



The countryside charity
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Standing up for Hertfordshire's countryside

19 February 2020 (by email)

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

Dear Mr. Gibbs,

Application No. 20/00176/FUL
Detached Dwelling and Garage
Plot 7 (Land At Church Road)
Church Road, Little Gaddesden, Hertfordshire HP4 1NZ

CPRE Hertfordshire object to this proposal for development in the Rural Area Beyond the Green Belt. Regrettably the documentation included with this application is rudimentary and our comments are made without the ability to scrutinise the Applicant's justification for proposing development on a sensitive site in the Chilterns Area of Outstanding Natural Beauty.

The application documents include a Design and Access Statement which is barely adequate and does not fully cover the access requirements. There is no Planning Statement and no references anywhere to any of the many National and Local policies which relate to this site. In our view there is insufficient information provided to allow for a balanced determination although CPRE are not inviting further submissions for this site given the strong objections in principle to any residential development which is contrary to the approved development plan.

We will address the issues raised under the headings National Planning Policy Framework; Dacorum Local Plan; Other Policies.

National Planning Policy Framework

The site sits within the Chilterns AONB. The National Planning Policy Framework is clear that AONBs are excluded from the presumption in favour of sustainable development (para 11 footnote 6), "*in view of the importance of conserving and enhancing their landscapes and*

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

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scenic beauty." This position was supplemented by the July 2019 revision to National Planning Practice Guidance.

NPPF para 172 states that the AONBs *"have the highest status of protection."* It follows that the land within them should be protected from development unless *"it can be demonstrated that the development is in the public interest"*, which is clearly not the case here.

Section 16 of the NPPF sets out the duty of the Council to conserve *"sites and buildings of local historic value ... so that they can be enjoyed for their contribution to the quality of life of existing and future generations."* It also draws attention to the Council's obligations under the Planning (Listed Buildings and Conservation Areas) Act 1990, in respect to decision-making on such sites.

St. Peter and St. Paul church is a Grade 1 listed building. Part of its distinctiveness is that it is a rural church set amidst open countryside, with clear views from across the surrounding fields. The main approach to the church is along Church Road, which offers an uninterrupted view over the entire vista from the village to the church. If allowed, this development would introduce a disruptive element in the middle of that vista, with devastating impact.

NPPF para. 189 requires an applicant *"to describe the significance of any heritage assets affected, including any contribution made by their setting."* No heritage impact assessment has been submitted with this application and the Council could not approve the application in its absence.

The land is erroneously described by the applicant as 'paddock'. At the time of marketing the land was correctly described as 'productive arable land'. It is shown as Grade 3 on the National Agricultural Land Classification Assessment (ALC008) and that designation was not changed in the Provisional Revisions issued by DEFRA in April 2019. Footnote 53 to the NPPF states that *"areas of poorer quality land should be preferred to those of a higher quality."* The NPPF defines poorer quality land as Grades 3b, 4 and 5. It is not clear from ALC008 whether the land is Grade 3a or 3b. As there is no statement provided on the agricultural land status in the submitted documentation, the Council should require the applicant to provide the agricultural classification before determining the application.

Dacorum Local Plan

The application must be determined against the provisions of the current Local Plan, specifically those included in the Core Strategy adopted in 2013.



The Core Strategy says that there will be no new housing development in Little Gaddesden.

Policy CS1 states that the rural character of the Borough will be conserved and that only development which causes *“no damage to the existing character of a village and/or surrounding area and is compatible with policies protecting and enhancing the Rural Area and Chilterns Area of Outstanding Natural Beauty will be supported.”* This proposal does not meet those criteria.

Policy CS7 sets down the criteria for acceptable development in the Rural Area. These include the requirement that the proposal *“has no significant impact on the character and appearance of the countryside.”* Again this proposal does not meet that criterion.

Policy CS24 states that *“the special qualities of the Chilterns AONB will be conserved.”* Policy CS25 protects landscape character and Policy CS27 states that *“the integrity, setting and distinctiveness of designated heritage assets will be protected and conserved”* and that development should *“positively conserve and enhance the appearance and character of conservation areas.”* For the reasons set out above under NPPF, the proposal fails these requirements as well.

Other Policies

The plot sits entirely within the AONB and straddles the Chiltern Way footpath. Neither of these facts are mentioned in the application.

Significant weight has to be afforded to the objectives in the Chiltern AONB Management Plan, which requires that planning decisions should put the conservation and enhancement of the AONB first and ensure that development leaves the AONB better than it was before. This proposal will not do that.

Chiltern Way is a footpath of national importance, and as such is covered by the Countryside and Rights of Way Act 2000. Section 85(1) places specific duties on the Council to meet the requirements of the act when determining planning applications. The proposed develop makes no recognition of the presence of the footpath and would block it off completely. In such situations it is incumbent on the applicant to demonstrate that an equally commodious alternative route is available, or will be provided. No such demonstration is forthcoming.



We are also concerned by other aspects of the application:

There is no mains drainage to the site. The application gives no indication of how sewage will be dealt with.

The access aspect of the Design and Access Statement relates simply to the access of the development on to Church Road and does not take account of wider issues. Though the proposal is only for one house there will be considerable traffic movements during the construction period. Church Road is a misnomer. For most of its length, particularly beyond Bede Court, it is essentially a single track driveway to the Church. Its junction with Nettleden Road, at the village end, is very tight. This may not be hugely significant for a single dwelling, but it must be borne in mind that Plot 7 is only one of the 34 into which the wider land has been divided. Should the other plots be similarly developed, the impact on the existing road network (and the other points raised above) would be significant. Case law has determined that it is valid for the Council to take these potential impacts into account.

Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. NPPF para 2 para 47. Any residential development of this site would be contrary to the development plan. There are additional significant matters of harm as set out and material planning considerations that would support the refusal of the proposal.

For all of the above reasons we urge the Council to reject this application.

Yours sincerely,

David Irving