

Statement by Chris Berry on behalf of CPRE Hertfordshire as an

Interested Party to planning appeal PINS reference: 6009089

Hertsmere Borough Council planning application ref: 24/1522/OUT

Land East of Little Bushey Lane and North of The Squirrels, Little Bushey Lane, Bushey

July 2026

INTRODUCTION

1. I make this statement on behalf of CPRE Hertfordshire as an Interested Party to the appeal (PINS reference 6009089: Hertsmere Borough Council application number 24/1522/OUT) against the refusal of planning permission for a proposed development of up to 280 residential dwellings, a mobility/community hub and ancillary works. CPRE Hertfordshire objected to the application in February 2025.
2. I have practised as a Member of the Royal Town Planning Institute in both the public and private sectors for over 50 years and am presently employed part-time as Planning Manager for CPRE Hertfordshire which acts to protect the countryside in Hertfordshire. We are active in supporting local organisations and communities to protect, amongst other things, statutorily designated protected open space such as Green Belt from inappropriate development in the wrong places.

GREEN BELT

3. The Government's commitment to protecting Green Belt land is elaborated in Chapter 13 of the NPPF 2024. The five purposes of the Green Belt are set out in paragraph 143, and, notwithstanding the Council's position, we consider the first, third and fifth of these purposes are directly 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.
4. 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. The form of the Green Belt in Hertfordshire and

its primary purpose reflect the influence of Greater London along the main route corridors leading northwards from the capital, and the major settlements in close proximity, such as Watford.

5. With regard to first of the five purposes of the Green Belt for this area, the primary function of preventing urban sprawl is exercised along roads such as the A41 and the mainline and London Underground railways and other radial routes where pressure for development continues to be significant, including this site. Part of this primary purpose is to maintain the integrity of local settlements and it is impossible to ignore the cumulative effects of the rash of planning applications in southern Hertfordshire which is leading to the infilling of areas between settlements of all sizes, leading to almost continuous urban development immediately north of London.
6. Again, notwithstanding planning practice guidance regarding the size of settlements affected by coalescence, this application is contributing to the enlargement of Watford to the south-east and the filling of open countryside gaps to the east of Bushey Heath. Related to this, the third purpose, to safeguard the countryside from encroachment, is 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 280 houses and associated development.
7. The magnitude of the proposal is a factor in our view and likely to become more so in the light of recent experience since the introduction of grey belt which has already led to significant potential reductions in the Green Belt in Hertsmere and the neighbouring Districts of Three Rivers and the City of St Albans. As has been cited frequently, including the oft quoted Samuel Smith Old Brewery (Tadcaster) planning appeal case, openness is a matter of planning judgement which in this case would in our view be hugely impacted by the proposed development.
8. In relation to the fifth purpose of the Green Belt, the NPPF 2024 states that brownfield and previously developed land should be used prior to development on Green Belt (Paragraph 147). The Hertsmere Brownfield Register, updated in March 2025 identifies approximately 31 hectares of brownfield land appropriate for development, sufficient to accommodate several thousand units depending on density. Notwithstanding the possibility of the implementation of consents since 2025, the Council's Brownfield Register indicates the potential contribution of previously developed land in Hertsmere.
9. The emerging Local Plan provides the opportunity for promoting greater use of previously developed land within the built-up areas of Borehamwood, Elstree,

Potters Bar, Bushey and elsewhere. The Government intends the reuse of previously developed land to be the primary land resource for development in the future so, together with unimplemented consents and empty homes, the need for using open and undeveloped land such as in this case may be reduced.

GREY BELT

10. The Government restated its commitment to the Green Belt in the NPPF 2024 which provided a significant change in the direction of travel for national Government policy with regard to the future of the Green Belt by the introduction of grey belt. These changes are intended to be reinforced by the draft NPPF which was published for public consultation in December 2025 (NPPF 2025).
11. Grey belt is defined in the existing NPPF 2024 as:

“Land in the Green Belt comprising previously developed land and any other parcels and/or any other land that, in either case, does not strongly contribute to any of the 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.”(Glossary)
12. It is nevertheless clear that the Government’s stated intention is to retain the Green Belt largely in its present form and the constant and increasing attempts to challenge Green Belt protections for residential and other developments lead to many local communities questioning the relevance of the planning system. CPRE Hertfordshire is not opposed to a limited reassessment of Green Belt boundaries where conditions and circumstances have changed from the original designation.
13. The present site self-evidently should not be considered as grey belt in any reasonable definition by virtue of its magnitude, undeveloped nature and contribution to the first purpose of the Green Belt in this location. In our view it is effectively a clear extension of the south-eastern boundary of Watford and thus constitutes urban sprawl which the Green Belt designation seeks to prevent.
14. Reference may be made to the recent appeal decision at Shafford Knoll Farm in Hemel Hempstead where the Inspector noted that:

“the NPPG identifies sites that make a strong contribution to purpose a) are likely to be free of existing development and lack physical features in close proximity that could constrain development” (ref: APP/A191/W/25/3373146)
15. Further, the appeal decision states:

“Whether, or not, a parcel of land constitutes grey belt , depends on the characteristics of the site itself and its locality (para 21).”

