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**Standing up for Hertfordshire's countryside**

Eilis Edmonds  
Development Control  
Neighbourhood Services  
East Hertfordshire District Council  
Wallfields  
Pegs Lane  
Hertford  
SG13 8EQ

Our Ref:

Your Ref:

20<sup>th</sup> May 2020 (by email)

Dear Eilis Edmonds,

**Application No 3/20/0810/FUL**  
**Demolition of buildings and redevelopment of site to erect 3 detached dwellings with**  
**associated parking, access and landscaping.**  
**At Fairholme Stables, Archers Green Lane, Tewin, Welwyn, Hertfordshire AL6 0JF**

CPRE Hertfordshire object to this latest application for inappropriate residential development on this site in the Green Belt, contrary to the National Planning Policy Framework and the East Herts District Plan.

Both Application 3/18/2212/FUL (for 7 dwellings) and Application 3/18/2211/FUL (for 5 dwellings) were refused by the Council and dismissed on appeal. The principles applied in both those cases similarly apply here and we do not agree with the applicant's statement that *"The balance of considerations in this case is markedly different to that assessed under the previous appeal proposals."* (Planning Statement para. 3.11)

The marked differences cited are the fact that the number of units has been reduced to three; that they have been designed in a more rural vernacular, and finally the Supreme Court judgement in the case of R (Samuel Smith Old Brewery (Tadcaster) and others) v North Yorkshire County Council [2020].

What has happened is that two terraces of compact houses have been replaced by three large 4-bed houses with substantial ancillary spaces, such as games rooms, which take up almost the same frontage on to Archers Green Lane. This proposal for three houses has a combined footprint which is 19% higher than the 5 houses dismissed on appeal. (686 sq. m. compared to 578 sq. m).

Local Plan Policy DES4 requires development to reflect and promote local distinctiveness. The houses being proposed are large detached properties which are not typical of the local area. Minor aesthetic modifications such as black painted weatherboard or claiming the space

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CPRE Hertfordshire is a Charitable Incorporated Organisation

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

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between the buildings as *“traditional ‘farm yard’ form, reflective of the rural context of the site”*, in an attempt to claim them as ‘vernacular’, does not create local distinctiveness.

The Planning Statement (para 5.9) claims that the Samuel Smith Old Brewery decision *“makes clear that visual impact is not a necessary part of analysing ‘openness’ and that it is not determinative of whether a proposal is considered ‘appropriate development’ in the Green Belt”*. This is not quite what the Supreme Court judgement says. The Supreme Court restated the judgement in *Turner v Secretary of State for Communities and Local Government [2016]* 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 redevelopment occurs ... and factors relevant to the visual impact on the aspect of openness which the Green Belt presents.”* (Supreme Court judgement para 25); that in some cases, the visual qualities of the land may be an aspect of the planning judgement (para. 22) and that it is not correct to say that visual impact can never be relevant to openness. (para. 40). In other words, the visual impact of a development can be taken into consideration in determining the application and in this case would result in harm to openness and harm by inappropriateness to the Green Belt.

This development is in the Green Belt outside the settlement boundary of Tewin, which is clearly evident on the ground, where it is beyond the speed signs at the entrance to the village.

With reference to the Appeal Decisions APP/J1915/W/19/3221608 and APP/J1915/W/19/3221609, this was not lost on the Inspector.: *“The appeal site is located outside of the defined settlement boundary of Tewin and therefore forms part of the District’s rural area. Whilst I accept that the site is not covered by any statutory or non-statutory designations for landscape character or quality, its immediate surroundings are dominated by undeveloped agricultural land that is inherently rural in character. .... Whilst the village’s settlement boundary is located only a short distance away, the existing buildings sit distinct and separate from existing development contained within the settlement boundary.”* (Para 23.)

In the Inspector’s view *“the existing buildings, notwithstanding their scale, have a subdued and inconspicuous presence on the site and within their surroundings, appearing inherently rural and simplistic in their form and appearance.”* (Para 14) and that *“Whilst the site’s existing buildings complement this host rural character and appearance and sit comfortably in this context, the proposed dwellings, in the case of both appeals, would appear at odds with these rural surroundings.”* (Para 24).



The current proposal for three dwellings would be similarly incongruous and does not satisfactorily address the Inspector's points on design.

It was also held by the Inspector that the contribution which the proposed houses would make to housing supply would not clearly outweigh the significant harm identified to the Green Belt and to the character and appearance of the area so as to amount to the very special circumstances necessary to justify the proposals. The same conclusion applies in this instance.

Consequently we urge the Council to refuse this application.

Yours sincerely,

David Irving