

Catherine Nichol
Planning and Building Control
Hertsmere Borough Council
Civic Offices
Elstree Way
Borehamwood
Hertfordshire
WD6 1WA

Our Ref:

Your Ref:

13th May 2020 (by email)

Dear Ms. Nichol,

Application No. 20/0464/FUL

Demolition of existing equestrian buildings to facilitate construction of 2 x pairs of semi-detached, 2 storey, (4 x 3 bed) dwellings with integral garage to include access, landscaping, parking and bin store.

On Land at Pinks Cottage, Rectory Lane, Shenley, Hertfordshire WD7 9AW

Whilst recognising that this proposal is for the redevelopment of previously developed land in the Green Belt, CPRE Hertfordshire have concerns regarding aspects of this application.

Paragraph 001[2] of current National Planning Practice Guidance says that when considering the potential impact of development on the openness of the Green Belt, "openness is capable of having both spatial and visual aspects – in other words, the visual impact of the proposal may be relevant, as could its volume". This has recently been re-confirmed in the Supreme Court decision in *R. Samuel Smith Old Brewery v Yorkshire County Council* [2020] UKSC 3 [1] which held that consideration of visual openness is a relevant issue to consider when making judgements on Green Belt openness.

Consequently, as the proposed houses would have a significantly greater impact on the openness of the Green Belt, both visually and in terms of volume when viewed from Bridleway 33 the proposal is contrary to the provisions of the NPPF para 145 g.

The application description states that *"the application site is situated in the village of Shenley, which is around 1.6 miles east of Radlett."* It is not. The site is 1.4 km north east of Shenley, in the countryside, along an unlit road without footways. This has a bearing on safe access for pedestrians and cyclists.

We assume that, as three-bed houses, the proposed units are intended to be family housing. Rectory Lane is without footways and is unlit. (Lighting and footways do not begin until King

Edward Road in Shenley, some 1.4 km away.) Consequently it is unsuitable for use by children, the disabled or the elderly.

Both the Planning Statement and the Highways Note accompanying the application state that *"At the site frontage, Rectory Lane is a rural carriageway road. Access from the site is via an adjacent road."* This site has no frontage on to Rectory Lane.

The 'adjacent road' is in fact Public Byway 33 which opens on to Rectory Lane. It is a narrow, single track lane leading into open countryside and is a Right of Way. It is not usual for such Byways to be used to facilitate development. Hertfordshire County Council's criteria for Rights of Way state that *"Where a RoW ... remains unaltered as result of a development, the amenity value of the RoW must, as a minimum, remain unchanged in terms of width, perceived safety, attractiveness and surfacing."* Those points are not addressed in the documentation accompanying this proposal, there is no mention of work to the Byway to enable the development, nor any comment on whose responsibility it will be to maintain it in a suitable state for vehicular traffic. It is difficult to see from the indicative plans how a fire tender or other emergency vehicle could access the properties easily.

Confusingly, the Sustainability Assessment refers to paragraph 72 of the National Planning Policy Framework, saying that the development *"strongly supports paragraph 72 of The Framework, which states that key facilities (including local shops) should be located within walking distance of most properties."* Para. 72 is specifically referring to large scale developments and does not mention walking distances. NPPF para 103 says that *"development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes."* And 108(b) ensures that *"safe and suitable access to the site can be achieved for all users."* Para 110 requires that the development *"(b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport and (c) create places that are safe, secure and attractive—which minimise the scope for conflicts between pedestrians, cyclists and vehicles."* Given the characteristics of both Byway 33 and Rectory Lane those requirements are not met.

The Sustainability Assessment states that a significant number of key services and facilities are within a 2km distance and *"therefore accessible by walking or cycling"*, it then goes on, confusingly to express the distances to those facilities in miles. In the Institute of Highways and Transportation 'Guidelines for Providing for Journeys on Foot' the acceptable walking distance is 1km and the desirable 800m. (The absolute maximum distance for a fully mobile person is 2km.) Department of Transport 'Policy LTN1/04 on Walking and Cycling' says *"The mean average length for walking journeys is approximately 1 km and for cycling, it is 4 km."*

It is not true to say, as the applicant does, that *"The site is accessible by a range of transport modes other than the private car."* The Assessment does not set out travel distances in



kilometres, but in miles. If those mileages are converted into kilometres, all of the social and retail facilities, are over 1 km away, as are primary schools. Secondary Schools are between 4 and 6 km away and the nearest rail stations 3 and 4 km respectively. The nearest bus stop, on the B556, is 1.3 km away. All of these journeys, as we have mentioned, have to take place on unlit roads without footways. It is unlikely that any pedestrian would use them in the evening, particularly in winter, or parents allow their children to use them as routes to school at any time. Consequently the majority of journeys will be by car. This is not sustainable.

In terms of design, the applicant points out that the ridge height of the proposed houses is lower than that of Pinks Cottage, but fails to mention that it is considerably higher than the single storey buildings on the site; these are of poor repair but sit down within the rural landscape.

Local Plan Policy DES4 requires development to reflect and promote local distinctiveness. These proposed house are not the type of 'estate cottage' which would be expected in this rural location, rather they appear as standard suburban houses (taken, as the developer admits, from another development approved by the Council) with minor aesthetic modifications (i.e. the ridge tiles) in an attempt to make them relate to Pinks Cottage. Cosmetic add-ons do not create local distinctiveness. This is not considered to be the good design that the NPPF requires and is being demanded by the governments own commissioned and recently reported 'Living with beauty'.

These are material facts which the Council will have to take into account in determining the planning balance. In our view this application is not sustainable nor appropriate development in the Green Belt and of poor design. It should therefore be refused.

Yours sincerely,

David Irving