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# Compulsory Purchase Order Decision

Inquiry Held on 28 February 2023

Site visit made on 1 March 2023

**by D J Board BSc (Hons) MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 17 July 2023**

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## **Order Ref: PCU/CPOP/N5090/3301439**

### **London Borough of Barnet (Grahame Park Regeneration Area) Compulsory Purchase Order 2022**

- This Order was made under Section 226(1)(a) of the Town and Country Planning Act 1990 (as amended), the Acquisition of Land Act 1981 by the London Borough of Barnet.
- The purpose of the Order is that it is required for the purposes of the regeneration of the Grahame Park Estate within a reasonable timescale.
- The main grounds of objection are that: 1) infringement of right to light to property and 2) slow phased development approach.
- There was one objection outstanding when the London Borough of Barnet submitted the Order to the Secretary of State for confirmation.
- At the close of the Inquiry there was 1 remaining objection from Mr Kay & Ms Miastkowska (objection 1)

**Summary of Decision: The Order is confirmed without modification.**

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## **Decision**

1. The London Borough of Barnet (Grahame Park Regeneration Area) Compulsory Purchase Order 2022 is confirmed.

## **Preliminary Matters**

2. By letter dated 21 September 2022 the Secretary of State confirmed that the decision whether or not to confirm the Order should be delegated to an Inspector pursuant to section 14D of the Acquisition of Land Act 1981. I was duly appointed as the Inspector to examine the Order.
3. The Inquiry took place on 28 February 2023, and I conducted an unaccompanied site inspection on 1 March 2023. This included visiting locations requested by local residents.
4. The Acquiring Authority was represented at the Inquiry and called 3 witnesses. Mr Kay and Ms Roselie also attended the Inquiry. All written evidence has been taken into account in reaching my determination.
5. There were significant representations made prior to the Inquiry and during it by local residents on the matter of procedure for the Order. The Acquiring Authority addressed these in opening<sup>1</sup>. I have carefully considered the points raised by local residents and the Council's responses. The Acquiring Authority

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<sup>1</sup> ID1

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has not undertaken any actions outside of the standard procedure for the Compulsory Purchase Order (CPO) process nor any action that could be deemed inappropriate. Indeed, in this case all procedural requirements have been met and the Acquiring Authority has also applied caution in identifying<sup>2</sup> properties which might have a claim in respect of a right to light, albeit this claim would be under a different provision.

### **The Order Land and Surroundings**

6. The Order land<sup>3</sup> totals 72 plots overing some 6.49 hectares of land and is shown on the Order map<sup>4</sup>. It is geographically located in northwest London in the Colindale ward of the London Borough of Barnet<sup>5</sup> and is described as the largest council housing estate in the borough<sup>6</sup>. The wider Grahame Park Estate was built in the 1960s and 1970s and comprised a mix of flats, houses, commercial units, neighbourhood shopping centre and various community facilities. There is a large area of open space known as Heybourne Park and other areas of informal green space and amenity land exist between the buildings.
7. The Council aims to regenerate the Grahame Park Estate to provide new high quality residential units with infrastructure upgrades, improved transport links and a range of high-quality community and retail facilities. This was divided into two stages. A CPO was made for stage A and this has been completed<sup>7</sup>. The purpose in making the Order (stage B) is to enable the Council to acquire the remaining land required and to deliver the comprehensive regeneration of Grahame Park. It would deliver 2088 residential dwellings, up to 5950 sq m of non-residential floor space and public realm improvements.
8. The next phase that will be central to the Order and therefore was the focus of the Inquiry is shown clearly on plan 4<sup>8</sup> as three land blocks numbered 10, 11 and 12. These are proposed to be brought forward in twelve sub phases<sup>9</sup>. The Council negotiated vacant possession of the blocks that sat on 'Plot A'<sup>10</sup> and as a result these are not included in the Order land.

