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Standing up for Hertfordshire's countryside

Mr. David Elmore
Development Control
Welwyn Hatfield Borough Council
Campus East
Welwyn Garden City
Herts. AL10 6AE

Our Ref:

Your Ref:

29th April 2020 (by email)

Dear Mr. Elmore,

Application No. 6/2020/0784/FULL
Erection of 2 x 6-bedroom detached dwellings with garages
At High Willows, Vineyards Road, Northaw, Potters Bar, EN6 4PE

CPRE Hertfordshire oppose this application for inappropriate development in the Green Belt, contrary to the Green Belt policies in the National Planning Policy Framework, the current Welwyn Hatfield Local Plan and the Submission Local Plan currently subject to Examination in Public.

In the Design and Access Statement the Applicant considers the site should be classed as “an *“infill” gap between The Wilderness and The Vineyards*”. By implication (though it is not explicitly stated), they therefore assume that it can be considered to be appropriate development under NPPF 145(e) which allows for limited infill development within villages.

There is no definition of ‘limited infilling’ in the NPPF, nor any guidance there, to assist in determining the planning balance. In the case of *R (Tate) v. Northumberland County Council* [2018] EWCA Civ 1519 the Court of Appeal confirmed that “*the question of whether a particular proposed development is to be regarded as ‘limited infilling’ in a village for the purposes of the policy (in the NPPF) will always be essentially a question of fact and planning judgment for the planning decision-maker.*”

High Willows is not within the village of Northaw, or in any way directly associated with the ribbon extension eastward from Northaw along Vineyards Road. It is even beyond the larger ‘parcel’ P84 which was drawn around Northaw for assessment of the impact of the village being washed over by the Green Belt in the preparation of the Submission Local Plan.

The applicant argues that the site is “*within a continuous built frontage*”. It is not. High Willows is part of a small group of three houses which sits in the Green Belt almost half way between Northaw and Carbone Hill, two on one side of the road and the third on the other. There is no way in which it can be considered as an infill site in either of those settlements or

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CPRE Hertfordshire is a Charitable Incorporated Organisation

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

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a continuous built frontage. Development of the site will mean Vineyards Road evolves towards a continuous pattern of ribbon development, undermining the very purpose of including the land within the Green Belt in the first place, which is to prevent merging and retain the separate identify of nearby settlements.

In the case of *Woods vs. Secretary of State* (2015 EWCA Civ 195.) the court determined the need to assess what the impression of the site is **on the ground**. On the ground this site appears as a field separated from the highway by hedgerow, located between two isolated houses.

The Green Belt Assessment carried out on behalf of the Council determined that development of the land between Northaw and Cuffley, in which this site sits, (Landscape Character Area 53) would cause high harm to the Green Belt. The two large, 3-storey, buildings proposed are significantly greater in both footprint and volume than the existing single storey barn. Consequently they will have an appreciable impact on the openness of the Green Belt. 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.*”

Under the provisions of both Local and National policies, the applicant is required to present very special circumstances sufficient to outweigh the harm to the openness, or other harm to the Green belt. The applicant presents no very special circumstances.

However there is reference to the Council’s inability to demonstrate a 5-year housing land supply. The courts have held that in that case the NPPF does not prescribe the weight which can be given to Local Plan policies which are not for housing supply. Consequently policies for protection of the Green Belt can be given due weight and taken into account when considering the planning balance. (*Crane v. SoS* (EWHC 425). Para 11b (i) of the National Planning Policy Framework is clear that “*the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area.*” Footnote 6 clarifies that this includes Green Belt assets. Consequently, in determining the planning balance, the Council must give significant weight to National and Local Green Belt policies. The Government have repeatedly made it clear that: “*unmet need ... for conventional housing is unlikely to outweigh harm to the Green Belt or other harm to constitute the very special circumstances justifying inappropriate development in the Green Belt*”, first expressed in those terms in in the October 2014 iteration of Planning Practice Guidance (ID-3-034-20141006).



While poor design would be far from being the only determining reason to refuse this application, it should also be added that the high columns within the proposed front elevations of the new dwellings have no relevance to any local vernacular as claimed.

In the absence of any justification for development in the Green belt being presented, we urge the Council to reject this application.

Yours sincerely,

David Irving