

29th March, 2026

Head of Development & Planning Enforcement
London Borough of Haringey

BY EMAIL

RE: OBJECTION TO PLANNING APPLICATION Ref: HGY/2026/0579

This objection is made on grounds of planning policy, established legal authority, and enforcement - each of which bears on the determination of this application and the LPA's wider obligations in respect of the site - which is designated as both Metropolitan Open Land (MOL) and Grade I Site of Importance for Nature Conservation (SINC).

The application is comprised of two distinct proposals: the erection of all-weather canopies over three padel courts (prospective) and installation of two pickleball courts (retrospective). The canopy constitutes inappropriate development on MOL, and the case advanced for very special circumstances falls far short of the weight required to displace the strong presumption against it. The pickleball courts were built without permission and their bundling into a single application alongside a prospective proposal raises procedural concerns. Furthermore, the undisclosed conversion of the gym building to a commercial café serving hot food and alcohol represents a serious and ongoing breach of planning control that the LPA is both entitled and obliged to address. We set out each element in turn, before drawing together the cumulative position and our requests of the LPA.

1. THE CANOPY DOES NOT PRESERVE THE OPENNESS OF THE LAND

The site lies within Metropolitan Open Land. Policy G3 of the London Plan affords MOL the same level of protection as Green Belt in national policy, reflecting the strong and settled presumption against inappropriate development on such land. The National Planning Policy Framework (NPPF) reinforces this position under Section 13, which deems development appropriate - among other limited categories - where it is for the provision of appropriate facilities for outdoor sport or outdoor recreation, *as long as the facilities preserve the openness [of the land]*.

The applicant's case on openness rests on the claim that, with open sides and translucent materials, the covering will retain a degree of visual permeability. Translucency, on this account, is central to the argument that the canopy preserves openness and minimises visual harm. Yet the lighting assessment tells a different story. It concludes that the canopy structure is effective in containing and blocking floodlight spill at night - a conclusion that depends on the fabric acting as a barrier to light, not a transmitter of it. A structure that is genuinely translucent does not contain floodlighting; a structure that effectively contains floodlighting is not the open, visually permeable structure the planning statement presents. This inconsistency goes to the heart of two of the applicant's principal

arguments on openness and on amenity, and the LPA should require that it be reconciled before the application is determined.

Translucency and open-sidedness notwithstanding, a canopy, by definition, does not preserve openness - it diminishes it. The Court of Appeal in *Turner v Secretary of State for Communities and Local Government* [2016] EWCA Civ 466 confirmed that openness under the NPPF encapsulates both spatial and visual elements that contribute to the overall character and purpose of the Green Belt (in our case MOL). The proposed canopy fails on both counts: spatially, by introducing additional built form and volume into the MOL; and visually, by shrouding in plastic courts that are currently open to the sky.

The visual impact would extend beyond the players on the courts themselves - it would be experienced by members on adjacent uncovered playing fields, by walkers and runners along the Greenways, and by residents across the surrounding area, from Wood Vale to the elevated vantage points of Shepherds Hill. The structure would visibly punctuate and erode the unbuilt, sylvan character of this MOL.

As the LPA has already established in its pre-application advice, the canopy constitutes inappropriate development on MOL as a matter of both policy and established legal authority.

Crouch End Open Space (CREOS) was established precisely to protect this land and its openness for the community it serves. It is for that reason that we address the meaning and importance of openness with the particularity we do, and it is on that basis that we urge the LPA to give full weight to the harm that this proposal would cause: an irreversible loss of openness, on protected land, in perpetuity, for all who use and cherish it.

2. THE VERY SPECIAL CIRCUMSTANCES TEST IS NOT MET

The applicant's Planning Statement concedes, at paragraph 1.20, that LBH officers concluded in pre-application advice that the proposed canopy would adversely impact the openness of the MOL and constitute inappropriate development in accordance with the NPPF; and that permission could only be justified through the demonstration of Very Special Circumstances (VSC) that clearly outweigh the harm caused by reason of inappropriateness, and the further harm to openness.

The NPPF affords substantial weight to harm to the Green Belt and MOL, and the bar for VSC is intentionally demanding: the benefits must not merely outweigh the harm, but *clearly* outweigh it. That is a materially different and more exacting test than a simple balance of considerations.

