



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

Our Ref:

Your Ref:

12th August 2020 (by email)

Dear Mr. Myers,

Application No. 6/2020/1619/FULL
Erection of 3x dwellings and garages following demolition of existing buildings
At Tylersley Farm, Tylers Causeway, Newgate Street, Hertford SG13 8QN

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.

This is a revised submission of application 6/2019/2203/FULL which the Council refused. In our view the majority of the grounds for that refusal also apply in this case, but we note the applicant's arguments regarding case law and the impact of the changes which they have made to the design and layout of the dwellings.

The Applicant's very special circumstances to justify inappropriate development in the Green Belt are succinctly stated in paragraph 6.3. of the Supporting Planning Statement Addendum. The twelve bullet points essentially fall into 6 categories:

1: Re-using previously developed land.

The Applicant considers that the whole of the land in the applicant's ownership should be considered to be previously developed as the bungalow and stables sit on it and so the surrounding pasture land is also previously developed. If that were to be the case the entire 14.85 hectares in the applicant's ownership would be open to development, which is clearly nonsensical. The National Planning Policy Framework defines previously developed land as "*land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed)*". The pastureland on this site is outside the curtilage of the existing buildings. It was described as such in a recent application for a certificate of lawfulness

(App.6/2019/0748/LAWE). In determining application 6/2019/2203/FULL, the case officer considered that as not all of the new development sits on the land occupied by the existing buildings, the site could not be considered as previously developed. Given that, on the applicants own figures, even with new structures under permitted development rights, only 6.1% of the total application site is built on and 17.6% is hard surfacing, the remaining 76.3% being pasture, we are inclined to agree with the case officer.

- 2: Enhancing the openness of the Green Belt; reducing the extent of hard surfacing, building footprint, volume and floorspace; reducing the residential curtilage; less development than the confirmed fallback position; superior design utilising traditional building forms that reflect the site's rural setting in terms of scale, design and materials; and a more compact form of development.

The changes to the design and layout are intended to make the cluster of buildings more compact. This allows the applicant to claim that the resulting curtilage is smaller than that of the existing and that consequently the resulting complex reduces impact on the openness of the Green Belt because the units are not as dispersed as the existing. However, the opposite result occurs. The current separation of the existing stables from the single storey bungalow results in an open appearance, whereas the cluster of three large 2-storey houses would have a greater visual impact in the landscape and will have an appreciable impact on the openness of the Green Belt.

Tylersley Farm is not in any way directly associated with the ribbon development along the northern side of Tyler's Causeway. It sits in open countryside some distance from the road. There is now substantial case law relating to the question of 'openness'. Lee Valley Regional Park Authority v Epping Forest District Council [2016]EWCA Civ 404 held that: "[any] construction harms openness quite irrespective of its impact in terms of its obtrusiveness or its aesthetic attractions or qualities." That point was endorsed by the Supreme Court in Samuel Smith Old Brewery (Tadcaster) and others v North Yorkshire County Council [2020] UKSC 3.

- 3: Removing eyesore buildings.

The existing bungalow is an unassuming brick built house which was recently marketed as a "superb three bedroom family home." The stables block is a standard, block built agricultural building. Both are in good condition and compatible with their rural setting. Neither is an eyesore. Neither the NPPF nor National Planning Practice Guidance require designated areas or the buildings in them to be of high quality or even particularly attractive. It is not the quality of Green Belt land which is protected but the function it fulfils.



- 4: Substantial new landscape and native tree planting; enhancing ecological value.

The proposed landscaping is intended to mitigate the resulting harm to the Green Belt. As such it can be awarded weight, but that is minimal. The enhanced ecological value is stated to be the removal of Japanese Knotweed. Irrespective of whether or not this is within the development site, there is a legal requirement on the landowner to contain and manage Japanese Knotweed. That is not a very special circumstance.

- 5: Improvements to public footpath and its setting which in turn improves public access to the countryside.

Public Right Of Way 093 crosses the site. Over the years, its line appears to have deviated from that on the definitive map, but the current line has been reinforced with kissing gates and stiles along its current route. Advice will have to be sought from Herts County Council on the legal status of the current path. We fail to see how returning the path to its original route either improves its setting or public access to the countryside.

- 6: Contribution to housing supply with the provision of three family-sized dwellings.

This is a material consideration but Hunston Properties Ltd EWCA Civ 1610 held that *“the weight to be given to such a housing shortfall (and whether it constitutes ‘very special circumstances’ for the purposes of the NPPF) is a matter of planning judgment. The weight to be attached to the shortfall may, as a matter of planning judgment, be reduced where a shortfall is inevitable due to a district being subject to policies which restrict development”* (such as Green Belt policies). The contribution of two additional houses to meet local housing need is very marginal. The most recent population projections for Welwyn Hatfield, issued by The Government’s Office for National Statistics on 29 June 2020, indicate a significant 11.3% reduction on the figures used by the Council to determine housing need. This will substantially impact on the Council’s 5 year housing land supply, which needs to be taken into account in determining this application. Similarly the impact of two additional houses on the local economy will be slight.

Not fully addressed by the applicant is the unsustainable location of this development. This proposal would result in a small group of three houses sitting in the countryside at some distance from any amenities. As each house contains at least four bedrooms, we assume that they are intended for family accommodation.

Tylers Causeway is an unlit rural road without footways. The nearest settlement is Newgate Street, approximately 3 kilometres away. The nearest village with social, educational, medical and retail facilities is Cuffley, 6 kilometres away. Both are significantly over the maximum



walking distance of 1.2 kilometres recommended in the Chartered Institution of Highways and Transportation publication 'Planning for Walking (CIHT, 2015)' and the Department for Transport's document 'Manual for Streets' which set out the requirements for pedestrians. The nearest train stations are Cuffley (6 km.) and Brookmans Park (7 km.) and the nearest bus stop is at Newgate Street (Centrebus 308, three buses a day to Hertford and Cuffley). All are beyond recommended maximum walking distance.

As mentioned above, Tylers Causeway is without either lighting or footways and is consequently unsuitable for pedestrians. No one who is elderly or disabled could easily undertake such a route, and it is extremely unlikely that a parent would allow their child to travel to school by it. This is contrary to the principles contained in Section 9 of the NPPF and in particular paras.108(b) and 110(b) which require that safe and suitable access can be achieved for all users.

Clearly the residents on this site will be entirely car dependent, contrary to the principles for sustainable development in the NPPF and the Submission Local Plan. NPPF para 8 emphasises minimising pollution, and moving to a low carbon economy and NPPF para 103 says that *"development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes."*

We urge the Council to reject this application.

Yours sincerely,

David Irving