

Appeal Reference: APP/A1910/W/24/3345435

LPA Reference: 21/04508

Land west of Leighton Buzzard Road,
Hemel Hempstead

Addendum to Proof of Evidence

by

Chris Berry BA(Hons), Dip TP, MRTPI

For the Combined Objectors Group

January 2025

Introduction

1. The Government published the revised National Planning Policy Framework (NPPF) on 12 December 2024 following public consultation and a Written Ministerial Statement (WMS) in July 2024 on reforms to the planning system. In the WMS the Government made clear that its priority is economic growth which it intends to promote through reforms to the statutory planning system among other initiatives.
2. The most significant changes to national planning policy are: the formula for estimating housing need; setting new housing targets in Local Plans; revising policy on the Green Belt; and introducing the concept of grey belt.
3. The Inspector has given permission for addendum proofs to be submitted in relation to these changes.

New Government formula

4. The Government has changed the way it calculates housing need. The new formula, still known as the 'standard method', uses as a basis a proportion of existing housing stock to which it adds a factor for Local Authority areas where house prices are high relative to median local earnings.
5. This would appear intended to encourage the provision of more affordable housing and so inevitably the added factor is greater in places where housing prices are highest, for example in south-east England, including Dacorum.
6. In addition, whereas the resultant figure from application of the 'standard method' was previously an advisory starting point from which Local Authorities should then take into account other considerations, the new NPPF expects that the Government provided figures shall be met in full by the allocation of land for development in Local Plans.
7. Importantly for this application, no changes are made to the critical paragraph 11 of the NPPF which identifies the policy constraints relating to both plan-making and decision-taking with regard to the significance of designated protected land, including Green Belt and National Landscape (NPPF, footnote 7). In my view this means that the designation of Green Belt continues to provide 'a strong reason for refusing the development proposed' (NPPF, para 11(d)) which applies in the case of the present application.
8. Indeed, as I noted in my original proof at paragraph 25, by introducing the concept of grey belt, the Government has now indicated those areas of land on which it favours

development in the Green Belt. In consequence, those areas have had their protections diminished.

9. It necessarily follows that any area not identified as grey belt is not favoured for development, and thus by comparison their protection under Green Belt policy have increased. This seems to be for the reason that they are taken to achieve Green Belt purposes better.

Green Belt

Introduction

10. I have seen the Green Belt Statement of Common Ground prepared by the Appellant and Dacorum BC dated 15 January 2025 and do not agree that harm is limited to only one purpose of the Green Belt: that being purpose c). As I noted in my original proof at paragraph 10, I consider that purposes a), c) and e) are in issue. Given the new definition of grey belt (which excludes purposes c) and e)) on which I comment on below, I also note the potential significance of purpose d) in this matter.
11. Following the exchange of proofs of evidence in September 2024, I have also had sight of the final evidence of Dacorum on heritage issues. I also note that Dacorum state in the Green Belt Statement of Common Ground that they maintain heritage as a 'strong reason' for refusing the application (under NPPF, para 11(d) and footnote 7), but do not consider that purpose d) is engaged. Given their evidence submitted in September 2024 it now appears to me that purpose d) may also be engaged. I explore this further in relation to the grey belt below.

Purpose a)

12. This purpose is to 'check the unrestricted sprawl of large built-up areas'. As I explain in my proof of evidence, for the London Metropolitan Green Belt this refers to preventing the urban sprawl of London whose primary growth is exercised along the A41, the West Coast Main Line railway and other radial routes where pressure for development continues to be significant, including this site.
13. It is clear that part of this primary purpose is to maintain the integrity of local settlements including those adjacent to major built up areas such as Hemel Hempstead. Hemel Hempstead is a significant settlement with a wide range of services and facilities and a population of approximately 100,000.
14. My view is the development clearly constitutes urban sprawl to the north of the built-up area of Hemel Hempstead and would impact significantly on the special rural

character of the immediate area. This would include the historic village of Piccotts End and the surrounding high quality and highly valued open countryside with its considerable aesthetic, landscape, wildlife and biodiversity assets, as identified by other witnesses.

15. The Stage 1 Green Belt assessment notes for 'Green Belt land north of Hemel Hempstead' that it 'makes a significant contribution to safeguarding the countryside and preserving the setting of Piccotts End and Hemel Hempstead' (CD5.28 p.155). It also finds a partial contribution to Green Belt purposes, in acting as a 'green wedge into Hemel Hempstead and preventing neighbourhoods on adjacent sides of the valley from merging' and I see this as relevant to purpose a) as well as purposes b) and c).
16. In my view, the proposed development would mark an initial manifestation of urban sprawl in an area which has remained open as a green wedge towards the highly urban town centre of Hemel Hempstead, and which could encircle Piccotts End and potentially other rural communities.
17. The designation of this land has maintained the integrity of local settlements by maintaining their identity, cohesion and rural character for villages and hamlets including Piccotts End, Water End and Great Gaddesden. By permitting the proposed development towards the centre of the green wedge as described, unrestricted sprawl is no longer checked and the intrinsic value of the open space and setting of Piccotts End is compromised.
18. This is strengthened in the Stage 2 Green Belt assessment which also notes the strong contribution that the site HH-A5 makes to preventing the northern extension of Hemel Hempstead against NPPF purposes (CD5.29 Table 5.2, page 54). The continuing consideration of already allocated Site LA1 (Marchmont Farm) within the long-term planning of the Hemel Garden Communities on the other side of the valley in my view increases the significance of maintaining the northern approach to Hemel Hempstead.
19. The NPPF does not contain a definition of what may constitute sprawl. In the recent appeal (APP/V4630/W/24/3347424) the Inspector indicates that the decision on whether a development would conflict with Purpose a) depends on the relationship of the site with a built-up area. Here the site immediately abuts Hemel Hempstead, breaks the existing bounds of the existing ancient woodland (Warners End Wood) enclosing the northeast of Gadebridge, and sprawls out towards Piccotts End to the east and wider countryside to the north.
20. For these reasons, I consider that this area of Green Belt land does make a strong contribution to 'check the unrestricted sprawl of large built-up areas'. I also consider this

