

Ben Glover  
Planning and Building Control  
North Hertfordshire District Council  
Council Offices  
Gernon Road  
Letchworth Garden City  
Herts SG6 3JF

Our Ref:

Your Ref:

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

Dear Mr. Glover,

**Application No. 20/02361/FP**  
**Erection of three detached 4-bed dwellings following demolition of existing building including**  
**creation of vehicular access off Rabley Heath Road.**  
**Little Orchard Nursery, Rabley Heath Road, Codicote,**  
**Welwyn, Hertfordshire AL6 9UA**

CPRE Hertfordshire object to this application for inappropriate residential development in the Green Belt contrary to the National Planning Policy Framework and the current and emerging North Herts Local Plans.

The applicant considers that this application falls under the provisions of paragraph 145(g) of the National Planning Policy Framework. In defining Previously Developed Land, the Annex 2 Glossary to the NPPF specifically excludes land that is or was last occupied by agricultural buildings. The existing development on this site is a horticultural nursery and hence is classed as agricultural. Consequently, the proposal falls outside NPPF 145(g).

The existing development consists of single storey structures and poly-tunnels. While the proposed houses are significantly smaller in terms of footprint, they substantially exceed the height and solidity of the current buildings and therefore will harm the openness of the site. Moreover, other typical elements associated with residential development, such as boundary treatments, lighting and domestic paraphernalia would impact adversely on the openness of the site.

The proposed development represents sporadic and isolated ribbon development, breaking down the distinctive and separate character of town and country, and the very reason for the creation of Green Belts.

The applicant puts forward a number of very special circumstances which they consider outweigh the resulting harm to the Green Belt through inappropriateness and harm to openness. These are:

1. **The reduction in building footprint**

We acknowledge that the footprint may be reduced, but that does not, in itself, remove harm to openness. The Supreme Court, in the Samuel Smith judgement, endorsed the earlier judgement in

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Turner v Secretary of State for Communities and Local Government 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.*

2. Improving visual appearance of the site

Basically the argument is that the existing nursery is unsightly and its replacement with residential development would improve the view. This is subjective but agricultural uses are commonly of such appearance and an accepted use in the Green Belt. Harm resulting from neglect or dereliction cannot carry weight. The aesthetics of the existing use compared to the proposed dwellings is not a relevant planning consideration. In the Lee Valley Regional Park Authority v Broxbourne Borough Council judgement, the judge rejected the claimed attractiveness of the development when compared to the existing as a very special circumstance.

3) Architectural quality of the scheme

Nor is the architectural quality of the proposed dwelling of significant weight. The proposed buildings are not unattractive, but hardly outstanding or innovative.

4) Landscape improvements

Landscape improvements are to be welcomed, but again can only be given very limited weight.

5) Reduction in vehicle movements

Without details of the existing and proposed traffic arrangements, it is impossible to determine the extent of any reduction or the weight to be apportioned to it.

6) Improved visibility at site access

Highway Safety requires satisfactory visibility arrangements at the site access. This is not a very special circumstance.

7) Removal of fallback options

As an agricultural development, the existing buildings could be converted to residential using Permitted Development Rights, but the nature of the structures would make this both limited and difficult to achieve. Such a fallback position cannot be given significant weight.

8) Contribution to housing land supply.

By definition any residential development will contribute to housing supply. The Applicant refers to the Council's current inability to demonstrate a 5-year housing land supply. National Planning Practice Guidance states that *“unmet need ... for conventional housing is unlikely to outweigh harm to the Green Belt or other harm to constitute the very special circumstances justifying inappropriate*



*development in the Green Belt*” and the Supreme Court judgement in Suffolk Coastal DC v Hopkins Homes Ltd. (UKSC 37) clarified that existing Local Plan policies which are designed to protect the Green Belt retain substantial weight despite lack of a 5- year housing land supply.

We also have concerns regarding the sustainability of the site. The site is in a rural location some distance from the nearest significant settlements of Codicote and Knebworth. Rabley Heath Road is a single track road without footways or lighting, making it unsuitable for pedestrians and cyclists. Department for Transport circular - LTN 1/04 is clear that not only must infrastructure [for walkers] be safe, but, for the well being of users, it must be perceived to be safe. That cannot be achieved here.

The Chartered Institution of Highways and Transportation publication ‘Planning for Walking (CIHT, 2015)’ provides the guidance on walking distances and says that *“Most people will only walk if their destination is less than a 1.6 kilometres away”*. The maximum advised distance to food shops and primary schools is 800 metres and to other facilities is 1.2 kilometres. Retail facilities in Codicote are 1.7km away and those in Knebworth 3.9km. Similarly the nearest primary school in Codicote is 2.2km and secondary school (in Welwyn Garden City) 5.7 km. The nearest bus stops, on the B656 and the B197 are 1.4km and 2.9km distant. Knebworth railway station is 3.6km. Consequently the residents of this site will inevitably be car dependant. These proposals are contrary to the principles contained in Section 9 of the NPPF and in particular paras.108(b) and 110(b) which require that safe and suitable access to the site can be achieved for all users.

We urge the Council to reject this application.

Yours sincerely,

David Irving