

The London Plan 2011: Definition of Previously developed land (PDL)¹

Previously developed land is that which is or was occupied by a permanent structure, including the curtilage of the developed land and any associated fixed surface infrastructure. The definition includes defence buildings, but excludes:

Exclusions to definition	Is this exclusion applicable to Pinkham Way?
Land that is or has been occupied by agricultural or forestry buildings	This exclusion is not applicable – it has not been agricultural land since the early 1900s – too long ago for this exclusion to apply
Land that has been developed for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through development control procedures	This exclusion is not applicable - (there is no history of permitted development for mineral extraction or waste disposal by landfill, on this site). Unlawful tipping, fly tipping and dumping took place on parts of the site sporadically but this ceased in 1980 according to records at the Environmental Agency ²
Land in built-up areas such as private residential gardens, parks, recreation grounds and allotments, which, although it may feature paths, pavilions and other buildings, has not been previously developed	This exclusion is not applicable although the site has been used as a informal recreation space over many years by people in the locality. There is reference in Jacobs to dog walking ³ and in Atkins to private recreational space. ⁴ An OS map of 1951-2 shows allotment gardens in the western corner of the site ⁵ .
Land that was previously-developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time (to the extent that it can reasonably be considered as part of the	<u>This exclusion is clearly applicable.</u> When the Friern Barnet former sewage treatment works was closed in the early 1950's the structures relating to that use were either removed from the site or buried on the site. A visual inspection of the site today leaves no doubt in the mind of any impartial objective bystander that any remains of permanent structures have 'blended into the

¹ London Plan 2011, Glossary, p306

² Record from Environment Dept extract (attached)

³ extract Jacobs Botanical Survey Report June 09 para 4.1 (attached)

⁴ Fig 3.2 – Open Space by type - Atkins 2003 Open Spaces Sport Assessment report LBH (attached)

⁵ OS old map 1951-2 <http://www.old-maps.co.uk/maps.html> (coordinates 528736 191624)

natural surroundings)	<p>landscape in the process of time' and can now 'reasonably be considered as part of the natural surroundings'</p> <p>The site has been designated a valuable nature conservation site (SINC No 1 Borough Wide value) in the Haringey Strategic Local Plan 2012 and some of the trees on the site are subject to Tree Preservation Orders because of their importance and biodiversity value.</p> <p>In addition, Hollickwood Park has been created on part of the site, and the Pegasus Bridge has been built since the previous uses ceased.</p> <p>The topography of the site differs little from the adjoining Hollickwood Park or Muswell Hill Golf Club (designated SINC No 2 and Metropolitan Open Land respectively). The three sites form a continuous rising plane that makes a southward ascent from its North end, where Hollickwood Park and the Pinkham Way site abut the A406, continuing southward and upward all the way to the southern edge of the Muswell Hill Golf Course. No significant land mass features distinguish the topology of the three sites from one another. The only visual differences are that the surfaces of the Park and Golf Course have been maintained, while the Pinkham Way site has not.</p>
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National Planning Policy Framework: Definition of Previously developed land⁶:

Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes:

Exclusion to definition	Is this exclusion applicable to Pinkham Way?
Land that is or has been occupied by agricultural or forestry buildings	This exclusion is not applicable
land that has been developed for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through development control procedures	This exclusion is not applicable
land in built up areas such as private residential gardens, parks, recreation grounds and allotments	This exclusion is not applicable
Land that was previously-developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time	<p><u>This exclusion is clearly applicable.</u> When the Friern Barnet former sewage treatment works was closed in the early 1950's the structures relating to that use were either removed from the site or buried on the site. A visual inspection of the site today leaves no doubt in the mind of any impartial objective bystander that any remains of permanent structures have 'blended into the landscape in the process of time' and can now 'reasonably be considered as part of the natural surroundings'</p> <p>The site has been designated a valuable nature conservation site (SINC No 1 Borough Wide value) in the Haringey Strategic Local Plan 2012 and some of the trees on the site are subject to Tree Preservation Orders because of their importance and biodiversity value.</p> <p>In addition, Hollickwood Park has been created on part of the site, and the Pegasus Bridge has been built since the previous uses ceased.</p> <p>The topography of the site differs little from the adjoining Hollickwood Park or Muswell Hill Golf Club (designated SINC</p>

