



LAND ADJOINING THE WHALEBONES, WOOD STREET EN5 4BZ

Representation by The Barnet Society

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Planning Inspectorate appeal reference: APP/N5090/W/21/3273189

LB of Barnet planning application reference: 19/3949/FUL

Introduction

This is a representation by the Barnet Society, as an interested party, against the appeal proposals.

While we support the London Borough of Barnet's decision on the original planning application and its Reasons for Refusal (RfR), we have our own reasons, which are set out in 1-5 of our Comments on RfR 1 below.

We also request to speak at the public inquiry.

The Barnet Society has over 650 members, many of whom live close to the Whalebones site. Our Vice Presidents, Committee members and specialist advisers include architects, landscape architects, engineers and architectural historians who currently work, or have worked, with Historic England, government and other organisations in the fields of conservation and urban renewal. Although minded to object to the planning application, before doing so we asked for our members' views. A decisive majority of respondents – nearly 90% – opposed the scheme in its present form, and only three members supported it. We therefore objected to the application.

Comments on original planning application

We objected to the original application on three grounds. To summarise them briefly:

1. **Conservation Area (CA) Policy** – The development would be an unacceptable breach of CA policy. It would neither preserve nor enhance the special character or appearance of the area; it would destroy an essential natural and visual buffer between Chipping Barnet and Arkley; and it would create a very bad precedent for other CAs.
2. **Overdevelopment** – We are unconvinced that so many homes are necessary. Serious consequences would be some 200 additional cars and 300 cycles, exacerbating already heavy congestion at peak times, and higher levels of air and noise pollution.
3. **Sustainability** – We are not persuaded that the ecological impact of such a large development and extended construction period could be entirely mitigated; nor does its architectural or landscape design reach the exemplary standards that might justify the loss of so much green space.

We see nothing in the appellants' Statement of Case (SoC) to make us revise our original comments.

Comments on Reason for RfR 1:

Loss of open green land forming an important part of the Wood Street CA

We wish to make several comments.

1. The Wood Street CA encapsulates 800 years of Barnet history. At one end is its church and original marketplace, chartered in 1199; at the other, open fields. Their juxtaposition is richly symbolic. Barnet's growth to national status derived chiefly from livestock: herds were driven from across the country to their final pastures on the fringe of the town, then sold at the market.

Loss of the last remaining fields would destroy the CA's integrity and amount to lobotomy of our collective memory. It would also send a most unfortunate message about the appellants' disregard for the increasing value local people attach to the natural environment.

We therefore disagree completely with the appellants' claim (SoC 1.04.1) that 'the loss of open green land does not undermine the essential character or appearance of the Wood Street Conservation Area'.

2. The appellants' claim (SoC 1.04.1) that 'the harm to heritage assets is less than substantial and there is no harm to the visual amenity of neighbouring residents' appears to be based on comments made by the developers' consultants, Brighter Planning (quoted in SoC 5.08), and the Council's Conservation Officer (in SoC 5.09).

We disagree completely with this claim too.

The NPPF states (para 193) that local planning authorities should give 'great weight' to preserving the asset's significance, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

The advice of Historic England (HE, SoC 5.10) dated 12 April 2019 to Brighter Planning was that, '*...the spread of development across the site would collectively represent a visible urban hardening to this western part of the conservation area. This means the prominence of its open natural landscaped character and views out into Dollis Valley, which it's currently noted for, would be somewhat reduced. In our view this would present harm [to] the character and appearance of the conservation area.*' Significantly, HE's last sentence is not quoted in 5.10.

The conclusion that harm would be 'less than substantial' is not justified by HE's advice. With due respect both to Brighter Planning and the Council's Conservation Officer, we do not believe that either gave adequate weight to the significance of the assets.

To build 152 homes over mainly open fields would result, according to any normal English language usage, in 'substantial' harm.

The pastureland character of the Whalebones site cheek by jowl with the fringe of the historic market town is a rarity for a settlement in Greater London. It provides a powerful element of the look and feel of the place. This lucky survival was recognised by Gwyneth Cowing, Whalebones' last private owner, and enshrined in her will trust. It was also recognised by Barnet Council when it declared the CA. The essentially agricultural character has been maintained by the smallholding tenancy. It is not managed as a

public park or as a well-clipped suburban garden. It is managed as agricultural land. Whilst we recognise that the management could be improved, this essentially agricultural character should not be changed. We therefore consider that any major housing development here is not justified. It would be like demolishing St John the Baptist's Church.

We consider that the Whalebones land is one of the principal heritage assets of the CA. It is the dominant character feature of the western end of the CA. It is a rare survival of agricultural land within the compass of a market town. It also provides the setting of the grade II listed Whalebones House, an example of the 'pocket' country house or villa which were developed in the late C18 and C19 on the London fringe.

The proposal would not preserve or enhance the CA. It extends this far west specifically to take in Whalebones, and defines its 'open rural character' and 'views in and across the site' as key. The development would seriously erode the undeveloped stretch of land along the south side of Wood St which makes such an important break between the fringe of town and Elmbank.

