Planning Inspectorate

Appeal Decision

Hearing Date 28 July 2026

Site Visits 27 April 2026 and 30 July 20206

by A Edgington BSc (Hons) MA CMLI

an Inspector appointed by the Secretary of State

Decision date: 26th October 2026

Appeal Ref: 6003892
Bulbourne Wood, New Road, Northchurch, Berkhamsted, HP4 1LN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
- The appeal is made by Gediminas Storpirstis against the decision of Dacorum Borough Council.
- The application Ref is 24/02705/MOA.
- The development proposed is Erection of a nursing home (Use Class C2) of up to 67 bedrooms for dementia care with separate bin/cycle store building, electricity substation and associated works and landscaping with all matters reserved except for the construction of access junction and road on Land at Bulbourne Wood, Northchurch, Berkhamsted.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. This is an outline application with all matters reserved except access. The application form states that the application is for all matters reserved save access and scale, but the Council's decision notes that it is for all matters reserved save access. This is confirmed in the appeal evidence.

3. Although very detailed plans have been submitted which show internal and external layouts, elevations and floor plans, these plans are illustrative only. I have based my reasoning on the plans suggested for inclusion in a condition in the event that the appeal is allowed. These are Site Location[1], a Proposed Parameter Plan which shows the extents of different categories of development[2], a Site Access Road plan[3], a General Arrangement of the access road[4], and off-site works to the highway[5].

4. I am invited to consider including Tree Planting Plans in a plans condition. However, it is clear that some of the trees are placed in positions which relate to the building and the layout of external amenity areas. As all matters save access are reserved, for the purposes of this appeal it is only necessary for me to be satisfied that there would be realistic opportunities for additional tree planting at the quantum proposed.

5. Shortly before the scheduled hearing date, the Secretary of State (SoS) advised that the application required an Environmental Statement (ES) in accordance with

[1] 24-J4586
[2] 24-J4586-06A
[3] 24-J4586-12
[4] 8811-MJM-XX-XX-DR-D-6690 PO2
[5] 8811-MJM-XX-XX-DR-D-6696 PO4

Regulation 14(1) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017[6]. This was on the basis that the development was located within the Chilterns National Landscape (CNL), and within the impact zones of the Tring Woodland Site of Special Scientific Interest (SSSI) and the Chilterns Beechwoods Special Area of Conservation (SAC). Consequently, the hearing was rescheduled for 28 July. There was a further round of consultation following the publication of the ES and at the hearing I gave the parties an opportunity to address any outstanding comments.

6. The direction states that in relation to the SAC, it is anticipated that there would be an increase in recreational pressure and that mitigation is proposed in the form of a financial contribution to visitor management and mitigation measures. However, there is nothing before me to indicate that a financial contribution in this regard has been raised with the appellant. Natural England (NE) and the Council are satisfied that potential recreational pressure could be dealt with through alternative means. This is dealt with later in my reasoning.

7. The viewpoint analysis for viewpoints 5 and 6 in the Landscape and Visual Impact Appraisal (LVIA)[7] refers to the road running along the eastern site boundary as North Road. However, this appears to be a typographical error.

8. After reviewing the evidence, I concluded that the main issue of Green Belt and grey belt, and most of the concerns raised in relation to National Landscapes and protected trees, could be dealt with as Written Representations, with an oral event to be focussed primarily on issues affecting the overall planning balance and/or mitigated through a S106 agreement or conditions. In the event there was overlap, but I am satisfied that no-one has been prejudiced in this regard.

9. The revised National Planning Policy Framework (the Framework) was published on 17 August 2026. As there have been changes to some relevant sections of the Framework, including changes to definitions and guidance on circumstances when development should be refused, I invited the parties to submit further representations.

Planning Policies

10. It is not in dispute that the Council's current housing supply position is just over one year and that there is a chronic undersupply of housing. With regard to the local development plan, Annex A of the Framework states that local plans which are materially inconsistent with the Framework should be given very limited weight. However, local policies should not be given reduced weight simply because they were adopted prior to the publication of this Framework.

11. Section 13 of the Framework sets out that the objective of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Policy GB5 of the Framework states that Green Belt land should provide benefits for communities and nature, and that development plans should set out opportunities to support the objectives of Protected Landscapes where these lie within the Green Belt, amongst other things, as is the case here.

12. Policy S1 of the Framework states that where a spatial development strategy is not in place, this means providing for objectively assessed needs for housing, business

[6] Environmental Services, Planning Inspectorate 27 April 2026
[7] Landscape and Visual Impact Appraisal TPM Landscape Ltd October 2023 CD 2.32 and Environmental Statement Appendix 8.1

and other uses, unless the application of policies in the Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area. Areas of particular importance for this appeal include Green Belt, National Landscapes and habitats sites.

13. Although Core Strategy (CS) Policy CS5 is slightly more restrictive than the Framework with regard to Green Belt development, it is not materially inconsistent. Saved Policies 102 and 103 of the Local Plan (LP) are concerned with nature conservation, and the protection and management of sites with nature conservation status. I find them to be entirely consistent with Section 19 of the Framework, which aims to ensure decisions influence the design and location of new development to help drive nature's recovery and contribute to wider environmental outcomes, amongst other considerations.

14. CS Policy CS26 is concerned with the conservation and restoration of habitats and species, and CS Policy CS29 is concerned with sustainable design and construction, including with reference to biodiversity. I see no reason not to give CS Policies CS26 and CS29 full weight.

15. CS Policy CS8 is concerned with sustainable transport options and appears to be entirely consistent with Section 15 of the Framework. This is concerned with ensuring that transport considerations are fully taken into account in development proposals.

16. The Statement of Common Ground (SoCG) refers to three other appeals in relation to the weight to be given to local policies. Where those appeals rely on policies that have been cited in the Council's decision for this appeal, the weight given to those policies is consistent with my reasoning.

17. The appeal statement refers to the weight to be given to Saved Policies 97 and 99, and CS Policies NP1, CS1, CS17 and CS24. However, as none of these were cited in the Council's decision, I see no reason to consider them further.

Main Issues

18. The main issues are:

- Whether the development would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies;
- The effect of the development on the openness of the Green Belt;
- The effect of the development on the protected woodland and the Chilterns National Landscape (CNL);
- The effect of the development on the Chilterns Beechwoods Special Area of Conservation (SAC) and local biodiversity;
- Whether the development would secure adequate provision for sustainable transport options; and
- Would harm by reason of inappropriateness in the Green Belt, or any other harm, be clearly outweighed by other considerations so as to

amount to the very special circumstances required to justify the development.

Reasons

Green Belt

19. The site sits within a block of woodland which abuts New Road, on the western extents of Berkhamsted and Northchurch. New Road provides clear definition between the town's building pattern on one side and the rolling open countryside of the Green Belt, and CNL, on the other.

20. Policy GB6:1 of the Framework states that development in the Green Belt is inappropriate unless it falls within one of the categories in Policy GB7. Policy GB7 g) sets out the requirements for development on grey belt land.

Grey Belt

21. Grey belt is defined as previously developed land and/or any other land that does not contribute strongly to any of purposes Policy GB2:1 a), b) or d).

22. An ARUP study assessed parcels of land in the Green Belt and concluded that parcel BK-02, which includes the appeal site, contributes strongly to the purposes of the Green Belt. However, it is apparent that this conclusion was based largely on the score from purpose c), safeguarding the countryside from encroachment. Whilst I agree with this assessment, given the relative size of the Green Belt and the site's proximity to other development, namely the allotments and the built form on the other side of New Road, I am satisfied that development on this site would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the plan area. This is the test set out in Policy GB7:1 g) i). As such, the site is grey belt.

23. However, in order to be regarded as not inappropriate development, the proposals also need to meet the tests set out in Policy GB7:1 g) ii), iii) and iv).

Policy GB7:1 g) ii) Evidenced unmet need

24. The parties are agreed that there is a need for nursing home bed spaces and that the need will outstrip supply by 2041 unless additional facilities are provided. The proposals would meet the Framework's test in this regard.

Policy GB7:1 g) iii) Sustainable location

25. The site is likely to be accessed on a 24/7 basis by staff, visitors, and external and emergency health care professionals, as well as maintenance operatives, daily deliveries and refuse disposal. Given the proposed profile of the residents, which would be controlled by a planning obligation, and which would set eligibility criteria for dementia and/or frailty, it seems very unlikely that residents would make independent journeys to and from the care home, or have vehicles needing to be kept on site.

26. The Council is satisfied that the proposed parking provision would meet the standard set out in local policies. However, this residential home proposes a higher staff to patient ratio than normal, which suggests that the standard might underestimate what is required. Given that there could be up to around 30 staff on site at any one time, and only 24 parking spaces, parking provision could be

insufficient. In that case the development could generate pressure for overflow parking on New Road, which given its narrow width, could lead to congestion.

27. Policy TR3 of the Framework sets out that development that could generate significant amounts of movement in the context of the area in which they would be located, should be in sustainable locations or be able to be made sustainable taking into account planned improvements. The location should limit the need to travel, particularly by private car and offer a genuine choice of transport modes for residents and users, unless the nature of the development would make this impractical. Significant movement is not defined.

28. The site is about 600 metres from the bus stop for the X500 on High Street, and about 2.5 kilometres from the train station. The X500 service links Aylesbury and Hemel Hempstead, with half hourly services on weekdays and an hourly service on Saturdays. There is no Sunday service.

29. There are train services from Berkhamsted to London Euston, Tring and Milton Keynes and all points beyond. Given the walking distance between the site and the train station, walking could be an attractive option on a fine day for able bodied persons, but the distance is well beyond the 2 kilometres recommended as the preferred maximum commuting distance for pedestrians set out in the IHT guidance[8] quoted, and considerably further than the 500 metres given as desirable.

