



The countryside charity
Hertfordshire

PUBLIC INQUIRY

**Land North of Mansion House Farm
Bedmond Road Abbots Langley Hertfordshire**

Ref: APP/P1940/W/24/3346061

Interested Party Statement

by Chris Berry BA(Hons), Dip TP,MRTPI,FRSA

on behalf of

CPRE Hertfordshire – the countryside charity

August 2024

INTRODUCTION

1. My name is Chris Berry. I am a Member of the Royal Town Planning Institute, hold a Bachelor of Arts with Honours degree in Geography from the University of London and a post-graduate Diploma in Town and Country Planning from the University of Newcastle-upon-Tyne.
2. I have practised in both the public and private sectors for over 45 years and been employed by a wide range of organisations including local government, development corporations, planning consultancies and development agencies. Latterly I have acted as interim Chief Planning Officer and Assistant Director for a number of London and Hertfordshire Boroughs and am presently employed as Planning Manager for CPRE Hertfordshire – the countryside charity.
3. I am presenting this Statement for the Inquiry on behalf of CPRE Hertfordshire. CPRE Hertfordshire acts to protect countryside in Hertfordshire and is active in supporting local organisations and communities to protect open spaces and rural activity from inappropriate development and environmental degradation.
4. In this statement I seek to identify the potential harm to the Green Belt caused by the proposed development and comment on the planning policy framework and the potential changes to government policy which may be material to the determination of these appeals.
5. CPRE Hertfordshire supports fully the decision of Three Rivers District Council with respect to the refusal of permission for the planning application which is the subject of this Inquiry. We also support fully the analysis of landscape character undertaken for the Council.

BACKGROUND TO THE INQUIRY

6. The proposal is for a data centre plus associated development and the decision with regard to planning permission has been recovered by the Secretary of State for her decision following an appeal by the Appellant. The original planning application (reference 23/1068/OUT) was submitted to Three Rivers District Council in June 2023 and refused by the Council's Planning Committee with the decision notice issued on 25th January 2024.
7. The relevant development plan is the adopted Three Rivers Core Strategy Local Development Document, and the emerging Local Plan continues to be the subject of active consideration following the high level of negative public response to the

Regulation 18 consultation public consultation. Subsequently, amended proposals for site allocations, primarily for housing were re-submitted for public consultation and the subject site is not allocated for development.

GREEN BELT

8. The site lies entirely within the London Metropolitan Green Belt as defined in the adopted Three Rivers Core Strategy according to criteria in the National Planning Policy Framework (NPPF). It is agreed by the Appellant that the proposed development is inappropriate development in the Green Belt, as stated in paragraph 147 of the National Planning Policy Framework (NPPF) which states that “inappropriate development should not be approved except in very special circumstances”.

9. The presumption in favour of sustainable development is set out in paragraph 11 of the NPPF. For decision-makers, this means that:

“where there are no relevant development plan policies, or where the policies for determining the application are out-of-date, granting permission, unless:

- (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
- (ii) any adverse effects of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework, taken as a whole.”*

Footnote 7 of the NPPF identifies clearly that land designated as Green Belt is an area of particular importance which provides the “clear reason for refusing the development proposed” as noted in (i) above.

10. The Government’s commitment to protecting Green Belt land is elaborated in Chapter 13 of the NPPF. The five purposes of the Green Belt are set out in paragraph 143, as follows:

- (a) to check the unrestricted sprawl of large built-up areas;*
- (b) to prevent neighbouring towns from merging into one another;*
- (c) to assist in safeguarding the countryside from encroachment;*
- (d) to preserve the setting and special character of historic towns; and*
- (e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.*

CPRE Hertfordshire believes that the first, third and fifth of these purposes are directly relevant to the determination of this appeal.

11. Historically, Green Belt has been a key component of the planning system in Hertfordshire and in terms of the first Green Belt purpose, its primary function has been to control the outward sprawl of London. In the 1970s, the Green Belt was extended as part of the Hertfordshire County Structure Plan to cover approximately 40% of the land area of the County to continue to provide this protection with regard to the continued growth of the metropolis.
12. The third purpose, to safeguard the countryside from encroachment, is the most significant concern in this case, particularly when set in the context of challenging the permanence of the Green Belt and the clear and obvious loss of openness which would result from the construction of the data centre and associated development. The proposed development would encroach severely into an area of open countryside adjacent to Abbots Langley.
13. There is no doubt that development of the site would result in a complete loss of Green Belt openness, contrary to the fundamental aim set out in the NPPF (paragraph 137). No amount of screening or planting could compensate for the introduction of this huge commercial development which would completely change the character of the area.
14. The case of *Samuel Smith Old Brewery (Tadcaster) v North Yorkshire County Council [2020]* has clarified the definition of openness by identifying it as a matter of planning judgement. Openness was ruled not necessarily to be a statement about the visual qualities of the land but rather a counter-point to urban sprawl, defined as an absence of “urbanising development”, which definition applies clearly to this appeal site.
15. The Appellant also argues that “very special circumstances”(VSC) exist where the benefits of the scheme would outweigh the harm to the Green Belt. VSC should not be seen solely as a mechanistic weighting exercise, but as clear and powerful reasons related to the conditions and circumstances of the site that warrant a departure from consistent planning policy in favour of respecting and retaining the Green Belt. A series of provisions such as the Appellant proposes should not normally amount to VSC when much of what is being promoted would be expected of a significant development in any location.
16. With regard to the principle of development in the Green Belt, CPRE Hertfordshire has argued consistently in both Examinations in Public of Local Plans in Hertfordshire, and in representations to planning applications, that the intent of Paragraph 11 (and footnote 7) in the NPPF is clear with regard to the protection of protected land. Some recent planning appeal decisions in favour of residential development and the

proposed allocation of Green Belt sites in emerging Local Plans have led to a weakening in these protections both for residential and commercial developments.