⁶ NPPF Annex 2 p55

	<p>No 2 and Metropolitan Open Land respectively). The three sites form a continuous rising plane that makes a southward ascent from its North end, where Hollickwood Park and the Pinkham Way site abut the A406, continuing southward and upward all the way to the southern edge of the Muswell Hill Golf Course. No significant land mass features distinguish the topology of the three sites from one another. The only visual differences are that the surfaces of the Park and Golf Course have been maintained, while the Pinkham Way site has not.</p>
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The London Plan definition of Brownfield Land⁷

Both land and premises are included in this term, which refers to a site that has previously been used or developed and is not currently fully in use, although it may be partially occupied or utilised. It may also be vacant, derelict or contaminated. This excludes

Exclusion	Is this exclusion applicable to Pinkham Way?
<p>Open Space</p> <p>(open space is defined in both The London Plan and the National Planning Policy Framework as:</p> <p>“All open space of public value, including not just land, but also areas of water (such as rivers, canals, lakes and reservoirs) which offer important opportunities for sport and recreation and can act as a visual amenity”(The NPPF⁸)</p> <p>“All land in London that is predominantly undeveloped other than by buildings or structures that are ancillary to the open space use. The definition covers a broad range of types of open space within London, whether in public or private ownership and whether public access is unrestricted, limited or restricted” (London Plan)⁹</p>	<p>This exclusion is clearly applicable: The site is an open wasteland covered in a variety of trees (Acer, Apple, Crab Apple, Cherry, mature Grey Poplar, mature Lombardy Poplar, mature Oak, semi-mature Sycamore, mature Ash, Willow, common Lime, and hybrid Black Poplar), grassland, scrub, various herbaceous species including comfrey, teasel, common mallow, bramble thickets and two rare species of plant, bee orchid and golden dock have been identified on the site in the past. The site supports a large number of birds, insects, invertebrates and bats. The site is designated as valuable nature conservation site of borough wide importance in Haringey’s Local Strategic Plan 2013. It acts as a visual amenity for Hollickwood Park, Muswell Hill Golf Club and for passing traffic on the busy NCR. It acts as sound buffer from the NCR for the local residents and also as a ‘lung’ absorbing pollutants etc from the heavy passing traffic.</p> <p>Prior to development of the former Friern Barnet sewage treatment works the site was undeveloped agricultural land. There were allotments in the western corner of the site up until the early 1950’s.¹⁰</p> <p>It falls within this exclusion whether it is privately or publicly owned and whether there is public access or not.</p> <p>The site is presently undeveloped, and it has been shown above that it can not be considered previously developed land because it falls within the exclusion to that definition. It is therefore neither previously developed nor presently developed. In which case, it cannot be deemed “developed” and must be considered to be “undeveloped”. The site</p>

⁷ London Plan Glossary p297

⁸ NPPF p54

⁹ London Plan 2011 p305

¹⁰ OS old map 1951-2 <http://www.old-maps.co.uk/maps.html> (coordinates 528736 191624)

<p>land where the remains of previous use have blended into the landscape,</p> <p>or have been overtaken by nature conservation value</p> <p>or amenity use</p> <p>and cannot be regarded as requiring development</p>	<p>therefore falls into the London Plan definition of Open Space as being “predominantly undeveloped”, indeed wholly undeveloped in this case.</p> <p>A physical inspection of the site will show that the remains of the previous sewage use (and subsequent unlawful tipping) have blended into the landscape.</p> <p>Over the years the site has developed into a valuable nature conservation site. It is now a verdant green open space whose importance has been recognized by its designation as an important nature conservation site of No 1 borough wide importance (SINC No1) in the Haringey Local Strategic Plan 2013.</p>
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