

Marshcroft, Land East of Tring

Appeal by Redrow Homes Ltd, and James, John and Jaqueline Westrope

Public Inquiry: APP/A1910/W/22/3309923

LPA Planning Application Reference: 22/01187/MOA

Opening on behalf of the Combined Objectors Group

1. The Combined Objectors Group¹ strongly oppose this application.
2. This development is vast. The evidence is voluminous. The decision is easy. Policy demands that you refuse this appeal.
3. The NPPF, as a high level document, delegates the vast majority of decisions to a fact sensitive judgment taking into account the particular characteristics of a development and its proposed location. However, in the case of the Green Belt, it sits at the apex of priorities [alongside Local Green Space]—development requires very special circumstances. No other consideration is afforded that protection in the NPPF.
4. With regards to Areas of Outstanding Natural Beauty, great weight should be given to conserving and enhancing their landscape and scenic beauty.
5. Decision makers must recognise the intrinsic beauty of the countryside. Development should *contribute to* and *enhance* the natural and local environment.
6. There are not very special circumstances that warrant development on the Green Belt, brutalising the countryside and undermining the setting of an area of outstanding natural beauty.
7. That phrase ‘very special circumstances’ should not be reduced to an evidential hurdle but given its proper meaning and the importance of keeping land *permanently* open must be weighed in planning balance.
8. The Green Belt is for many a manifestation of our better selves—forsaking the immediate desire to develop to ensure that there is open space for future generations. We must be vigilant against the temptation to abandon the needs of future generations. Development covering in excess of 50 hectares in the Green Belt should be the

¹ CPRE Hertfordshire – the Countryside Charity (“CPREH”), The Chiltern Society (“CS”), and Grove Fields Residents Association (“GFRA”).

exception, never expected. Moreover, the indications from government are that Green Belt will receive greater protection not less.²

9. The Combined Objectors Group will present evidence from:

- a. Nicola Brown, a Landscape Architect
- b. Chris Berry, a Chartered Planner.

10. Ms Brown will demonstrate that:

- a. The Appellant has failed to appreciate the character of the land and has downplayed the harm.
- b. The Appellant has failed to fully appreciate (and therefore weigh) the true extent of visual harm.
- c. The Appellant has badly oversold the influence of the so-called urbanising edge.
- d. The Appellant has badly oversold the diminution of adverse effects over time—the impact will remain substantial up to and after year 15.
- e. The Appellant has downplayed the harm to the setting of the Chiltern's AONB and this will compromise future residents enjoyment of the AONB.

11. Mr Berry's role will be twofold. First, he will assist the inquiry by bringing his substantial years of experience to assist in weighing the impacts against the benefits of this scheme and assessing whether the benefits genuinely clearly outweigh the considerable harm such that very special circumstances can exist. Mr Berry will also call upon his years of experience to aid the tribunal in assessing whether the so-called 'other circumstances' regarding the evidence base arising from the local plan and the delay in adoption of a Local Plan contribute to the existence of very special circumstances. Second, Mr Berry, will kindly ask that you bear in mind a significant list of concerns raised by the organisations that make up the Combined Objectors and ensure that they are the forefront of your consideration.

12. With regards to weighting, there is no dispute that this development will be inappropriate for the Green Belt and that demands substantial weight. That is before the extent of harm to Green Belt openness (both spatially and visually) is quantified. Mr Berry, however, will argue that the harm to the Green Belt arising from this substantial

² The COG do not accept Reverend Professor Bob May analysis of the proposed changes to Green Belt policy at paragraph 4.44 of his proof.

encroachment into the countryside attracts additional weight in your consideration. Moreover, it is accepted that this will be an example of urban sprawl. Thus the weight to be given to Green Belt harm must, in our submission, far exceed the policy minimum of substantial.

13. In addition, Mr Berry will argue that once properly weighed there are numerous other harms that demand substantial weight:
 - a. The harm to the setting of the AONB demands considerable weight—once that setting is compromised, it cannot be recovered.
 - b. The harm to the countryside cannot merely be subsumed within the Green Belt assessment and deserves its own weighting which in Mr Berry's view is considerable.
 - c. The loss of a viable and vital agricultural field (particularly at a time when supermarket shelves are empty) is a further weighty reason to refuse permission.
 - d. In addition, Mr Berry will argue that if the concerns (listed below) are not addressed, that will provide further weighty reasons against allowing this development.
14. Given that extent and nature of harm, Mr Berry will argue that it is frankly impossible under the NPPF to justify intrusion onto the Green Belt, obliteration of the countryside and undermining the setting of an AONB. Quite simply, no amount of benefits can justify that harm.
15. Mr Berry broadly agrees with Mr Stickley of the Local Authority regarding the weighting to be given to the harms and the benefits of this scheme, although there are slight differences which will be explored in evidence. Therefore, Mr Berry will conclude that the benefits do not *clearly* outweigh the harms and therefore there are no very special circumstances to warrant intrusion on the Green Belt.
16. As stated, Mr Berry's role is twofold—the second will be as spokesperson and he will request that a number of issues are given proper consideration so that this inquiry can demand the confidence of local residents. Specifically the following widespread community concerns will be brought to your attention:
 - a. This is *not* an example of plan led development. It will result in approximately 25% increase in the size of Tring with no democratic consent.

- b. The bulk and scale of this development is vast.
 - c. It is unnecessary—there are viable Brownfield site alternatives available.
 - d. The Appellant is inviting this inquiry to reject the view of the Chiltern Conservation Board.
 - e. The impact of windfall developments is becoming relentless and is the antithesis of plan led development. The Green Belt is under attack on multiple fronts and each case cannot be considered in isolation.
 - f. The mitigation proposed in the forms of SANG and SAMM is insufficient to make up for the damage to the Chilterns SAC which is under attack from this development and others.
 - g. A market housing led development effectively does nothing to alleviate the acute need for *affordable* homes.
17. Once those considerations are fully investigated, the benefits are given their proper (as opposed to inflated) weighting and the extent of the harm is appreciated, the Combined Objectors will invite you to recommend that the Secretary of State refuse this appeal.

Joseph Thomas
Landmark Chambers
7 March 2023