The countryside charity
Hertfordshire

Appeal Reference:
APP/A1910/W/25/3373146

LPA Reference 24/01424/MOA

Land at Shafford Knoll Farm, Lower Road, Nash Mills, Hemel Hempstead HP3 8RT

Statement by:

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

on behalf of CPRE Hertfordshire

November 2025

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. 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. I am providing this statement on behalf of CPRE Hertfordshire and in full support of the representation made by Nash Mills Parish Council.

Background to the appeal

4. The proposed development is for 30 dwellings (Use Class C3) and (up to) a 70 bed care home (Use Class C2), with new access to Lower Road and pedestrian links to canal tow-path. The planning application was submitted to Dacorum Borough Council in 2024 and refused permission by Planning Committee in July 2025 for four planning reasons.

5. The relevant development plan is the Dacorum Borough Core Strategy (2013) and the Draft Dacorum Local Plan is presently undergoing Examination in Public. This site is located in the London Metropolitan Green Belt and is not allocated for development in the Draft Dacorum Local Plan. The Council's Local Development Scheme envisages adoption of the Dacorum Local Plan in 2026.

Green Belt policy

6. Paragraph 154 of the National Planning Policy Framework (NPPF) identifies the inappropriateness of development in the Green Belt and paragraph 153 notes that "Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances". The Appellant contends that, notwithstanding whether grey belt applies, "very special

circumstances" (VSC) exist to clearly outweigh the potential harm to the Green Belt which may result from the proposed development.

7. 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.

Purposes of the Green Belt

8. The Government's continuing 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.

9. I consider the first, second, third and fifth purposes are relevant to the determination of this appeal. 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 as the London Metropolitan Green Belt. 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.

10. The form of the Hertfordshire Green Belt and its primary purpose reflects the influence of Greater London along the main route corridors leading northwards from the capital. This relates to the first of the five purposes of the Green Belt which refers as much to the effect of the urban sprawl emanating from the growth of the capital as the major development generator in this and the surrounding areas, as to the sprawl of other major settlements.

11. This primary function of preventing urban sprawl 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. Arguments relating to the inconsequential impact of each individual application on the Green Belt as a whole become seriously inappropriate when the cumulative effect of several applications is considered, as is occurring in Hertfordshire.

12. With regard to both the first and second purposes, the Green Belt has up until now maintained the integrity of local settlements, including those immediately adjacent to major built-up areas such as Hemel Hempstead. In this respect it has performed the function of maintaining the identity, cohesion and rural character of several villages and hamlets which include in this case Nash Mills and Kings Langley.

13. It is also clear that the effect of multiple planning applications in the Green Belt is leading to the coalescence of small settlements which lead to the effective enlargement of major towns, particularly on the northern boundaries of the London built-up area. Notwithstanding the recent update to Planning Policy Guidance (PPG) in Feb 2025 *(Assessing Green Belt to identify grey belt land - Paragraph: 005 Reference ID: 64-005-20250225)* which specifically excludes villages from consideration of the merging of settlements in the Green Belt.

14. I believe strongly that this Appeal should take account of the impact of development proposals with significant impact on vulnerable stretches of Green Belt countryside in the narrow gaps between settlements which lead to their merging and the effective expansion of larger towns.

15. The third purpose, to safeguard the countryside from encroachment, is also a 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 30 houses, a care home and associated infrastructure. The proposed development would encroach significantly on open land on the southern boundary of the Hemel Hempstead built-up area.

16. There is no doubt that development of the site would result in a considerable loss of Green Belt openness, contrary to the fundamental aim set out in the NPPF (paragraph 142). No amount of screening or planting can compensate for the introduction of dwellings and a care home into this semi-rural setting which would completely change the character of the area.

17. The case of *Samuel Smith Old Brewery (Tadcaster) v North Yorkshire County Council* [2020] UKSC 3 (CD7.18) 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.

18. The significance of the Green Belt in this location is considerably increased by its proximity to homes and residents of both Nash Mills and Kings Langley. The presence and usage of the canal and towpath contribute to the encouragement of recreation, supporting biodiversity and maintaining an element of rural character which is highly valued by the local community and visitors.

19. In relation to the fifth purpose of the Green Belt, the NPPF states that brownfield and previously developed land should be used prior to development on Green Belt (Paragraph 147). Dacorum Borough Council's Brownfield Register, last updated in 2021, identifies 79.12 hectares of brownfield land appropriate for development, sufficient to accommodate 2,954 dwelling units. Notwithstanding the possibility of the implementation of consents since 2021, the Council's Brownfield Register indicates the potential contribution of previously developed land in Dacorum.

