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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:

3rd April 2020 (by email)

Dear Mr. Elmore,

Application No. 6/2020/0658/FULL
Erection of a subterranean dwelling with associated parking and driveway
On Land adjacent to 5 Oakwell Drive, Northaw, Potters Bar, EN6 4EZ

CPRE Hertfordshire wish to comment on this unorthodox application to build a 2-bed underground residential development in the Green Belt in place of an, as yet, unbuilt swimming pool.

In 2019 the applicant received approval, on appeal, for the demolition of an existing outbuilding and the erection of a pool house. In effect that was approval to replace one outbuilding within the curtilage of 5 Oakwell Drive with another. This application is not the same, it is for the construction of a dwelling house in its own curtilage.

In the Planning Statement (para. 1.2) the applicant states that their circumstances have changed and they now wish to downsize into a smaller property and that the extant permission for the pool house "*would be better utilised to provide a highly sustainable and innovative eco two-bedroom dwelling.*"

In considering the planning balance which would apply, the applicant is of the view that significant weight can be attributed to the proposal comprising appropriate development as limited infilling that would not cause any greater harm to the Green Belt than the extant permission for the pool building, significant weight can be attributed to the fact that the proposal would comprise a highly sustainable development and there will employment and economic benefits for suppliers and builders during the construction process and spin off returns for nearby shops and services due to the spending of future occupiers. (paras. 7.1 and 7.3).

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CPRE Hertfordshire is a Charitable Incorporated Organisation

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

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On the first point, para. 145(e) of the National Planning Policy Framework permits limited infill in villages. The applicant implies that the site is within Northaw “*identified as a Green Belt village where any development will be limited to that compatible with Green Belt policy.*” (Para 6.6). Despite the postal address being ‘Northaw’ the village of Northaw is over 1.8 kilometres away as the crow flies and substantially further by road. This is not a limited infill site in a village. It is difficult to claim that Oakwell Drive is within a village. It is within a small enclave of houses on the site of the former Barvin Park school, which was granted permission in 1997 on the understanding that the amount and scale of development was no greater than the previous buildings which stood within the site. (S6/1997/0650/FP). The Barvin Park site is in an isolated position between Potters Bar and Cuffley with no ‘nearby shops and services’.

We accept that the Inspector found that the pool-house did not cause significant harm to the openness of the Green Belt. In determining the appeal, the Inspector was comparing an incidental development in a garden with an existing outbuilding, only taking into consideration the structure above ground and concluding that, as the resulting cumulative footprint was less than 50% of floor area to the existing dwelling, it complied with policy. As we said above, we do not consider the construction of a new dwelling to be the same. It is fortuitous for the applicant that the approval of the underground swimming pool is extant, but though the outbuilding has been removed, the pool has not been built. Essentially the applicant is requesting the substitution of a house for a swimming pool. In our view, it should therefore be considered purely as an application for residential development in the Green Belt which is inappropriate development in the Green Belt, contrary to both the NPPF and saved policies in the Welwyn Hatfield Local Plan.

Irrespective of whether the building is underground or not, *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*” and *Lee Valley Regional Park Authority v Epping Forest DC* EWCA Civ 404) held “*The concept of “openness” here means the state of being free from built development, the absence of buildings as distinct from the absence of visual impact.*”

Though not explicitly putting forward very special circumstances to outweigh the resulting harm to the Green Belt, the applicant refers to both the sustainability of the building and its economic contribution. It should be noted that footnote 6 of the NPPF specifically excludes Green Belt land from the presumption in favour of sustainable development included in NPPF para 11.

The NPPF considers sustainability against three headings: economic, social and environmental. The impact of a single house on the local economy and social fabric will be minimal and can only be afforded limited weight. While it could be argued that any new housing would contribute to the Borough’s local housing need, 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 the October 2014 iteration of Planning Practice Guidance (ID-3-034-20141006).

The applicant argues that this is not conventional housing. The Sustainability Report states that the use of high mass for inter-seasonal storage of heat continues to be debated in the architectural and construction sectors, and so remains an innovative approach. In our view, the fact that there continues to be controversy over this type of construction does not make it ‘innovative’. Subterranean homes have grown increasingly popular over the last thirty years and are an important sector in the green building movement. In Planning Appeals, inspectors have held that such houses incorporating passive solar gain and heat conservation (which is proposed in this application) have been around for a long time now and cannot be considered innovative. *“Genuine and significant innovation is unlikely to occur so frequently as to lead to more than a very small number of exceptions.”* (APP/N0410/A/14/2220241 and APP/J1860/W/17/3179621).

On the design aspects of the proposal, we have concern regarding the vulnerability of the occupants in the case of fire. In a normal two storey dwelling a single staircase is acceptable as it is assumed that people can escape through a window if the staircase is compromised. That would be impossible in this case. We also note that there is no detail on waste water management. We assume that the existing sewerage system runs along Oakhill Drive, connecting to the system in Woodgate Avenue and hence to Coopers Lane Road. It is likely that the services necessary for this proposal will be below the existing. The size of the site does not suggest the ability to provide a cess-pit. The Council should satisfy itself on these points before granting approval.

Yours sincerely

David Irving