30. It is proposed that a shuttle bus could ferry staff to and from the train station at the start and ends of shifts. However, the point was made at the hearing that shifts can sometimes overrun if there is an emergency. I queried whether one shuttle bus would be sufficient and was advised that more shuttle buses could be deployed if needed. Given that it is also proposed that the shuttle buses would be used for day trips, and medical appointments, it seems more than likely that more than one bus would be needed. That would increase operational costs, which is considered later in my reasoning.

31. The transport statement[9] cites other bus services but these have one service per day. Moreover, the footway leading to High Street is very narrow in places and to pass another pedestrian, or someone with a pram or wheelchair, it would be necessary to step into the road. Even with the proposed traffic calming near the site entrance, this would not be satisfactory.

32. The development would include highway improvements, including the construction of sections of footway at the site's main entrance. However, these sections would be limited in length. They would not overcome my concerns in relation to the restricted width of the footway for most of its length from High Street. The transport statement shows footways and bridleways near the site, but these are of limited use for regular commuting, not least for reasons of inconvenient access and egress points, ground conditions, or lighting and safety, irrespective of whether staff or visitors would wish or be physically able to use them.

33. The transport statement also indicates that there are some largely road-based cycle routes in the area, including an access to the canal towpath some 325 metres from the site. However, there is a notable incline from High Street to the appeal site which could discourage staff or visitors cycling to the care home. Moreover,

[8] Institution for Highways and Transportation
[9] MJM Consulting Engineers February 2025 CD2.54

although some staff or visitors might wish to have the cycling option, there is very limited connectivity of the cycle routes, and at my visits the local roads were busy. There is nothing before me to indicate that the designated cycle routes would provide convenient or attractive routes for staff or visitors on a regular basis, particularly given the underlying terrain in the area.

34. It is also the case that the main public transport links appear to run along the valley in a broadly east-west direction. There are settlements to the north and south that are not served by bus or train services, but which might nonetheless be a catchment for staff and visitors. Several interested parties highlight the site's limited accessibility, as well as the unavailability of public transport options outside normal weekday daytime hours. I see no reason to disagree with those observations. I am unable to conclude that there would be genuine options for alternative modes of travel other than private vehicles for either staff or visitors.

35. It is proposed that a travel plan would encourage sustainable travel but changes to behaviour can only be encouraged where there are realistic options. The travel plan would highlight timetables, journey planning tools, the location of nearby bus stops and operator websites. However, these are mainly generic actions. Increased awareness would not necessarily increase the attractiveness of those options. Moreover, advising staff to access timetables on a smart phone is something most people would consider to be commonsense when planning a commute. It is also proposed to offer vouchers to staff or visitors, but visitors may themselves be elderly and unable to walk to the bus stop or cycle. Staff may have worked a long and tiring shift. I am not satisfied that financial incentives would be sufficient to make use of infrequent and relatively remote public transport or shuttle bus options, even if they were going to points of origin for those visitors and staff.

36. The travel plan sets out that the care home would employ a part-time travel co-ordinator and sets a measurable target of aiming to reduce car use by 10 per cent over a three year period. This is not a particularly challenging target, and the employment of a travel plan co-ordinator would be an unusual overhead for a care home, also adding to overall costs. Moreover, Policy TR6:2 of the Framework requires travel plans to have fallback options if initial measures have failed. In this context it is difficult to see what additional measures could deliver a meaningful change in behaviour. Consequently, I find the travel plan unrealistic and give it very little weight.

37. The evidence notes that discussions have been held with HertsLynx which is a responsive bus service but there is no evidence that a stop would be provided within the grounds or an indication of how this provision could be enforced. Even in the absence of firm planning permission, I see no reason why HertsLynx could not have expressed its agreement in principle.

38. The transport survey uses TRICS data to assess potential trip generation but it is unclear whether the public transport or connectivity context of those care homes is directly comparable to this location. Moreover, some of the base data is nearly 10 years old. As such, I give the projected trip generation limited weight.

39. Car sharing could be a viable option for some staff but this depends on individual circumstances and cannot be quantified.

40. In terms of distance, the site is reasonably close to Berkhamsted, and its train and bus services. Using the Framework's connectivity tool, the site ranks in the 80th

percentiles for using public transport, or cycling or walking to a workplace in a rural town or fringe area. However, the connectivity tool guidance states that the tool is one source of evidence only. It does not measure the quality of a route, such as footway width, lighting or segregated cycling routes, nor does it take the specific travel needs of different groups, for example visitors to a care home, working patterns or care staff working long hours, into account. I have set out above my concerns in relation to local topography, footway widths and the lack of dedicated cycle routes. As such, I disagree with the travel plan that walking or cycling would be realistic or regular options for staff or visitors. Public transport options do not seem particularly convenient or well-timed across a seven day working week. Whilst a shuttle bus (or buses) could provide useful transport to the train station or bus stops, this presupposes that staff would live on what is quite a geographically limited route for both the train and the bus.

41. Although the Council's urban designer noted that this would be an inappropriate and unsustainable location for a care home, citing many of the issues outlined above[10], the Council was satisfied that a travel plan, required by the planning obligation, would provide sufficient mitigation. However, I disagree in this regard. The highways authority has not raised an objection with regard to location, but highways authorities are generally primarily concerned with highway safety rather than the availability of sustainable travel options.

42. I conclude that there would not be a genuine choice of convenient or alternative transport modes, and that there would be dependence on private vehicles for a significant proportion of staff and visitors. This would be contrary to Policy TR3 of the Framework as set out above, and would not meet all criteria for Policy GB7:1 g) iii) of the Framework in relation to grey belt.

43. As the development's future residents would not be independently mobile, there would be no conflict with Policy HO9:1) a) i) which is concerned with specialist housing for older or disabled people.

44. This would not be a sustainable location. However, as the Council did not find harm with regard to location, I have also considered whether the development would accord with the Golden Rules, as set out in Policies GB7:1 g) iv) and GB8 of the Framework, and whether my reasoning with regard to sustainable location would be consequential in this regard.

Golden Rules

45. Policy GB8 of the Framework sets out that where major development involving housing is proposed on land released from the Green Belt, the following contributions should be made:

Policy GB8:1 a) i) Affordable housing

46. The Framework is silent as to whether affordable bedspaces equate to affordable housing for the purpose of the Golden Rules. I have two appeals before me where the Inspectors have concluded that there is no requirement for Class C2 uses to include affordable bedspaces[11]. In the absence of evidence to the contrary, I conclude that there is no requirement for affordable bedspaces in this regard. The inclusion of affordable bedspaces is however considered in the planning balance.

[10] Conservation and Design, Dacorum Borough Council January 2025 CD 4.9
[11] APP/N0410/W/24/3348677 and APP/a1910/W/24/3345435

Policy GB8:1 b) Local or National Infrastructure

47. I see no reason to disagree that the provision of a care home would make a contribution to local infrastructure.

Policy GB8:1 c) Green Space

48. The main parties have approached this requirement on the basis that the creation of public open space, alongside a Class 2 use, would provide a benefit that would meet the policy requirements.

49. The woodland is currently unfenced on the New Road boundary. However, given that current public access is trespass, it cannot be described as publicly accessible. The development would include an informal public woodland walk beyond the care home's fenced compound. For the purposes of Policy GB8:1 c) of the Framework, this would represent new and publicly accessible green space. However, it would be an awkwardly shaped space which would wrap around fenced plots owned by third parties. Consequently, the walks would in places, be narrow routes between lines of fencing. The wider spaces would be very limited in their extents. The Council gave positive weight to this provision, but it would not be a destination recreational space.

50. Moreover, the woodland's current quality is predicated on its lack of development, tranquillity and unimpeded views between trees and across to adjoining farmland. Given the limited area available, the preponderance of fencing required and proximity to activity in the care home and the access road, the quality of the experience would be relatively poor. Whilst I appreciate that it may attract some public use, there is nothing before me to indicate that its provision has local support. Moreover, even if the appeal site was fenced off entirely with no public access, there is unrestricted access to an extensive and informal path network on undeveloped land on Northchurch Common, just a short walk up the hill.

51. The development would provide limited external amenity space for residents and staff, and in this regard the expectations of new residents would be met.

52. However, the woodland walk would not meet what seems to me to be the Framework's aim of providing good quality green space where there is development in the grey belt. I am invited to give weight to the development's woodland setting but even with a woodland management plan, increased recreational pressure over small tracts of what is already a fairly fragile woodland habitat, outside the care home compound, would be very likely to lead to further degradation and would not support nature recovery. Moreover, if trees in adjoining third party plots have to be removed for public safety reasons, those plots, which amount to nearly half of Bulbourne Wood, would not be covered by the proposed woodland management plan. In addition, there are already issues with anti-social behaviour. Given the woodland walk would have unrestricted access, it is unclear how these issues would be dealt with.

53. Although I disagree with the Council in this regard, I have concluded that the Golden Rules would not be met.

Openness

54. Openness in the context of the Green Belt is generally considered to mean a lack of development or activity. Although there are various landholdings within

Bulbourne Wood, individual plots are not fenced. Where the site abuts New Road there is an informal edge comprising an earth bank, partially topped with an overgrown mixed hedge. There are views into the woodland from the road and notwithstanding that the trees are generally of the same age class, first impressions are of an undeveloped and undisturbed woodland. Although there was evidence of the wood's use by the public at both my visits, there were no members of the public present.

55. The appellant's evidence states that the woodland, a former plantation, has reached a point where many of its trees are failing. Concerns have been raised from interested parties that felling to accommodate the development could accelerate failure. However, for the purposes of my reasoning in relation to the Green Belt, I have presumed that the trees shown to be retained, would be retained, and have a life expectancy as set out in the tree survey.

56. The development would include a new vehicular and two pedestrian access points[12] which would breach and require the removal of sections of the earth bank. The plans show additional sections of earth bank would need to be removed to allow for the construction of sections of new footway at the access road entrance and to accommodate visibility splays.

