



HILLINGDON LONDON

Local Plan Part 2

Proposed Main Modifications Representation Form

Representations are invited on the following documents:

- **Local Plan Part 2 Schedule of Proposed Main Modifications**
- **Further Addendum to the Sustainability Appraisal for the Local Plan Part 2**

See end of document for details on how to submit this form.

All forms must be submitted by **5:00 pm on Wednesday 8 May 2019**

PART A - Personal Details

Your Details	Your Agent's Details (if applicable)
Title: Mr and Mrs	Title: Mr / Mrs / Miss / Ms / Dr / Other:
Surname: Farmery	Surname:
Forename: Richard and Sue	Forename:
Organisation/Company: N/A	Organisation/Company:
Address: [Redacted] [Redacted] [Redacted] Postcode: [Redacted]	Address: Postcode:
Contact No: [Redacted]	Contact No:
Email: [Redacted]	Email:

PART B - Your representation.

Please use a separate sheet for each representation

Name or Organisation:

Q1. Which document are you making a representation on?

- Local Plan Part 2 Schedule of Proposed Main Modifications
- Further Addendum to the Sustainability Appraisal

Q2. To which Main Modification does this representation relate?

MM66 - The Dairy Farm and Spinney, Harefield

Please specify which part of the Main Modification you are referring to: Policy Wording, Paragraph, Table or Figure / Map you are referring to:

Site Allocations and Designations document

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6) The Dairy Farm and Spinney, Harefield

All parts of this main modification.

Q3. Do you consider the Main Modifications are:

Legally Compliant?

Yes No

Sound?

Yes Yes, with minor changes No

Q4. If you consider the Main Modifications are unsound, is it because they are not:

- Positively Prepared?
- Justified?
- Effective?
- Consistent with National Policy?

Q5. Please give details of why you consider the Main Modifications are not legally compliant or are unsound. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the Main Modifications, please also use this box to set out your representation.

***Please note** your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and suggested changes.*

Please see attached sheet.

Q6. Please set out what change(s) you consider necessary to make the Main Modifications (and so the Plan) legally compliant or sound, having regard to the test you have identified at Q4 above where this relates to soundness. You will need to say why this change will make the Main Modifications (and so the Plan) legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible:

Remove this site from the proposal to make Green Belt.

Q7. If your representation is seeking a change, do you consider it necessary to participate at any further oral part of the examination? N.B. it is expected that Main Modifications will be addressed through written representations.

No, I do not wish to participate at any further oral part of the examination

Yes, I wish to participate at any further oral part of the examination

Q8. If you wish to participate, please outline why you consider this to be necessary.

Please note: the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination. The Inspector may consider that it is not necessary to reopen the hearings and has already indicated that he is unlikely to do so.

To fully explain the background to this application, including the previous attempts to make it Green Belt and the reasoning behind the submission.

Name:

Date:

Would you like to be updated of future stages of the Plan process?

Please indicate which stage(s) of the Plan that you would like to be informed of:

- The publication of the recommendations of the person appointed to carry out the independent examination of the Plan
- The adoption of the Local Plan Part 2

Please note that copies of representations will be made available on request for inspection at the councils' offices and cannot be treated as confidential, however personal addresses and signatures will be removed from public copies.

Submitting your representation

Please return this form:

By email: localplan@hillingdon.gov.uk

By post: Planning Policy Team, 3N/02, Residents Services, Civic Centre, High Street, Uxbridge, UB8 1UW.

**All forms must be submitted by 5:00 pm on
Wednesday 8 May 2019.**

Thank you for taking the time to complete and return this representation form.
Please keep a copy for future reference.

Attached Sheet: Submission.

1. Introduction to Main Modification 66

We contend that the Cricket Ground and Spinney should not be included in the Green Belt because it is not legally compliant, nor sound for several reasons including that it is not positively prepared, nor justified, not effective and is often inconsistent with National Policy.

2. NPPF para 52

Talks about large scale developments and notes

'In doing so (planning for large scale developments), they (planners) should consider whether it is appropriate to establish Green Belt around or adjoining any such new development'.

Although we appreciate that developments are taking place elsewhere in the borough, it could not be argued that the site of Cricket Ground and Spinney is 'around or adjoining' any of those proposed developments. Therefore, we believe that the plan is not sound in this area because it is not consistent with National Policy.

3. NPPF para 80

States Green Belt serves five purposes. The Cricket Club and Spinney has been proposed for selection:

To check the unrestricted sprawl of large built-up areas

To assist in safeguarding the countryside from encroachment.

