Conservation Area was designated in December 1968 as one of the first four conservation areas in the borough. Initially, the Conservation Area comprised the small settlement clustered around the church of St Mary the Virgin, Hadley Green and along the Great North Road to Hadley Highstone. In February 1979, the Conservation Area was extended to include the northern end of Chipping Barnet town centre and this extension included the appeal site.

There are no recorded planning applications on the Council's records and apart from the scheme subject to this application the Council has no plans for the site and hence was amenable to the BRT's approach to purchase an option from them to develop the two plots

In order to establish the scope of what might be acceptable as a development scheme, the appellants submitted a request the LPA for a pre-application opinion. Originally the appellants looked to provide more than a single home, but the LPA advised informally that it took the view that the importance of keeping the trees protected by TPO's took precedence.

Accordingly, a submission was made in September 2021 for "the erection of a detached house on a currently undeveloped plot located to the east of Christ Church Lane, within High Barnet. This pre-application advice indicated that in principle the site was suitable for residential development but only for a single dwelling, subject to its siting. This proviso was added to avoid damage to protected trees. As a consequence of this advice, the BRT committed more fees to investigate the feasibility of the scheme.

A subsequent pre-application was accordingly made in January 2025 to establish how a single detached house with a garden could be accommodated in accordance with the restrictions set out in the first pre-app. A meeting to discuss the proposals took place in Alan Cox Architect's offices on the 27/01/25. However, the subsequent response by the LPA constituted a reversal in their opinion, now advising that no development was in fact possible due to ecological and heritage reasons.

Having taken advice from their consultant team, the Appellants were unconvinced by the second pre-app opinion and duly submitted the application subject to this appeal in January 2025.

4 Description of the Proposal

The proposal is to construct a large, detached house with a GIFA of 567m² on the site. The siting of the proposed dwelling has been determined by the presence of protected trees in accordance with advice provided by the Council in their initial pre-application advice and subsequently confirmed by their arboricultural expert, David Clark : PD Arb (RFS), CMLI, M Arbor A of DCCLA.

Accordingly, the proposed house, as well as its access, has been located to minimise any impact on the TPO trees and other higher quality trees that are on the site. The only trees that are to be felled to make way for the house are considered to be of a low grade in terms of health and arboricultural importance, as advised by DCCLA.

The site defined in the red line will be private to the resident who occupies it. However, the wooded area will be managed as part of a scheme in accordance with the recommendations of the client's expert ecologist's report accompanying the planning application provided by Ryan Clark BSc (Hons) MSc MCIEEM Senior Ecologist with Brown&Co (a summary of the Landscape Management Plan is included in Appendix 5). The purpose of this plan is the improvement of the site's biodiversity and ecological value. Given the paucity of wildlife living on the site, the applicant is keen include nesting facilities for birds, (such as nesting boxes and swift bricks) insect houses and hotels as well as improving the habitat and routeways for mammals

The vehicular access to the house is provided via Sunset View, due to the width restriction in Christ Church Lane, which prevents vehicles approaching from the south. Immediate vehicular access to the house will be from the private track (with some improvements) which runs from Christ Church Lane along the northern boundary of the site. As described earlier, this track also provides access to both the site's existing derelict garage and through a private right of way a neighbour's garage, currently in use.

The house will have a front driveway from the access road with a patio to the side and rear of the property. Cars can be accommodated in the garage and driveway sufficient to provide space meet the Council's parking standards for two cars and two bicycles in accordance with Barnet Council's car parking standards.

The occupants will also have the benefit of a separate pedestrian access via a path which leads to the southwest of the site onto Christ Church Lane. Given that this provides a direct and closest access to the nearby amenities offered by both the expanse of open spaces in Monken Hadley and the Chipping Barnet town centre, it is anticipated that this path will encourage residents of the proposal to use 'active travel' choices.

This area, in the south- west corner of the site, will also provide accommodation for bin storage as re-cycling vehicles can access this part of Christ Church Lane from the south unencumbered by the width restriction just to the north. This area for bin storage collection has been designed to ensure the views from the road are minimal and the refuse area cannot be seen due to an evergreen hedge that surrounds the gate in response to views expressed by the Barnet Society during the consultation stage.

Views from Christ Church Lane and Sunset View into the site currently benefit from a 'wall' of verdant foliage along the site's western boundary. This view, although not mentioned in the Monken Hadley Conservation Area Appraisal is considered important is mentioned in both the accompanying Heritage Report and the Council's second pre-application response. It was also mentioned by members of the local community. The applicant's response, through its landscape strategy is to both maintain and bolster this "wall" and also put in place a management plan. Explicitly, this boundary treatment will be supplemented by a bio-diverse evergreen hedge as defined in the landscaping proposal. This will ensure the 'green wall' is maintained and enhanced but will be designed and managed to allow the passage of small mammals. Again, this proposal benefitted from the input by the Barnet Society.

This measure will bolster the extensive existing vegetation, particularly on the western boundary, offers the opportunity to effectively screen the proposed dwelling from views into the site from all public viewpoints.

As with the siting of the house, the garden has been designed to minimise impact on tree removal and it also benefits from being south facing. The landscaping on this side and along the eastern boundary will be bolstered following comments from residents who live immediately to the south in Hadley Grove.

In any event, the distances involved will ensure that there will no impact on privacy, given that the appropriate distances retained to neighbouring amenity spaces and windows are in excess of the minimum standards as per the Sustainable Design and Construction SPD (10.5 metres to gardens and 21 metres to habitable windows).