57. Although the access road would follow a serpentine route through the wood, largely following areas where there are fewer trees, trees would be removed to accommodate the vehicular and pedestrian access points, as well as the footprints of the care home and site infrastructure. There would be clear views into the site at the vehicular entrance, direct views of the pumping station, and partial and glimpsed views of the care home, and hardstanding. This, together with the removal of sections of the roadside earth bank, the footway and proposed traffic calming measures would represent significant urbanisation of this section of New Road and also a considerable portion of the interior of Bulbourne Wood.

58. It appears that the care home's finished floor levels would be a few metres lower than the road height at the site entrance, which would facilitate views through the trees below the woodland canopy. Although there are currently vegetative barriers to views within the site, I noted that these were largely deciduous. Moreover, even at the height of summer, there are views into the wood from the road through the beech woodland. Although some trees are evergreen, many have very small high crowns above very tall stems, and as such they provide little screening at eye level. The fencing around the home and third party plots would be at least partly visible, as would the path networks associated with a publicly accessible woodland walk and any associated activity.

59. The LVIA concludes that the woodland's boundaries would provide screening. This could be the case to some extent for those woodland boundaries that do not abut New Road. However, this would not be case along New Road. It also appears that the LVIA does not take the highway improvement works into account, as it states that the impact of the development would be limited to glimpsed views through the trees and the localised removal of boundary vegetation. There is no mention of the visual impact of three breaches of the earth bank and its hedgerow, the construction of the access road and footways, or traffic calming measures on the road. Nor does the LVIA appear to take the loss of visual depth of woodland into

[12] 8811-MJM-XX-XX-DR-D-6690 PO2

account. Currently, even though there are some areas of sparse tree cover, the woodland overall forms a visual block. With a narrower depth of trees on the north-western and south-eastern boundaries in particular, it seems very likely that the development would be partially visible.

60. In addition to views of the development and its infrastructure there would also be ongoing activity along the access road for deliveries, health care professionals, emergency services, and the comings and goings of care and administrative staff, and visitors. The woodland walk beyond the nursing home boundaries would also have legitimate public use and activity. This area is visible from New Road. There would therefore be a very apparent and considerable increase in round the clock activity, alongside the loss of openness arising from the substantial mass of the built form and the urbanisation of the New Road boundary.

61. I acknowledge that some additional understorey and tree planting could be planted to screen some views from the public domain, but the visual impact of the site entrance would remain, as would views into the site along the access road. Moreover, a significant proportion of the woodland's boundaries are in third party ownership and the future health and longevity of trees in those plots cannot be controlled as part of this development. Nor could additional planting be introduced on those plots. If screening is required to mitigate a development, it suggests that the development is not in the optimum location.

62. There would be a considerable loss of openness in visual and spatial terms, which would result in harm to the Green Belt.

63. Green Belt boundaries may be changed as part of the emerging local plan. However, my reasoning is based on the current policy context. Even if the Council appears to be relaxing its views with regard to development in the Green Belt, it does not follow that this site would lose its Green Belt designation. Moreover, Bulbourne Wood was not considered in site allocations for the emerging local plan.

64. The development would not be in a sustainable location, and even if it was, it would not meet the Golden Rules. As such, the development would be inappropriate development in the Green Belt which, by definition, is harmful to the Green Belt and to which I attribute substantial weight in line with Policy GB6:2 of the Framework. There would also be conflict with CS Policy CS5 as set out above, although this conflict carries less than full weight.

Protected Trees and the CNL

Bulbourne Wood and Tree Preservation Order

65. The woodland's current condition and likely successional changes, with or without tailored management or the implementation of the development, go to the heart of this appeal, and contribute to my consideration of the Green Belt, the CNL, and the SAC.

66. Although there does not appear to be a planting grid, the evidence suggests that Bulbourne Wood was planted as a commercial plantation about 65 years ago. There are wide sections of beech stands on three sides of Bulbourne Wood, almost encircling a stand of largely larch and scots pine. There is a notable absence of ground flora in the beech stands with occasional tufts of grass emerging from a dense mat of beech leaves, although photographs from interested parties indicate

that there is evidence of more diverse ground flora including Cuckoo Pint and Dog's Mercury. Where trees have failed and opened up the canopy there are patches of grasses and nettles as well as a discrete area of regenerative growth of elder and other scrub species near a small clearing, which appears to have developed despite evidence of deer grazing. There is also evidence of badger setts, although these may have been abandoned.

67. Where beech predominates there are long views through the woodland to the countryside or the road beyond. Where the scots pine and larch predominate, some are clothed to near ground level which limits some views. Although the areas of beech appear to be in reasonable condition, notwithstanding their close spacing, there are many leaning and dying or dead trees amongst the larch and scots pine, as well as deadwood on the ground.

68. The Tree Preservation Order (TPO)[13] was made in 2006. The woodland was judged to have considerable public amenity value, and it was considered that its subdivision into multiple plots could increase the risk of trees being removed outside the Forestry Commission Licence Controls. Notwithstanding that a proportion of trees are now failing, Bulbourne Wood still appears as a sizeable woodland block in the landscape. Its position beside New Road on the outskirts of Berkhamsted, reinforces the abrupt transition from settlement to open countryside. This is particularly apparent in a night photograph taken from near Goreside Farm which shows the woodland as a dense black mass against the lights of Northchurch and Berkhamsted.

69. For the casual observer, the LVIA[14] shows that except from the allotments, views reveal a substantial and healthy woodland block nestled within an undulating and partially wooded landscape. Although failing trees within the wood can be seen from the allotments, the outer trees generally appear to be in good health. I conclude that Bulbourne Wood makes a very high and positive contribution to the character and appearance of the CNL.

70. The appellant advances the argument that the woodland's current condition diminishes its contribution to the CNL. However, as set out above, the limited age class and a preponderance of failing trees are not particularly visible from external viewpoints. In any case, at my visits I saw other plantations on Northchurch Common that contain failing trees and deadwood. Even if trees are failing, this is part of a natural cycle, which contributes to the structural diversity of habitat across the CNL. Failing trees also allow natural regeneration, which is evident within the appeal site.

71. During the appeal I requested a copy of the full tree survey, and I reviewed the survey details for each tree against the tree survey plan. Taking a line from the north-western to the south-eastern corner of the site, it is apparent that the area to the east of that line has noticeably denser tree and canopy cover, and that the area to the west of that line contains most of the dead trees. The western half also contains most of the central 'clearing'. It seems that the western half of the site is currently the most vulnerable, with what appears to be progressive failure associated with the stands of larch and scots pine. This could be a consequence of a number of factors, including the exposure of the larch and scots pine to the

[13] Dacorum Borough Council Tree Preservation Order 206 Land at New Road, Northchurch, Hertfordshire confirmed on the 16 November 2006 CD 1.3
[14] Landscape and Visual Impact Appraisal, TPM Landscapes Ltd November 2024 CD 2.32

prevailing south-westerly winds, also exacerbated by their location on rising ground.

72. With regard to tree condition, there is a fairly even spread of Category B and C trees (categorised according to BS:5837[15]) across both halves of the site and nearly two thirds of the recorded trees have a projected life expectancy of 40 + years. I acknowledge that assessing life expectancy comes with a margin of error, nonetheless, although part of the woodland is clearly in a state of flux, it can only be described as failing if it is not fulfilling a required function. Although some of the evidence describes the woodland as unkempt, there is no requirement for protected woodland to be tidy.

73. As such, notwithstanding the limited age class and declining condition of some trees, I disagree that a lack of former or current management necessarily weighs in favour of the appeal. Bulbourne Wood's protection under the TPO is unrelated to its economic value. Whilst its visual properties and thus its contribution to the CNL, are likely to change as sections fail, the evidence, including the ES, indicate that the woodland will steadily regenerate, albeit over a long period.

Effect of the development

74. It is the design intention to locate the home where there are fewest existing trees. The arboricultural information (AIA)[16] sets out that 153 trees would be felled within a fenced area sufficient to allow building operations and circulation to implement the development. These would comprise 30 Category B, 72 Category C trees, and 51 Category U trees. It states that there no pruning is proposed to facilitate the development, but that same document also proposes the preventative pruning of low branches as mitigation for distributing materials around the site. It seems more than likely that pruning works would be needed for trees retained close to the circulation and operational areas during construction.

75. Plans showing illustrative levels indicate that levelling within the inclined site would be required to provide a level building platform, as well as retaining walls. These plans show that there would be excavation outside the tree protection fencing and within the theoretical Root Protection Zones of retained trees. This could place additional stress on trees which are already in poor health and have an adverse effect on their future health and longevity.

76. At the hearing it was stated that the area required for contractor parking, materials storage, site cabins and site circulation would be contained within tree protection fencing. However, the tree protection plan[17] prepared by the arboricultural consultant shows fencing hard against the sides of the access road and parking bays, and within a few metres of the building at key pinch points. It is likely that this layout would pose severe and unrealistic restrictions on building operations, particularly as the care home neared completion.

77. This layout also shows trees outside the fenced area, but close to operational areas. It seems very likely that retained trees could be adversely affected by the proximity of heavy machinery and associated vibration during the construction phase. This could be particularly damaging to the future health and longevity of retained trees immediately outside the compound area, in some areas, on land

[15] BS 5837:2012 Trees in Relation to Design, Demolition and Construction
[16] Arboricultural Implications Assessment, Merewood October 2024 CD 2.56
[17] Tree Protection Plan CD 2.60

owned by third parties. In any case, this plan is inconsistent with the plan attached to the Construction Management Plan[18] (CMP) which shows a different and far larger area defined available for construction operations, which seems more realistic.

78. The CMP sets out that there would be a temporary car park accommodating 20 vehicles within a short walking distance of the site entrance, but the proposed site parking would largely replicate the discrete layouts of parking bays shown on the access road drawing. This would place worker's cars within the active construction areas. The area for storage would be a very small area between the site cabins and the security fencing, which, given the proximity of retained trees, appears to be inaccessible for loading machinery or dumpers. For what would be a large construction project, the organisation and site layout appear irrational and unrealistic. I appreciate that this is an outline application, but nonetheless, I have to satisfy myself that the proposed quantum of trees to be felled and/or pruned is realistic and that the development could be implemented without further direct or indirect loss during the construction phase. I am unable to reach that conclusion for the reasons set out above.

