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Hertfordshire

31a Church Street  
Welwyn  
HERTS AL6 9LW  
[www.cpreherts.org.uk](http://www.cpreherts.org.uk)  
[office@cpreherts.org.uk](mailto:office@cpreherts.org.uk)  
01438 717587

Standing up for Hertfordshire's countryside

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

Our Ref:

Your Ref:

11<sup>th</sup> December 2020 (by email)

Dear Mr. Jhooti,

**Application No. 6/2020/2989/FULL**

**Erection of detached five-bedroom dwellinghouse on land adjacent to no.22 Church Lane to include associated hard and soft landscaping, proposed vehicular access and ground floor rear terrace at 22 Church Lane, Northaw, Potters Bar EN6 4NX**

CPRE Hertfordshire oppose this application for inappropriate development in the Green Belt, contrary to 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.

Northaw is a village washed over by the Green Belt. Consequently, national and local Green Belt policies apply to development within it. That is not acknowledged or addressed in the documentation accompanying this application.

The proposal is for residential development within the garden curtilage of No. 22 Church Lane. The NPPF is clear that such development is inappropriate. NPPF paragraph 145(g) permits limited infilling or the partial or complete redevelopment of previously developed land which would not have a greater impact on the openness of the Green Belt than the existing development.

This is not an infill site. It requires the removal of the land from an existing garden. Nor is it previously developed land. The NPPF specifically removes garden land from that definition. The Court of Appeal decision in *Dartford Borough Council v Secretary of State for Communities and Local Government & Anor* [EWCA Civ 141] found that there is no ambiguity in the wording of the definition of previously developed land which excludes from its definition private residential gardens in built-up areas, which Northaw is.

The construction of a large 5-bedroom house where one does not exist will inevitably impact on the openness of the Green Belt. *Timmins v. Gedling Borough Council* [EWHC 654 (Admin)]

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determined that “[any] construction harms openness quite irrespective of its impact in terms of its obtrusiveness or its aesthetic attractions or qualities.”

This proposal can only be accommodated on the site by building hard up to the boundaries. On the northern side there is only 848 mm between the flank wall and the boundary, on the southern side 1001mm. Consequently, the appearance is extremely cramped.

The distance between the two houses is 1696mm. As the proposed dwelling lies to the south of the existing, the flank wall of the existing will be in almost permanent shade. That flank wall contains windows to the lounge, dining room and two bedrooms, which will be consequently deprived of daylight and will have an outlook on to the blank flank wall of the new. Right to Light is a legal right under Section 3 of the Prescription Act and is a material planning consideration.

The provision of parking for the dwelling will open up the full frontage to hard surfacing and parked cars and an established hedge is also removed harming the street scene.

In the absence of any justification for development in the Green Belt being presented and in the light of the other concerns we have outlined, we urge the Council to reject this application.

Yours sincerely,

David Irving  
Senior Planning Volunteer  
CPRE Hertfordshire