The house has habitable windows facing south, west and north. No habitable room windows will face east to ensure privacy to the neighbouring garden following consultation from the residents on that side. Any windows on this flank will be obscured and un-openable below 1.7m above finishes floor level at first and second floors.

The landscaping plan accompanying the planning application also has included evergreen screening to the eastern and southern boundary at 6.5m high when planted to minimise impact on the surrounding properties immediately.

The two storey element with rooms in the roof is located away from the eastern side is circa 5m away from the boundary. The ground floor mass and bulk is 2m from the boundary on the eastern side.

As part of the design process, the applicant carried out analysis of the local character of the Monken Hadley Conservation area which is expanded on in the Heritage report. Following this analysis, it was decided to proceed with a design that reflects the grandeur of the size of the site, whilst being influenced by the 'Arts and Crafts' style of Sunset View.

The large properties along Hadley Green West, within the Conservation Area are of varying styles. The size of the application site and its plot ratio reflect the typical density of this part of the Conservation Area whereas the properties along Sunset View and Hadley Grove were

built with a coherent design style reflecting a speculative housing development of later era as well as the proximity of the more urban character of Chipping Barnet town centre.

The applicant decided on developing a scheme, where the form represented a sense of grandeur and ornateness. The concept of 'sunset' prompted from the name and features of the houses to the west was chosen as theme for the forms and fenestration that were developed with the front gables and glazing. The concept of sunset and the curved elements of the front façade also followed through into the plan of the property where the front entrance hall has a large, curved staircase and void.

In conclusion, the design approach has been strongly influenced by the LPA's initial requirement to allow a development on this site provided the protected trees were not detrimentally affected. This has dictated the siting of the new home and its access, which also happens to reflect the predominant urban settlement pattern in the Conservation Area, being large houses in sizable plots with extensive surrounding gardens. Once this was established the design of the dwelling was formulated using the highest standards to create an attractive and interesting home which reflects the grandeur and quality of other features typical of the Conservation Area.

5 The Development Plan

Barnet Local Plan

Barnet Local Plan (2021-2036) together with the London Plan 2021, is the statutory approved development plan for the Borough, approved in March 2025. Relevant Policies in the Barnet Plan to this scheme can be summarised below.

As this proposal is for a residential dwelling it is appropriate to firstly to consider policies in this sector which are addressing the housing crisis and the Government's commitment to significantly increase the supply and choice of sites. Indeed the Local Plan includes this as two of its key objectives (Objectives 1 &2) as well as enhancing the contribution of biodiversity (Objective 11) both in Chapter 3, Barnet's Vision and Objectives.

The first policy in the plan supports housing delivery and acknowledges the importance of increasing housing supply (Policy GSS01).

As acknowledged in the LPA's Delegated Report (DR) the Local Plan refers to the need to 'optimise capacity and increase supply. It also refers to the LPA supporting the London Plan's approach on the role of 'small sites delivered in suitable locations with good access to public transport and local services' ...as is the case here because although the definition of a small site is 0.25ha or below, the actual site being available for the house and garden, taking into account the woodland area to be separately managed will be (0.0985ha) so within the small site definition relating to London Plan Policies H2, D3 & D4 .

The availability of small sites is key for the SME builders. The GLA has been monitoring the demise of this sector. There has been a material reduction in the contribution of SME developers. Thirty years ago, they contributed 40% of housing supply but today it's around 12%. In London, between 2006 and 2016 there was a 50% reduction in small site development (Propviews/Lichfields 2022).

The Barnet Local Plan also advocates a choice of dwelling types and sizes to create sufficient choice for a growing and diverse population. (HOU02).

Other policies of note in the Barnet Plan include;

Policy CDH01 – Promoting High Quality Design

- Development must follow a design-led approach to determine appropriate density.
- Proposals should achieve high architectural and urban design quality, drawing on design codes and SPD guidance.
- Development must respond sensitively to local context, including building form, scale, massing, roofscape, materials and surrounding character.

- New homes must meet the minimum internal space and quality standards set out in Tables 9 and 10 of the Local Plan.

Policy CDH02 – Sustainable and Inclusive Design

- New development should deliver high sustainability performance, covering energy, water efficiency, biodiversity, overheating, and climate adaptation.
- Design must be inclusive, accessible and meet needs of all users.

Policy CDH03 – Public Realm

- The spaces between buildings (streets, gardens, squares and routes) must be designed as an integral part of the development.
- Proposals should enhance the quality of the public realm, ensuring safe, attractive and well-connected external spaces.

Policy CDH07 – Amenity Space and Landscaping

- New residential development must provide appropriate private amenity space (gardens, patios, balconies).
- Landscaping must be of high quality and enhance the site and surroundings.

Policy CDH08 – Barnet’s Heritage

- Development affecting heritage assets, including conservation areas, must conserve and where possible enhance their significance, character and setting.
- Proposals must take account of local heritage evidence, including conservation area appraisals, heritage registers and local character studies.

Policy ECC02 – Environmental Considerations

- Emphasises compliance with relevant air quality neutrality requirements and London-wide standards (e.g., linked to London Plan Policy SI1). Relates to construction, demolition and land-use changes that could impact local environmental quality.

Policy ECC07 – Biodiversity

- Developments should support the conservation, restoration and enhancement of habitats, ecological networks and priority species.
- Requires demonstrable or measurable biodiversity net gain (BNG) in line with legislation and local targets.
- Encourages linking development with green infrastructure and ecological connectivity (e.g., linking gardens, open spaces, wildlife corridors).
- Ensures that areas of high ecological importance (e.g., Sites of Importance for Nature Conservation) are safeguarded from fragmentation or harmful change.