79. In any case, it remains that the central and western areas of the woodland, which appear to be failing at a faster rate than the eastern side, would be subject to extensive felling, opening up a large area within the woodland. This has raised concerns from the Council and other parties that this would trigger the accelerated failure of trees over and above those earmarked for removal.

80. The Arboricultural Appeal Statement[19] (AAS) sets out that trees on the edge of a woodland shelter those within, but is silent as to the increased exposure of trees that are currently at least partially sheltered by trees destined for removal, particularly on the north-western side of the proposed care home's footprint.

81. A windthrow report[20] concludes that there would be a low risk of secondary tree failure if the development was allowed. However, the report contains a disclaimer that the software used to predict risk is based on commercial coniferous plantations and is designed for stands of uniform age and species. Although there may be some age uniformity in Bulbourne Wood, there is not species uniformity. Nor is there uniform spacing. Moreover, there is no base data at all for broadleaved species in the software, yet beech trees account for a significant proportion of trees within Bulbourne Wood. As such, I give the windthrow report no weight.

82. The argument is advanced that the AIA has informed the development's layout but from reviewing the site plans it appears that site ownership has been the key determinant. It is difficult to see where else a substantial building could be located within that landholding irrespective of tree cover. In any case, that does not alter my reasoning.

83. It is also very likely that trees within the third party plots would suffer the effects of increased exposure, especially where those land parcels are close to the cleared areas. A future woodland management plan would not include those areas and consequently the impact of such a plan on the woodland as a whole, would be

[18] Construction and Environment Management Plan, Era Build Ltd September 2024 CD 2.17
[19] Arboricultural Appeal Statement, December 2025 CD 5.17
[20] Rob Keyzor March 2026 CD 10.7

fettered by fragmented ownership. This it seems to me is at least part of the rationale for the Council's decision to make the woodland TPO.

84. Moreover, whilst I appreciate that there would be public liability issues arising from failing trees on adjoining plots, it seems unreasonable to present third party landowners with additional responsibilities as a consequence of development and tree felling on an adjoining plot.

Woodland Management Plan and Landscape Proposals

85. It is stated that without the appeal scheme the woodland will not benefit from managed regeneration. I acknowledge that a programme of replanting of appropriate species alongside the management of existing trees, could over time, rejuvenate the woodland retained within the appeal site. However, new planting and woodland management could be carried out independently of built development.

86. I also have concerns that additional pressure would be brought to bear on the Council to allow selective felling to mitigate the fear of tree failure and or excessive overshadowing. Although the deposition of leaves and other debris could be dealt with by maintenance, my experience of arboricultural concerns at care homes and assisted living is that residents can experience significant anxiety in relation to nearby trees which are structurally sound, but which move in the wind, even where dementia patients are not a significant proportion of residents. Some of the retained trees near the care home would be up to 20 metres tall, some have very long, slender stems and small high crowns. It is likely that they will move, potentially alarmingly, in the wind. Interested parties with direct experience of managing dementia patients advanced concerns that this woodland setting would be likely to aggravate fear and confusion. This reinforces my concerns in relation to ongoing and progressive tree loss, whether arising from biomechanical change within the woodland, or pressure from the care home use related to perceived or actual, health and safety concerns.

87. Moreover, although the daylight and sunlight study shows that most of the proposed bedrooms would meet minimum daylight standards, this is based on projected tree heights for new planting at 15 years. Over a longer period, the trees would be larger and likely to cause greater obstructions to daylight and sunlight. In winter months, trees of some 20 metres high, even at the distances shown on the illustrative plans, will cast very long shadows even at midday. There is nothing before me to indicate that shade arcs have been considered in relation to external amenity areas. Whilst the landscape plans are indicative, the care home's broad footprint is more or less defined by the Parameters Plan. I am not satisfied that future overshadowing, particularly in external amenity areas, would not lead to pressure for increased tree removal.

88. Consequently, it seems that over time it is highly likely that there would be a greater loss of existing trees than proposed and insufficient opportunity within the external amenity areas or the woodland walk, to provide meaningful replacements or mitigation.

Advantages of a woodland setting

89. I was referred to documents which support the concept of dementia care within a woodland setting. This included a Forestry Commission[21] document which appeared to be concerned with patients in the early stages of dementia, who were independently mobile and living in the community. That is not comparable to what is before me. This document also reviews other literature and concludes that the *evidence base is as yet insufficient to address more detailed questions on whether the different types of green space have different effects for people with dementia.* As such, it does not support the contention that a woodland setting would be beneficial for dementia residents.

90. The Alternative Site Assessment (ASA)[22] refers to a design tool produced by Stirling University[23], and includes quotes which highlight that the reduced cognitive capacity for dementia sufferers can lead to an inability to cope with noisy, busy or hostile environments. This document contains general information about the disease and its history, and the aims of the design tool. The section aimed at health care providers, developers and town planners, appears to be under development and is yet to be published. There is nothing in this document that supports the assertion that a woodland setting is beneficial for advanced dementia patients. As such, this document carries no weight.

91. Moreover, evidence from interested parties with direct relevant experience voiced very strong concerns around the woodland setting. It is suggested by the appellant that that walks within the woodland and in the amenity space would benefit future patients, but even if this was the case, given the eligibility criteria, those patients would need to be accompanied. This is something that would depend on day to day staffing levels and is a benefit that cannot be quantified or required by condition. There is nothing before me to support the contention that future patients, with the restricted eligibility criteria proposed, would benefit from a woodland setting or to justify affording the woodland setting argument any weight in support of the appeal.

92. The argument is also advanced that the development would reduce anti-social behaviour but although there was evidence of litter, securing the boundaries would be an effective measure against trespass. In any case, the woodland walk would be fenced off from the care home and it is not guaranteed that anti-social behaviour would cease in the publicly accessible parts of the woodland.

93. It seems very likely that in addition to the planned felling of the central area there would be loss of additional specimens and/or pruning during construction, as well as accelerated decline. Mitigation and management work would be fettered by ownership issues as well as ongoing pressures from operational and recreational use. A large part of Bulbourne Wood would become a quasi-suburban managed environment.

94. It is proposed to require a planning obligation to require the submission and approval of a woodland management plan. However, this is an outline application with all matters reserved save access. The footprint of the nursing home and associated levels could change. As such I am not satisfied that the submission of a woodland management plan with this application would be sufficient to address the

[21] Forestry Commission Scotland, Forests as places of mental well-being for people with dementia, June 2015
[22] Carterwood Novebmer 2025 CD 5.19
[23] Environments for Ageing and Dementia Design Assessment Tool, 2023 (v2) CD10.3

possible harm to the protected woodland, as the full extents of the development are not wholly known. Furthermore, a woodland management plan required as part of a S106 agreement would require Council oversight over a very long period of time, which would be an unrealistic and onerous expectation.

95. In addition, woodland management would be informed by operational and recreational needs, rather than the development of the woodland for its own sake. Moreover, as noted above, a significant proportion of the existing woodland would be likely to be affected by the development but would be outwith the scope of a woodland management plan. In any case, the ES sets out that doing nothing would lead to a mixed broadleaved wood in the fulness of time.

96. I am aware that old people's homes can be positioned within woodland or have with trees growing in close proximity to buildings. However, my experience of TPO appeals is that there is a far lesser tolerance of perceived structural failure or loss of views and light in those circumstances.

97. Whilst I appreciate that new planting could provide some screening, one of the key features of beech woodland is that there is very little shrubby understorey and there are clear views between trees. To provide year round screening of sufficient height to obscure all views of the interior of the site and along the access road would result in a woodland with a different character. It would also not provide screening at the access road entrance.

98. The ambulance service's response sets out the minimum recommended size for an ambulance bay. The bay that is shown on what would be the approved drawing, is significantly shorter than the minimum required. It is also shown directly outside the care home's main entrance where it would block the passage of people going in and out of the home. This suggests that the access road layout might require amendment, possibly requiring the removal of more trees.

99. Even if the loss of woodland is limited to what is proposed, there would be views of the development within. With additional loss of trees, which I consider would be highly likely, there would be greater permeability and an adverse effect on the contribution the woodland makes to the character and appearance of the CNL.

100. In the light of the above I conclude that there would be an adverse effect on the protected woodland over and above what is set out. The development would be contrary to Policy N2 of the Framework which states that development should contribute positively to the natural environment, and conserve and enhance existing natural features where possible, amongst other aims.

Chilterns National Landscape

101. National Landscapes are now included in the definition of protected landscapes in the Framework. Planning Practice Guidance (PPG) sets out that before an area becomes an AONB (now known as National Landscapes) the area must meet the natural beauty criterion which can be a combination of factors, including landscape quality, relative wildness and relative tranquillity. Section 85 of the Countryside and Rights of Way Act 2004 (CRoW), amended by S245 of the Levelling Up and Regeneration Act 2023 (LURA) sets out that decision makers have a statutory duty to seek to further the purpose of conserving and enhancing the beauty of a National Landscape. Further clarification was issued in December 2024 and states that a relevant authority should take appropriate, reasonable and proportionate steps to

explore measures which further the statutory purposes of Protected Landscapes, and as far as is reasonably practicable, seek to avoid harm and contribute to the conservation and enhancement of the natural beauty, special qualities and key characteristics of Protected Landscapes.

102. Policy N4:1 of the Framework states that development proposals within Protected Landscapes should be limited in scale and extent, and sensitively located and designed to avoid harm to the statutory purposes and special qualities of a Protected Landscape. The statutory duty requires that conservation and enhancement are considered together, and that natural beauty is holistic. That is, it includes landform and geology, plants and animals, landscape features and human settlement. Substantial weight should be placed on the importance of conserving and enhancing the natural beauty of these areas.

