

Georgia O'Brien
Planning and Building Control
Hertsmere Borough Council
Civic Offices, Elstree Way
Borehamwood
Herts. WD6 1WA

Our Ref:

Your Ref:

16th September 2022 (by email)

Dear Georgia O'Brien,

Applications no. 22/0971/OUT
Land adjacent and to the rear of 52 Harris Lane Shenley
Construction of up to 46 dwellings with associated landscaping and open space to
include access from Harris Lane. (Outline Application with Appearance, Landscaping,
Layout and Scale Reserved)

Further to our objection letter dated 6th July 2022 and the recently published letter from Woolf Bond Planning dated 9th September, CPRE Hertfordshire acknowledges that there was an error in our original response in paragraph 8 which stated that the site had not been included as a proposed allocation in the shelved Regulation 18 Draft Hertsmere Local Plan. We apologise for any confusion this may have caused and would like to withdraw our objection letter dated 6th July to replace it with this corrected version.

CPRE Hertfordshire objects to this application for the following reasons:

1. The site is located in the London Metropolitan Green Belt as defined in the Hertsmere Core Strategy 2013 and Site Allocations and Development Management Policies Plan 2016, where development is inappropriate unless very special circumstances are demonstrated, as defined by the National Planning Policy Framework (NPPF). The Applicant's Planning Statement seeks to justify the proposed development by virtue of very special circumstances relating to lack of five years housing land supply overcoming the constraints provided by Paragraph 11 of the NPPF.
2. It continues to be the case that Paragraph 11 of the NPPF (and footnote 7) enables Local Plan housing targets to take account of policy constraints relating to designated protected land, including Green Belt. CPRE Hertfordshire has argued at recent Local Plan inquiries that Paragraph 11 effectively requires local planning authorities to take account of protected area designations.
3. We thus profoundly challenge the assertion in the Planning Statement that "the presumption in favour of sustainable development (the tilted balance) at paragraph



11(d) of the NPPF is engaged”(Planning Statement para. 1.15). The quotation of examples of recent appeal decisions in favour of development on the Green Belt at Bullens Green Lane and Heath Lane Codicote may be balanced by decisions at Broke Hill Sevenoaks and Ellenbrook Fields where Green Belt designation has been upheld as a constraint on development.

4. This points up the lack of clarity with regard to technical guidance on housing land supply and policy constraints and may be set in the context of the ongoing active debate regarding the protection of Green Belt. The Green Belt in the area adjacent to Shenley affected by this proposal is particularly susceptible to degradation and in our view requires management as open countryside for the benefit of the public, both local and visitors, as originally intended by its designation.
5. The plethora of recent planning applications in southern Hertfordshire, often citing the above planning appeals and planning committee decisions elsewhere, provides the context for a wholesale attack on the Green Belt which is causing considerable local community and wider concerns. The recent record-breaking public response to the Hertsmere Draft Local Plan indicates the over-whelming support by local communities for the Green Belt and in light of this response, the Council has announced its intention to ‘shelve’ the Draft Local Plan pending further review.
6. We urge the Council to take note of the representations made by local residents in respect of both the principle and specific proposals for development on Green Belt land. We would also note recent draft legislation and Ministerial statements, which carry policy weight, which continue to re-emphasise the importance of the Green Belt, and that its designation should act as the major constraint intended in the NPPF.
7. The recently published Levelling Up and Regeneration Bill and supporting policy information re-emphasises the importance of protection of the Green Belt, and forthcoming amendments to technical guidance should clarify the significance of this protection. It is increasingly clear that where all open land is designated as protected, such as in Hertsmere, there need to be special measures and the re-balancing of development away from what the Levelling Up and Regeneration White Paper referred to as ‘over-heated areas’.
8. The proposed development is a clear encroachment into open countryside, affecting its openness and leading to a reduction in open land between settlements in the immediate area. It is clearly inaccurate for the Planning Statement to assert that “there are no ... statutory designations that would otherwise serve to limit the development potential of the Site” (PS para. 2.14)



9. Further, studies commissioned by the developer's consultants (CSA Environmental and BSA Heritage) purport to indicate low landscape value and "no heritage value" in the area affected, and these may be challenged with regard to the values they assign to specific features and impacts. In any case, the CSA study indicates landscape character of "medium landscape and sensitivity" which would suggest a significant contribution to Green Belt function and certainly no case for its release in this area, particularly as it is affirmed that the "the character of the Site would undergo a substantial change" (op cit para 4.26).
10. The Applicant also asserts that the proposed development will provide almost 40% affordable housing as presently defined and this is misleading. Recent CPRE Hertfordshire research has highlighted the complete inadequacy of present definitions of affordable housing and both the lack of provision by the market housing providers and inability of Hertfordshire average income earners to access any part of the housing for sale market.
11. The very considerable and growing local community response, together with the potential damage to highly valued protected open countryside accessible to all, indicates the need to review site allocations in the emerging Local Plan and the determination of planning applications in the Green Belt. The increasing pressures on local services and facilities from further development, as identified by numerous objectors are also undeniable. We urge the Council to refuse this inappropriate development proposal.

Yours sincerely,

Chris Berry
Planning Manager