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LONDON ASSEMBLY LABOUR



**Andrew Dismore AM**

Dear Jaydine Keenan,

**Date:** 30 May 2019

**Re: 19/0551/RCU SweetTree Fields Marsh Lane London NW7 4EY**

I am writing to follow up the letter you received from the Mill Hill Preservation Society in relation to retrospective planning application 19/0581/RCU that is going to be referred to the planning committee in an upcoming meeting. They observe from [www.Gov.UK](http://www.Gov.UK) 'Ensuring Effective Enforcement' Responding to suspected breaches of planning control - Published 6th March 2014 and last updated 22 February 2018 by the Ministry of Housing, Communities & Local Government - that the guidance for retrospective planning applications states the following:

'A person who has undertaken unauthorised development has only one opportunity to obtain planning permission after the event. This can either be by means of a retrospective planning application (under section 73A of the Town and Country Planning Act 1990)' or by means of an appeal against an enforcement notice on ground that planning permission ought to be granted or the condition or limitation concerned ought to be discharged – this is referred to as a ground (a) appeal. The local planning authority can decline to determine a retrospective planning application if an enforcement notice has previously been issued (section 70C of the Town and Country Planning Act 1990). No appeal under ground (a) may be made if an enforcement notice is issued within the time allowed for determination of a retrospective planning application.' (see following link)

<https://www.gov.uk/guidance/ensuring-effective-enforcement#No-formal-action>

The previous retrospective planning application has already been refused (ref: 17/7627/RCU). Please also note that there is an enforcement notice on this application to revert the land by 4th May 2019, now extended to 30th August 2019. The guidance is clear that the person making the application "has only one opportunity to obtain planning permission after the event". Since this "one opportunity" was used up in application 17/7627/RCU the planning application should be rejected. This guidance was put into place to stop such a developer from making minor changes to retrospective applications and continually submitting them and thereby delaying the refusal and attempting to keep applying.

I agree with the MHPS, who do not believe that special circumstances have been shown in this application, in order that Barnet should ignore the best practice guidance of protecting Green Belt areas. The circumstances are the same as in the previous

application, which was refused. In addition, the applicant has wholly ignored due planning process in order to illegally build on Green Belt land, and as has been said before, Barnet should not be rewarding such illegal activity. This application, although slightly different to the previous one, is for essentially for the farm that is already located on site which has caused local residents misery since 2013.

Indeed, given the clarity of planning law, should this application not be refused, the Council will clearly be at risk of a successful judicial review for acting contrary to the law and guidance.

In the plans there are multiple sheds that are right up against the fences of gardens in Marsh Lane. This includes Shed 1 and shed 3 amongst other structures. In addition, this would completely block the view from people's houses, a view that had not previously changed since at least the 1940s.

The entrance roadway is currently very large and seems to be designed for a lot of two-way traffic. Also the additional road network on the site supports the residents' concerns of converting this site to allow future buildings to be built and to allow access to these buildings. Further support for this is that in the original application that was refused last year there were six houses in the planning application. Although this was removed before the review and has not appeared in the current application, it clearly showed what the future intent for the site is and that this application being granted will lead to future planning creep.

The fact that so much building activity has happened on site without planning permission, despite a refused retrospective planning application and a violation of an enforcement notice, nothing has changed on the site. When illegal building occurs without planning consent the developer of the land should be dealt with by means of the existing planning laws. Residents that have been able to visit the farm recently were absolutely horrified at the amount of damage to the meadow area, with surrounding trees cut down, a small pond which was the only water source for local wild life dried up, and large piles of dung and refuse at the end of some residents' gardens.

It seems that about 80% of the land that was previously meadow has been either destroyed or fenced off for farmyard animals completely disregarding the fragile ecosystem on this site. Even if the site is put back to its original state it may take decades for the wildlife to recover. The environmental reports submitted with the refused application and the current application were both created after the illegal building and do not take into account the damage already caused.

For the reasons stated above both the MHPS and I are concerned that the current application should either be rejected or refused, as was the previous application, for the following reasons:

1. The proposed development by way of the intensification of the use and activities taking place on the site and the introduction of a site-wide road network would detract from the openness of the Green Belt land and as a result, the scheme would be contrary to the purposes and objectives of including land within the Green Belt. The proposed development would also harm the character and

visual amenity of the site and wider area, contrary to the National Planning Policy Framework and policies DM01 and DM15 of the Adopted Local Plan Development Management Policies Development Plan Document (2012).

2. The intensification of the use of the site for agriculture would increase the amenity harm arising for the adjoining residential neighbours particularly in relation to noise, dust, odour and security, contrary to policies DM01 and DM04 of the Adopted Local Plan Development Management Policies DPD (2012).

Yours sincerely,



**Andrew Dismore AM**

Labour London Assembly Member for Barnet and Camden