103. Policy N4:2 states that proposals for major development should be refused other than in exceptional circumstances, and where it can be demonstrated that development is in the public interest. Consideration of such applications needs to include a) an assessment of the need for the development, b) the cost of and scope for developing outside the Protected Landscape, or meeting the need in some other way, and c) any detrimental effect on the environment, landscape and recreational opportunities and the extent to which it could be moderated.

Policy N4:2 a) – Need for the development

104. There are currently 942 nursing care bedspaces in Dacorum. The Council accepts that a further 686 nursing beds will be needed by 2041. However, latest occupancy rates in the district are just under 84 per cent which does not suggest there is a critical shortage, as care homes generally operate at an occupancy level of just over 90 per cent. Moreover, the eligibility criteria set out in the planning obligation is not restricted to patients needing nursing care. As such, taking future nursing bed care as the basis for need for this appeal, could give an incorrect weighting to the degree to which the development would meet that need.

105. The MJB report[24] supports the argument in respect of need. However, the datasets used vary between national, county and local populations depending on the arguments being made, which reduces their clarity. Nonetheless, development is a lengthy process. There is an evidenced need, albeit that not all bedspace would be for nursing care. Policy HO7 of the Framework requires substantial weight to be given to homes meeting evidenced need.

Policy N4:2 b) Alternative Sites

106. The evidence contains assessments of the availability of alternative sites outside the CNL. The ASA has to some extent been rendered partially out of date as a consequence of the delayed hearing. However, three potential sites were discussed.

i) Vicarage Lane

107. The Council suggested that a site on Vicarage Lane, Bovingdon could be an alternative location. An application for five dwellings[25] was previously dismissed for reasons of Green Belt, SAC mitigation, design, and the removal of boundary

[24] Market Needs Assessment, MJB October 2024 CD 2.16
[25] 22/00695/OUT

vegetation on the frontage to accommodate visibility splays. It is likely that this site would now be considered to be grey belt. Mitigation for ecological concerns and loss of existing vegetation, are also concerns for the appeal site.

108. I visited this location and observed the assisted living block of Mountbatten House on the corner of Vicarage Lane and Hempstead Road. At the hearing it was suggested that the site was too narrow for the development of a care home, but it appears to me that the site is a similar width to what would be the development's fenced compound. It also appears larger than the site containing Mountbatten House and its car park.

109. I appreciate that Mountbatten House has a vehicular entrance on Hempstead Road, but Vicarage Lane has a junction with St Lawrence Close which is a large housing development on a series of culs de sac, accessed solely from Vicarage Lane. I see no reason why this section of Vicarage Lane could not accommodate the traffic generated by the development in addition to existing traffic flows. In any case, Vicarage Lane seemed to be of similar width to New Road and the appeal development would require highway mitigation works.

ii) *LA3*

110. This site would, according to the appellant, have fewer parking spaces than the appeal before me and there would be insufficient outdoor space. It was also suggested that as other plots nearby would be under construction, it would be too noisy. However, a recent appeal decision has proceeded on the basis that mechanisms can be imposed to mitigate disruption caused by ongoing construction. New build care homes would have effective double glazing which would mitigate noise impacts from construction activity, and construction noise and activity would in any case be temporary. Moreover, the appeal site is close to a noisy mainline train line.

111. Whilst I appreciate that residential homes benefit from outdoor amenity space, it seems I am being invited to place undue weight on the benefits of the development's woodland setting. The two documents provided to support the argument with regard to the woodland setting fail to do so. In addition, in my experience the use of outdoor space by care home residents is very limited, particularly when they have complex health needs. As such, I give very little weight to the arguments raised in relation to the lack of outdoor space or noise.

112. Moreover, LA3's developer is actively seeking a C2 operator. Less on-site parking would be required as there would be better bus links, and it also has a three year time horizon which accords with the appellant's timeline.

iii) *Kier Park*

113. At the point of application there was a potential site at Kier Park, which the Council concedes is no longer available, although it maintains that this site was available and suitable two years ago.

Viability

114. Interested parties with direct experience of dementia care and running care homes have highlighted that this development would have unusually high running costs which would impose an unrealistic financial burden on the care home's operational cost. These would arise from the need to maintain a publicly accessible woodland

for the lifetime of the development, specialist landscape works to contribute to Biodiversity Net Gain (BNG), higher than normal staff to patient ratios, and a part-time travel plan co-ordinator. There would also be the cost of one of more shuttle buses and driver(s) to ferry staff to and from the station, or local bus stops.

115. It was suggested at the hearing that the savings arising from the relatively low site purchase costs would enable the proposed unusually high level of affordable beds. However, site purchase is a capital cost. Any financial advantages arising from a favourable site purchase, even if the care home remained in the appellant's purlieu, would be eroded in the fulness of time. Moreover, the evidence does not include a breakdown of projected operational costs.

116. A report[26] compares the development costs of the appeal site with LA3. This sets out a likely range of gross income for the care home with 50 per cent affordable bed spaces, and an expectation that the Earnings Before Interest, Tax, Depreciation and Amortisation (EBITDA) would be between 15 – 30 per cent. This results in a Gross Development Value (GDV) of £14,089,750 and Residual Land Value (RLV) of £2,280,350[27] or £34,030 per bed which compares very favourably with an estimated £120,714 per bed for LA3, which would not include any affordable beds.

117. However, these figures are based on the higher end of the projected gross revenue and a projected EBITDA of 20 per cent. Using the figures for Council funded beds set out in the S106, the lower end of the projected gross revenue and a 15 per cent EBITDA, my calculations indicate that there would be a negative RLV. This also appears to be the case with 30 per cent affordable beds. As such, I am not satisfied that the development would be viable on this site.

118. Moreover, with regard to the discussion around Vicarage Lane and LA3, I conclude that these are viable alternatives outside the CNL. Development on either of these would require the mitigation of various harmful effects to a greater or lesser degree, but that is no different from the development before me.

119. Furthermore, a care home has recently opened in Tring and the Council noted that outline permission, including Class C2 use, has recently been given for major development at Leighton Buzzard Road[28]. Whilst I appreciate that the recent outline permission may have a longer timeline than the appellant is looking for, it suggests that the Council is actively pursuing long term care provision in its decision making. Furthermore, there does not appear to be substantive evidence that there is a critical shortfall in dementia care beds in the Council's district. In any case, the planning obligation sets out an eligibility option which is not confined to dementia patients.

120. The appellant's evidence sets out that the development has the strong support of Hertfordshire County Council (HCC). HCC noted at the hearing that in its own care homes affordable bedspaces can reach a level of 50 per cent. However, the appellant has not provided viability information with regard to the proposed level of bedspaces, and HCC would not normally take over the running of a care home built by a third party. HCC noted that the proportion of affordable bedspaces in this situation would be 25 – 20 per cent.

[26] MJB December 2025, CD 5.20
[27] This calculation appears to contain an arithmetical error but it does not affect my reasoning.
[28] 21/04508/MOA

Policy N4:2 c) – Environment, Landscape and Recreational Impacts

121. Bulbourne Wood sits in a distinctly rural context: a mosaic of fields, woodland blocks, open heath and grassland, which extends across undulating topography. Opposite the site, dwellings are set back from the road, and the mature vegetation associated with the site overhangs the carriageway. The informal carriageway edge along the site boundary contributes to the strong sense of rural character. This is accentuated by the narrowness of New Road and its narrow footway, as well as the rapid transition to the deeply rural space of Northchurch Common, a short distance uphill. In visual terms, Bulbourne Wood is wholly integrated within, and makes a positive contribution to, the configuration of topography, woodland, field patterns and scattered built form that characterises the CNL in this area.

122. One of the reasons cited by the Secretary of State for the submission of an ES, was to enable further consideration of the effect of the development on the CNL. Local conservation bodies have raised concerns in relation to the loss of tree cover, the introduction of development into an area where it would otherwise be resisted, and the visual impact of a development and associated lighting into what is a rural dark skies environment. Northchurch Parish Council has reinforced this concern with representations that highlight the adverse effects of the permanent urbanisation of an undeveloped site on the edge of the CNL.

123. The woodland sits within the Upper Bulbourne Valley landscape character area (LCA) which encompasses a steep sided valley with built form spreading up the valley slopes. The valley floor combines wet meadow with arterial transport links, as well as the Grand Union Canal. The LCA is judged to have moderate condition and moderate strength of character. The overall aim with regard to future land management is to *improve and conserve,* including the restriction of built development. However, the Bulbourne Valley LCA boundary is not coincident with the CNL boundary and includes land that has been excluded from the CNL. Bulbourne Wood sits within the higher tier National Landscape designation. Such designation is typically accepted to have high landscape sensitivity.

124. The appeal site accounts for nearly half of Bulbourne Wood, and a significant number of trees would be felled to accommodate the development, which would extend disproportionately close to the woodland's north-western and south-western boundaries. The access road and pedestrian entrances would emerge on the New Road boundary. External amenity areas within the care home's compound would in part be developed as ornamental gardens. Land outside the care home compound but within the appeal site, would be developed as a woodland walk.

125. As such, there would be a hollowing out of the woodland. Even if tree removal was limited to the extents shown, this would diminish the screening effect of the retained trees, particularly on the New Road and allotment boundaries. I have also concluded that there would be progressive failure of retained trees within the appeal site and on adjoining plots, as well as the removal of trees over time to address other issues. There would be limited areas available for new planting to provide screening, due to the configuration of third party plots, and in any case, all year screening could only be achieved by planting evergreens clothed to ground level which would be incongruous in this situation. The woodland's visual permeability, even without the failure of trees outwith the appeal site, would be greatly increased.

126. The landscape appraisals are predicated upon the retention, over the lifetime of the development, of a woodland screen whether through retained and managed trees or new planting. It presumes that Bulbourne Wood would remain as a woodland block in the wider landscape. However, I do not find the evidence compelling in this regard and providing effective evergreen screening would fundamentally alter the character of the wood.

