

Standing up for Hertfordshire's countryside

Briony Curtain
Planning and Development
Dacorum Borough Council
Civic Centre
Marlowe
Hemel Hempstead
Hertfordshire HP1 1HH

Our Ref:

Your Ref:

9th August 2019 (by email)

Dear Ms. Curtain,

Application No. 4/01709/19/FUL
Change of use of land to provide 2 Gypsy/Traveller pitches comprising of 2 mobile homes and associated works on Land at Featherbed Lane, Hemel Hempstead, HP3

CPRE Hertfordshire object to this proposal for inappropriate development in the Green Belt. Regrettably the documentation included with the application is rudimentary and our ability to comment in detail is consequently limited.

The Government National Planning Policy for Gypsy and Traveller sites, as revised in September 2015, states that where it can be demonstrated that the applicants have given up travelling permanently, then applications for planning permission should be considered as they are for the settled communities within the National Planning Policy Framework. It is unclear from the application whether this is intended to be a permanent or transient site. We respond on the assumption that the pitches are intended to be permanent.

Paragraph 145 of the NPPF lists those forms of development which are deemed as appropriate within the Green Belt. This proposal does not satisfy any of the criteria set out in that paragraph. Consequently the applicant is required to demonstrate 'very special circumstances' sufficient to out-weigh the harm by virtue of inappropriateness, or other harm, to the Green Belt. Similarly Policy E of the National Planning Policy for Gypsy and Traveller Sites clearly states that inappropriate development in the Green Belt should not be approved except in very special circumstances. No case for very special circumstances is presented by the applicant.

Similarly, as a non-allocated site, it must be considered under the provisions of the Dacorum Core Strategy Policies CS5 (Green Belt) and CS22 (New Accommodation for Gypsies and Travellers). It does not appear to meet the criteria in either policy.

There is now substantial case law relating to the question of 'openness', perhaps most succinctly expressed in *Timmins v. Gedling Borough Council* [2014] EWHC 654 (Admin) i.e. :

“[any] construction harms openness quite irrespective of its impact in terms of its obtrusiveness or its aesthetic attractions or qualities.”

The application site is open grazing land abutted by trees and a hedgerow on its Western boundary, separating it from a track serving the fields beyond. The entire site is clearly seen from the bridge across the A41. The proposed development would constitute a prominent residential enclave in this open landscape, visible from both Featherbed Lane and the surrounding countryside. As such it would cause significant harm to the visual amenity and landscape character. The proposal would be at odds with the rural character and appearance of the wider area, and would have a detrimental impact on the openness of the countryside in this location.

In the absence of either a Planning Statement or a Design and Access Statement, it is difficult to ascertain how the applicant intends to address the highway and public health aspects of the development. The site opens on to Featherbed Lane and it will be for the Highway Authority to determine whether or not the proposed vehicular access on to a right angled bend is suitable. Apart from references to soakaways and a cesspit in the Application Form, no details are provided of either water supply, electricity supply or waste disposal. The Council will have to satisfy itself on these points before granting permission.

The regulation of land use is essentially a matter of public policy, which requires the balance of the interests of individuals with the public interest in controlling development, in this case the encroachment into the Green Belt. The inspector in the case of Tullochside Farm, St. Albans, (Appeal Decision APP/B1930/A/09/2113116) held that while giving the Green Belt precedence *“does involve some interference in the rights of occupiers under Article 8 of the European Convention on Human Rights, this does not amount to a violation of those rights, having regard to the test of proportionality and the importance which is properly attached to the protection of the Green Belt and the environment.”*

We urge the Council to reject this application.

Yours sincerely,

David Irving