### **The Case for the London Borough of Barnet (the Acquiring Authority)**

9. The purpose of the Order is to secure the regeneration of the estate. The Council consider that this is necessary to allow further development at Grahame Park. The estate was built according to the Radburn principles of separating vehicles and pedestrians. It has been identified that, whilst popular when first built, that significant problems arose and that as a result Grahame Park has suffered from serious decline and socio-economic problems.
10. The specific issues that have been identified by the Council centre around the layout and poor design of the estate<sup>11</sup>:
  - Confusion between public and private areas;

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<sup>2</sup> Table 2 of the Order

<sup>3</sup> CDC.1

<sup>4</sup> CDC.2

<sup>5</sup> See plan 1 CDD3.08

<sup>6</sup> Full extent shown on plan 1 in CDD3.08

<sup>7</sup> Statement of Case para 1.6

<sup>8</sup> CDD3.08

<sup>9</sup> Shown on plan 8 CDD3.08

<sup>10</sup> Para 32 ID1

<sup>11</sup> CDC17.01 Mr Smith Proof of Evidence para 2.2

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- Dead ends and disconnectedness;
  - Areas in general use which give rise to anti social behaviour;
  - Problems with effective maintenance and management;
  - Poorly maintained neighbourhoods being perceived as unsafe by residents;
  - Lack of a safe and secure environment for residents;
  - High level of retail vacancy in the Concourse area making it ineffective;
  - Lack of facilities for children and young people;
  - Community facilities generally being inflexible, poorly located and inadequate.
11. The aim is to create a mixed, balanced and inclusive community that will enhance the physical environment of the estate. The Council consider that residents have participated in the process from the start and that the identified problems with the estate were informed by surveying residents for their views.
  12. The Council set out that the scheme emerged from several key priorities. These include its corporate priorities, the decent homes programme and the need to address the identified problems within the estate. Grahame Park is the fourth most deprived neighbourhood in the borough according to the 2019 Index of Multiple Deprivation<sup>12</sup>. In addition, homes within the estate failed to meet the government's decent homes standard when it was introduced in 2001<sup>13</sup>.
  13. The Order is underpinned by a sound planning policy case, both in terms of the development plan and the Council's corporate strategies. The principle of the redevelopment of the Grahame Park Estate is established in the Colindale Area Action Plan<sup>14</sup>. The London Borough of Barnet Core Strategy (CS) policy CS3 confirms the major priority of the Council to regenerate failed housing estates including Grahame Park. In the CS the Grahame Park Estate forms a significant part of the Colindale Regeneration Area, policy CDF2, which promotes a vibrant mixed-use neighbourhood.
  14. The overarching strategic basis for the scheme is addressed by Barnet's Sustainable Community Strategy<sup>15</sup>, the Council's Corporate Plan 2015-2020<sup>16</sup>, Barnet Corporate Plan<sup>17</sup>, the Council's Housing Strategy<sup>18</sup> and the Council's Growth Strategy<sup>19</sup>.
  15. The regeneration of the scheme is proposed to be delivered in two stages described as A and B. The scheme to which the Order relates is part but not all of stage B<sup>20</sup> with stage A having already been completed<sup>21</sup>. Stage A includes a total of 685 new homes of which 52% are affordable. It also includes the new

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<sup>12</sup> ID1 para 16

<sup>13</sup> ID1 para 18

<sup>14</sup> CDF.10

<sup>15</sup> CDF.13

<sup>16</sup> Paras 2.15, 2.16, Mr Smith Proof of Evidence

<sup>17</sup> 2.17 Mr Smith Proof of Evidence

<sup>18</sup> CDF.12

<sup>19</sup> Para 2.22 Mr Smith Proof of Evidence

<sup>20</sup> See plans 3 and 11

<sup>21</sup> Shown on plans 2 & 3 CDD3.08

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Barnet and Southgate College, the re located Colindale Library and the Council's new offices.

16. An initial outline planning permission was granted in 2007 for comprehensive regeneration of the Grahame Park Estate. Subsequently the Council produced a Supplementary Planning Document for Grahame Park<sup>22</sup> to set out the overall principles for regeneration along with detailed design guidance. This was the subject of public consultation and adopted in July 2016. This led to a comprehensive scheme for the redevelopment of the scheme being submitted. Planning permission was granted for the scheme in July 2020<sup>23</sup>.
17. Overall, the Council consider that the scheme as a whole, including development of the Order land, would achieve:
- Creating a successful place where people will want to live, work and visit;
  - Create a clear hierarchy of streets and open spaces;
  - Respond to the key needs of residents by enhancing Heybourne Park;
  - Improve legibility and access to walking, cycling and public transport, including the creation of a central spine road and new connections;
  - Create an inclusive and accessible place;
  - Optimise the sites potential by replacing 630 existing homes with about 2100 new high quality ones of which 50% will be affordable;
  - Delivering new commercial, retail and flexible workspace in accessible locations to maximise employment opportunities;
  - Replacing community facilities and making them accessible;
  - Delivering an environmentally sustainable scheme;
  - Delivering affordable housing early;
  - Delivering at least 1000 new homes within the next 10 years.
18. Therefore, the Council asserts that there is a compelling case in the public interest for confirming the Order.

