



The countryside charity
Hertfordshire

31a Church Street

Welwyn

HERTS AL6 9LW

www.cpreherts.org.uk

office@cpreherts.org.uk

01438 717587

Standing up for Hertfordshire's countryside

Nigel Gibbs
Planning and Development
Dacorum Borough Council
Civic Centre
Marlowe
Hemel Hempstead
Hertfordshire HP1 1HH

Our Ref:

Your Ref:

26th August 2020 (by email)

Dear Mr. Gibbs,

Application No. 20/02052/MFA

Demolition of the existing building associated with the Golf Driving Range and the redevelopment of the site to provide a 70 bedroom care home catering for the elderly, infirm and those suffering with dementia, including associated access and landscaping works at Berkhamsted Golf Driving Range, Spring Garden Lane, Northchurch, Berkhamsted, Hertfordshire HP4 3GY

CPRE Hertfordshire have concerns regarding this proposal for development in the Green Belt and the Chilterns Area of Outstanding Natural Beauty.

We accept that the site is previously developed land and that a precedent was set by the Council in permitting the development of the St Francis Hospice on the adjoining site. However, the National Planning Policy Framework permits development on previously developed sites in the Green Belt only where these will have no greater impact on the openness of the Green Belt than the existing. (NPPF para 145g).

The site is surrounded on three sides by open fields and Public Right of Way 25 runs to the Northwest. As can be seen from the photographs accompanying the Landscape and Visual Appraisal, the site is clearly visible from PROW 25 along a 110 metre stretch. Though comparable footprints are not given, scaling off the submitted drawings indicates that the footprint of the proposed care home is two and a half time greater than the existing golf driving range, and the volume considerably greater. Consequently the openness of the Green Belt will be affected by the development when viewed from the PROW and the surrounding countryside.

Paragraph 143 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The inappropriateness is recognised by the Applicant, who puts forward 12 very special

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CPRE Hertfordshire is a Charitable Incorporated Organisation

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

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circumstances intended to outweigh the harm to the Green Belt and the AONB. These fall into a number of generic groupings and some, in our view, are not 'very special circumstances'.

The latter are:

1. *The site is Previously Developed Land;*

The fact that the site is previously developed land does not off-set the harm of building a substantially larger structure on it.

2. *The proposal is being put forward by an established developer;*

The status of the developer is not relevant.

3. *The specific care needs identified require a site with very specific characteristics, this site presents such an opportunity, advantageously upon previously developed land;*

The fact that the site is opportune for the developer is not a relevant planning consideration.

As mentioned, the remainder fall into broadly similar categories:

4. *National Planning Policy Guidance para.18 notes that Local Planning Authorities will need to count housing provided for older people, including residential institutions in Use Class C2, as part of their housing land supply.*

5. *The proposal will create 70 units(beds) of residential care accommodation contributing to meeting this significant social need.*

6. *The proposals will improve the supply and choice of specialist accommodation and care for people meeting an identified need, government objectives and enable older people to retain a degree of independence.*

7. *The proposal meets an identified national and local need, confirmed by both local authority documents and the specialist produced Comprehensive Planning Need Assessment.*

These are all essentially saying the same thing: that the development will contribute towards the supply of housing for elderly and vulnerable people. This is a material consideration and the Council will have to determine whether that need is best met on this Green Belt site within the AONB or elsewhere within the Borough. It should be noted that Planning Practice Guidance, as revised in July 2019, states "*The National Planning Policy Framework makes clear that the scale and extent of development in these areas [i.e. AONBs] should be limited, in view of the importance of conserving and enhancing their landscapes and scenic beauty. Its policies for protecting these areas may mean that it is not possible to meet objectively assessed needs for development in full through the plan-making process, and they are unlikely to be suitable areas for accommodating unmet needs from adjoining (non- designated) areas*". Paragraph: 041 Reference ID: 8- 041-20190721.



8. *The proposal has the scope to free up other sectors of supply within the existing housing market, as residents often move into such facilities through 'downsizing' thus releasing much needed family homes.*

9. *There are benefits to health providers as the care needs of residents can be changed dependant on circumstances which can facilitate earlier discharge from hospitals as support in the home can be easily organised, this has obvious cost advantages. Care provision at this point can also reduce the need for admissions to hospital and other pressures on GP and A&E services.*

These points are true of all residential care home development, but do not justify that development in either the Green Belt or the AONB.

10. *The proposal will facilitate social integration for residents and alleviate against potential isolation and loneliness.*

That is undoubtedly true in the context of the proposed building itself, but its location means that it does not have easy access to social facilities in Northchurch or Berkhamsted without recourse to vehicular traffic. The encouragement to make regular walks is a positive health element for all daily life but especially relevant for the health of the active elderly.