We believe that a similar position is appropriate with regard to the position and the character of this site which is an extensive area of totally undeveloped open land that should not be regarded as grey belt.

16. With regard to grey belt, it is noteworthy that virtually 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.
17. It is also undeniable in our view that the planning policy context created by the 2024 revised NPPF has provoked a disturbingly high number of new applications and re-applications for sites which were previously refused permission. Whereas a proportion of such applications may warrant consideration for various reasons, the purposeful illogicality of the revised NPPF in supporting five purposes of the Green Belt (para 143) and then only permitting three purposes to be considered in applications (NPPF Glossary definition) is in our view unsupportable in this as in every other similar case.
18. The inappropriateness of this application is heightened by its planning history, including a dismissed appeal in 2023 against an application for residential development on the grounds of harm to the Green Belt, amongst other issues including flood risk. As noted above, the reintroduction of proposals previously refused and dismissed at appeal is jeopardising the principle of protection which the Government ostensibly supports in the NPPF.

VERY SPECIAL CIRCUMSTANCES

19. The Appellant further argues that, if grey belt is not established, very special circumstances (VSC) exist where the benefits of the scheme would clearly outweigh the harm to the Green Belt. The VSC test should not be 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.
20. The judgement regarding the VSC to be demonstrated to clearly outweigh the harm caused by this inappropriate proposed development should relate to the very special circumstances and conditions of this site in the open countryside. We do not believe that the benefits that the Appellant proposes pass the test of VSC in this

location when much of what is being promoted would be expected of a large development in any location.

LANDSCAPE

21. A key characteristic of the designated open land affected by the proposal is the quality and extent of the rural landscape in this area and we would comment that the rural landscape and openness of this area is highly valued by the local surrounding communities by virtue of the Public Rights of Way crossing and bounding the site. The paucity of open countryside in the area heightens the significance of rural landscape and character on the edges of urban areas as is being increasingly recognised, forming the basis of national campaigning recently initiated by CPRE.

HERTSMERE LOCAL PLAN

22. We believe that the status of the emerging Hertsmere Local Plan and continuing Government consideration of the significance of designated protected land, including Green Belt and grey belt are directly relevant to this inquiry. The Local Plan Regulation 18 public consultation in 2021 received a record-breaking number of responses overwhelmingly rejecting the allocation of Green Belt sites for housing.
23. This led the Council to delay the programme for publication of the emerging Local Plan for further review and a further partial consultation with regard to housing sites took place in 2024. Similar situations have arisen with regard to the emerging Local Plans for Three Rivers District and Dacorum Borough Councils in Hertfordshire where very considerable local community responses and opposition relating to Green Belt allocations have led to the need to review the respective Local Plans.
24. Hertsmere Borough Council recently published a Hertsmere Local Plan Regulation 18 Consultation Document for public consultation which included this site as a Candidate Site (Ref. HBUSA SA4) and deviated from normal practice in not providing a comprehensive Draft Local Plan document for comment. Specific policy drafting and content was conspicuously missing from the draft which is the last opportunity for local community representation on the content of the Plan and CPRE Hertfordshire deplores this omission which challenges the requirements for adequate public participation in Local Plan preparation.

HOUSING PROVISION

25. CPRE Hertfordshire notes the citing of the lack of housing land supply as justification for this appeal and the Appellant's Statement of Case makes no mention of housing delivery. The delivery of housing has been affected by a wide

range of supply side factors including construction costs and materials, labour shortages, interest rates and financing constraints as well as constant changes in planning legislation.

26. Local Planning Authorities do not have the capability to affect housing delivery directly but the Council is moving rapidly to the next stages of Local Plan preparation and adoption assisted by Government policies and actions. The complexity of the issues surrounding the planning and provision of housing are ill-served by simplistic repetition of attacks on the planning process and the statutory protection of the countryside.

27. The wholesale granting of planning consents on open and undeveloped land is largely irrelevant in this context. The constant attacks on the planning system as the primary cause of what is termed the housing crisis are inappropriate and misguided.

SUMMARY AND CONCLUSION

28. In summary, we believe 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 whose designation seeks specifically to prevent the type and magnitude of development proposed in this case.

29. The categorisation of the land as grey belt is entirely inappropriate due principally to its lack of compliance with the first purpose of the Green Belt to prevent urban sprawl, in this case from the southern boundary of the major settlement of Watford and the coalescence of settlements on the northern boundary of the metropolis. The anticipated changes to national planning policy and guidance still purport to maintain the significance of the Green Belt designation which is highly appropriate in this location and the Inspector is respectfully urged to dismiss this appeal.

31st July 2026