## **Reasons**

### *Statutory provisions and guidance*

19. The Compulsory Purchase Order seeks to acquire ownership of land shown on the Order Map, as detailed in the Order Schedule, for the purpose of securing the regeneration of the Grahame Park Estate. It is made under Section 226(1)(a) of the Town and Country Planning Act 1990 and The Acquisition of Land Act 1981. Section 226(1A) of the 1990 Act confirms that a local planning authority must not exercise the power under paragraph (1)(a) unless they think that the development, redevelopment or improvement is likely to contribute to the achievement of the promotion or improvement of one or more of the economic, social or environmental well-being of the area. The decision

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<sup>22</sup> CDF.4

<sup>23</sup> CDB.1

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to make the Order was considered by the council at its Housing and Growth Committee<sup>24</sup>.

20. The Government's most recent and updated Guidance on confirming Orders<sup>25</sup> (CPO Guidance) states that Acquiring Authorities should use compulsory purchase powers where it is expedient to do so, and an Order should be made only where there is a compelling case in the public interest. The Acquiring Authority should demonstrate that they have taken all reasonable steps to acquire land and rights included in the Order by agreement. Compulsory purchase should only be a last resort to secure the assembly of land.
21. The CPO Guidance further states that any decision whether to confirm an Order will be made on its own merits, but the following factors may be considered:
- i) whether the purpose for which the land is being acquired fits with the adopted local plan for the area;
  - ii) the extent to which the purpose will contribute to the achievement of the promotion or improvement of the economic, social or environmental wellbeing of the area;
  - iii) whether the purpose could be achieved by other means, such as through alternative proposals; and
  - iv) the potential financial viability of the scheme for which the land is being acquired.
22. I shall examine these matters in turn, in addition to the objections received. At the close of the Inquiry there was one remaining objection from Mr Kay and Ms Miastkowska.

*Conformity with the development plan and national policy*

23. The development plan includes the London Plan (LP) 2021, London Borough of Barnet Local Plan Core Strategy 2012, London Borough of Barnet Development Management Strategies 2012 and Colindale Area Action Plan 2010<sup>26</sup>.
24. The LP encourages the reuse of previously developed land (GG2, H8) and seeks to optimise sustainable development within London's Opportunity Areas (policy SD1) and regeneration in Opportunity Areas. This would include the Colindale Opportunity Area which has been identified as having capacity for a significant number of homes and jobs. The Grahame Park Estate comprises a substantial portion of this Opportunity Area<sup>27</sup>.
25. The CS includes a core objective to regenerate the priority housing estates including Grahame Park. This would be by replacing existing homes with a greater range of accommodation which provide access to affordable and decent new homes. CS Policy CS3 sets out that it is a priority of the Council to regenerate failed housing estates which would be the subject of long term regeneration programmes. Within the draft local plan Policies GSS01 and GSS10 are also relevant to the regeneration scheme and the redevelopment as proposed would meet the objectives of these policies.

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<sup>24</sup> CDD3.01-CDD3.08

<sup>25</sup> Guidance on Compulsory Purchase Process and the Crichel Down Rules (2019)

<sup>26</sup> Andrew Dillon Proof of Evidence 4.2

<sup>27</sup> Figure 5.8 London Plan

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26. In addition to this the principle of the redevelopment of the estate is also well established in the Colindale Area Action Plan<sup>28</sup>. This supports the principle of the redevelopment of the estate.
27. I am also satisfied that the proposals accord with the National Planning Policy Framework (the Framework). This states that local planning authorities should take a proactive role in identifying, and helping bring forward land, which may be suitable for meeting development needs, using the whole range of powers available to them. It also underlines the importance of achieving sustainable development.
28. The planning application in 2020 was accompanied by an illustrative masterplan<sup>29</sup>. Reserved matters in respect of plots H and K have been approved<sup>30</sup> and the Council advises that reserved matters for plots G, J and L is underway.
29. Taking all these matters into consideration I conclude that the purpose for which the Order land would be acquired is entirely consistent with both the development plan and the Framework.

