

March 2023

Land Adjacent to 52 Harris Lane,  
Shenley

## Landscape Proof of Evidence

of:

**Clive Self**

MA (Urb Des) Dip LA CMLI

PINS Ref: APP/N1920/W/22/3311193

LPA Ref: 22/0971/OUT

on behalf of:

Griggs (Options) Ltd

Report No: CSA/4132/10



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Appendix K: Illustrative layout for Harris Lane frontage.



## 1.0 EXECUTIVE SUMMARY

- 1.1 The Appeal Site is a remnant area of farmland that extends to 1.7 hectares.
- 1.2 Immediately to the north of the Site is the commercial arboricultural business of Gristwood and Toms. That site is relatively large and extends in a northerly direction to Mimms Lane. It is occupied by commercial buildings, storage areas and large areas of hardstanding. The site also has significant swathes of mature woodland that provide containment to the northern boundary of the Appeal Site.
- 1.3 The greater part of the western and southern boundaries of the Appeal Site back onto the houses which are served off Harris Lane and Anderson Road. These properties are 2 storey and comprise a mix of semi detached houses and a short terrace. As one progresses southwards into the heart of the village the range and density of development varies, from detached houses to 4 storey flats.
- 1.4 The northern part of the western Site boundary borders Harris Lane and is defined by a managed hedgerow. There is also a field gated access on this section of the boundary. The eastern Site boundary borders open countryside and is defined by a mature hedge with intermittent tree cover.
- 1.5 Given these factors, only **15%** of the Site boundary borders open countryside.
- 1.6 The draft Local Plan, which has now been set aside, identified the Site as an appropriate site for release from the Green Belt. Draft Policy HEL390 identified *'land adjacent to 52 Harris Lane, Shenley'* as suitable for approximately 50 homes, comprising a *'mix of dwelling sizes to complement the surrounding area and sensitivity relate to existing houses on Harris Lane in an edge of village location. Access to be taken directly from Harris Lane'*.
- 1.7 The draft allocation was informed by two Green Belt studies. The Stage 2 Green Belt Assessment of 2019 produced by ARUP is the most relevant. That Assessment sub-divides the Borough into a series of smaller parcels which were recommended for further consideration. The Appeal Site was identified as part of RC-3 which is described as *'a very small scale area, physically enclosed by strong features to the north, south and west, 'which does not play a fundamental role in relation to the wider Green Belt' (my underlining).*

- 1.8 Against that background it is relevant to note that the Planning SOCG states at para 6.29 that *'it is agreed that the evidence base produced in connection with the draft plan [draft Local Plan] remains a material consideration'*.
- 1.9 From my assessment of the Appeal Site I reach a similar conclusion to the Stage 2 Green Belt Assessment in that I do not consider that the Site plays a fundamental role in relation to the wider Green Belt and I say that because the Site has a very strong relationship to the village of Shenley; that it has a high degree of visual enclosure to the north, south and part way along the western boundary; that it has a clearly defined boundary to the southeast; and that it will not result in coalescence with any neighbouring settlement.
- 1.10 The HELAA of 2019 was prepared by Council officers and identified the Appeal Site as Site HEL 390, Land adjacent to 52 Harris Lane, Shenley. That study similarly identified the Site as having the capacity to accommodate 50 dwellings which could be delivered within 5 years. In respect of the Appeal Site, the Study concluded that:
- 'Under the current policy framework, the site would not be suitable for development other than for rural exceptions scale and type of housing. Were exceptional circumstances to exist which could justify amending the Green Belt boundary in this location in line with paragraph 136 of the NPPF, the site is considered to be suitable, achievable and deliverable for an estimated 50\* homes' (my underlining). However, currently the site can only be recorded in the category of sites as not currently acceptable'.*
- 1.11 The very special circumstances that warrant release of the Appeal Site for development are set out in the Planning Proof of Evidence.

### **Landscape Character**

- 1.12 The character of the Site will inevitably change from that of a rural fringe site to a modest housing development which is focused on a local green. Given the detachment of the Site from the wider countryside, and the urbanising influence of neighbouring development, then I do not see the change as being particularly significant nor discordant with the character of the area.
- 1.13 The loss of no more than a few metres of the hedgerow on the Harris Lane frontage will be replaced with new hedgerow planting. Within the body of the Site there will be significant opportunities for further woodland planting and wildflower and wetland habitats. No tree removal is required to facilitate the proposed development.