For the sake of clarity, the application is not within any designated site of importance for biodiversity or wildlife in either the London Plan or the Local Plan. It does however have a strip of "priority woodland habitat" along its western boundary as indicated by DEFRA (Plan 1) which is considered by the Ecologist Reports as being not worthy of that classification and this has influenced the landscape strategy as part of these proposals (see Brown&Co report accompanying the planning application and the review by Green Environmental in Appendix 7.)

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Monken Hadley Conservation Area

In addition to the above planning policy, the appeal site also falls into the Monken Hadley Conservation Area, which was designated in 1968 and extended in 1979 to include the northern part of the Chipping Barnet town Centre.

The Monken Hadley Conservation Area Character Appraisal Statement was adopted by the planning authority in January 2007 and this aids the interpretation of the above planning policies. It is also considered in detail in the Heritage Statement which accompanies this planning application. The main points of relevance to this application are as follows:

- Extensive Open Spaces: The conservation area is noted for its large, open expanses of land, including acid grassland and ponds, which contribute to its distinctly "countryfied" and spacious feel on the edge of London. These spaces were historically common land for grazing and are now protected public open spaces.
- Residential is a one of six primary land uses in the area. forms a quarter part of the larger Monken Hadley Conservation Area.

Key aspects of the residential settlement within the Conservation Area include:

- Low Density: The area has a notably low-density, almost rural or "countryfied" character, with properties generally having large gardens and mature trees, contributing to a leafy ambiance. This contrasts with typical London suburbs.

- **Architectural Variety:** While the area is mainly characterized by its Georgian influence, there is a variety of house types reflecting different periods of development.
- **Large Plots and Gardens:** A significant feature is that houses are often set within their own sizeable grounds and gardens, which are seen as important to the area's character and biodiversity.
- **Building Lines:** Properties are typically set back from the road, with front boundaries consisting of low walls or hedges, enhancing the overall green and spacious impression.
- **Mature Trees and Landscape:** A defining characteristic is the abundance of mature trees and well-landscaped surroundings that provide a leafy, almost rural, ambiance and frame views around the area. Many trees are protected by Tree Preservation Orders.
- **Biodiversity:** The area is a designated Site of Borough Importance for Nature Conservation, hosting regionally rare plant species, numerous insect species including dragonflies, and protected species like bats and badgers.

London Plan 2021

Relevant Policies from the Mayors London Plan (2021) to this scheme can be summarised as below:

Policy D1 – London's Form, Character and Capacity for Growth

- Development must respond to and enhance local character.
- Requires understanding of built form, historic patterns and spatial qualities.

Policy D3 – Optimising Site Capacity Through a Design-Led Approach

- Site capacity determined through design-led assessment, not numerical targets.
- Must consider context, constraints, infrastructure and character.

Policy D4 – Delivering Good Design

- Requires high-quality, well-considered design.
- Design must be informed by site and area analysis.
- Encourages design review for appropriate schemes.

Policy D6 – Housing Quality and Standards

- Sets minimum space standards for new homes.
- Requires good daylight, privacy, internal layout and amenity space.

Policy HC1 – Heritage Conservation and Growth

- Requires boroughs and applicants to understand heritage significance.
- Developments must conserve and enhance heritage assets and their settings, including conservation areas.

Policy HC3 – Strategic and Local Views

- Protects important strategic and local views.
- Development must not cause harm to protected views or townscape character.

Policy D8 – Public Realm

- Development must contribute positively to streets, routes and open spaces.
- Requires safe, attractive, coherent and accessible public realm design.

Policy D5 – Inclusive Design

- Development must be accessible and usable for all.
- Supports step-free access, inclusive movement and long-term adaptability.

Policy GG2 – Making the Best Use of Land

- Encourages efficient use of land across London.
- Requires capacity decisions to respond to infrastructure, character and context.

Policy G7 – Trees and Woodlands

- Protect and retain existing trees of value
- Avoid loss of ancient woodland and veteran trees; strong protection applies
- Replace any lost trees with appropriate, high-quality planting based on tree-value assessment
- Boroughs should identify opportunities for strategic tree planting and enhancement

Policy G1- Green Infrastructure

- London's green infrastructure network must be protected, enhanced and expanded
- Developments must incorporate green infrastructure such as street trees, green roofs and natural drainage

Policy G6- Biodiversity and access to nature

- Protect and enhance biodiversity and wildlife habitats
- Avoid or minimise ecological harm; provide mitigation or compensation where unavoidable
- Support creation of ecological networks and improved access to nature

National Planning Policy Framework and Other Guidance

The National Planning Policy Framework is the December 2024 version (as amended in February 2025) and the relevant document although the appellant reserves the right to amend this statement should relevant amendments to approved policy be made by Government as currently being considered. Suffice to say at this stage that the 'direction of travel' of the Government policy insofar as proposed changes may be relevant is that there is concern that development is being frustrated by what is deemed to be an overly negative approach by planning authorities in dealing with housing in particular and the application of restrictive planning policies.

The analysis by the Government seems to be that particularly small scale schemes are being unnecessarily held up or refused, which is perpetuating the housing shortage and blocking economic growth as well as being unhelpful to SME's including small builder who are struggling to compete in an already difficult market.

"Insolvency levels among small builders and construction firms in the UK remain at the highest level of any industry, with 17.1% of all insolvency cases in England and Wales in January 2026 coming from the construction sector. Small, specialized subcontractors are the hardest hit, accounting for over half of all industry failures as they face a "perfect storm" of high material costs, rising wages, and fixed-price contracts." BICS March 2026

Turning to the approved planning policy guidance, the basic tenet is the clear commitment to support sustainable development. This can be summarised as below:

Presumption in favour of sustainable development (Paragraph 11);

- Plans and decisions should apply a presumption in favour of sustainable development.