20. The emerging Local Plan provides the opportunity for greater use of previously developed land within the built-up area of Hemel Hempstead and other settlements in the Borough. The Government indicates in the Written Ministerial Statement (Building the Homes We Need, July 30 2024) (CD10.3) that it intends the reuse of previously developed land to be the primary land resource for development in the future. Greater use of such land should reduce the need for the open countryside to be used for development, such as in this case.

Grey belt

21. The Government has restated its commitment to the Green Belt in the proposed recent changes to the NPPF by virtue of the re-statement of its five purposes in paragraph 143. It is clear that the Government 's intention is to retain the Green Belt largely in its present form and the constant attempts to challenge Green Belt

protections for residential developments lead to many local communities questioning the relevance of the planning system.

22. I refute the assertions by the Appellant that the first and second purposes of the Green Belt have no relevance in this case and that this site constitutes grey belt under the present legal definitions. As already noted above , the proposed development constitutes breaches of the first, second and third purposes of the Green Belt as identified in the NPPF (paragraph 143) to prevent urban sprawl, the coalescing of settlements and encroachment onto open countryside.

23. CPRE Hertfordshire believes that both the first and second reasons for the Green Belt as identified in NPPF paragraph 143 apply particularly in this case, and together with purpose c) regarding encroachment onto the countryside, provide the "strong reason" required to refuse development as noted in the NPPF footnote 7. Recent planning inquiry, and increasingly Council planning decisions permitting development are demonstrating the hugely damaging impact of the present definition of grey belt on open countryside.

24. It is noteworthy that every major planning application for residential and commercial development within the Green Belt in Hertfordshire made since 12th December 2024 has identified the site as grey belt, notwithstanding the quality and character of the landscape or local conditions in each case. This is clearly an unsustainable position and it is becoming increasingly clear that the existing definitions and guidance on grey belt are entirely inadequate to prevent the wholesale removal of highly valued and significant Green Belt protections.

25. CPRE Hertfordshire will continue to campaign vigorously for changes in national planning policy and Planning Practice Guidance to redress the imbalances that now exist in assessing the impact of the merging of Green Belt settlements, regardless of the settlement size. Unrestricted development around villages adjacent to and between towns could ultimately lead to the coalescence of larger settlements and the size of the site does not in my view reduce to any extent the significance of its contribution to Green Belt purposes.

Very special circumstances

26. The Appellant argues that "very special circumstances" (VSC) exist where the benefits of the scheme would clearly outweigh the harm to the Green Belt. The VSC test is not solely a mechanistic weighting exercise, but rather 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.

27. The Appellant notes in their Statement of Case eight “Circumstances” which they assert are “sufficient to outweigh identified harm”. None of these relate to local conditions on the site or in the surrounding area but are general obligations which would be expected of any major application notwithstanding its location.

Dacorum Local Plan and housing provision

28. I believe that the status of the Draft Dacorum Local Plan (DLP) and continuing Government consideration of the significance of designated protected land, including Green Belt is directly relevant to this Appeal. The Draft Local Plan is presently undergoing Examination in Public following very considerable public consultation which affected the allocation of sites.

29. This site is not allocated in the Draft Local Plan and very significant land allocations are proposed for land throughout the Borough. Further, constraints on delivery including supply side considerations, labour availability, housing market operations and related issues are likely to apply, which would emphasise the importance of planned rather than speculative developments such as the subject of this inquiry.

30. It is also reasonable to suggest that the context for the delivery of housing has been unusual for the last five years at least. I recognise the agreed existing position regarding housing land supply but believe this relates to an existing situation which will change, assisted by the adoption of the Dacorum Local Plan in 2026 according to the Local Development Scheme which is providing for five years housing supply as required by the NPPF.

Summary and conclusions

31. In summary, I fully support the Borough Council in its rejection of the proposed development which is the subject of this appeal. In my view the benefits of the scheme do not clearly outweigh the harm to the Green Belt and very special circumstances are not demonstrated to permit this inappropriate development proposal.

32. The identification of this site as grey belt is inappropriate and the increasingly indiscriminate application of grey belt criteria to Green Belt land, as in this case, is having serious implications for the principle of countryside protection. For the reasons set out in this statement, the Inspector is respectfully urged to dismiss this appeal.

Chris Berry
26th November 2025