



The countryside charity
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Standing up for Hertfordshire's countryside

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

Our Ref:

Your Ref:

18th March 2020 (by email)

Dear Mr. Gabriel,

Application No. 6/2020/0419/FULL
Erection of 1x dwelling
On Land opposite No. 9 Rollwood Road Welwyn AL6 9TX 22

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

Granting of planning permission would require revising the Green Belt boundary. The NPPF is clear that Green Belt boundaries should be altered through the Local Plan process and not by ad-hoc planning permissions and to do so now would pre-empt the findings of the Examination.

This site sits entirely within the Green Belt and forms part of woodland on the northwest side of Rollwood Road. The Green Belt review undertaken by the Council in preparation for the Examination determined that the parcel in which this site is located contributed to Green Belt purposes.

This site is one of five plots, marketed in 2017,(though the Planning Statement says four) which, if all are similarly developed, would remove the wood in its entirety. The woodland is covered by Tree Preservation Order No. 1002. The conditions of the order state that no tree will be cut down, topped, lopped, uprooted, wilfully damaged, or wilfully destroyed without the formal consent of the Council. This application contains no request for such work, but will, if implemented remove all but four of the trees on the plot. The Planning and Design Statement refers to a tree survey carried out on behalf of the applicant, but that document is not displayed on the Council's website. There would also be inevitable harm to wildlife habitats. It is not sufficient for the applicant to simply state that "*Wildlife habitats on site will be preserved where possible or moved as require*". (Sustainability Checklist).

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.*" (para. 133). With a limited number of exceptions, the NPPF regards the construction of new dwellings as inappropriate development in the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. This development does not fall into any of the exception categories.

CPRE is working nationally and locally for a beautiful and living countryside

CPRE Hertfordshire is a Charitable Incorporated Organisation

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

Registered Charity 1162419



This is acknowledged by the applicant, who puts forward two 'very special circumstances'. These are "*the highly sustainable design of the house and the affordability of the development for the client.*" (Planning Statement para 4.7). We do not consider the second of these to be a material planning consideration or a very special circumstance.

On the first point the applicant refers to the presumption in favour of sustainable development included in the NPPF, but does not comment on footnote 6 to para 11, which specifically excludes Green Belt land from that requirement.

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) and restated in subsequent circulars and Ministerial statements.

In Environmental terms, however, the applicant states that their intention is to build the house to a high level of environmental sustainability and point out that para. 131 of the NPPF confirms that "*In determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability.*"

To support this point they refer to a 2014 appeal in Taplow which considered that sustainable design can offset the potential inappropriateness of a dwelling house in the Green Belt. (The reference number given in the Planning Statement is incorrect, it should be APP/N0410/A/14/2220241). However this is not comparing like with like. The house in Taplow was designed to test a completely new form of sustainable heating system over a period of which would be monitored by Buckinghamshire University. The Inspector held that what was proposed went well beyond current standards and that 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.*" (para 10 of the appeal decision). This view was supported by the Inspector in a 2018 appeal for an eco-house in Alfrick (APP/J1860/W/17/3179621).

Within the Planning Statement the applicant claims that the site "*can be thought of as an infill development within a residential area.*" (para 3.10) and that "*the plot of land is a natural infill of an established residential street which houses linear residential dwellings of a similar scale along both sides.*" (para 5.10). It is neither.

Since the first publication of the NPPF there have been a number of Appeal and Court decisions which clarify the position on infill sites. It is now generally held that infill development in this context "*is the completion of an otherwise substantially built up frontage of several dwellings that are visible within the street scene, by the filling of a narrow gap capable of taking one or two dwellings only.*" In the



case of Woods vs. Secretary of State (2015 EWCA Civ 195.), which is cited by the applicant, the court determined the need to assess what the impression of the site is **on the ground.**

Rollswood Road is a single track rural lane. Development along its length consists of individual houses in substantial plots, mostly set back from the road. It cannot be considered as “*an established residential street which houses linear residential dwellings of a similar scale along both sides.*” Visually, on the ground, the road appears as a country lane, lined with tree belts on both sides, with sporadic housing visible through the trees.

The present application is for a dwelling which takes up two thirds of its small site, with its flank walls the minimum permitted distance from the boundaries and its frontage directly on to the roadway with no front garden. This is completely out of character with the rest of the development along Rollswood Road.

While we appreciate that every application must be considered on its own merits, there are occasions where wider implications also need to be taken into consideration. This is one of those occasions. As mentioned above, this is one of five plots into which the woodland has been divided. As can be seen from the schematic plan and axonometric included in the documentation prepared by the marketing agents, Barnard Marcus, at the time the plots were auctioned, the size of the plots will result in a dense terrace opening directly on to the road, which will be incongruous and damaging to the character of the lane, as well as completely removing the protected woodland. Approval of this application would inevitably lead to applications for the development of the other four plots.

We do not consider that on balance a case has been made which outweighs the harm to the openness and other harm to the Green Belt and the woodland and urge the Council to reject this application.

Yours sincerely,

David Irving