The precedent dimension of this decision should not be underestimated. Metropolitan Open Land across London is home to numerous sports clubs, many of which operate outdoor courts and facilities of the same character as those on this site. A grant of permission here - on the basis that seasonal variation in participation qualifies as a VSC - would be difficult to resist elsewhere. The logic of the applicant's case, if accepted, would apply with equal force to every outdoor sports facility on MOL. The cumulative effect of that precedent, replicated across the open spaces of North London and beyond, would be a progressive and irreversible erosion of the very openness that MOL designation exists to protect. Each application would be modest in isolation; the aggregate consequence would be transformative and permanent. It is precisely to forestall that outcome that the policy bar is set as high as it is - and precisely why it must be upheld here.

The applicant advances VSC on two principal grounds: community benefit and sporting need. Neither, when measured against the permanent harm and precedent against MOL, bears sufficient weight to satisfy that test.

2.1 Community Benefit

The applicant cites partnerships with Mind Haringey, Tottenham Community Sports Centre and You Vs You, engagement with local schools, and planned sessions for older residents and those needing mental health support. While these are undeniably community-minded efforts, they are stated intentions, not evidenced commitments. No contracts, agreed schedules, guaranteed hours of access or funding arrangements have been provided. The planning statement confirms the club *is working with* and is *in communication with* these organisations - language that is prospective and unquantified.

Setting the evidential deficit aside, the more fundamental problem is this: there is nothing that makes the community benefit contingent upon the canopy. The partnerships, the school sessions, the outreach to older residents - none of these require a permanent roof structure on MOL to be delivered. Community benefit that would accrue regardless of whether permission is granted cannot logically constitute a very special circumstance that justifies granting it. On that basis alone, the community benefit argument fails to meet the threshold.

2.2 Sporting Need

The applicant relies on the absence of covered padel courts within the London Borough of Haringey, and notes that the nearest alternatives are 2.1 miles away in the London Borough of Barnet. This is a thin basis for very special circumstances on MOL. The NPPF requires that the harm to openness be clearly outweighed - not merely counterbalanced - by other considerations. A marginal deficit in covered padel provision within one borough boundary, readily met by facilities a short distance away, does not approach that threshold.

Any argument that the canopy is operationally necessary to make the padel courts usable year-round does not meet the required threshold. Commercial convenience and operational preference are not, in themselves, sufficient to constitute very special circumstances. The padel courts were approved and built as open-air facilities. A desire to extend their commercial utility by enclosing them does not generate the kind of exceptional circumstances that VSC requires.

The applicant relies on a 40% drop in court usage during winter months as evidence of need for weather protection. This figure simply records that fewer people play padel in wet weather - a universal characteristic of outdoor sport, not a planning justification for permanent built development on MOL. The site itself contains tennis courts and cricket pitches that operate without any canopy or covering structure. The applicant has advanced no principled basis on which padel - a sport that has only recently gained popularity and is played outdoors on open courts across the country - should be treated differently from these established open-air uses on the same Metropolitan Open Land. If seasonal variation in outdoor sport participation were sufficient to justify covered structures on protected open land, no outdoor facility would remain uncovered.

2.3 The Proportionality of the Planning Balance

The applicant's own executive summary crystallises the fundamental problem with its VSC case. It cites 3,332 individual visitors to the padel courts in their first six months of operation. The maximum theoretical capacity of three covered courts is twelve players at any one time. The benefit being

weighed in the planning balance is, at its highest, twelve padel players remaining dry during any given hour of inclement weather. That benefit - private, transient and available to a paying user base - must be set against the permanent, irreversible diminution of openness on Metropolitan Open Land: a loss experienced not by twelve people at any given time but by an indeterminate number of local residents and visitors, present and future, in all weathers and for all time. The asymmetry between those two outcomes is not a matter of planning judgment; it is a matter of basic proportionality.

2.4 Comparator Decisions

The comparator decisions cited by the applicant - in St Albans, Brentwood, East Hertfordshire, Enfield and elsewhere - are of limited assistance. None relates to a site in Haringey, none is binding on this authority, and none engages the specific policy context of this application: the planning history of this site, the pre-application advice already given by LBH officers, and the material circumstances of the unauthorised development now being brought forward alongside the canopy proposal. Those applications were determined in different circumstances, on different sites, with different neighbouring facilities and character, under different local plan policies. The fact that VSCs have been found to exist elsewhere does not establish that they exist here. On the facts of this application, the weight of harm - permanent, spatial, visual and cumulative - far outweighs any benefit advanced, and the VSC threshold is not met.