127. My attention has also been drawn to the effects of light spill. A photograph taken at night shows the woodland as a dark mass against the lights of the settlement. This reinforces my impression that there is a very clear boundary between the settlement and the CNL which would be eroded by the intrusion of development into the woodland. The LVIA and ES set out proposals for mitigation with regard to lighting but also state that as this is an outline application only, full details cannot be supplied. Even if I accept that there could be low level lighting outside the building, it is unclear how light from within the care home could be controlled. There would also be headlights from traffic within the site and a need for effective and probably high level light at the care home's entrance which has an ambulance bay, blue badge parking areas and a turning circle. Even with some peripheral woodland acting as a light filter, there would be light overspill which would diminish the woodland's contribution to the dark skies that characterise the CNL.

128. As such, with regard to landscape receptors, the development would result in a medium magnitude of change, that is, the noticeable change to landscape character through the alteration of elements or features, and a decrease in landscape value and quality. Given the high sensitivity of the site, this would amount to moderate- substantial landscape effects. I disagree with the LVIA in this regard. This is a significant effect.

129. I also disagree with the conclusions of the LVIA with regard to visual effects. The hollowing out of the woodland from elevated views of Viewpoint 8 (VP 8) and Goreside Farm, not included as a viewpoint, would be visible, albeit in distant views. Views from the allotments and along New Road would also reveal noticeable change with a loss of woodland depth, with the removal of trees particularly visible from the allotments, from where the woodland edge forms a strong and dominant boundary feature. Along New Road, the site entrances would puncture and/or remove the boundary earth bank, and there would be urbanisation of the road verge through the construction of a length of footway, and views into the site at those points. These changes would amount to very much more noticeable change than the removal of some vegetation to create visibility splays. Whilst I do not disagree with the levels of sensitivity set out in the LVIA for visual receptors at VPs 6, 6A and 4, the magnitude of change would be moderate, giving an overall impact of slight-moderate. However, from VP5, as allotment users have high sensitivity, the magnitude of change would be low giving an overall impact of moderate. This would be a significant effect albeit from one viewpoint only.

130. The proposed layout and form of the development is put forward as embedded mitigation. However, this is an outline application and appearance, landscaping, layout and scale are not before me. I acknowledge that some plans would be part of the S106, but the full extents of the development are not yet known. The indicative plans carry limited weight. Local conservation bodies note that *ad hoc* proposals arising outside the local plan process add to the difficulties of achieving the Society's aims of protecting, conserving and improving the Chilterns landscape

and creating a landscape that is resilient to developmental pressure. I agree with this observation.

131. The ES states that the proposed development would not be visible from the surrounding landscape and exerts almost no visual change on the surrounding landscape and visual receptors. However, Bulbourne Wood would not continue to appear as a woodland block within the wider landscape. Whilst I accept that there could be opportunities for additional screening, the starting point for a National Landscape is the statutory duty to conserve and enhance. Development within Bulbourne Wood would, by definition, fail to meet that requirement.

132. As such, I conclude that the LVIA and the ES understate the harm to the scenic qualities and landscape qualities of the CNL. In any case, National Landscape designation is concerned with the protection of the landscape for its own sake, it is not predicated on views from the public domain, as this could in any case change.

133. The ARUP study concludes that the northern section of parcel BK-2A is aligned most closely with the special qualities of the CNL. This implies that the southern section of that land parcel, which includes the appeal site, is less aligned. Nonetheless, the site sits within the CNL.

134. I appreciate that the progressive failure of trees within Bulbourne Wood will continue in the absence of action. However, the wider CNL appears to include trees and woodland with wildly differing visual, recreational, arboricultural qualities and longevity. I see no reason to conclude that 'doing nothing' is harmful to the contribution that Bulbourne Wood makes to the CNL. It is also stated in the ES that taking no action will lead in time to the natural development of a broadleaved woodland as the failure of the Scots Pine will lead to opening up of the canopy allowing more ground flora, and existing beech trees will grow to maturity. I appreciate that this would take time, but so would the outcomes of a 30 year woodland management plan required if the appeal was allowed.

135. Consequently, in the light of the above I conclude that the development would have a significant adverse effect on the purposes for which the area has been designated, and that although there is a need for the development, there is very little evidence before me to indicate that the need for a care home could not be met in some other way. Exceptional circumstances do not exist. In such circumstances Policy N4 of the Framework requires that development be refused.

136. I appreciate that the SoCG indicates the Council agrees that the duty of the decision maker to seek to further the purposes of a protected landscape has been discharged. However, I have reached a different conclusion.

Special Area of Conservation

137. The Chilterns SAC is an international designation which comprises several different sites scattered across the Chilterns. The sites of relevance to this appeal are the Ashridge Commons and Woods and Tring Woodlands Sites of Special Scientific Interest (SSSIs). The Annex I habitat comprising the qualifying features are beech forest and semi-natural dry grassland and scrubland facies a on calcareous substrate. Stag beetles are an Annex II feature but not a primary reason for site selection. The SAC has very high sensitivity to change, as does the stag beetles population.

Recreational Pressure

138. Within the SSSI avoidance zone there is a presumption against residential development as this could increase recreational pressure on the SAC. The Council's mitigation strategy identifies that residential institutions may be acceptable depending on the type of scheme proposed, the level of mobility and the potential for parking to be used by visitors to the SAC. NE advised that the harm arising from increased recreational pressure could be removed if a planning obligation ensured that future care home residents would not be independently mobile.

139. This could be addressed through patient eligibility criteria, and visitors might confine their visits to the care home gardens. However, there is an inherent contradiction in the requirement to limit recreational pressure and developing a separate part of the appeal site as public open space. My concerns regarding the quality and extents of the woodland walk suggest that recreational pressure would be limited but nonetheless it would be unrestricted. Whilst it is impossible to quantify or predict whether there would be a net increase in recreational pressure on the SAC, I am not satisfied that the proposed patient eligibility criterion, imposed through the S106, would provide adequate mitigation in this regard.

Ecology

140. Ashridge Commons and Woods SSSI (ACW SSSI) is one of the largest continuous blocks of woodland in the Chilterns and its conservation value is derived from its scale, structural diversity, the range of woodland types and the overall habitat mosaic. Interested parties have made compelling cases that Bulbourne Wood should be viewed as a functionally connected supporting habitat within the wider context of the SAC. Notwithstanding that the development would be within the avoidance zone of the ACW SSSI, development within a supporting habitat can contribute to the fragmentation of pathways, increased edge effects and changes to local movement patterns.

141. The ES confirms that the appeal site contains Lowland Beech and Yew woodland, and a native species hedgerow, both priority habitats under Section 41 of the Natural Environment and Rural Communities Act 2006 (S41 NERC 2006). As the priority habitats are of national importance, they have high receptor sensitivity.

142. The effect of the development on priority habitats is identified as the loss of habitat during the construction phase. The mitigation is identified as habitat creation, in line with the Biodiversity Net Gain Assessment (BNG) proposals. However, I have set out above my concerns regarding the effect of the development on the longevity of the retained trees, both inside and outside the site, and that the opportunities for enhancement and creation are overstated. Where those opportunities do exist, it would not be a like for like replacement or replicate the existing habitat connectivity, as a consequence of fragmentation and increased recreational pressure. I assess the magnitude of impact as large adverse as it would be a permanent and irreversible change, and could affect the integrity or key characteristics of the resource. Given the high sensitivity of priority habitats, this would result in major adverse effects.

143. Stag beetles, and reptiles and amphibians, which are priority species under S41 NERC, were not included in the survey work and as such their presence has not been verified as part of the ecological baseline. Fifty per cent of ecological survey

plots recorded deadwood or an abundance of small cavities, but no surveys were carried out in relation to invertebrates, even though it is acknowledged that the woodland contains a significant amount of deadwood and undisturbed soils. These are conditions stag beetles rely on.

144. It was proposed prior to the hearing that a condition could be imposed requiring an invertebrate survey. However, the development proposes significant woodland management and new planting as part of enhancement proposals, in addition to the direct loss of habitat. As such, it seems very likely that there would be a removal of deadwood in the retained woodland as well as soil disturbance to accommodate a landscape scheme. The ES also sets out that stag beetles are adversely affected by artificial light, noise and disturbance.

145. With regard to reptiles and amphibians, the ES notes that the woodland's closed canopy presents a sub-optimal environment for reptiles and amphibians as it is landlocked and inaccessible. However, one of the main justifications for the development is its location in a clearing and other areas of less dense tree cover. Moreover, Bulbourne Wood abuts allotments and open countryside, and the woodland's boundary fencing, where it exists, would not deter reptiles or amphibians. There is also compelling evidence from an interested party with specialist knowledge, that reptiles and amphibians have been seen in the vicinity of Bulbourne Wood.

146. Moreover, case law sets out that the decision to grant permission has to be taken in full knowledge of the likely effects of that development on the environment. PPG also states that conditions that require further surveys should not normally be required, as it is necessary to consider the full impact of a proposal on protected species before a decision can be reached.

147. Aside from animal losses during the construction phase, which to some extent can be mitigated through best practice, operational mitigation appears to presume that animals will become habituated to artificial lighting, noise and disturbance, and over time will re-route their peregrinations or flights through the landscape. There appears to be no weight given to habitat fragmentation. Nor is there any evidence to support the assertion that such behavioural disturbances would be negligible. Moreover, assumptions are made with regard to the effects of mitigation in the absence of relevant details to which they would relate.

148. As such, in relation to all animals likely to be affected by the development I find the impact of the development to be understated. In relation to stag beetles, and reptiles and amphibians, whose presence and extents is not part of the ecological baseline, I am unable to conclude that the residual effects of the development would not be significant.