to be the appropriate classification for this matter, albeit I note that the Stage 1 (CD5.28, page 155) and Stage 2 (CD5.29, page A10) Green Belt assessments characterise this as a matter more falling under purpose b). and I recognise that the Inspector might instead consider this as appropriate. In any case I believe that it would be entirely inappropriate to identify this land as grey belt.

Purpose d)

21. The Combined Objectors Group has not had the benefit of its own heritage expert in this case. As a result, while we had seen the Appellant's assessment of heritage and the Statement of Common Ground on heritage prior to my giving my first proof of evidence, we now also note the Council's recent position. Heritage is one of the Council's original reasons for refusal, and it is repeated in para 2.18 of the Green Belt Statement of Common Ground that the Council's position is that this is a footnote 7 'strong reason' for refusal.
22. The evidence submitted shows the important contribution that the open countryside, with its agrarian character, makes to Piccotts End. It forms the setting of the Conservation Area and a number of valuable listed buildings therein. The change brought by the development would remove this key characteristic of the setting, and overall erode the green wedge which is so highly valued by local communities in seeing these heritage assets. It seems from the evidence provided by the Council that the Green Belt in this area is making a strong contribution to preserving the setting and special character of Piccotts End and the surrounding area.

Other Green Belt purposes

23. I remain of the view that I set out in my original proof in relation to purposes c) and e). I think these remain critical to understanding the significance of the Green Belt in this area. I recognise they do not directly bear on the question of whether the appeal site is grey belt as presently defined by the general criteria in the revised NPPF.

The grey belt

24. The new NPPF defines grey belt as:

'land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of purposes (a), (b), or (d) in paragraph 143. 'Grey belt' excludes land where the application of the policies relating to the areas or assets in footnote 7 (other than Green Belt)

would provide a strong reason for refusing or restricting development.' (NPPE, Annex 2, page 73)

Footnote 7

25. While accepting that the definition of grey belt excludes areas for which 'footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development', the Council maintains, most recently in para 2.18 of the Green Belt Statement of Common Ground that heritage is a footnote 7 strong reason for refusal. I addressed the importance of heritage issues in my original proof, noting the evidence of the local community and the value of the assets at a high level and I support the position of the Council that in this case heritage concerns are a strong reason to refuse permission for this proposed development.

Para 155

26. I have already commented on the purposes of the Green Belt above. Paragraph 155 introduces the concept of grey belt in general terms with regard to four criteria which have not yet been defined in terms of the local conditions which need to be satisfied. My proof of evidence notes that the site has 'strongly contributed towards Green Belt purposes', according to consultants SKM and Aecom, which in my view includes purpose a) as well as purpose c), as previously indicated.
27. Importantly, even if grey belt land, para 155(a) asks whether the development would 'fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan'. If it would, the development is still inappropriate in the Green Belt. In the recent appeal (APP/V4630/W/24/3347424) the Inspector noted this would involve considering all five of the purposes of the Green Belt.
28. As I explained in my original proof, I consider that the Green Belt in this area makes a central contribution to protecting the countryside. Considering the Green Belt as a whole around Hemel Hempstead, a key feature is the green wedge which constitutes the entrance to Hemel Hempstead from the north and protects Piccotts End. To erode this through the development so substantially would, in my view, fundamentally affect the green wedge and how it functions as part of the Green Belt. It would no longer be a wedge, the parkland to the south would be enclosed, Piccotts End's setting would be changed, and the open entrance to Hemel Hempstead would be lost. It seems to me that would be a fundamental undermining of the Green Belt across this area.

Para 156 and 159

29. I note further from the Statement of Common Ground that the Council does not consider that the provision of green space within the proposal makes a contribution to the landscape setting of the development. This means that the significance of the high quality Green Belt in this location is maintained with regard to preventing urban sprawl, as well as its contribution to preserving the open nature of the countryside and the rural character of this area.

NPPF and Dacorum Reg 19 Local Plan

30. The revised NPPF provision regarding housing need calculations do not apply to the Submission Draft Dacorum Local Plan which has been submitted to the Planning Inspectorate for examination in public in the near future. The programme issued by the Council for the remaining stages of Examination and adoption has been expedited to provide robust and justified allocations for development with the intention of adoption by February 2026. A number of the allocations are stated to have a timescale of 2026/2027.
31. The present low availability of housing land in Dacorum, as agreed by all parties, will thus be addressed in the near future by the proposed allocations in the upcoming Local Plan, which do not include the appeal site. The site remains unallocated in both the adopted Dacorum Core Strategy and the submission draft Local Plan and is not required for the supply of housing land in the future.

CB

22/01/25

Updated NPPF Paragraph Numbering – Proof of Evidence of Chris Berry for the Combined Objectors Group September 2024

Old NPPF paragraph (proof para)	New NPPF paragraph
152 (para 7)	153
11 (para 8)	11
143 (para 9)	143
142 (para 18)	142
146 (para 20) ¹	147
180(b) (para 34)	187(b)
96(c) (para 39)	96(c)
104 (para 40)	105

¹ In error, my para 20 referred to para 147 whereas it should have referred to para 146.