3. THE CANOPY IS DIRECTLY CONTRARY TO THE 2024 APPROVAL

The 2024 permission was granted on a specific and operative planning justification: that the padel court enclosures would be lightweight, visually permeable structures that would preserve the openness of the Metropolitan Open Land. This was not incidental to the grant of permission - it was the foundation on which the MOL test under NPPF paragraph 154(b) and London Plan Policy G3 was satisfied. The Officer Report concluded that the proposal would have no significant impact on the openness of the MOL, and that conclusion was reached precisely because the approved structures were open-sided, visually permeable and open to the sky.

A permanent canopy over three of the four courts is the direct antithesis of that characterisation. It introduces a substantial, permanent, weather-enclosing roof structure over Metropolitan Open Land - the very outcome that the 2024 approval was framed to avoid. The LPA's own pre-application advice confirms that this is how officers view the proposal: as a materially different and more harmful intervention than anything sanctioned by the 2024 permission.

Furthermore, the 2024 permission was granted subject to Condition 2, which requires the development to be carried out *in complete accordance with the approved plans*. Those approved plans show no canopy structure.

These direct contradictions engage the principle established in *Pilkington v Secretary of State for the Environment* [1973] 1 WLR 1527, which requires the LPA, when considering a new application on a site subject to an extant permission, to have full regard to that earlier permission and the basis on which it was granted. Where a proposed new permission would render the earlier approval physically or legally incoherent - as it would here, by introducing a permanent roof structure over courts whose approval depended on their having no such structure - the LPA must confront that conflict directly and resolve it in its decision-making. It cannot grant the new permission and leave the contradiction unaddressed.

The LPA should therefore satisfy itself, before proceeding to determination, that granting permission for the canopy would not place the applicant in a position of irresolvable conflict with the extant 2024 permission - and, if it would, whether that permission requires modification or revocation before any new grant could lawfully be made.

4. COMPARISONS TO PREVIOUSLY PROPOSED ENCLOSURES ON THIS SITE

The applicant's comparative drawings appear to advance the implicit argument that the current proposal is relatively modest when set against the dome proposed in 2013 (HGY/2013/0039, dismissed) and the synthetic dome approved in 1995 (HGY/1995/0113). This argument does not withstand scrutiny on either count. The 2013 dome was proposed as a seasonal, non-permanent structure and was dismissed. It therefore establishes no precedent for any such development on this MOL site - rather, a record of refusal. The 1995 approval, whilst granted, was never implemented. A planning permission that was not acted upon does not constitute a lawful implementation of development and cannot be relied upon as evidence that a covered structure on this site is acceptable in principle. No dome has ever been built here. The site has remained open. That is the material baseline against which this proposal must be assessed - not a series of historic permissions, one refused and one unimplemented, which between them demonstrate only that the principle of enclosing these courts has twice failed to translate into built reality.

Furthermore, the drawings do not support the applicant's implied case on scale. The elevations show that the proposed canopy presents a greater and more continuous built form at eaves level than either of the dome precedents. Unlike the domes, which tapered to a curved apex and thereby reduced their visual mass at height, the proposed canopy maintains a broad, flat-topped profile across the full width of the three padel courts, with no corresponding reduction in bulk. A flat-topped canopy of continuous horizontal extent reads as more emphatically built than a tapering dome of equivalent or greater nominal height.

Both previous proposals sought to cover three tennis courts; the current proposal seeks to cover three padel courts - the same number of courts, but a different sport with a different intensity of use. The suggestion that this represents a lesser intervention is therefore unsupported: the built form is not demonstrably smaller, the historic precedents relied upon are without legal or practical force, the canopy's profile presents a more emphatic horizontal mass than either of the tapering dome precedents; and the number of players that could benefit in any given booking session remain roughly the same.

It is further established in the Turner line of cases that the harm a structure causes to openness cannot be assessed by volume or footprint alone. Permanence, height, and the closure of views are all independently material. A new permanent structure does not cause less harm to openness merely because it is smaller than a previously proposed one; the introduction of any permanent built form onto MOL must be assessed on its own terms.