*Need for the scheme and the extent to which the proposed purpose will contribute to the economic, social or environmental well-being of the area*

30. Grahame Park Estate has been identified for comprehensive redevelopment as far back as 2001 within the Council's policies and corporate strategies<sup>31</sup>. The Council's corporate plan<sup>32</sup> defines four corporate priorities to make Barnet a great place to live and work. More specifically for it to be clean, safe and well run, family friendly, healthy and thriving. In addition to this the Council's Housing Strategy<sup>33</sup> is seeking to increase housing supply, improve the range of housing available and promotes mixed communities and opportunities for those wishing to own their own home. The Council also has a clear Growth Strategy<sup>34</sup> which has five specific goals to advance better places, active lifestyles and improve health and wellbeing. The Grahame Park Regeneration scheme that would result from the Order would be a project that would advance the achievement of all these objectives.
31. Delivery of the scheme would support the Council in meeting its housing targets and in turn London wide targets<sup>35</sup>. There is a significant unmet need for housing and Grahame Park represents a more affordable choice compared to other areas of London<sup>36</sup>. The Council's housing strategy specifically identifies the contribution that regeneration of Grahame Park would make to this. This demonstrates that Grahame Park is key to meeting the Borough's housing needs.
32. In terms of placemaking and environmental benefits multiple detailed requirements have been identified and would be secured through the planning application process. There is a need for connectivity that would be met by the

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<sup>28</sup> CDF10

<sup>29</sup> Plan 10 CDD3.08

<sup>30</sup> Plan 12 CDD3.08

<sup>31</sup> CDD3.01

<sup>32</sup> 2.15, 2.16, 2.17 Mr Smith Proof of Evidence

<sup>33</sup> CDF.12

<sup>34</sup> Mr Smith Proof of Evidence 2.22

<sup>35</sup> Para 4.9 Mr Dillon Proof of Evidence

<sup>36</sup> 4.23 Ms Lavers Proof of Evidence

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provision of the new central spine road which would improve connections to Mill Hill Broadway Station and the surrounding road network. Provision of new roads, open spaces and community facilities will bring about improvements in quality of life for residents and the wider community. Overall, it has been clearly demonstrated that there would be contributions to the economic, social and environmental well being of the area.

*Requirement for the Order and attempts at land acquisition and achieving objectives by other means*

33. Mr Smith's evidence identifies considerations that the Council went through in considering how to address the issues facing the estate<sup>37</sup>. Five options were identified which ranged from little or no change through to radical demolition and redevelopment. A ballot of residents was also undertaken which had a high level of participation with a high proportion voting in favour of comprehensive redevelopment of the estate<sup>38</sup>.
34. Ultimately in making its final decision the Council did not consider alternatives that would rely on the retention and refurbishment of existing buildings. It is the Council's position that this would not overcome the significant issues facing the estate. Their position is that these issues would only be overcome by a significant part of the estate being redeveloped and replaced with high quality new homes<sup>39</sup>.
35. The Council's report to committee suggests that the only alternative to seeking compulsory purchase powers would be to seek to acquire the properties and interests required to progress the scheme by private treaty. This would be complicated to undertake and would represent a threat to the delivery of the scheme<sup>40</sup>. Therefore, I consider that the Council has demonstrated why the Order is required.

*Financial viability and funding*

36. The Council and Notting Hill Genesis (NHG) entered into a Principal Development Agreement (PDA) to specifically deliver each phase of the regeneration of the Estate<sup>41</sup>. This sets out the arrangements between the parties and the financial arrangements. It contains conditions regarding phased land transfers from the Council to the developer. NHG has been a development partner of the Council for 20 years<sup>42</sup> and has expressed commitment to the next phase, plots 10-12 of stage B, to which the Order relates.
37. NHG is a financially robust and successful developer that has already invested in the promotion of the overall regeneration including the stage A delivery of 685 new homes, community facilities and infrastructure. In addition to this they have acquired a significant number of third party residential interests, secured planning permission for the next phase and reserved matters (H & K), commenced construction on plot A, progressed with demolition on plots L, G & J and committed to the planning obligation<sup>43</sup>. To deliver the next phase

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<sup>37</sup> CDC17.01 paras 1.13-1.31

<sup>38</sup> ID1 para 20

<sup>39</sup> Para 4.17 Mr Dillon Proof of Evidence

<sup>40</sup> CDD3.01 section 3

<sup>41</sup> Overarching principles set out in 3.3 Mr Smith Proof of Evidence

<sup>42</sup> Part 3 Ms Lavers Proof of Evidence

<sup>43</sup> Para 4.16 Ms Lavers Proof of Evidence

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Choices for Grahame Park (CfGP) are the identified development partner, a special purpose delivery vehicle to NHG.