11. *The proposal will provide substantial employment opportunities.*

The proposal will provide employment opportunities. It is for the Council to determine whether the quantum is substantial or not.

12. *The scheme is eminently deliverable in the short term should consent be granted.*

The Planning system is premised on applicants putting forward proposals which are deliverable. The fact that this applicant does not intend to 'sit on the approval' is not a very special circumstance.

The Applicant argues that the proposed care home reflects both the form and bulk of the approved St Francis Hospice development on the adjoining site (which was approved some years before the implementation of the NPPF in 2012), that by varying the roof-scape and breaking the scale of the main building blocks, it is intended to promote a domestic scale and that the proposed building is reflective of more rural farm like architecture.

This is a very large building which, despite the variation in roof-scape, looks neither domestic in scale nor farm like in design. Nor does it *"nestle comfortably into the site and within the landscape without it appearing bulky and out of place."* At the moment there is only one dominant building in this location, the Hospice. If this application is approved in its current form, the negative impact on Green Belt openness would be doubled. The Supreme Court has endorsed the judgement in *Turner v Secretary of State for Communities and Local Government* [EWCA Civ 466] that *"The concept of 'openness of the Green Belt' is not narrowly limited to the volumetric approach. The word 'openness' is open-textured and a number of*



factors are capable of being relevant when it comes to applying it to the particular facts of a specific case. Prominent among these will be factors relevant to how built up the Green Belt is now and how built up it would be if development occurs.”

The internalised circulation by a central corridor is an efficient and standard design approach for modern care homes, but one that like in large flats, should be reconsidered in the light of the recent pandemic. The provision of wider external and well ventilated corridors with separate access to units could be both more attractive as a design and more resilient when considering health and well-being.

There are repeated references to the fact that the site is close to the urban edge of Northchurch and that “the site and immediate context do not present ‘Special Qualities’ that define the AONB.” The implication is that the quality of the location is somehow relevant to the impact of the development on it. However, it is not the quality of Green Belt land which is protected but the function it fulfils. In considering the proposal in the context of the AONB, the Final Report of the Landscapes Review of National Parks and AONBs commissioned by the Government and published in September 2019, the point is made that the Chilterns AONB is of such significance that the report recommends that it is re-designated as a National Park (pages 119-121). In discussing the Chilterns AONB the report notes that “*In the south east of England, in particular, the pressure of development is immense and may only get greater. Some national landscapes, the Chilterns for instance, risk changing very fast as a result and mostly not for the better. We shouldn’t just accept this as sadly unavoidable.”... “The ‘exceptional circumstances’ provision in the National Planning Policy Framework, which was intended to limit development in national landscapes, is being used to argue for major development instead, on the grounds that no other sites outside AONBs are available. We believe strongly that this is in contravention of the purpose of designation.”* (pages 102 and 107). This application falls into that description.

Apart from saying that their proposal complies with the Chilterns Buildings Design Guide, the applicant does not address other issues pertaining to the AONB.

Section 15 of the NPPF includes the protection of the AONB. Development is unacceptable unless exceptional circumstances exist and where it can be demonstrated that the development is in the public interest. ‘Exceptional’ circumstances are more onerous than ‘very special’ circumstances. NPPF footnote 55 states that it is to be assessed by reference to the nature, scale, setting and effect of a given proposal and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined.

NPPF Paragraph 172 sets out what should be assessed when considering applications in AONBs:



- (a) The need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy.
- (b) The cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way.
- (c) Any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.

The current Chilterns AONB Management Plan 2019-2024, which is a material consideration, requires any such development proposal to be accompanied by a report setting out a sequential approach to site selection. This should evidence the extent to which alternative sites have been assessed before the selection of sites within the AONB, and clearly identify why sites outside of the designated area could not be developed. The report should also identify and evidence why the need for the development could not be met in some other way.

The AONB is statutorily protected in the National interest through the Countryside Rights of Way Act 2000. Its protection and enhancement is therefore at the highest possible weighting in the overall planning balance. Section 84 of the Act states that a Local Planning Authority has power to take all such action as appears to them expedient to prohibit inappropriate development in the AONB. Section 85 of the Act places a statutory duty on all relevant authorities to fully justify its recommendations for approval of development proposals by referring to the criteria for the AONB's special qualities.

On balance we do not believe that the arguments put forward outweigh the harm caused to the Green Belt and the AONB and we urge the Council to reject this application.

Yours sincerely,

David Irving