- The framework seeks to protect areas and assets specified as being of particular importance, but where there is no threat to direct development to sustainable locations, making effective use of land and securing well-designed places.

As far as this site is concerned the areas and assets relate to the Conservation Area as a designated heritage asset.

Delivering a sufficient supply of homes (Paragraph 61)

- Support the Government's objective of significantly boosting the supply of homes by providing a mix of appropriate housing types for the local community.

Making effective use of land (Paragraphs; 124–130)

- Promote an effective use of land
- Encourage multiple benefits from available land
- Promote small sites for housing development by SME's of un-utilised land

- Encourage efficient land use in sustainable location achieving well-designed places (Paragraphs 131–141).
- Development should be high quality and respond to local character.
- Design should be visually attractive, safe, inclusive and reflect the conservation area context.

Conserving and enhancing the historic environment (Paragraphs 202–220)

- Conservation areas are designated heritage assets; great weight must be given to their conservation.
- Harm to significance must have clear and convincing justification.
- Applicants must assess the significance of affected heritage assets and their setting.
- New development should enhance local character and distinctiveness where possible.
- Should seek opportunities to improve or reveal heritage significance.
- Applications should reference and respond to available heritage information.
- New buildings must respect established scale, materials, building lines and historic character.
- Local planning authorities should look for opportunities for new development within Conservation Areas and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.

Decision-making (Paragraphs 39–60)

- Decisions must follow the development plan unless material considerations indicate otherwise.
- Local planning authorities should approach decision making in a positive and creative way
- Pre-application engagement is encouraged.

Trees (Paraph 136)

- Opportunities should be taken to integrate trees throughout developments
- Existing trees should be retained, protected and maintained where possible

- The role of trees in climate adaptation, biodiversity, character and wellbeing is emphasised

Ecology & Biodiversity (Paras 187–195)

- Planning should protect and enhance biodiversity, landscapes and soils (para 187).
- Plans must identify, map and safeguard wildlife-rich habitats and ecological networks (para 188).
- Development should deliver biodiversity net gain and enhance ecological connectivity (paras 187–188).
- Significant harm to biodiversity must be avoided, mitigated or compensated—otherwise permission should be refused (para 189).
- Irreplaceable habitats (e.g., ancient woodland, ancient/veteran trees) should not be lost or damaged unless there are wholly exceptional reasons and suitable compensation (para 190).
- Local planning authorities should ensure high-quality, measurable ecological outcomes (paras 191–193).

Transport (para 117)

- Encourage pedestrian and cycle movements and facilitate access to public transport

Flooding (paras 170-182)

- The NPPF now requires a sequential risk approach to be taken on the assessment of individual applications in areas known to be at risk now or in the future from any form of flooding.

Conclusion

Despite this application being for a small scheme it does touch upon the three basic objectives of the NPPF which are;

- a) economic-ensuring that sufficient land is of the right type is available in the right place,
- b) social-contributing to a choice of homes,
- c) environment- protecting the natural and historic environment whilst at the same time making the best use of land.

These three objectives are addressed in this scheme and described in this document below.

6. Case for the Appellants

As previously stated at the beginning of this document the reasons for this appeal are based on three main issues, which are described in the text below,. This deals with the all of points raised in the reasons for refusal and why this appeal should be allowed.

The reference material is based on the documents submitted with the planning application, particularly the Ecological Reports carried out by Brown&Co and the Arboricultural Report prepared by DCCLA unless otherwise indicated.

There is one additional report has been produced by Green Environmental commissioned by BRT. This is a review of the work carried out by Brown&Co following the Appellants wish for a second opinion from an eminent expert in this field. The Appellants felt this was necessary given the high level of public interest in this proposal. As a local charity they wanted to demonstrate that they had gone over and above what is normally required to ensure that this proposal met the aims and objectives of those who commented on the scheme, whilst recognising that the development itself was not they may have wanted.

1. Loss of woodland habitat and protected trees.

- Loss and deterioration of protected woodland habitat and trees in Woodland TPO

The Woodland TPO (26/TPO/001) was issued by LB Barnet on 29th January 2026 and was the subject to objection by the landowners on several grounds, some of which include these grounds of appeal. (See Appendix 3). DCCLA have also commented on this in their critique of the LPA's approach (see Appendix 6).

However, in their haste to refuse the application, the LPA have relied on this TPO in its first reason for refusal despite the fact that the Order is subject to confirmation by the Council's Planning Committee following the objections made and this is not expected until 27th July 2026. The further work done by Brown&Co and DCCLA in supporting objections to that Order, now supplemented by that done by Green Environmental, together cast significant doubt on the basis for issuing the Order.

Firstly the LPA's Tree Officer has made fundamental errors in his approach by classifying the whole area a single homogenous entity which the DCCLA demonstrate in Appendix 4 is contrary to the industry standard methodology. In addition both Brown&Co and Green Environmental consider parts of the woodland is in poor condition and therefore the proposed TPO if it blocks this appeal will work against its improvement.

The above observations have helped formed the basis of objections that have been made with regard to this TPO which demonstrate that the serving of this TPO is unnecessary and unhelpful to the retention of the wooded area given that:

- The better quality trees on the site are already protected by TPO 147/1982;
- The remaining trees enjoy protection due to their location within a Conservation Area and
- The serving of the TPO seeks to prevent the development of the site.