17. The Appellant considers that the site does not make a significant contribution to the Green Belt and effectively poorly performing and not contributing to landscape quality. We profoundly disagree with this assertion, as do the very extensive local community and public comments, and in any case we further note that it is not the quality of Green Belt land which is protected but the function it fulfils as open countryside.
18. The arguments used by the Appellant are frequently applied by developers to urban edge sites in the Green Belt but if accepted they form a circular argument. The site is released from Green Belt and the next site becomes the urban edge and the same argument is then applied and the Green Belt is eroded constantly.

VERY SPECIAL CIRCUMSTANCES

19. The Applicant's Planning Statement lists twelve issues which it asserts amount to the very special circumstances required. Primarily, the Applicant promotes this proposal as a special case due to the urgent requirement for data centres as a national priority which they see as weighing very substantially in the planning balance.
20. This is to misinterpret fundamentally the nature of very special circumstances relating to proposals in the Green Belt. Notwithstanding a requirement for data centres as key elements of future economic growth, there appear to be no specific locational factors relating to this particular site as opposed to other sites either locally or further afield, other than its availability.
21. It is reasonable to suggest that this availability arises from the site's status as Green Belt which may be said to have prevented its consideration for development up until now. The principal issue under consideration is the designated protected status of the land and the harm which would be caused by any development in this location.
22. It is undeniable that the Green Belt, especially in southern Hertfordshire is presently subject to unprecedented pressures from proposed development of all kinds, including residential, commercial and for energy generation. This has led to significant public reaction which has been expressed through consultations relating to the Local Plan preparation process.
23. The National Planning Policy Framework is clear that alterations to Green Belt boundaries should take place only through the Local Plan process, and not by

individual planning applications. The constant pressure of applications on designated protected land is in danger of bringing the planning system into disrepute.

24. This proposal would have a substantial impact on the openness of the Green Belt. The provision of an associated “country park” is irrelevant as this would use land which is open countryside, and thus already fulfilling the purposes of the Green Belt.
25. Other factors promoted as providing very special circumstances include employment provision, building quality, social benefits, climate change and the lack of alternative locations. We believe that the majority of these elements would relate equally to a similar development in another location without statutory protection and they should not be regarded as having significant weight in this case.
26. CPRE Hertfordshire believes that this proposal constitutes highly inappropriate development of a type which Green Belt legislation was designed to prevent. The intention of the Government to protect the Green Belt is clear and we believe that there are no very special circumstances related to this location for a development of this nature.

LANDSCAPE CHARACTER

27. A key characteristic of the designated open land affected by the proposal is the quality of the rural landscape and we support the evidence in this area provided by the Council. The harm arising from the proposed development to landscape and visual qualities is very substantial including the contribution it makes to the countryside in the area affected, providing space for long established agriculture, wildlife and countryside recreation.
28. We note in the Officer’s report to Planning Committee on the application (17.01.24) that differences remain with regard to the assessment of landscape character. The significance of the landscape is also enhanced by its proximity to the built-up area of Abbots Langley, and value placed on it by local residents, as is evidenced by their representations to the planning application.

THREE RIVERS LOCAL PLAN

29. The status of the emerging Three Rivers Local Plan and the continuing Government consideration of the significance of designated protected land, including Green Belt and National Landscapes are also directly relevant to this Inquiry. The recent Regulation 18 public consultation on the Three Rivers Local Plan received a record-breaking number of responses, overwhelmingly rejecting the allocation of Green Belt

sites for development. Similar situations have arisen with regard to the emerging Local Plans for Hertsmere Borough and Dacorum Borough Council in Hertfordshire where local community responses and opposition relating to Green Belt allocations have led to the need to review the respective Local Plans

30. This has led Three Rivers District Council to delay the programme for publication of the Local Plan for further review. Significant progress has been made by the Council on amendments to the emerging Local Plan which reduce considerably the protected land proposed to be allocated for housing development. As a responsible local planning authority, the Council rightly wishes its Local Plan to reflect local community concerns and aspirations, as required by the NPPF, and in any event decisions should be made based on the adopted Core Strategy and Site Allocations Development Plan Document.

GOVERNMENT POSITION

31. The Government has restated its commitment to the Green Belt, most recently in the proposals for amendments to the National Planning Policy Framework (NPPF) which are currently published for public consultation, and the accompanying Ministerial Statement (July 2024) by the Secretary of State for Housing, Communities and Local Government. Notwithstanding the support indicated in the proposed amendments to the NPPF regarding data centres and similar large-scale commercial development, we believe that the proposed location is particularly inappropriate in terms of its visual impact over such a wide area where open space is at a premium

SUMMARY AND CONCLUSION

32. In summary, CPRE Hertfordshire fully supports the Council in its rejection of the proposed development which is the subject of this inquiry. The quantum of development proposed means that there would be very substantial harm caused to highly valued open countryside which is designated as Green Belt.
33. This designation seeks specifically to prevent the type and magnitude of development proposed and the benefits of the scheme do not clearly outweigh the harm caused by this over-bearing development proposal on the Green Belt. The Inspector is respectfully urged to recommend that this appeal be dismissed.