



The countryside charity  
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Standing up for Hertfordshire's countryside

Head of Planning and Development  
Broxbourne Borough Council  
Bishop's College  
Churchgate  
Cheshunt  
EN8 9XQ

Our Ref:

Your Ref:

24<sup>th</sup> July 2020 (by email)

Dear Sir/Madam,

**Application No. 07/20/0538/F**  
**The Erection of a New Kennel Block**  
**Tyle Kiln Kennels, Burnt Farm Ride, Goffs Oak, Hertfordshire EN7 5JB**

CPRE Hertfordshire oppose this application for inappropriate development in the Green Belt contrary to the Green Belt policies in the National Planning Policy Framework and the current and emerging Broxbourne Local Plans.

In the Planning Statement accompanying the application the applicant says that the proposal complies with paragraph 145(g) of the NPPF. Unfortunately this is not the case.

The NPPF permits limited infilling or the partial or complete redevelopment of previously developed land within the Green Belt, whether redundant or in continuing use, but only where such development would not have a greater impact on the openness of the Green Belt than the existing development.

The application is for approval of a second substantial kennel block over 40m in length. When taken in conjunction with the existing kennel block, the cattery and mobile home, it will increase the built development on the site by over 30%.

It is the applicant's view that the development would not be inappropriate in the Green Belt and would cause no other harm. Given the extent of the proposed development, this is clearly not the case. Section 13 of the NPPF is clear that "*The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open.*" ( NPPF para. 133). Case law in *Lee Valley Regional Park Authority v Epping Forest DC* EWCA Civ 404 held that "*The concept of 'openness' means the state of being free from built development, the absence of buildings as distinct from the absence of visual impact.*" And *Timmins v. Gedling Borough Council* (EWHC 654) held that "*any construction harms openness quite irrespective of its impact in terms of its obtrusiveness or its aesthetic attractions or qualities*". Increasing development on

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CPRE Hertfordshire is a Charitable Incorporated Organisation

President: Sir Simon Bowes Lyon, KCVO  
Chairman: Richard Bullen

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the site by a third will clearly impact on both the spatial and visual openness of the Green Belt. The recent Supreme Court judgement in *Samuel Smith Old Brewery (Tadcaster) and others v North Yorkshire County Council* “requires the decision-maker to consider how those visual effects bear on the question of whether the development would “preserve the openness of the Green Belt”.

As no very special circumstances are presented which outweigh the harm to the Green Belt through inappropriateness and harm to openness, we urge the Council to reject this application.

Yours faithfully,

David Irving