This development will be an economic driver which will introduce positive long-term management as part of the proposed Management Plan. The site has been unmanaged for decades and without this positive management the woodland will deteriorate further.

Clearly therefore any reference to the prospective Woodland TPO can carry no weight as far as this appeal is concerned as the underlying reasoning behind it is significantly flawed. In any event it has yet to be properly considered and endorsed by the LPA.

- Character and appearance of woodland habitat and Conservation Area.

The LPA have stated that in their opinion, the contribution that the site makes to the Conservation Area is in relation to its western boundary and, in particular, the green backdrop it provides to views looking eastwards along Sunset View. This western boundary is the part of the site covered by the 'priority woodland' indicated in the DEFRA Magic Map. However, the development proposals seek to retain and enhance the trees and foliage on this frontage as part of their landscape strategy for the site. In addition, the Appellants are committed to setting up and implementing a management plan (as set out in Appendix 5 and in the proposed planning condition no 4 in the LPA's Delegated Report Appendix 2).

This will mean that this appearance of the site and the condition of the woodland will benefit from active management in contrast to the decades of neglect which has allowed invasive non-indigenous species to thrive and the health and biodiversity of the site to decline (as indicated in the Arboricultural and Ecological reports which accompanied the planning application and this appeal). This commitment by the Appellants, as long established community charity, will mean that this green asset will have a far more secure future particularly when contrasted to the continued neglect envisaged under the status quo. (see Appendices 6 & 7).

- Proposal fails to demonstrate that construction, access and essential services can be delivered including standards relating to including installation of services.

The Arboricultural and Ecological reports referred to earlier set out the parameters which must be respected during the course of the construction and which the Appellants would expect to see embodied in the Tree Protection Plan, the Excavation Plan and the Construction Management Plan which are required in proposed planning conditions 5,6 and 8 of the LPA's Delegated Report.

Furthermore, DCCLA's further report in Appendix 6 provides additional evidence to demonstrate how the construction of the dwelling will be carried out together with the provision of all necessary services whilst maintaining important trees and woodland areas.

- Post-development pressures would result in further erosion of ecological and landscape value.

As indicated above the surveys carried out have indicated that the health of the woodland habitat is already suffering from the decades of neglect which the LBB have allowed to occur due to their lack of management of the site. In addition, the extent of littering evident on the site and reports of anti-social activities clearly demonstrate the need for the area's active management.

Government's advice clearly states that woodland sites need management but the size of the area concerned here is too small for the usual agencies to undertake this task (usually more than 5 ha). In the five years of discussions with the LBB on the future of this site there has been no proposals forthcoming from the Council, or any other party, to commence any form of management. However, the Appellants propose to set up and finance such a plan that can be realised through a planning condition as suggested by the Local Authority and further controlled by restrictive covenants following the site's sale. This would ensure that various measures could be introduced to improve the quality of the habitat, protect it from trespassers and enhance its landscape value.

Appendix 5 provides details of the approach that the Landscape Management Scheme would take.

- Absence of full Capital Asset Valuation of Amenity Trees prevents assessment of above.

Following advice from the LPA on the initial pre-app opinion, which agreed that a development on this site was acceptable, subject to siting and the relationship with important trees, the Appellants' engaged professional advisers on both Ecology and Trees to determine the parameters of an acceptable location for the proposed dwelling and any hardstanding allowing, in addition, the constructional impact of development. On the this advice the proposed site was selected in the south-east corner of the property where the Arboricultural Report clearly indicates that no trees of any importance were affected and only trees of poor quality needed to be felled.

The CAVAT approach to assessing the loss of trees was first raised in the Delegated Report. It was not mentioned in the second pre-app opinion, nor is a requirement of the policies specified in the reason for refusal. London Plan G7 does mention CAVAT but acknowledges other approaches to be valid.

Further, DCCLA, provides comments on CAVAT and confirms that if this approach is considered to be a requirement it could be carried out by way of a planning condition (see Appendix 6).

2. Significant harm to the site's biodiversity

- Derogation and Impact on Lowland Mixed Deciduous Woodland and harm protected and notable species;

The Appellants' two most recent Ecological Assessments of the woodland—**Brown&Co 2025 & Green Environmental 2026**—fundamentally disagree with the **LPA's conclusion that onsite tree stands meet criteria of Lowland Mixed Deciduous Woodland (LMDW) and potential harm to protected or notable species.**

This historical mapping on Defra's MAGIC tool provides no automatic designation as 'Priority Habitat' nor should it be used to assign current UKHab (UKHab Ltd (2023) UK Habitat Classification Version 2.0.) and BNG habitat type and condition. The LPA has provided no extracts of legislation or guidance that would indicate that this is a mandatory designation that would supersede more recent survey data.

The 'protection' (under the NERC Act 2006) of Priority Habitats is designated to specific habitat types (with prescriptions) not to geo-referenced land parcels. That is to say, if a habitat does not meet the technical description, it is not a Priority Habitat. The Brown&Co Biodiversity Net Gain Assessment (BNGA) as well the Green Environmental Woodland Survey and Biodiversity Net Gain Assessment – Woodland (Technical Note) both conclude that onsite woodland should be categorised as other broadleaved woodland in Poor condition.

Results indicate that LMDW is not appropriate designation for any part of the site—robust, peer-reviewed rationales are references within section 3.1.1.1 of the BNGA. These conclusions remain largely ignored by the LPA’s Delegated Report which ignores the abundance and dominance of cherry laurel (an invasive, non-native) in extensive areas of the wood as well as its negative impacts on woodland.