These two purposes are not served by making this Green Belt as they have been overtaken by events. The unrestricted urban sprawl has already taken place beyond the site. There has been building in the back garden of Little Hammonds, two developments on the Dairy Farm (one of Alms Houses and one of private dwellings) and the change of two fields from agricultural to recreational use mandated by use of a section 106 agreement. Even the siting of Harefield Football Club beyond this site towards the countryside shows the extent of sprawl as it includes a club house, pitches, stands, floodlights and mobile phone masts. It should be noted that in *Smith* [2017] EWHC 2562 (Admin), Sir Ross Cranston said, 'No authority was cited for the proposition ... that 'urban sprawl' is confined to urban sprawl through buildings'.

Encroachment on the countryside is really the same argument as the prevention of urban sprawl, but in reverse. The substantial developments that have taken place beyond The Cricket Ground and Spinney have already encroached on the countryside, turning agricultural land into residential developments, playing fields, a football stadium and mobile phone infrastructure.

Hillingdon's **LPP1 8.20** states *'The main purpose of Hillingdon's Green Belt is to keep the land open and free from development ... to make a clear distinction between rural and urban environments ... help reinforce this strategy (SO3) by strictly controlling development in the open countryside'*.

This stated aim of freedom from development is the primary aim of para 8.20, but just because a site is not suitable for development does not make it suitable for Green Belt, as in *Calverton Parish Council v Nottingham City Council and others* in the High Court in 2015 (removal of Green Belt) *'Submitting that the fact that a particular site happens to be suitable for housing development cannot, without more, constitute an exceptional circumstance justifying an alteration of the Green Belt'*. The converse is therefore true; making new Green Belt, just because it is not suitable for development does not justify giving it a Green Belt designation.

Further, the Cricket Club and Spinney site does not help to make any clear distinction between rural and urban environments. On the contrary, including it in the Green Belt blurs the boundaries between the rural and urban environments, as it is a parcel of land set amongst areas of significant development, surrounded as it is by houses on three sides. These developments cited above have now taken the Cricket Ground and Spinney from the open countryside and placed it within the urban environment and thus give no control over any subsequent developments in open countryside.

Therefore, including The Cricket Ground and Spinney in the Green Belt is not only contrary to National Policy, but also to Hillingdon's LPP1.

4. **NPPF 82**

States: *'The general extent of Green Belts across the country is already established. New Green Belts should only be established in exceptional circumstances, for example when planning for larger scale development such as new settlements or **major** urban extensions. If proposing a new Green Belt, local planning authorities should'*:

- a) *'demonstrate why normal planning and development management policies would not be adequate'*.

Here we would comment that Hillingdon's Green Belt is 4,970 Hectares, and this has been steady for at least last 13 years (since 2005). This shows Hillingdon's Green Belt normal planning and development policies are very effective and working well, in contrast to the 10 local authorities which adopted new plans in 2017/18 which resulted in an average decrease of 507 hectares (Commons briefing paper 00934 of 4th Jan 2019). There is no indication on past performance that Hillingdon's policies would slip to a level so as to be described as inadequate. As such this modification is unsound as it is not justified.

- b) *'set out whether any major changes in circumstances have made the adoption of this exceptional measure necessary'*

Identical proposals to make The Spinney site green belt have been proposed on three occasions, in 1976, 1994 and 2006. In 1994, Mr A T Gray ARICS, DipTP, MRTPI of the Planning Inspectorate stated, *'I am unconvinced of the justification for applying Green Belt to this site'*.

We also note that the Local Plan Part 1 at point 8.24 states *'The council does not consider that major adjustments to the green belt boundaries are necessary to accommodate growth'*.

In the LPP1 Inspector's report of July 2012, section 19 discusses *'the very extensive areas of Green Belt within the Borough'* and *'very minor adjustments...could take place'* and then goes on to state *'there is no evidence to suggest that the Local Plan's growth provisions ... are incapable of being met unless the Green Belt boundary is altered in a more fundamental way'*. In Section 20 the Inspector states *'I would not expect from the evidence that the Green Belt's integrity would be significantly altered or compromised in any way'*. *'Minor changes can be made to avoid any confusion'*.

The above points indicate that there has been no major change of circumstances that would satisfy this test and as such the main modification has not been positively prepared.

- c) *'show what the consequences of the proposal would be for sustainable development'*.

We would say that no consequences have been shown. Therefore, the main modification is not consistent with National Policy.

- d) *'demonstrate the necessity for the Green Belt and its consistency with Local Plans for adjoining areas'*.

There is no mention of how this change to the Green Belt would affect other adjoining areas. Again, the main modification is not consistent with National Policy.

- e) *'show how the Green Belt would meet the other objectives of the framework'*.