5. THE PICKLEBALL COURTS & LIVE BREACHES OF PLANNING CONTROL

5.1 The Bundling Of Distinct Application Types

This application bundles a prospective application for the canopy with a retrospective application for the pickleball courts into a single submission. These are fundamentally distinct legal instruments, carrying different tests, producing separate decision notices, and engaging different policy considerations. The practical consequence of bundling is that the retrospective elements are

presented in the context of a forward-looking community sporting proposal in a way that risks obscuring the scrutiny that each element individually requires.

Our procedural objections to this conflation are set out in a separate letter requesting this application be Called-In. For the purposes of this submission, we note only that retrospective permission under section 73A of the Town and Country Planning Act 1990 does not lower the policy bar: the pickleball courts must satisfy the same tests as if permission were being sought prospectively, and their presence on site is irrelevant to that assessment.

5.2 Intentional Unauthorised Development

Where development has been carried out without authorisation, the LPA is further required to have regard to national planning policy on intentional unauthorised development (IUD) - which, if found to apply, is a material consideration weighing against approval - as per The Department for Communities and Local Government planning policy statement published on 31 August 2015; and confirmed in Written Ministerial Statement HLWS404, 17 December 2015. The pickleball courts were built without permission and without disclosure. The LPA should satisfy itself as to whether that constitutes IUD within the meaning of the 2015 policy and, if so, afford it appropriate weight in the planning balance.

5.3 The Unauthorised Café and Change of Use

The 2024 permission approved works to the gym building, including timber cladding. That treatment has not been delivered. What has been introduced instead is a commercial café serving hot food and alcohol - a use of an entirely different character, and one which on Metropolitan Open Land would face a high policy bar to justify it in its own right. No section 73A retrospective application has been submitted in respect of this change of use, and as far as can be ascertained from the Haringey Planning Portal, no permission has been sought or granted. The sale of alcohol additionally engages the licensing regime under the Licensing Act 2003. The LPA should satisfy itself that a Premises Licence has been obtained and, if not, bring this to the attention of the licensing authority.

5.4 Use of a Pickleball Court in Conjunction with Café

The LPA is being asked to grant retrospective permission for two pickleball courts when, on the facts as they exist at the date of determination, one of those courts occasionally functions as an extension of the café, providing outdoor seating. It would be procedurally and legally unsound to grant retrospective permission for a sports court on MOL that is in practice being used for an entirely different commercial purpose.

The commercial character of the operation is not merely inferred. The applicant's own social media advertising promotes events such as *'Pints and Padel'*, with the pickleball courts accommodating this activity. This is not the incidental social dimension of a members' sports club - it is a marketed commercial offer to non-members, pursued on MOL without planning permission, and producing its own amenity impacts that must be assessed against actual rather than purported use.

5.5 Lighting and Hours of Operation

The lighting assessment submitted in support of this application is conducted on the basis of the 2024 approved lighting scheme as if it were the as-built situation. Under that scheme there were no pickleball courts and no associated floodlighting. The ecological and amenity conclusions drawn from that assessment are therefore based on a materially incomplete picture of the site's actual lighting condition. Floodlighting on MOL is a material consideration in its own right, engaging both

amenity and ecological concerns - particularly given the site's proximity to woodland habitat of principal importance and confirmed bat foraging and commuting routes. The LPA should require an assessment of the site's actual lighting condition, including any lighting serving the pickleball courts, before determining this application.

6. ECOLOGICAL AND AMENITY IMPACTS

In addition to being Metropolitan Open Land, the site is designated by Haringey Council as a Grade I Site of Importance for Nature Conservation (SINC) due to its high ecological value. The ecological surveys submitted with the 2024 application confirmed that the site and its surrounding woodland support high value nesting bird habitat and active bat foraging and commuting routes, with the adjacent woodland classified as a Habitat of Principal Importance. The following impacts to both humans and wildlife arise directly from the commercialised operations on the site and are material to the determination of this application.

6.1 Noise from Amplified Music

The padel operation involves the regular playing of loud amplified music during court sessions. This was not disclosed in the 2024 application or assessed in the noise assessment submitted at that time, and it falls entirely outside the scope of the acoustic baseline on which that permission was granted. For human amenity, the noise degrades the experience of the tennis courts in closest proximity to the padel area, making those courts materially less usable and enjoyable for tennis members and coaches. The Brookside courts - whose inclusion in the application site was instrumental in addressing Sport England's objection to the 2024 application - will also be affected.