Both Brown&Co and Green Environmental are firmly of the view that the widespread occurrence of this invasive has degraded the condition of the habitat. They say that cherry laurel has many negative biodiversity impacts on woodlands, including altering of light regimes, suppression of regeneration and crowding-out of ground flora, simplification of woodland structure and soil pH disbalancing. Furthermore, this plant is associated with low invertebrate abundance and diversity. (see Brown&Co report accompanying the planning application and Green Environmental in Appendix 7)

Brown&Co’s and Green Environmental conclusion is that this site is a relatively young other broadleaved woodland, almost certainly a reflection of its previous use as gardens/nursery and is currently in “poor” condition due to range of factors including public use of the site.

By contrast, LPA rationale for refusal on the basis of its woodland classification, within the Delegated Report is confusing and inconsistent. It relies heavily on the Ecological Assessment carried out for the second pre-app opinion. It is cited as supporting evidence of woodland type, yet this report clearly states:

“A large portion of the survey site was dominated by other woodland; broadleaved under the UKHab classification system.”

However, in this it takes MAGIC mapping as an automatic designator of the ‘Priority Habitat’ rather than a thorough ecological appraisal against the criteria of that classification.

Another significant difference is that the LPA have failed to recognise/acknowledge the presence of cherry laurel, a notable omission given its abundance and dominance on site. The Delegated Report states;

“The Council’s findings of the site visit did not omitted (sic) the presence of cherry laurel...”

However, its omission from the Pre-application Report is clear and the absence of any mention of this species and the evidence of trespass on site is also remarkable. It also has a bearing on the point made by both the Appellant’s ecologists reports which say in relation to the woodland classification that the presence of this species (cherry laurel) denotes an automatic “Poor” condition score on Condition Assessment Criteria C for woodland in the Statutory Biodiversity Metric.

Moreover, Brown&Co’s BNGA does not conflate condition with habitat type, it provides multiple references to support the presence of non-natives being an indicator of non-Priority status for woodlands, whilst simultaneously highlighting that

the presence of these species also contributes to a 'Poor' condition score. The LPA has not provided a response to these points.

However, of more significance is the lack of LPA comment on non-management to date and the absence of any ongoing management plans for addressing declining woodland condition in the future. This seems to run in direct contrary to the purported 'value' that both the LPA and public consultees attribute to the site's environment standing and level of resources to wildlife as well as the character and appearance of the Conservation Area in the reasons for refusal (see RoR 1 above).

Indeed, whilst virtually all of the objections from the public ignore this point, The Barnet Society, who displayed interest in providing constructive criticism on the scheme (nearly all of which was incorporated into the submission) continuously acknowledged the importance of securing the ongoing management of the site. Yet despite all of the importance that the LPA and the public concern attribute to the site and concern for its future there are no alternatives put forward for its management.

On protected species, the Preliminary Ecological Appraisal assesses robustly all potential constraints; the LPA have not provided any justification for further intervention/grounds for refusal beyond the following:

- Bats – As Brown&CO state, in the PEA methods, local citizen science records are only considered within 10 years of the current date and to a level that are spatially accurate. The bat roost record that the LPA refers to likely falls outside of these parameters. Regardless, it is assumed that bat roosts are present in the wider landscape—this is true for the vast majority of lowland Britain. Trees such as those within the site are very common in the vicinity of the site and the small loss of onsite trees (the vast majority retained) is not deemed likely to impact bat foraging. Moreover, proposals seek to enhance the woodland and are estimated to provide an increase in available pray/foraging habitat in future.

All trees due to be felled were surveyed at the time of the PEA and no potential roosting features were identified. The onsite building has negligible opportunities for roosting bat as outlined in both the Brown&Co and Green Environmental assessments—no emergence surveys of this building are required.

- Badger – Badger foraging habitat has no legal protection in England. Regardless, woodland is a secondary foraging habitat for badger (Badger Trust 2023); much more extensive areas of primary foraging habitat—golf courses being specifically named in the guidance—are present to the north of the Site. No impact on badger foraging is anticipated.

No setts or active sett entrances were present within the Site at the time of survey.

- Other fauna - The mention of other fauna such as tawny owls and woodmouse is erroneous. The vast majority of onsite habitat is proposed to be retained and enhanced. These species are not conferred any specific legal protection (such as that for bats and badger) and they are likely much more present in the wider landscape, particularly in adjacent residential gardens.

A Precautionary Method Statement is included in section 4.2.1 of the PEA that is estimated to discharge risks to such fauna throughout the project phases (including pre-works). No impacts to these species are anticipated.

Brown&Co's recommendations for the Biodiversity Enhancement Plan provide robust and locally relevant scheme of measures to be implemented/installed as part of the project that A.) benefit wildlife not just onsite but in the wider landscape, and B.) would not have been enacted otherwise. These are to be incorporated into the Landscape Management Plan (see Appendix 5).

- Ecological Assessment fails to accurately assess baseline conditions, priority woodland, a veteran tree and species use of site resulting in flawed BNG calculation.

As discussed earlier, the LPA has proposed, both in its second pre-application response and Delegated Report, that the entire baseline should be considered as one contiguous block of woodland that contains smaller composite habitats such as pathways and building. This agrees with the Appellant's approach as set out in Brown&Co's BNGA and which is sector-standard.

However, reasons for refusal cite that the footpath etc. should be mapped separately only in post-development BNG calculations. This departs from the above and is not in-line with the LPA's own approach.