- 1.14 In terms of Biodiversity Net Gain, there will be a 10.51% increase in habitat units and 65.48% increase in hedgerow units.

### **Sensitivity**

- 1.15 The Hertsmere Landscape Sensitivity Assessment of 2020 identified the Shenley Fringe (Area 21C), within which the Site falls, as having a Medium to High Sensitivity to two and two and half storey, medium density residential development.
- 1.16 Given the containment of the Site and the nature of the neighbouring development, I consider the Site, which comprises only a small component of the wider assessment area, sits at the lower end of medium sensitivity.

### **Visibility**

- 1.17 Public views of the Appeal Scheme will be possible from the Harris Lane frontage and the playing fields on the opposite side of the road. Where there are such views the frontage housing will be seen within the context of the neighbouring development and will similarly front onto Harris Lane. It will therefore complement the existing pattern of frontage development in this part of the settlement and be of a similar scale.
- 1.18 There will also be opportunities to see the Appeal Scheme from the public footpaths which cross the countryside to the east. Where such views exist, the housing which borders the Site is presently readily visible. It is also worth noting that the three storey flats at Birchwood, which lie to the south of the Site, are somewhat closer to the viewer than the Appeal Scheme will be. The Appeal Scheme will therefore not be introducing a new component into the view and it will benefit from the new woodland planting that is proposed in the eastern part of the Site. The experience of walking these footpaths along the developed eastern edge of Shenley will not materially change.
- 1.19 Whilst I appreciate that the scheme is in outline only, to further mitigate the impact of the proposed development, the housing in the eastern part of the Site will be limited to two storey and a recessive palette of buildings materials will be used to create an appropriate interface with the countryside beyond.
- 1.20 My overall conclusion is that the Appeal Scheme responds to the Site and its wider setting in a sensitive manner and while there would inevitably be a certain level of harm, as a greenfield/Green Belt site would be released for development, the spatial and visual harm would be limited and the scheme would not be discordant with the character

of the neighbouring area. It would also deliver landscape, recreational and wildlife benefits, amongst other things.

- 1.21 Similarly, the Appeal Scheme would not compromise the function of the wider Green Belt.



## **2.0 QUALIFICATIONS AND EXPERIENCE**

- 2.1 I am a Chartered Landscape Architect and an Urban Designer. I hold a Diploma in Landscape Architecture and a Master's Degree in Urban Design. I have over 30 years' experience in landscape and townscape design and assessment.
- 2.2 I am the Managing Director of CSA, a multi-disciplinary environmental planning practice which I established in 1998. The practice acts for the public and private sector and has an in-house team of urban designers, ecologists, heritage consultants and landscape architects. We operate from offices in Sussex, Hertfordshire, Hampshire, Cambridgeshire and Worcestershire.
- 2.3 Prior to forming CSA I was responsible for landscape architecture and masterplanning at PRC Fewster Architects and before that I was employed in a similar role at Sargent and Potiriadis Architects. I have worked throughout the UK, Middle East and the United States on a broad range of landscape projects, townscape appraisals and environmental planning work.
- 2.4 My company is currently involved in projects that range from the masterplanning of new settlements to the redevelopment of inner city brownfield sites. We work throughout the UK in both the rural and urban environment.
- 2.5 I have given landscape and urban design advice on numerous greenfield and green belt sites across the country. I have also given landscape and urban design evidence at Local Plan/LDF Inquiries, Section 77 and 78 Inquiries, and CPO Inquiries.
- 2.6 The evidence that I have prepared and provide for this appeal is true and has been prepared and is given in accordance with the guidance of my professional institution and I confirm that the opinions expressed are my true and professional opinions.