The ecological consequences are equally material. Bats are acutely sensitive to noise disturbance, particularly during foraging and commuting. The site lies adjacent to woodland habitat confirmed to support bat activity, and regular loud amplified music during evening court sessions, which coincide with peak bat foraging periods at dusk and dawn, has the potential to disrupt foraging behaviour, cause displacement from established commuting routes, and reduce the ecological connectivity of the surrounding habitat. Nesting birds using the site and adjacent woodland are similarly sensitive to sustained noise at elevated levels. None of this has been assessed in the context of the operation as it actually functions.

The addition of a canopy has the potential to alter the acoustic behaviour of the site further, directing or concentrating noise towards both the surrounding courts and the adjacent woodland edge. A noise assessment that reflects the actual use and operations on the site - including amplified music - rather than the more limited operation contemplated by the 2024 permission, must be submitted before this application can properly be determined. That assessment should address both human amenity and ecological receptors.

6.2 The Bat Survey is Inadequate in Scope and Outdated

The bat survey submitted in support of this application (Sylvatica Ecology, August 2025) was originally commissioned in July 2024 in connection with the 2024 permission for padel courts and gym cladding works. Paragraph 1.4 of the report confirms its scope as limited to those works. It was not scoped to assess the ecological implications of a permanent canopy structure, pickleball courts, a commercial café operation, or the associated lighting, noise and waste impacts that this application now brings forward. Its conclusions cannot therefore be relied upon as adequate ecological justification for the current, materially different, application.

The survey is further limited in that it is a roost potential assessment only — it does not constitute a bat activity survey and does not assess foraging or commuting behaviour on or adjacent to the site. Given that the site is a Grade I SINC surrounded by woodland confirmed as a Habitat of Principal Importance, and given the noise, light and activity impacts of the commercial operation as it now functions, an activity survey assessing the response of foraging and commuting bats to the site's actual operational conditions is required before the ecological conclusions in the planning statement can be treated as sound.

Two specific gaps in the survey should also be noted. First, the Norway Maple (T1) was assessed as having medium bat roost potential (PRF-M) at a cavity approximately two metres from the ground. The report recommends further survey work if the tree is to be managed. No further survey appears to have been carried out, and the status of this feature remains unresolved. Second, the gym/club building was assessed as low potential and the report explicitly recommends a repeat survey after twelve months to reassess bat roost potential. There is no evidence that this repeat survey has been conducted - and in any event, the building's use has since changed materially from a gym to a commercial café, altering both its internal and external character in ways that could affect its suitability for roosting bats.

The ecological assessment as submitted is therefore inadequate in scope, outdated in its baseline, and silent on the operational impacts that now define the site's actual condition. The LPA should require a full updated ecological assessment — including a bat activity survey conducted during the activity season and addressing the site as it currently operates - before determining this application.

6.3 Exhaust, Odour and Food Waste from Commercial Food Preparation

The unauthorised café operates hot food preparation on MOL. The resulting cooking exhaust fumes and odours permeate the adjacent courts and pathways, reducing their amenity and creating conditions inconsistent with the character and purpose of open land held and managed for sport and recreation.

The ecological dimension of commercial food preparation on a SINC site has not been assessed. Odours and food waste attract opportunistic and often invasive species - most notably rats - whose presence on a site of high ecological value poses a direct threat to ground-nesting birds, small mammals and invertebrate populations. We are aware of reports of overflowing waste storage on the site and an associated increase in rat activity in the surrounding area. Rats are known predators of bird eggs and nestlings, and an established rat population on or adjacent to a SINC represents a material ecological harm that is entirely foreseeable and, in the absence of proper waste management controls, likely to intensify.

Proper waste management infrastructure for a commercial food operation of this kind - extraction, grease traps, refrigerated waste storage and regular licensed collection - was never assessed or conditioned, because the change of use was never disclosed or permitted. The LPA should require a full commercial waste management assessment, addressing both public health and ecological impacts, as part of any consideration of this use on Metropolitan Open Land and a Grade I SINC.