Indeed, it seems this approach is suggested to apply only when it negatively impacts the BNG calculation values, not at baseline. The Delegated Report suggests that provisions of the garden area represent a significant loss of habitat. However, that ignores peer-reviewed research by the Royal Horticultural Society and two UK Universities (cited by Brown&Co in their Ecological Assessment) that demonstrates domestic gardens make comparable contributions to wildlife and biodiversity.

Although not mentioned in either pre-app reports, the Delegated Report suggests that a veteran trees have been omitted from the DCCLA's report which accompanied the planning application. DCCLA comment on this assertion in detail in Appendix 4.

Ancient Tree Inventory (ATI) is citizen science based and is not an automatic designator of ancient or veteran status. It would appear that these trees were added to the ATI following the submission of the application. DCCLA have looked further into

this and concluded that neither tree meets the required standards and these assertions that veteran trees are present on site should therefore be ignored and given no weight in this regard.

In conclusion and in light of the above, the Appellants are confident that the approach taken Brown&Co's BNGA, endorsed by Green Environmental in their review (Appendix 7) is correct and given that this suggests an increase in BNG of over 60%. Indeed this clearly more than satisfies the requirements of the NPPF, London Plan and Barnet Local Plan.

Both the Appellant's Ecologist and Arboriculturist included recommendations within their reports as to how to maintain preserved trees as well as vast majority of the onsite woodland for the benefit of wildlife and local ecology. The accompanying drawings and technical material demonstrate that the new dwelling and surrounding hardstanding can be achieved without damaging the root protection areas of important and healthy trees. Only low grade and unhealthy trees are due to be felled. The LPA have not provided any evidence as to support their view that proposal will "impact significantly on trees and woodland character"

Conservation, whether its in the urban or natural environment, is (according to dictionary definitions) all about enabling and managing assets to ensure preservation or improvement. It is not a static process or letting fate decide. It is the action or process of conserving; preservation of life, health, perfection, etc.; (also) preservation from destructive influences, natural decay, or waste.

The Government acknowledges and supports active woodland management and indeed offers grants to help woodland owners protect, manage and maintain trees. This ranges from general woodland upkeep to specific tree health interventions. However, these schemes are not available to areas of less than 5 ha. Therefore the Appellants offer to finance a management plan to redress decades of neglect and where there is no other proposal available, should be seen as a important public benefit which can be implemented, as the LPA propose, by their suggested planning condition 4. This follows sets out the structure of the Landscape Management Plan in Appendix 5 and so, according to the reasoning for the condition in the Delegated Report, will ensure a satisfactory appearance to the development in accordance with relevant planning policies.

3. Impact on the character and appearance of the conservation area

- Site clearance and loss of vegetation would harm woodland character of Conservation Area affecting its significance.

This objection has largely been covered above in relation to the Appellants proposals for a conservation programme.

With reference to the loss of vegetation envisage by the proposal, in the first pre-app opinion, the LPA agreed with the Appellants that the area on the eastern side of the site was clearly of less importance in relation to the quality of trees. Hence it was suggested by the LPA that development was acceptable in principle in the south-eastern corner with the preserved trees and wooded area on the western side left as a landscape screen. The Appellant team agreed that this western boundary screen provided the only material feature in terms of its contribution to the character and appearance of the Conservation Area.

As mentioned in the Heritage Statement which accompanies the planning application, the Monken Hadley Conservation Area in which this site sits, already has a large component of residential which the Character Appraisal Statement acknowledges. It states;

“Approximately a quarter of the land is in residential use, and this extends outwards in ribbons of development along ancient rights of way”

Christ Church Lane is a historic right of way and the proposal mirrors the typical pattern of low density residential development typical of the area with large dwellings in sizeable, cultivated gardens which feature in between areas of woodland or clumps of trees. The Plan 2 demonstrates how the proposal fits into the pattern of development in the Conservation Area. It shows that the size of the dwelling proposed here is a common feature particularly to the north and east of the site which forms Hadley Green the core of the Conservation Area .

The LPA in the Delegated Report agree that the development is “consistent with the general character of the area...” However, it goes onto say that as the woodland setting contributes to the character and appearance of the Conservation Area there is an “in-principle objection to developing this site.” This seems totally perverse as the proposal maintains all of the woodland landscape on view to areas of public access and in addition provides a scheme to conserve the setting through the Landscape Management Plan. The fact that there will be a garden and a dwelling behind the retained dwelling will also mirror a common feature found all around Hadley Green

where footpaths exist around the boundary of cultivated gardens belonging to large houses.

This latter point however is totally ignored by the LPA when the analysis in the Delegated Report considers the public benefits arising from the scheme. On one hand they highlight the importance of the woodland screen as an asset to the Conservation Area but they place no weight whatsoever in the proposal to introduce an management scheme to protect and enhance the visual and environment benefits that the asset provides.

Other public benefits which have important planning priorities such as a new home, on a site which will provide a financial receipt for the community (both for the Council and a local charity) and be suited to the local SME builder, within the settlement area, in a sustainable location (within 250m of a town centre with a full range of transport facilities) as described by the NPPF (para 11) as key policies are all ignored in the analysis despite the presumption in favour of development in these circumstances.

- Siting, scale size and massing and design are out of character with the CA and overly dominant, and detrimental to character and appearance.

Again by reference to a Plan 2 drawn up by ACA, it is clear that the proposal follows a similar pattern of development associated with the Conservation Area. This particularly true in relation to the core area of Hadley Green to the east and north of the site. This area, as mentioned above is typical of the Area's character with its large houses in sizable plots running along ancient routes.

The two roads to the south and east are less typical as both Hadley Grove and Sunset View were developed later as residential streets to accommodate speculative housing development. The higher density of these streets reflect the presence of the Barnet town centre with its more urban character.