149. The ES sets out that as most of the trees to be removed would be coniferous, this would limit the degree of change. However, beech trees would also be removed to accommodate the road and pathways as well as ongoing management and disturbance of retained woodland as part of ongoing management plans and safety. Great reliance is placed on woodland management and replanting schemes to improve the woodland's biodiversity value for the purposes of BNG, discussed below. However, the analysis of the development's construction and operational impacts on priority habitat loss and harm to protected and other species, is predicted on information which is inconsistent or on plans which are not before me.

Embedded mitigation is given weight in the ES, but measures to reduce, for example, lighting spillage, construction methodology and planting plans are dependent on the approval of reserved matters and as such, in this sensitive context, carry very little weight in my reasoning.

150. The ES states that mitigation measures presume that species would adapt to the insertion of a 24 hour care facility within the woodland and adopt behavioural changes, but the ranges of birds, bats and badgers and a host of other species would be reduced, fragmented and/or subject to increased public access as well as lighting, noise, activity and disturbance, and vibration.

151. The mitigation also presupposes that there would be effective implementation of a woodland management plan over a 30 year period, by the home's future operator, along with effective monitoring and enforcement by the Council. I have set out above that I am not satisfied that a woodland management plan, even if could be enforced, would address the issues of habitat fragmentation, and disturbance, sufficiently to provide effective mitigation. In any case, declining woodland contributes to local biodiversity.

152. NE describes the ACW SSSI as having very high conservation importance, and explicitly links that importance to its inclusion in the SAC. I am unable to agree that species would adapt and that there would not be permanent and irreversible damage to the support networks, priority habitats and species of the SAC, of which Bulbourne Wood is one part. Embedded mitigation cannot be properly assessed or confirmed at outline application stage. I conclude that overall, the effect on the SAC would be significant, and adverse.

Biodiversity Net Gain (BNG)

153. The evidence includes a revised BNG assessment[29]. Most of the increase in BNG value is attributed to enhancements to the woodland with a further significant input from a proposed green roof on the care home. However, some of the retained woodland would be subject to increased footfall and recreational pressure of the woodland walk. Moreover, even if a landscaped roof garden on the care home with boulders and scrapes could be established and maintained over the lifetime of the development, it would not be accessible to all the species present within the existing woodland. In any case, irrespective of the habitat value in BNG terms of external amenity areas with ornamental shrubs, a hedge directly beside the building, or specimen tree planting of species not currently found on the site would not provide like for like habitat replacements or mitigate the fragmentation of what would remain.

154. It was confirmed at the hearing that the hawthorn hedge on the New Road boundary, identified in the ES as a priority habitat, was not included in the baseline assessment as it contained the same species as found in the adjoining woodland. However, I saw no hawthorn in the adjoining beech stands. Nonetheless, although I lean towards the view that this should be considered as a separate habitat, there is nothing before me to suggest that this would affect the BNG baseline to any great extent.

155. At the hearing it was also confirmed that the areas of beech woodland were categorised as 'poor' in the BNG baseline calculation due to failings arising from a

[29] Biodiversity Net Gain Full Report, Aidash January 2026

lack of species diversity and the fact that it is an old plantation. However, beech woodland tends to be single species stands and it is the primary qualifying feature of the SAC. The tree survey shows that across Bulbourne Wood as a whole, more than half the trees surveyed have a projected life expectancy of more than 40 years (the maximum category in BS 5387). The ES states that even without active management, the beech trees will have the opportunity to mature as the coniferous species fail and open up the canopy. I appreciate that the BNG is calculated according to a strict metric, but nonetheless, I am not satisfied that in broader terms the beech stands could be considered to be a low quality habitat.

156. The S106 would include a site layout and landscape plan at Appendix 4. I am satisfied that the statutory minimum of 10 per cent could be achieved but I give no weight to any BNG value above 10 per cent as there is too much uncertainty as to the site's final configuration and its likely impact on the woodland.

157. Concerns have been raised by interested parties in relation to the methodology used in the ES. This relies on embedded mitigation in its assessments of impacts on receptors. This is standard practice and I see no reason to query this methodology in principle. However, this is an outline application, and the embedded mitigation is based on presumed details, future and as yet unconfirmed, actions and outcomes.

158. The development would have an adverse effect on the SAC, leading to conflict to CS Policies 26 and 29, and LP Policies 102 and 103 as set out above.

159. Policy N6 of the Framework requires development to support the conservation of important habitats. There would be an adverse effect on the SAC, and although I have found that there is an evidenced need for care home bedspace, including for dementia care, these benefits would not clearly outweigh the development's likely impact on the ACW SSSI and SAC. As such, the development would not accord with Policy N6:1 b) i) and ii) of the Framework.

Planning obligation

160. I have a completed S106 obligation before me. This contains blue pencil clauses in relation to the patient profile, a minimum level of subsidised bedspaces, and an option for the inclusion of a mediation clause. It also requires the submission of an Indicative Landscape Layout[30] attached to the S106, and the requirement to submit and agree with the Council a Grounds Management Plan, a Habitat Management and Monitoring Plan, a Biodiversity Net Gain Plan, and a Travel Plan.

i) Patient Eligibility

161. The patient eligibility requirement is required to mitigate potential recreational pressure on the SAC by ensuring that future patients are not independently mobile. It also adds weight to the benefits arising from the development by providing accommodation for dementia patients requiring 24 hour care (with or without nursing). However, as set out above I am not satisfied that restricting patient eligibility would necessarily prevent increased recreational pressure on the SAC. Nonetheless, both Options A and B for qualifying occupiers carry weight in the planning balance as they would ensure that future occupiers were patients requiring specialist care.

[30] Dwg. 4454-101-M

ii) *Affordable Care Units*

162. The S106 sets out options of 50 per cent or 30 per cent affordable bedspaces to be provided. HCC[31] has set out that 25 – 30 per cent affordable bedspaces is generally considered to be a viable operating model. I see no reason to disagree. In that regard, Option B would be the preferred option.

iii) *Mediation Clauses*

163. In my experience mediation clauses in planning obligations are unusual and I note that the Council was concerned that in the event of a dispute it would incur additional costs.

164. Moreover, the S106 requires the submission and agreement of details and management plans that are yet to be agreed but which would provide mitigation for the potential harm to the protected woodland, the CNL and the SAC. The Council noted that it would not wish to renegotiate terms at some future stage in the event that the appeal was allowed. In any case, whilst I appreciate that situations may change, there is nothing before me to indicate that in the event of a dispute arising from the S106, the Council would be unable to use its own resource to pursue a resolution.

iv) *Public Open Space*

165. Schedule 3 is concerned with public open space shown as yellow on the Parameters Plan and is land within the appeal site but outwith the secure care home compound. The Council's decision does not mention a failure to provide public open space, and insofar as my reasoning with grey belt is concerned, it would not meet the requirements set out in the Framework, for the reasons set out above. Nonetheless, it would be a public resource which carries some weight in the planning balance.

v) *Grounds Management Plan*

166. The grounds management plan would include all areas within the appeal site, including external amenity areas, the woodland walk, the landscaped entrance area and the access road.

167. The heads of terms for the S106 in the SoCG sets out that a management plan will address areas of public access and appropriate landscaping and signage. Much of the arboricultural evidence relies on the implementation of a woodland management plan to provide mitigation for the loss of trees and/or progressive failure. A woodland management plan could form part of the grounds management plan, but I have set out above that I am not satisfied that it would address the loss of woodland and the contribution Bulbourne Wood currently makes to the CNL and the SAC. The Council also found that the proposed mitigation with regard to the protected woodland would be insufficient, not least as the appeal site does not include all Bulbourne Wood. I also have concerns in relation to inconsistencies with regard to tree protection during the construction phase. In any case, this is an outline application and although the mitigation proposals are based on very detailed plans, plans other than those that would be approved in the event that the appeal is allowed, carry very little weight.

[31] Correspondence from Hertfordshire County Council, Adult Care Services, 10 June 2026

168. In any case, the reason for refusal for the protected woodland does not conclude that a S106 would secure an adequate mechanism for addressing likely significant effects.

169. The management of external amenity areas, the landscaped entrance area and the access road could be readily dealt with through the imposition of a condition at reserved matters in the event that the appeal was allowed. Schedule 4 does not make the development acceptable in planning terms.

vi) Biodiversity Net Gain

170. Schedule 5 is concerned with a habitat management and monitoring plan attached to the mandatory condition in the event that the appeal was allowed. Although I have concerns that the magnitude of the proposed BNG would be very difficult to achieve, I am satisfied that the statutory 10 per cent could be achieved.

vii) Travel Gain

171. Schedule 6 concerns a travel plan to be agreed with the Council. This would include the commissioning of baseline surveys, compilation of a travel pack and sustainable travel vouchers, and the promotion of the travel plan to owners, occupiers and visitors to the care home.

172. The highways authority set out in its consultation response[32] that the travel plan submitted at application would need to be updated to include more information regarding its implementation and administration, an identification of more measures to promote walking and cycling initiatives, and the setting of targets. I have set out my concerns in relation to the potential for increased walking and cycling for staff and visitors in my reasoning. Given the site's location, local topography and existing road network, it is difficult to see what additional measures could be introduced to make any significant inroads into encouraging staff and visitors to walk or cycle to work. As such, I am not satisfied that a travel plan would encourage use of alternative modes of travel to any meaningful extent. It would not make the development acceptable in planning terms.

173. The development would be contrary to CS Policy CS8 which requires all development to contribute to a well-connected and accessible transport system whose principles are to prioritise non-car users, and to contribute to the implementation of strategies and priorities set out in the Local Transport Plan. It would also be contrary to the provisions of Policy TR3 of the Framework which requires development to support sustainable patterns of movement and offer a genuine choice of transport modes for users, amongst other considerations, and Policy TR6 of the Framework that requires travel plans to set out how the transport strategy is to be achieved.

Designated Heritage Assets

Woodside Cottage

174. The Historic England listing notes that Woodside cottage is an 18th century one and a half storey brick cottage, possibly timber framed, with a steep red tile roof, which was extended in the 19th century.