38. CfGP sets out that the next phase will primarily be funded by a loan from NHG coupled with progress payments for the affordable housing units. The affordable units would be part funded by Greater London Authority grant<sup>44</sup>. CfGP has also committed to recycling returns from private and commercial sales and reinvest the profits onto future phases. Alongside this the Council has set out its firm commitment<sup>45</sup> to delivering the project as well as maintaining and improving relations with parties affected by it.
39. Overall, the Council has been able to demonstrate that there is funding available both to enable land assembly to be completed pursuant to the Order and to deliver the regeneration via NHG. Therefore, having regard to all the above evidence it is apparent that the Council is in a robust situation. I conclude that the scheme for which this CPO is sought is viable and funding is available.

## **Other issues**

### *Deliverability*

40. In terms of deliverability the Inquiry considered the phasing of the scheme proposed by the developer and any potential barriers to the scheme being delivered. The overall target for completion is 2036<sup>46</sup>.
41. The evidence of Ms Lavers<sup>47</sup> focused on phasing and delivery. A clear phasing strategy would be put in place. More specifically that this part of phase B would be brought forward in sub phases. This approach would allow for the demolition of existing buildings with minimum disruption to residents, clear the site and provide infrastructure. This would avoid demolition across the whole Order land, an approach which has been ruled out as being too disruptive to residents. The timetable has been clearly set out at 4.6 and 4.7 of Ms Lavers' proof of evidence and plans 8 and 11<sup>48</sup>.
42. Achieving vacant possession is also key to success. The London Borough of Barnet and NHG are the main freeholders within the Order land. There are 517 residential properties remaining within the Council's registered freehold title and at the Inquiry it was confirmed that within the Order land; 22 are occupied by secure council tenants, 9 are held on long leasehold interests and 364 are occupied by non-secure tenants. There are 25 non-residential units of which 9 are vacant and 16 are occupied either on licence or a contracted out lease.
43. The Council's proposal is that secure tenants would be provided with the opportunity to move straight into the new homes being constructed on Plot A and that the unit mix has been designed to meet their needs. Secure tenants who do not want to relocate to a new home would have the option of a home within an alternative property with their current landlord.
44. Negotiations with long leaseholders have been ongoing and none of them have objected to the Order. For non-secure tenants the Council has committed to

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<sup>44</sup> Ms Lavers Proof of Evidence 4.18 identifies the amounts

<sup>45</sup> Para 3.6 Mr Smith Proof of Evidence

<sup>46</sup> Para 4.8 Ms Lavers Proof of Evidence

<sup>47</sup> Proof of evidence section 4

<sup>48</sup> CD3.08 Book of Plans



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ensure that those who meet the current criteria in the Housing Allocations Scheme<sup>49</sup> will be provided with suitable alternatives to meet their needs.

45. Of the commercial and community properties<sup>50</sup> within the Order land 9 units are vacant and 16 are occupied by third party interests on either a licence or contracted out lease. The Council consider that the occupiers can be required to vacate by means of notices to quit. The existing health centre is due to relocate to the Colindale Gardens development. If this relocation does not take place, then provisions are made within the planning obligation for the 2020 permission for the facility to be replaced.
46. It is evident that compulsory purchase is required to allow assembly within a timely fashion and that the scheme would be capable of being delivered in a timely manner

