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Standing up for Hertfordshire's countryside

Colin Free  
Planning and Development  
Broxbourne Borough Council  
Bishop's College  
Churchgate  
Cheshunt  
EN8 9XQ

Our Ref:

Your Ref:

2<sup>nd</sup> December 2020 (by email)

Dear Mr Free,

**Application No. 07/20/1040/0**  
**Outline permission for two detached dwellings**  
**Darcys Place, Little Broom Field, Church Lane,**  
**Wormley, Hertfordshire EN10 7QF**

CPRE Hertfordshire oppose this application for inappropriate residential development in the Green Belt contrary to the Green Belt policies in the National Planning Policy Framework and the Broxbourne Local Plan.

This site is part of a larger landholding which was used for sand and gravel extraction between 1949 and 1979. It was restored to a field in 1983. Since then there have been applications for various uses on the site which have been repeatedly refused, including on appeal. In recent years the site has been used unlawfully as a builders yard which the Council has instructed the applicant to cease, hence the current application for residential development.

The proposal meets none of the exception criteria in either the NPPF or the Local Plan. The applicant, however, considers that the land is previously developed, claiming that the builders yard has been there for over ten years. However as no Certificate of Lawful Use is in place, the Council has taken enforcement action and we have no way of verifying the claim, we do not consider that the previously developed land exception applies.

The proposal is for two substantial five-bedroom houses. Both spatially and visually they will have a significant impact on the openness of the Green Belt. Case law in *Lee Valley Regional Park Authority v Epping Forest DC* (EWCA Civ 404) held that "*The concept of 'openness' means the state of being free from built development, the absence of buildings as distinct from the absence of visual impact.*" and *Timmins v. Gedling Borough Council* (EWHC 654) held that "*any construction harms openness quite irrespective of its impact in terms of its obtrusiveness or its aesthetic attractions or qualities*".

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CPRE Hertfordshire is a Charitable Incorporated Organisation

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

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While we accept that this is an outline application intended only to determine the suitability of the site for residential development, throughout the discussion of both national and local policies the Planning Statement repeatedly uses phrases such as 'it is anticipated' and 'it is intended' and 'to be confirmed through reserved matter approval'. These are aspirations, not a demonstration of how the proposal complies with the policies.

Notwithstanding their claim that the land is previously developed, the applicant accepts that the development may be inappropriate and puts forward a number of very special circumstances which they consider outweigh the harm to the Green Belt:

1. *Remediation of contaminated land.*

The suggestion is made that these houses will be enabling development to facilitate the remediation of the rest of the land beyond the site boundary. However there is no indication of the cost of remediation or the contribution which this development would make to that work.

2. *Opportunity for landscape and ecological enhancements.*

We do not doubt that the proposed tree and hedgerow planting and other landscaping work will improve the ecological value of the site. However, it is also clear from the ecological report that it is the unlawful uses on the site which have caused the considerable damage which requires that improvement.

3. *Resolution of historic non-conforming uses.*

The historic non-conforming uses have been stopped by the intervention of Broxbourne Council. Unless the applicant intends to resume the unlawful uses should this application fail, then that matter has been resolved. It is not a very special circumstance.

4. *Resolution of anti-social behaviour.*

This refers to the use of the land for fly tipping. That may well cease after the construction of two houses on the land. However, it is the responsibility of the landowner to remove fly-tipped waste and dispose of it legally. That has been restated in government circular CBP05672 issued in April 2020. Fly tipping is not unusual in rural areas and can only be given limited weight.

5. *Exceptional Design Quality.*

The applicant refers to para. 79 of the NPPF. While the indicative designs illustrated in the Planning Statement appear idiosyncratic, this is an outline application and the detail provided is insufficient to determine whether the design is exceptional or not. At present this point is aspirational only and cannot be afforded significant weight.



6. *Inclusion of sustainable construction methods and use of renewables.*

Apart from a reference to Passivhaus principles and an aspirational opportunity to provide a high level of sustainable construction, there is no information to demonstrate that these houses will go beyond the normally expected high standard. Inspectors in planning appeals have held that highly sustainable construction has 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.”*

(APP/N0410/A/14/2220241 and APP/J1860/W/17/3179621) Consequently this can only be given limited weight.

We also have concerns regarding the sustainability of this site’s location. This is a rural site with the proposed houses intended for family use. 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.” According to the Chartered Institute of Highways and Transportation ‘*Guidelines for Providing for Journeys on Foot*’, the acceptable walking distance to facilities is 1km and the desirable 800m. Retail, medical and health facilities are in Wormley 1.4 km away, as are the nearest bus stops. The nearest primary and secondary schools are over 2km. Broxbourne railway station is 3.69km and Cheshunt tube station 5.9km. It is inevitable that the residents on this site will be car dependent.

On balance, we do not consider that a case has been made which outweighs the harm through inappropriateness or harm to the openness of the Green Belt. We urge the Council to reject this application.

Yours sincerely,

David Irving  
Senior Planning Volunteer  
CPRE Hertfordshire