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Standing up for Hertfordshire's countryside

Fiona Dunning
Development Control
East Hertfordshire District Council
Wallfields
Pegs Lane
Hertford
SG13 8EQ

Our Ref:

Your Ref:

19th August 2020 (by email)

Dear Ms. Dunning,

Application No 3/20/1374/FUL

Proposed removal of stables and change in land levels to allow for the erection of 1 dwelling submerged into ground with associated access, parking and landscaping works to include the creation of water features and landscaped terrace.

On Land At Twyford Bury Lane, Twyford Bury, Bishops Stortford ,Hertfordshire CM22 7QA

CPRE object to this proposal for residential development in the Green Belt, which is contrary to East Herts District Plan policies and the National Planning Policy Framework.

We have considerable concerns regarding the documentation. Both the Design and Access Statement and the Planning Statement are heavily redacted. In the case of the Planning Statement paragraphs 7.32, 7.33, 7.34, 7.36, 7.37, 7.38, 7.39, 7.40, 7.41, 7.42, 7.43 and 7.44 have been blacked out in their entirety. These are the Very Special Circumstances put forward by the applicant intended to outweigh the harm to the Green Belt through inappropriateness and harm to openness. Paragraphs 7.53, 7.54 and 7.70 are also totally removed. These outline the applicant's determination of the Planning Balance. Para. 8.2, the Planning Statement Conclusion, is similarly removed. In addition paras 7.35; 7.46; 7.48 and 8.1 have been redacted to remove information material to the determining of the application. This makes it impossible for anyone responding to this application to consider the validity of the applicant's arguments and effectively undermines the democratic process.

As we cannot determine the very special circumstances presented, we have to make assumptions based on the information which has not been redacted. It would appear that the very special circumstances are premised on catering for the specific health needs of either the applicant or one of their family who is suffering from chronic effects of Lyme disease. Partly because of the redacting, partly as a result of the abstruseness of the terms used in the Design and Access Statement, it is not clear the extent to which the health needs dictate the whole design.

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CPRE Hertfordshire is a Charitable Incorporated Organisation

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

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Repeatedly the design is referred to as biophilic. This is a term coined in the early 1970s to describe the health giving effects of living in close proximity with nature. Since that time there have been many houses built which claim to be biophilic. Biophilic design is argued to have a wealth of benefits for building occupants but there has been little research that explores the long-term challenges, negatives, or even the benefits of biophilic buildings. The proposed house is divided into a number of zones, labeled as Healing, Recovery and Communal without clear explanation of how those uses are differentiated. What could be classed as a self-contained flat is variously described as a 'young adult apartment' and 'a recovery apartment' but at the same time the other bedrooms and main living areas are also described as 'recovery' areas. The jargon obscures rather than explains the principles of the design. It may be that aspect of the proposed house is covered in the supporting letter from the Stram Center for Integrative Medicine referred to in the documents, but that too is redacted in its entirety.

Given that we have been denied the ability to comment on the very special circumstances presented, we will address the proposal as shown on the drawings and explained in the un-redacted sections of the Design and Access and Planning Statements.

This site consists of a large pasture in the open countryside containing three barns. According to the applicant it has been used for 'domestic' equine activities. We note that there has been contradictory advice from Council officers as to whether or not this constitutes previously developed land as defined in the NPPF. It will be necessary for the Council to ascertain whether the site has been in equine or agricultural use before determining the application.

If the use has been domestic equine then the site can be considered as previously developed land and paragraph 145(g) of the NPPF applies. NPPF 145(g) permits limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt than the existing development.

As the applicant points out, there is no definition of openness in the NPPF, but there is now sufficient case law covering that point. *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*". The Supreme Court, in the case of the Samuel Smith Old Brewery stated that, as in the case of *Turner v Secretary of State for Communities and Local Government*, " *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.*"



The site landscape at present is open with gentle slope from south to north and hedgerows along its boundaries. It is bounded on three sides by open fields and on the fourth by the large garden of Twyford Bury. Public Right of Way 9 runs along the eastern boundary. In this case the application is for a large 5-bedroom house which has a footprint over 10 times greater than the barns which it is replacing. According to the drawings, its construction requires the excavation of a third of the site to a depth of 3 metres and the raising of the surrounding land by a further 1.87 metres. This will inevitably impact on the openness of the Green Belt and the landscape quality of the site and its surroundings and the perception of the site from PROW9, contrary to District Plan Policies GBR1 and DES2.

Normally when we see proposals which have been designed not to impact on the openness of the Green Belt, they are earth-sheltered, usually dug into a hillside, with a roof which has been covered over and planted to blend in with the landscape. This proposal is essentially a large freestanding structure sitting in a man-made hole. Contrary to the Applicant's assertion, it does not respect its setting, but imposes itself on it. We note that the Design Review Panel in its feedback considered that there was a "Fundamental tension between the architecture and surrounding landscape" and that the "Proposed architectural form is alien to the surrounding landscape". Under NPPF129 the views of the Design Review Panel are a material consideration.

We find it difficult to see how the applicant can assert that "It is clear that the amount of built development would increase as a result of the proposals. This however does not necessarily mean that there is a greater impact on the openness of the site." (Planning Statement para. 7.20). It is stated that this is because the volume of that portion of the house which will project above existing ground level is less than that of the existing stables. "The proposed development would have a beneficial impact on the openness of the Green Belt, both of the site itself and the wider designation. ... rather there would be an improvement in openness and landscape quality as a result of the proposed development." (Planning Statement paras 7.51 and 7.55) but as the justifications for these remarks in paras 7.53 and 7.54 have been redacted we cannot discuss them.

The applicant refers to NPPF para. 131 which says that in determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings. The Design and Access Statement says that "there is the potential for exceptional quality or innovative nature of the design" under NPPF Paragraph 79. As mentioned above, the Design Review Panel considered that the building would be alien to its surroundings. While the design is striking, given the large number of previous 'biophilic' constructions, it is difficult to maintain that it is truly innovative as required by NPPF paras. 79 and 131. In terms of its Passivhaus, sustainability credentials,



again there have been many previous examples. Previous Appeal decisions have found that houses with high levels of sustainability have 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.”* (viz APP/N0410/A/14/2220241; APP/J1860/W/17/3179621 et al).

Sustainability is wider than just energy consumption. In economic terms the provision of a single house will have minimal impact on the local economy. This is a family residence. Twyford Bury Lane is an unlit rural road without footways. Both Bishops Stortford Town Centre, with social, educational, medical and retail facilities and the railway station are over the maximum walking distance of 1.2 kilometres recommended in the Chartered Institution of Highways and Transportation publication ‘Planning for Walking (CIHT, 2015)’ and the Department for Transport’s document ‘Manual for Streets’ which set out the requirements for pedestrians. Consequently the site will be car dependent.

The applicant also refers to District Plan Policy HOU8 on self build and custom build housing and duty of the Council under Section 2A of The Self Build and Custom Housebuilding Act 2015 give suitable development permission to such proposals. There is no indication in the documents that the applicant has applied to be on the Self Build register and the Council will have to ascertain this point before taking this into consideration in determining the planning balance.

The only justification for this development which is not redacted is the comment in the Design and Access Statement that the “Client previously lived in Twyford Bury and so has an emotional attachment to the site. This is the primary reason for this application.” However that is not a valid reason to outweigh the inappropriateness and harm to the openness of the Green Belt which this application would cause.

Given our inability to scrutinise the applicant’s ‘very special circumstances’ beyond an emotional attachment to the site, we have no option but to object and urge the Council to reject this application.

Yours sincerely,

David Irving