The land is held in trust to preserve its agricultural use. Over half the area in trust ownership would be lost to housing. The site would no longer have a rural character. Nor would it echo the open country beyond in such a significant way. Of the remaining open space – with a heavily reduced visual amenity – half would actually be the grounds of Whalebones House. The trustees would be relying on the owner of the house to maintain half the amenity they were entrusted with!

3. Barnet Council had, at the time this project was being developed, several policies that reinforced the value of sites such as Whalebones:
 - a. Draft Growth Strategy 2019 – 2030 noted (in Spatial Approach, P.7 – Centre), '*This area is characterised by protected green space that forms a key part of Barnet's suburban identity. A very low proportion of housing growth will be delivered here... The area provides a strategic leisure and wellbeing function, and is home to wellbeing destinations like...Barnet Hospital.*'
 - b. Draft Local Plan Policy CS7 committed it to, '*create a greener Barnet by: [bullet 7] enhancing local food production through the protection of allotments and support for community food growing including the Mayor's Capital Growth Initiative.*'
 - c. Draft Local Plan Policy DM15 stated, '*Open space will be protected from development.*'
 - d. Green Infrastructure SPD also observed, '*With climate change and developing technologies the type and range of food that can be grown locally is likely to increase over coming years...The Capital Growth network in London...provides training and opportunities to learn about food growing, often leading onto formal training or employment...*'
4. The appellants refer (in SoC 4.06) to Barnet Council's proposal, in its draft Local Plan dated 6th January 2020, for the appeal site to be allocated 'for residential and mixed uses, with an indicative capacity of 149 dwellings and 10% of the site as community uses and local green space'. It should be noted that the Barnet Society opposed that allocation in its response to the Local Plan consultation on 15 March 2020.
5. The appellants go to great lengths (in SoC section 6) to discredit the Mayor of London's comments on the proposal. Yet they fail to notice other policies or strategies pertinent to Whalebones in the Draft London Plan:
 - a. Policy G8, Food growing – In Development Plans, boroughs should:

*'Protect existing allotments and encourage provision of space for community gardening, including for food growing,' and
'Providing land for food growing helps to support the creation of a healthier food environment...it can help promote more active lifestyles and better diets, and improve food security.'*

- b. The London Food Strategy – *'Food growing in community gardens, allotments, schools, urban farms and other spaces in London is vitally important...Food growing can bring communities together, help people make friends and feel less isolated, make areas safer, and improve people's physical and mental health and wellbeing...Urban food growing has many environmental benefits including contributing to London's green infrastructure and providing diverse habitat for London's biodiversity, including pollinators...Urban farming and food growing projects create social enterprises, boost local economies and provide jobs, training and apprenticeships, as well as thousands of volunteering opportunities which can help Londoners develop skills and lead to employment.'*
- c. The London Environment Strategy includes policies and proposals to *'ensure London's green spaces are managed as a multifunctional green infrastructure, and food growing can be one of the benefits of that approach...Social prescribing can help people find ways to improve their health and wellbeing by linking them up with what's going on in their local area. Food growing should play a key part in this.'*

The appellants' conclusion (SoC 7.05) that 'an agricultural use (including community farm) was unviable' is narrow and unimaginative. Of course the site as a stand-alone farming business would not meet commercial agricultural criteria. But London alone has dozens of successful non-profit-making city farms and other land-based projects for educational and community benefit.

While this site is by definition a smallholding, it is significantly different from a group of allotments. Its presence, and the strong desire of local opinion to protect it, demonstrate an awareness of the importance of agriculture that is increasingly precious in urban settings.

On 26 November 2015, before (we were led to believe) any brief had been written, the Barnet Society wrote to the Trustees, *'While regretting the likely loss of a remarkable green enclave and working farm close to the heart of Chipping Barnet, we appreciate that the cost of maintaining the status quo will not be viable indefinitely. We wonder, however, if options for agricultural, horticultural or related educational use (for example in partnership with Barnet & Southgate College) have been, or will be, fully explored.'*

A smallholding, city farm or other land-based project for public benefit could be subsidised by a modest 'enabling development' to the extent required to make the landholding viable in the long term.

None of these alternatives was ever seriously considered.

- 6. Finally, the government's current Environment Bill proposes a general duty to conserve and enhance biodiversity, as Theresa Villiers MP describes in more detail in her own representation.

Comments on RfR 2:

The absence of formal undertaking to secure planning obligations

We have no comments.

Conclusion

In developing proposals for this site, the appellants could have considered a much more modest and less harmful scheme. A limited quantum of 'enabling development' to raise income to maintain the legacy of Gwyneth Cowing could be an acceptable price for sustaining the qualities of the existing heritage and natural assets. Such an aim would have been close to her heart, and would have been welcomed by both the Barnet Society and the majority of local residents.

The only justification for development would be to apply the principle of 'enabling development' for heritage assets whereby development that would be unacceptable in planning terms is allowed so that the asset's long-term future is secured (see HE policy). In such cases, (a) the applicant/trustees must disclose the extent of the problem and its cost; (b) make a single application for the minimum return needed to fix the problem long-term; and (c) make permanent arrangements to secure the public benefit and provide for management, usually via a charitable trust.

Instead, the appellants have pursued the maximum profit, ignored important Barnet and London planning policies, and placed Whalebones in jeopardy. If allowed, this appeal could potentially jeopardise other green spaces across the Borough.