6.4 Artificial Lighting

The lighting assessment submitted in support of this application is based on the approved 2024 lighting scheme as if it were the as-built situation. It does not reflect any lighting associated with the pickleball courts or the extended commercial operation. This is a material omission on a site where bats have been confirmed foraging and commuting, and where the adjacent woodland is a

Habitat of Principal Importance. Artificial light at night is one of the most significant and well-documented threats to bat populations. Even low levels of light spill onto woodland edge habitat and commuting corridors can cause displacement and population-level impacts over time. The ecological conclusions in the submitted lighting assessment cannot be relied upon in the absence of a survey of the site's actual lighting condition. The LPA should require an updated lighting assessment that reflects the as-built situation across the whole site before determining this application.

6.5 Unassessed Transport and Traffic Impacts

The commercial operation as it now functions - with pay-and-play court bookings, a café serving food and alcohol, and regular social events - generates a materially different volume and pattern of traffic to that associated with a traditional members' tennis club. Increased vehicle movements on access routes adjoining the site have the potential to affect wildlife using the surrounding open space, particularly where those routes pass through or alongside habitat of ecological value. This has not been assessed. The canopy, by extending the usable hours and seasons of the padel courts and consolidating the year-round commercial offer of which they form part, would intensify that traffic further. A transport assessment that reflects the site's actual use, rather than the more modest operation contemplated by the 2024 permission, should be required before this application is determined.

6.6 The Application Consolidates the Source of Harm

The canopy would enable further expansion of the commercial and non-sporting operations that generate these amenity and ecological impacts. To grant this application would be to formally sanction and entrench a pattern of use that is already causing harm to the users of adjacent facilities and to the ecological integrity of a designated site. It is relevant in this context that Georgians Padel operates under a different club membership, with a separate website, booking portal and social media presence to Georgians Tennis Club. The two operations are in practice distinct commercial enterprises sharing a site, and the LPA should assess their combined impacts accordingly."

7. THE CUMULATIVE PATTERN OF DEVELOPMENT AND THE PUBLIC INTEREST

Taken as a whole, the picture that emerges is one of systematic and incremental commercial development on Metropolitan Open Land, pursued without authorisation and without transparency. The only lawful development on the site beyond the pre-existing tennis infrastructure is the padel courts permitted in 2024. Every subsequent development has been carried out without permission: the pickleball courts, any floodlighting serving them, the commercial café, and the expansion of that operation onto land that is itself the subject of the retrospective application.

This cumulative pattern is itself a material consideration. The progressive commercialisation of Metropolitan Open Land through a series of connected but separately submitted - and in some cases entirely undisclosed - unauthorised developments is not a sequence of isolated planning events. It represents a coherent pattern of conduct that the decision-maker is entitled, and we would submit required, to assess in the round.

The public interest engaged by this application extends well beyond the procedural concerns identified above. Metropolitan Open Land exists for the benefit of the wider community - present and future - and its protection from inappropriate development and incremental commercialisation is a matter of public policy, not merely local preference. A commercial operator has derived the benefit of MOL's community associations - its openness, its accessibility, its

established sporting identity - whilst systematically undermining the qualities that give that land its value and its protected status.

8. IN SUPPORT OF SPORT & PRESERVATION OF MOL

This objection is not advanced in opposition to padel. Padel is a welcome addition to the racket sports landscape, actively promoted by the LTA, and its growth in participation is to be encouraged. Nor does this objection seek to prevent the Georgians Tennis Club from developing its facilities or broadening its offer. The padel courts approved in 2024 were not objected to, and their presence on the site is accepted. Support for sport and protection of Metropolitan Open Land are not mutually exclusive - indeed, the MOL designation exists precisely to ensure that open land remains available for sport and recreation, for the many, in perpetuity. It is the commercialisation and enclosure of that land, not the sport itself, that this objection addresses.

The distinction is a straightforward one. Padel, like tennis, like cricket, like every other sport played on this site, is an outdoor sport. It is played on open courts across the country, in all conditions, without permanent enclosure. The LTA promotes padel - but it does not require covered courts on Metropolitan Open Land to do so. The proposal before the LPA is not a proposal to play padel. It is a proposal to enclose protected open land permanently, and to do so in circumstances where the site has already been materially altered by a pattern of unauthorised development that the applicant has chosen not to disclose.