### 3.0 BACKGROUND AND METHODOLOGY

#### Background

- 3.1 This evidence is submitted on behalf of Griggs (Options) Ltd in respect of a planning application for the '*Construction of up to 37 dwellings with associated landscaping and open space to include access from Harris Lane. (Outline Application with Appearance, Landscaping, Layout and Scale Reserved).*'
- 3.2 CSA Environmental has been involved with the Appeal Scheme from the outset of the planning application and colleagues at CSA produced the Landscape and Visual Impact Assessment ('LVIA') (CDA 20). We also undertook the Ecological impact Assessment.
- 3.3 Following submission of the planning application, the illustrative layout was amended and a second option submitted to respond to the observations of the Urban Design Officer. Further working up was then made to the second option of the illustrative masterplan to provide a greater level of detail on how the acoustic design measures could be implemented and a view corridor created through the proposed development. The amended illustrative masterplan is in **Appendix E**.
- 3.4 Given that the application is in outline form only and that the amendments are minor they do not alter the overall anticipated effects of the development that were contained in the original LVIA.
- 3.5 The Council has given a single reason for refusal. My evidence considers the landscape and visual aspects of the reason for refusal. I also consider the function of the Appeal Scheme in respect of the Green Belt. The reason for refusal is as follows.

#### Reason for Refusal

*Per paragraph 11 of the NPPF, the presumption in favour of sustainable development applies. Planning permission should therefore be granted, unless the application of policies within the NPPF that protect areas or assets of particular importance (which includes land designated as Green Belt) provides a clear reason for refusal.*

*The proposed development is considered to be inappropriate development in the Green Belt, given that it would fail to comply with any of the defined exceptions at paragraphs 149 and 150 of the NPPF. A case for Very Special Circumstances (VSCs) has been made by the applicant, outlining a number of benefits of the scheme. However, officers consider that these benefits when taken together are insufficient*

*to outweigh the substantial harm to the Green Belt, by virtue of inappropriateness and due to the significant harm to openness that would arise. Accordingly, VSCs do not arise here.*

*Therefore, the proposed development is considered to be contrary to the NPPF (2021), Policies SP1, SP2, and CS13 of the Core Strategy (2013) and Policy SADM26 of the Site Allocations and Development Management Policies Plan (2016).'*

### **Methodology**

- 3.6 My evidence is based on the assessment contained within the submitted LVIA, which was produced by a colleague at CSA. I have also visited the Site and surrounding area on a number of occasions during the winter months.
- 3.7 From my observations on Site, and from the neighbouring area, I am in agreement with the conclusion of the LVIA that the Site could be developed without resulting in material harm to the landscape character of the surrounding countryside and the wider Green Belt. My evidence should be read in conjunction with the submitted LVIA.
- 3.8 Photographs contained in **Appendix C** have been taken from within the Site or from public vantage points within the vicinity.
- 3.9 Photographs were taken using a digital camera with a lens focal length approximating to 50mm, to give a similar depth of vision to the human eye. In some instances images have been combined to create a panorama. Photographs were taken during periods of good visibility. The photographs and visualisations within this report have been prepared in general conformance with the Landscape Institute's Technical Guidance Note 06/19, as set out in the methodology within the LVIA.

### **Green Belt**

- 3.10 As far as I'm aware, there is no specific methodology set out in Government policy for assessing the impact of development on the Green Belt. CSA have developed their own methodology for assessing the impact of development on the 5 purposes of the Green Belt, which are set out in NPPF. The methodology used in that assessment is set out in Appendix L of the LVIA, with a summary in this evidence. I also consider the Green Belt studies which have been undertaken on behalf of Hertsmere Borough Council, which, amongst other things, informed the allocation of the Site in the draft Local Plan. I also summarise the impact on openness, from both a spatial and visual point of view.

### **Planning Policy Context**

- 3.11 The key landscape and planning policies of relevance to the Site have been summarised in the LVIA and as such, I do not replicate them here. Rather, my evidence addresses the specific landscape and Green Belt related policies which are cited in the reason for refusal.

### **Background Character Studies**

- 3.12 The LVIA includes a summary and consideration of the various Landscape Character Assessments and background studies relating to landscape and Green Belt matters. I have not replicated those assessments here but have referred to the localised landscape and Green Belt studies.

## **4.0 DESCRIPTION OF THE SITE AND SURROUNDING AREA**

- 4.1 The LVIA provides a detailed description of the Appeal Site and neighbouring area. In the following chapter I therefore only provide a summary of the key characteristics of the Site and neighbouring area, rather than duplicate that information. I have also summarised the key visual receptors.
- 4.2 The tables in **Appendix F** also provide a summary of the anticipated landscape and visual effects from a number of receptors.