Given the size of the site, the dense landscape screening (which is planned to be extended along the southern and eastern boundaries) and distances involved between the new dwelling and its neighbours, it is not impossible to consider the proposal to be out of character with the area. In fact, the converse is the case, as there is no other 'natural' part of the Conservation Area which is not currently managed, be it by a public authority, woodland trust, Golf Club or a private owner.

4. Other Issues

Flood Risk Assessment

As previously indicated, the appeal site is in Flood Risk Zone 1. Although not mentioned in the LPA's reasons for refusal, the NPPF para 173 now requires a sequential risk approach to be taken on the assessment of individual applications in areas known to be at risk now or in the future from any form of flooding. Accordingly an appropriate Flood Risk Assessment has been carried out by Bold Environmental and their findings are included in Appendix 8.

This confirms that although there is negligible risk of flooding across the actual site, it is noted that offsite areas to the west and south-west are prone to a 'Low to Medium Risk' of surface water flooding. As the site is slightly elevated from the areas west and south, the overall development should be designed and constructed so as not to increase the potential risk of off-site flooding during both its construction and future use (in accordance with the principals of the NPPF).

The principal flood mitigation measure for this development as a whole is the appropriate management of surface water drainage. This should include the attenuation of surface water infiltration to manage and reduce potential off-site water migration and off-site flood risk. They recommend that a site-specific surface water drainage strategy should be prepared and suggest that a pre-commencement condition should be included as one of the planning conditions should the application be approved.

Issues raised by public consultation

The appellants are conscious that despite this application proposing only a single dwelling it has been the subject of a large number of objections from the public.

Following the meetings with ward councillors, local groups including the Barnet Society and public exhibition a dialogue has been maintained throughout. The meetings with the Barnet Society were helpful and resulted in a number of beneficial modifications to the scheme leading to the Society indicating that they would support the proposal on the basis that they acknowledged that the area needed a management regime.

The Appellant's team have noted the pictures put forward as evidence of wildlife on the site. However both Brown&Co and Green Environmental are clear in their reports that there is no evidence that protected or notable species are living on the site although they acknowledge that they may be using it for foraging. There is nothing in these proposals which will prevent wildlife continuing to do this. Moreover the

management plan will provide more benign conditions for this and its measures based on their ecologist's recommendations will encourage a higher level of biodiversity. Even the garden area will make a contribution as the boundaries will be permeable. The vast majority of the public comments were based on the same assumption that the LPA adopted, that the area was a valuable natural asset but all remained silent on whether it would benefit from a management regime. This of course, is at variance with the approach taken by the Appellants in accordance with the expert advice received from two firms of Ecologists and their Arboriculture specialist both in terms of the current condition of the area and its prospects for improvement with the appropriate form of intervention.

7. Conclusions

Despite this application being for a small scheme it does touch upon the three basic objectives of the NPPF which are;

- Economic; ensuring that sufficient land is of the right type is available in the right place,
- Social; contributing to a choice of homes,
- Environment; protecting the natural and historic environment whilst at the same time making the best use of land.

The changes to planning policy brought in by Government and the more recent emergency measures brought in by the Mayor of London have highlighted the pressure in the GLA area on optimising the use of land within sustainable locations within settlement boundaries. As former gardens, this site may not be considered 'brownfield' but it is one which is undoubtedly in "poor" condition in ecological terms, despite the refusal of the LPA and the public to acknowledge that condition.

Within a pleasant walking distance of a designated District Centre and wide range of public transport services, its status as a sustainable location cannot be denied.

The proposal maybe for only one dwelling but every one counts particularly for SME builders who are struggling to survive, let alone make a significant contribution to the supply figures which are currently well below the GLA's target.

Contributing to a choice of homes, a large dwelling in this location is most appropriate from a planning point of view given that the Monken Hadley Conservation Area is characterised by large houses on sizable cultivated gardens, interspersed with clumps of mature tress – exactly what is proposed.

The western boundary, with its woodland screen, terminating the view into the Conservation Area is a prospect well worth maintaining but the threats from the abundance of invasive species underline the need for its active, proper management. The proposed landscape strategy includes a discrete hedge of indigenous plants behind the boundary line, which will be dense enough to deter trespassers but encourage wildlife to pass through.

The scheme proposed will set up an appropriate management scheme which will help the protected trees to thrive, address the poor quality woodland and provide for a new garden which in itself will contribute to a significant increase in biodiversity. This will be further

enhanced by a landscape strategy which will attract wildlife through features including bat boxes, bird nesting boxes, swift bricks, bug hotels and hedgehog highways.

The landscape management scheme is already a suggested condition should this appeal be allowed but the appellants are committed to reinforce this through a restrictive covenant on future owners who will be responsible for funding the schemes management as well as ensuring that the proposed extent of hardstanding is not expanded any further than what is currently proposed.

In light of the above the Inspector is respectfully invited to allow this appeal.

8. List of Appendices and Plans (separate documents)

Appendix 1; LPA's Reasons for Refusal.

Appendix 2; LPA's Delegated Report

Appendix 3; Objection by Landowners to Woodland TPO (26/TPO/001)

Appendix 4; Email to ACA re decision on Woodland TPO

Appendix 5; Landscape Management Plan (main headings)

Appendix 6; Comments by DCLLA on Delegated Report and Refusal

Appendix 7; Ecological Review by Green Environmental Ltd

Appendix 8; Flood Risk Assessment by BOLD Environmental Ltd

Plan 1; Extract from Defra's Magic Map showing site.

Plan 2; Analysis by ACA of the development pattern in the Conservation Area