#### *Objection<sup>51</sup>*

47. The single objection to the Order that is remaining is from Mr Kay and Ms Miastkowska whose household is located outside of the area of land to be acquired. It is not needed to be acquired or demolished for the scheme on the Order land to go ahead. Mr Kay, assisted by Ms Roselie, attended the Inquiry and tested the evidence of the Council witnesses. Mr Kay also submitted his own evidence to the Inquiry<sup>52</sup>.
48. The nub of the objection is that the impact of the planned redevelopment on their property would be to destroy their right to light. In turn that this would affect their health, their property value and their garden. The objection is clear that the impact is considered to be unacceptable unless considerable compensation is given to them.
49. The initial application for the scheme was accompanied by a daylight/sunlight assessment<sup>53</sup>. This assessed the impact of fixed detailed elements of Plot A along with outline elements of the stage B scheme demonstrated by the illustrative masterplan to which the Order relates to. The assessment is based on the maximum parameters applied for. Further work was undertaken into the surrounding properties<sup>54</sup>. This established which buildings contained residential accommodation. The site plan<sup>55</sup> did not include 5 Hampden. In addition to these the reserved matters application submission for plots H and K of stage B was accompanied by a daylight and sunlight report<sup>56</sup>. It is notable that this report considers properties closer to the Order land than No 5 Hampden would not experience substantial interference with access of light to their properties. In respect of the elements within the Order land the assessment concluded that the vast majority of windows serving surrounding properties would retain very good daylight levels despite the increase in density.
50. None of the specialist reports on daylight, sunlight or right to light identify the objectors' property as being impacted should the scheme go ahead on the Order land. Indeed, the report commissioned for plots H and K demonstrated

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<sup>49</sup> CDF11

<sup>50</sup> Section 5 Ms Lavers Proof of Evidence

<sup>51</sup> CDC16

<sup>52</sup> CDC16, CDC16.01, CDC16.02

<sup>53</sup> CDB4.01 and CDB4.02

<sup>54</sup> Section 8

<sup>55</sup> 8.2

<sup>56</sup> CDB7.01

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that the retained levels of amenity to neighbouring properties would remain good post development. Again, it did not identify the objectors' property as being affected. The Council provided an additional briefing note<sup>57</sup> within Ms Lavers' evidence. This specifically considers potential impacts from the scheme on No 5 Hampden.

51. The Council also provided further evidence regarding No 5 Hampden and the relationship to Plot H<sup>58</sup>. This document clearly demonstrates the separation between the built form within the Order land and No 5 Hampden. This would range from about 80 metres to up to about 111m. Overall, when considering effects on living conditions for occupiers of the property they are significant separation distances. Taken in combination with the specialist reports I am satisfied that there would not be a material effect on living conditions at No 5 Hampden.
52. The Council's approach to the Order has taken a precautionary and worst case scenario to rights of light, based on the masterplan. This is reflected in Table 2 of the Order. This sets out any properties where there may be an issue but that until the final scheme has been put together it would not be possible to identify exactly the impacts to nearby properties.
53. Again, being precautionary in its approach the Council sent letters to any property where there may be a potential right to light issue due to the 2020 planning permission. Ms Lavers<sup>59</sup> confirmed that the PDA would make suitable arrangements for the payment of any statutory compensation due to property owners. In this specific case the agent has contacted the objector. A right of light assessment was done that specifically considered their address. This demonstrated a minimal interference, and the view of the Council is that it would not justify a claim. Moreover, it was considered that there would not be depreciation in the value of the property should the Order be confirmed and the scheme go ahead.
54. I understand and have carefully considered the concerns raised in writing and by Mr Kay at the Inquiry. However, the correspondence that has been submitted primarily relates to processes for compensation. I am clear that there are processes in place that would address this reasonably and fairly at an appropriate point in the process. As such should there be a proven reduction in the value of the objector's property due to impacts on rights of light then the objector would receive statutory compensation. As such this matter should not prevent confirmation of the Order.
55. The second issue raised in the initial objection related to phasing of the scheme. It was outlined by Ms Lavers [41] that there is a clear phasing strategy in place and that all options have been carefully considered. The phasing would be linked to the district heating system and in addition to this there are infrastructure requirements, delivery of community facilities and re housing of tenants to take into account. Whilst it is clearly complex to phase a scheme of this scale the Council's evidence demonstrates that the relevant issues have been considered. Overall, this would not be a matter that should prevent the confirmation of the Order.

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<sup>57</sup> Right of Light Assessment for 5 Hampden dated 31 October 2022

<sup>58</sup> ID2

<sup>59</sup> proof of evidence 5.33

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56. At the Inquiry other concerns were raised through questioning of the Acquiring Authority's witnesses. The number of houses and changes made to that number were challenged. The scheme will make efficient use of the land and to deliver an optimum amount of affordable housing. In addition to this they are a direct response to a requirement of the Mayor. There is nothing in the evidence to suggest that the numbers and density would be in conflict with the London Plan or Barnet's development plan.