9. THE MAYORAL REFERRAL QUESTION MUST BE RECONSIDERED

Sport England's statutory consultation response to the 2024 application, dated 30 July 2024, explicitly stated that the application was considered to prejudice the use of a playing field of more than 2 hectares and was therefore development of potential strategic importance as defined by the Town and Country Planning (Mayor of London) Order 2008, requiring referral to the Mayor of London for consideration.

Regardless of how that question was resolved in respect of the 2024 application, the current application goes materially further. The canopy cannot properly be assessed in isolation from the padel courts beneath it, and the cumulative development now proposed - courts, canopy, retrospective pickleball courts, potentially unauthorised floodlighting, and an undisclosed change of use of the gym to a commercial café - represents a substantially greater intervention on this Metropolitan Open Land playing field site than was before the LPA in 2024.

We respectfully submit that the LPA must satisfy itself afresh whether the Mayoral referral threshold under the 2008 Order is engaged by the current application, having regard to the cumulative nature of the development now proposed and Sport England's earlier statutory position. Failure to refer an application that meets the potential strategic importance criteria would be a jurisdictional error capable of rendering any permission granted liable to legal challenge.

Given the scale of the public interest at stake - the permanent loss of openness on Metropolitan Open Land, the undisclosed commercialisation of a protected site, and the cumulative pattern of unauthorised development set out in this submission - it is our further submission that this application should in any event be called-in for determination by the Planning Committee rather than resolved under delegated authority.

10. CONCLUSION

In summary, this objection is advanced on the following:

- The proposed canopy constitutes inappropriate development on Metropolitan Open Land as a matter of policy and established legal authority. The LPA's own pre-application advice reached the same conclusion.
- The very special circumstances advanced - community benefit and sporting need - do not meet the high threshold required, nor are they contingent on the canopy. The sporting need argument is not supported by evidence of critical deficiency. The precedent set across MOL sites in London would be far-reaching.
- The contradictions to the 2024 permission engages the Pilkington principle. The LPA is required to resolve the conflict before any new permission can lawfully be made.
- The comparative case advanced by reference to the 1995 and 2013 dome proposals fails on both counts: one was refused and one was never implemented. No covered structure has ever been lawfully built on this site. On the submitted drawings, the proposed canopy is in several respects a more emphatic intervention than either precedent.
- The pickleball courts were built without permission. The appropriate avenue for consideration of this element is under s.73A. The question of intentional unauthorised development and undisclosed current use must be addressed.
- The site contains further unauthorised and undisclosed development: the conversion of the gym building to a commercial café serving hot food and alcohol, constituting a material change of use for which no permission has been sought or granted.
- The ecological and amenity assessments submitted with this application are inadequate in scope, outdated and silent on the operational impacts that now define the site's condition. The bat survey was scoped for the 2024 permission, does not constitute an activity survey, leaves two of its own recommendations unresolved, and predates the material change of use of the gym building. The noise, lighting, waste and transport impacts of the commercial operation have not been assessed against their actual effects on a Grade I Site of Importance for Nature Conservation.
- The cumulative pattern of development on this site since 2024 - padel courts and related social events, canopy, pickleball courts, floodlighting and café conversion on Metropolitan Open Land - represents a coherent and escalating pattern of commercialisation of protected open land that the LPA is required to assess in the round. The failure to disclose material elements of this pattern in the application documents raises questions about good faith.

Where inappropriate development on MOL cannot be justified by VSC, the policy presumption against approval is not displaced and cannot be overcome by any other planning consideration. The application is therefore, on the policy and legal framework applicable to this site, incapable of lawful approval in its current form. We invite the LPA to refuse it accordingly.

Independently of and in addition to that ground, the application is not properly constituted for determination in its current form. The assessments submitted do not address the development as proposed or the site as it currently exists and operates. Documents prepared for a different

application and assessed against a false baseline do not satisfy the requirements of the local validation checklist under the DMPO 2015. The LPA should not proceed to determination on the information currently before it.

We are in any case submitting separately a formal request that this application be called in for determination by the Planning Committee, together with a request that the LPA satisfy itself afresh as to whether the Mayoral referral threshold under the Town and Country Planning (Mayor of London) Order 2008 is engaged by the cumulative development now proposed on this site.

Yours faithfully,

Dr. Glenys E Law, Chair & Trustee

Rob Jackson, Trustee

Paul Secher, Secretary & Trustee

together with other Members of the Management Committee



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