[32] 15 April 2025

175. The 1839 Tithe map shows a building on the current footprint, with woodland to the north and west, but otherwise the cottage was at the northern extents of an open landscape, including the appeal site, which appears to have been farmland until Bulbourne Wood was planted. The evidence indicates that the cottage was built as a parish pest house, housing people with infectious diseases and as such required isolation. Between 1883 and 1898 The Hollow, on a generous plot, was built immediately to the south of Woodside Cottage.

176. The Cottage's significance arises from its intact historic fabric and its social history. Although located outside Berkhamsted's settlement pattern, The Hollow has encroached upon its spatial isolation. Even if the care home and associated activity could be readily viewed from the cottage, given the distances involved and the intervening plot of The Hollow and its tree cover, I am satisfied that the development would not significantly erode that significance. As such there would be no harm.

177. The officer's report concludes that the heritage harm to the cottage would be outweighed by public benefits. However, there is very little before me to indicate that there would be any significant loss of significance or associated harm. There would be no conflict with the Planning (Listed Buildings and Conservation Areas) Act 1990 or Section 20 of the Framework which is concerned with the safeguarding of heritage assets.

Other matters

Economic Impact

178. The Icenii Report[33] shows that the district's population is not ageing any more quickly than the average for England. Dacorum sits within the top 10 per cent of the country for income level, employment, education and skills training and health. Unemployment levels are on a par with England but there are significantly fewer jobs in the health and Social Work sectors compared to the England average. The report concludes that this could indicate that residents commute outside the area for those care jobs, but it could also mean that care staff for the development would need to commute into Dacorum from further afield and that staff recruitment could be challenging.

179. Moreover, whilst I acknowledge that the development would generate construction and long term employment, with attendant economic benefits, current levels of employment in Dacorum are in the top 10 per cent for England. Those economic benefits are tempered by the data which suggests that the area is already thriving. There is nothing before me to suggest that there is a pool of potential employees who are currently underemployed. It is proposed that the development would provide training opportunities but there is no mechanism before me to ensure that this would occur. These potential benefits carry limited weight.

180. It was suggested at the hearing that the nursing home would be the largest employee in Berkhamsted. There is nothing to substantiate this claim, and it seems to me that Waitrose would also be a significant employer. In any case, I am unclear how this adds weight in favour of the appeal. There is nothing before me to indicate that the locality lacks job opportunities or that the development would meet an outstanding need for employment in this sector. In fact, the evidence appears to

[33] Iceni CD 2.25

suggest that there would be strong competition from similar businesses. Although there is a long term and district-wide need for additional residential care, it does not necessarily have to be located in or around Berkhamsted.

Alternatives and Design Evolution

181. The ES states that the 'Do- Nothing' option, that is leaving the site in its current state, would be contrary to national and local government aspirations and policies aimed at providing more nursing homes and supporting the ageing population. However, the woodland is a dynamic and natural entity that will evolve over time. Moreover, the legislative framework of the local and national policies, and legislation provides the mechanism for finding the balance between the competing priorities.

182. The argument is advanced that the woodland has no economic value as a commercial coniferous plantation, but a significant area is covered by beech stands. Moreover, it is clear that even in its current condition it makes a valuable and positive contribution to the CNL and the SAC. I also conclude that the lack of public access is a positive feature in ecological terms as flora and fauna is relatively undisturbed. Bulbourne Wood also makes a contribution to the local dark skies, which are a feature of the CNL.

183. The SoCG notes that there is disagreement between the main parties as whether the appeal site and its immediate surroundings constitute a valued landscape as referenced in the former Framework. However, neither the reasons for refusal nor the Framework mention valued landscapes.

184. The local ambulance service sets out that the development would pose additional demands on the local service and would require additional funding. This does not appear to have been addressed in the main parties' evidence. Other concerns have been raised, some in great detail, including that NE has failed to appreciate the development's full impact. Flooding, the wireframe imagery, viability and existing rights of access across the appeal site, are also raised, amongst other concerns. However, although all submissions have been reviewed, as I have found harm in relation to the main issues it is not necessary for me to consider these concerns further.

185. The evidence suggests that suggest that there would be opportunities to provide physical links between the site and the adjacent Sunnyside Allotments. However, the Sunnyside Allotment's Trust has advised that it is not supportive of closer links with the development.

186. The appellant has highlighted previous appeals on other sites. However, I am satisfied that none is directly comparable to this appeal. In any case, my reasoning is based upon the evidence before me.

Other Considerations

Dementia Care

187. As the development would not meet the requirements set out in relation to grey belt, it would be inappropriate development in the Green Belt. Inappropriate development should not be approved except in very special circumstances.

188. In this case there is a very strong case for the windfall provision of care homes, particularly those accommodating patients with complex needs. Moreover, Policy HO7 of the Framework states that substantial weight should be given to providing homes which meet evidenced accommodation needs of the community.

189. In addition, although Berkhamsted appears to me to be a thriving town with a bustling and quite high end shopping centre, the development would result in short term economic boost to the local construction industry and supply chain businesses. It would also provide a source of notable employment opportunities over the long term. However, as I have noted above, the area is already thriving and finding staff may be challenging.

190. I also appreciate that a specialist nursing home could also relieve some local pressure on NHS bed spaces, or at least give prospective patients greater choice. But the extent of that benefit cannot be quantified and carries little weight.

191. The parties are agreed that using standard methodology the provision of bedspaces would be the equivalent of 35 dwellings. However, it does not necessarily follow that 35 dwellings would be released on to the open market in the event that the appeal was allowed, as there may be other people living in those homes.

192. At the hearing arguments were advanced by the appellant in relation to benefits arising from the increase in local housing supply due to their occupiers going into permanent care, and to the greater health and wellbeing of those new residents, as well as to any friends and relatives who would no longer need to be unpaid carers. However, none of these benefits can be quantified. Nor can it be presumed, in my experience, that a move to a care home necessarily brings health or wellbeing benefits to the residents or their former carers. This depends on an individual's circumstances and their reasons for going into residential care, which are not always elective. It also depends on the particular care received at any residential home, which again cannot be measured or guaranteed over time. This carries only minor weight in favour of the appeal.

193. There is a local need for nursing and/or for specialist dementia care over the period of a new local plan, supported by Policy HO7 of the Framework. The development would be required to provide affordable bedspaces. However, this need is not critical and the emerging local plan has made provision for additional bed spaces over the plan period. Moreover, there is very little evidence before me to substantiate the claim the dementia patients would benefit from this particular woodland setting. In fact, the evidence suggests that the woodland setting would be detrimental to the well-being of advanced dementia patients. This lessens the weight I give to the combined provision of specialist care, complex needs and affordable bedspaces, which consequently carries only moderate weight in favour of the appeal.

Planning Balance

194. The site has multiple statutory designations, any one of which could ordinarily preclude development.

195. Policy GB6:2 of the Framework states that substantial weight should be given to harm to the Green Belt arising from inappropriate development. Even if I accepted that the substantial weight given to the provision of a care home required by Policy

HO7 of the Framework balanced the Green Belt harm, I have also found harm in relation to protected woodlands, the protected landscape, the SAC and location.

196. With regard to the protected landscapes, Policy N4 of the Framework states that major development within protected landscapes should be refused other than in exceptional circumstances. I have found that exceptional circumstances do not exist. With regard to the SAC, I have concluded that the benefits would not outweigh the harm to the SAC. I am also unable to conclude that there would not be significant harm to biodiversity and in such cases Policy N2 of the Framework states that development should be refused.

197. Policy DP3:1 of the Framework requires development to respond to its context. Policy DP3:2 of the Framework sets out that development should also reflect liveability and be easy to look after, strengthen habitats and in terms of movement, to provide good connections to the wider settlement, amongst other requirements. I have set out in my reasoning how the development would fail to meet these requirements. The Framework recommends that development should be refused where there would be conflict with Policies DP3:1 and DP3:2 unless there is clear justification.

198. The provision of additional bedspaces, including affordable bedspaces, together with a moderate economic boost, and a small area of public open space carry only moderate weight in favour of the appeal. Moreover, the evidence indicates that this is not a suitable site for a dementia care home and other sites are available. As such, the evidence fails to provide clear justification.

199. Policy S5 of the Framework is concerned with the principle of development outside settlements. However, it does not apply to development proposals in the Green Belt. The other considerations and benefits arising from the development are not sufficient to outweigh the harm to the Green Belt, and all the other identified harm, and as such very special circumstances do not exist.

200. I acknowledge that I have found harm in relation to issues agreed between the main parties. However, my reasoning is based on the evidence before me.

Conclusion

201. The development would conflict with the local development plan, the Framework, LURA and CRoW. There are no material considerations of such weight to lead me to conclude other than that the appeal should be dismissed.

A Edgington

INSPECTOR

APPEARANCES

APPELLANT

Peter Home	SLR Consulting
Mark Nelson	SLR Consulting
Chris Ellis	SLR Consulting
Simon Hawkins	Merewood Tree Consultants
Jessamy Venables	Carterwood
Harri Williams	AiDash
Carl Taylor	TPM Landscape
Anjoli Foster KC	Landmark Chambers
Marianne Ironside	Foot Anstey

COUNCIL

Martin Stickley	Dacorum Borough Council
James Gardner	Dacorum Borough Council
Colin Lecart	Dacorum Borough Council

INTERESTED PARTIES

Dr Michael Stubbs	Chilterns National Landscape
David Gardiner	The Chiltern Society
Patrick Stileman	Patrick Stileman Ltd
Jacqueline Veater	Council for the Protection of Rural England
Kristian Tizzard	Hertfordshire County Council
Pritej Mistry	Hertfordshire County Council
Anne Smith	
Dr Julie Battersby	
Alan Drew	

Evidence submitted at the hearing:

1. Forestry Commission Scotland, Forests as places pf mental well-being for people with dementia, June 2015