57. I am satisfied that the remaining objection does not offer any substantive grounds for withholding confirmation of the Order.

*Other issues raised by residents*

58. There were a number of issues raised by a representative of the local community group. At the heart of these is a concern about the substantive procedure and in particular matters regarding ballots, referenda, funding, neighbourhood forums and stigmatisation of the area. I appreciate that local residents feel strongly about their area and that this is an emotive matter. Nonetheless, the Council has demonstrated through the Inquiry process that all appropriate procedural requirements have been met. In addition to this the Council has outlined detailed consultation that was undertaken on regeneration processes<sup>60</sup>, funding has been openly addressed in the evidence of Mr Smith and Ms Lavers. Overall, I do not consider that these matters are a barrier to confirmation of the Order.

*Public Sector Equality Duty*

59. With regard to the Public Sector Equality Duty, there has been no conduct by the Council, or promoters, that has been brought to my attention that is prohibited under the Equality Act 2010. I have also had regard to my duties under the Equality Act throughout the conduct of the CPO proceedings. I conclude that the duty has been fully complied with.

*Compelling case in the public interest*

60. The test to be applied in considering whether to confirm a CPO is whether there is a compelling case in the public interest for it to be made. This test satisfies the balancing act required when considering whether or not interference with Article 8 and/or Article 1 of the First Protocol constitutes a breach of the European Convention on Human Rights (ECHR) and is thus lawful and justified.

61. The guidance advises that compulsory purchase is intended as a last resort to secure the assembly of all the land needed for the implementation of projects. It also advises that compulsory purchase powers are an important tool to use as a means of assembling the land needed to help deliver social, environmental and economic change.

**Conclusions**

62. Overall, I conclude that the Order land is required in order to secure the carrying out of the regeneration of the Grahame Park Estate. The scheme would secure economic, social and environmental improvements. There are no material considerations or objections which would outweigh the matters in

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<sup>60</sup> Statement of case – Consultation 3.15 – 3.39

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support of the Order, and I conclude that there is a compelling case in the public interest in favour of its confirmation.

63. The London Borough of Barnet (Grahame Park Regeneration Area) Compulsory Purchase Order 2022 is confirmed.

*D J Board*

INSPECTOR

*The attention of the Acquiring Authority is drawn to Section 15 of the Acquisition of Land Act 1981, as amended, about publication and service of notices now that the Order has been confirmed.*

*Please inform the Planning Inspectorate and Secretary of State of the date on which notice of confirmation of the Order is first published in the press.*

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## **ANNEX 1 – APPEARANCES AND DOCUMENTS SUBMITTED DURING THE INQUIRY**

### **APPEARANCES FOR THE ACQUIRING AUTHORITY:**

Richard Glover KC

Instructed by HB Public Law

He called

Martin Smith  
BA Hons Cert Ed.

Regeneration Manager, Grahame Park  
Regeneration Programme

Tracy Lavers  
BA (Hons) (Dunelm),  
MRICS, Diploma in  
Management Studies

Notting Hill Genesis' Director of Regeneration for  
Grahame Park and Woodberry Down

Andrew Dillon  
BA (Hons) DipTP MRTPI

Planning Manager, Major Projects Team, Regional  
Enterprises Ltd

### **OBJECTORS TO THE ORDER:**

Mr Kay & Ms Miastkowska

Private individuals

### **Interested Persons**

Joan Roselie

Chairperson of Little Lower Great Broadhead and Everglade  
Strand our Community

### **INQUIRY DOCUMENTS (ID)**

ID1 Opening submissions for the Acquiring Authority

ID2 Plan submitted as part of Ms Lavers' evidence – Plot H Site Location Plan,  
offset distance from No 5 Hampden

ID3 Closing submissions for the Acquiring Authority

### **DOCUMENTS SUBMITTED AFTER THE INQUIRY CLOSED**

ID4 Plans identifying locations of properties where comments were received by  
email regarding the site inspection.

### **ANNEX 2- LIST OF STATUTORY OBJECTORS ON SUBMISSION OF THE ORDER TO THE SECRETARY OF STATE**

<b>Objection</b>	<b>Name of objector</b>	<b>Plots</b>
1	Mr Kay & Ms Miastkowska	Outside of Order land

### **CORE INQUIRY DOCUMENTS (CD)**

Available to view at [Inquiry Core Documents | Barnet Council](#)