The relevant policy mentioned in LPP1 is EM2. This policy begins *'The Council will seek to maintain the current extent, hierarchy and strategic functions of the Green Belt ...'* The implementation of this policy talks of *'Anomalies in local boundaries'*. This main modification seeks to make a significant addition to the Green Belt of over 2.5 hectares and can in no way be described as an anomaly of a local boundary. This main modification is therefore not justified under this subsection.

We are reminded that Green Belts should only be established in exceptional circumstances and there should be a demonstration why ordinary planning policies would not be adequate.

We can find no exceptional circumstances articulated for making this site Green Belt and the preparation of this local plan is not sufficient to give rise to exceptional circumstances. In *Gallagher Homes Ltd v Solihull Borough Council* (2014) it was stated '*Preparing a new local plan is not, of itself, an exceptional circumstance justifying alteration to a Green Belt boundary*'. It goes on to state '*whilst each case is fact-sensitive and the question of whether circumstances are exceptional for these purposes requires an exercise of planning judgement, what is capable of amounting to exceptional circumstances is a matter of law, and a plan-maker may err in law if he fails to adopt a lawful approach to exceptional circumstances*'. As there have been no exceptional circumstances given, the desire to place this main modification into the Green Belt is not legally compliant.

There are already adequate protections for The Cricket Ground and The Spinney, within ordinary planning policies. The site is central within the Harefield Village Conservation Area and can be adequately protected through Hillingdon's normal planning procedures. To allow this change would not be legally compliant and inconsistent with National Policy.

5. NPPF 85 point 6

It was suggested by Hillingdon's planning team during the verbal hearings in August 2018 that minor adjustments could be made where a boundary has changed or is no longer clearly defined and, that using NPPF 85 point 6, an adjustment could be made so that it is readily recognisable and likely to be permanent. We would say that an increase in the Green Belt of over 2.5 hectares is not minor. We note the Borough's UDP report of Dec 1995, Vol 1: '*Green Belt boundaries should neither be rolled forward nor back unless there are exceptional circumstances – rather than a general planning criteria, such as a logical neatness in the boundary.*'

It is also notable that there is no suggestion of an alteration to the existing Green Belt boundary just south of The Dairy Farm development, where it is not defined and runs across the centre of a field. Indeed the 2006 assessment made specific reference to the Green Belt boundary on the Dairy Farm noting; '*The current Dairy Farm Green Belt designation is not typical of Green Belt boundaries as it illogically cuts half way through a field and not in close proximity to a definable boundary*'.

The inclusion of the Cricket Ground and Spinney is more than 'minor' and is not merely a minor adjustment to a boundary. If it was to be simply an adjustment to a boundary, surely Hillingdon would have made the change to the illogical boundary they had already noted in their own assessment?

The inclusion of this area is not sound as it is ineffective and not justified.

6. NPPF 86

We would also refer to NPPF 86 – *'If it is necessary to prevent development in a village primarily because of the important contribution which the open character of the village makes to the openness of the Green Belt, the village should be included in the Green Belt. If, however, the character of the village needs to be protected for other reasons, other means should be used, such as conservation area or normal development management policies, and the village should be excluded from the Green Belt'*.

The Cricket Ground and Spinney is firmly centred within the village of Harefield, as previously the site was an integral part of the formal gardens of Harefield House which is situated on the High Street. The site is only 200 meters from the High Street. There has been no suggestion that the whole of the village needs to be included in the Green Belt, thus the normal planning policies and the conservation area status are more than adequate to provide continued protection. The Cricket Ground is further protected through The Recreation Grounds Act 1859 and subsequent legislation leading to the Charities Act 2011 as well as a Deed of Dedication, the binding legal commitment which ensures it is protected in perpetuity for the people of Harefield, current and future generations, to enjoy.

Thus, the reasoning for inclusion of this area into the Green Belt is unsound as it is not justified.

7. LPP2 consultation process

Over the course of the LPP2 consultation process, and previously through 1976 to 2006, the site in question has been subjected to many confusing changes by the Planning Department with regard to which areas of land should be included within the site, various changes to the name of the site and significant inaccuracies within the accompanying maps attached to the proposal. The latest change to the site identification (March 2019) for the first time calls the site The Cricket Ground and Spinney. This has led to a complete lack of meaningful consultation with the local people, and in particular with the residents of the 38 dwellings that border the now proposed area. Some of the iterations over the period are as follows:

- a) In 2006 the area was identified simply as 'The Dairy Farm'. This included the areas planned for development on the Dairy Farm site, the garden of Little Hammonds, the Cricket Ground and the Spinney. One note within the heading of Green Belt Assessment states *'Please note that these sites were designated as open space playing fields (1), Open Space Private Grounds (2) an area primarily for agricultural use in the 1995 Initial Development Plan. Since then these designations have altered and they are now in a developed area'*. The map shown in the draft Green Belt and Major Developed Sites Assessment at this time only shows existing green belt and does not define in any way the proposed alterations.
- b) In 2013 the area was identified only as 'The Dairy Farm, Harefield'. It included the now developed area of The Dairy Farm; Little Hammonds, which by this time had planning permission for development; the Cricket Ground but only part of The Spinney as the map showed the boundary cutting off the south end of The Spinney as opposed to following the logical land boundary, marked by a fence. The reasons given for including the area in the Green Belt was to *'assist in safeguarding the countryside from encroachment'* and to *'assist in urban regeneration'* a reason later dropped.
- c) In 2015 the area was identified as 'The Dairy Farm and Spinney'. At this stage, despite its name, the site had been altered and no longer actually contained any land which was on the Dairy Farm. It still included the garden of Little Hammonds, which by this time had been fully developed with three houses each with additional extensions. It still showed the boundary cutting off the end of the Spinney as opposed to following the logical land boundary. The reasons had now changed to *'checks the unrestricted sprawl of large built up areas'* and to *'assist in safeguarding the countryside from encroachment'*.
- d) In March 2019 the area was identified as The Cricket Ground and Spinney. This map no longer showed the developed former garden of Little Hammonds. The supplementary texts stated that *'The site boundary should be amended to exclude new development to the east of Dairy Farm Lane'*. This is misleading as the area now excluded was to the west of Dairy Farm Lane the area to the east having been excluded since 2015.

These very recent changes have meant that the residents in the 38 dwellings closely bordering the site together with interested local people and organisations have not had any opportunity to comment even though there could be significant implications for residents who reside in such close proximity to Green Belt. For this reason, we believe the plan for this site is not legally compliant.

8. In Summary

Preserving publicly accessible space of high environmental and amenity value around the urban areas provides a public good and can be justified in terms of the benefits for the general population.

It is difficult to see how incorporating The Cricket Ground and Spinney into Green Belt can provide this public good as it is not an area of publicly accessible outstanding beauty such as Epping Forest or the local Ruislip Woods National Nature Reserve and Ruislip Lido. Research has shown that *'the benefits derived from small localised areas are limited and the value of privately owned Green Belt does not extend beyond the residents who live within it'*. (Gibbons, S., Mourato, S. and G.M. Resende (2014) 'The amenity value of English nature: A hedonic price approach') In the case of this area, and in particular to the Spinney then, to no one. Thus, this main modification is unsound as it is not consistent with National Policy.

It is well established that new Green Belt should only be made in 'exceptional circumstances' but Hillingdon has not demonstrated a) why normal planning and development management policies would not be adequate, nor b) set out whether any major changes in circumstances have made the adoption of this exceptional measure necessary nor c) shown what the consequences of the proposal would be for sustainable development nor d) demonstrated the necessity for the Green Belt and its consistency with Local Plans for adjoining areas and finally e) shown how the Green Belt would meet the other objectives of the Framework. Thus, this main modification is not legally compliant.

There have been three previous attempts to change the designation of this site and all have failed or been withdrawn. There has been no material change in circumstances since the rejection of the 1994 plan that would justify changing the designation on this occasion.

There are already adequate protections for The Cricket Ground and The Spinney, being within a conservation area and through normal planning procedures. There is also the original owner of both the Cricket Ground and Spinney (Walter Wood) protection given in the deed by which the National Playing Fields Association, now Fields in Trust, took on the Cricket Ground. To allow this change would not be legally compliant and also inconsistent with National Policy.

This local plan makes no reference to alteration to the boundary running through the middle of the field within the Dairy Farm, leaving the boundary still ill-defined and illogical. This is not effective and thus unsound.

The reasons for inclusion viz: 1) '*check the unrestricted sprawl of large built up areas*' and 3) '*assist in safeguarding the countryside from encroachment*', are the same as proposed in 2006, and yet Hillingdon has allowed significant developments beyond this area during this time, both residential and commercial. Thus, the inclusion of The Cricket Ground and The Spinney is not justified and would be ineffective measured against the aims of the NPPF.

Finally, Hillingdon has not consulted on the new proposals as required by the LPP1 due to the site originally being materially different, wrongly labelled and not including the names of either of the properties that the borough now wish to include.

For all the reasons stated above we consider that Main Modification 66 is neither legally compliant, nor sound and that it should be excluded from the local plan.

END