### **Local Context**

- 4.3 The Site occupies a single grassland field which is accessed off Harris Lane. It extends to 1.7 hectares.
- 4.4 On the opposite side of Harris Lane are the village playing fields which are bordered by housing to the south and west.
- 4.5 Immediately to the north of the Site is the commercial arboricultural business of Gristwood and Toms. That site is relatively large and extends in a northerly direction to Mimms Lane. The site is occupied by commercial buildings, storage areas and large areas of hardstanding. The site also has significant swathes of mature woodland that provides a good degree of enclosure. Access into that site is from Harris Lane.
- 4.6 The greater part of the western and southern boundaries of the Site back onto the houses which are served off Harris Lane and Anderson Road. These properties are 2 storey and comprise a mix of semi detached houses and a short terrace.
- 4.7 As one progresses southwards into the heart of the village the range and density of development varies, from detached houses to 4 storey flats. Density of development within parts of the village is shown on the Comparison Density Maps (CDA 10-12), demonstrating that the proposed density is appropriate (as is agreed in the Planning SOCG at paras 3k and 3m).

### **Countryside**

- 4.8 The countryside to the east of the Site comprises a series of rectangular and irregular shaped fields which are quite large and typically enclosed by established hedgerows with intermittent tree cover. In the middle and far distance there are also significant areas of woodland.

## **Landscape Character**

- 4.9 The LVIA contains a description of the National Character Area. As the Appeal Site is only relatively small, I therefore only refer to the district character assessment.

## **Country Landscape Character**

- 4.10 The Hertfordshire Landscape Character Assessment divides the county into a series of Landscape Character Areas ('LCAs'), with the Site lying within the High Canons Valleys and Ridges Landscape Character Area 21.

- 4.11 High Canons Valleys and Ridges LCA comprises an area between Shenley Ridge, Borehamwood and the A1/M25. The area comprises a series of undulating ridges and valleys, with a well treed character owing to woodland blocks, scattered trees and tall hedges. The key characteristics of the High Canons Valleys and Ridges LCA are described as:

- *'a series of narrow settled ridges of sinuous form;*
- *slopes to the south east comprise mainly medium to large arable fields and more open character;*
- *slopes to the west and north east comprise a more intact landscape of small/medium pasture and numerous field oaks;*
- *woodland blocks and copses scattered throughout the area, both around houses and more extensively to the west where they combine with mature parkland landscapes at the edge of Shenley Park and Porters Park golf course;*
- *prominent built edge to Borehamwood and associated pylons dilute the rural character; and*
- *good range and use of local building materials.'*

- 4.12 Pasture predominates in the area, with fields typically regular in form and a network of hedges and hedgerow trees, including mature oak trees. Hedgerows are typically mixed species. The majority of settlements are located on the plateau areas and ridges, including Shenley village.

- 4.13 Guidelines for change within the LCA recommend *'Improving and Conserving'* the landscape, through new planting, which respects the

historic context of existing features, encouraging hedgerow creation and restoration throughout, as well as improved public access.

- 4.14 From my assessment of the Site and its immediate surroundings it is apparent that it has some of these qualities, in that it is a medium sized pastoral field, although it is not actively farmed, with hedgerows and occasional hedgerow trees along some of its boundaries and woodland alongside its northern boundary, although (distinct from most of the rest of the LCA) its character is clearly affected by neighbouring residential settlement development.

### **Hertsmere Landscape Sensitivity Assessment (2020)**

- 4.15 The Landscape Sensitivity to Residential and Employment Development in Hertsmere report (extracts in **Appendix H**) was produced by Land Use Consultants (LUC) on behalf of Hertsmere Borough Council in September 2020. The study is based upon the Hertfordshire County landscape character areas and subdivides the area into a series of smaller 'assessment units'.
- 4.16 The Appeal Site lies within the larger Shenley Fringe assessment unit 21c, which borders the eastern, southern and western edge of Shenley. The report sets out the key sensitive features of the Shenley Fringe assessment unit, with those relevant to the Site including intact small scale field pattern, intact hedgerows and mature trees. Guidance for development within the assessment unit includes retaining all hedgerows and trees where possible, using vegetation that is in keeping with the local character to integrate the development, retaining the rural character of the wider landscape and enhancing public access to and enjoyment of the countryside.
- 4.17 The sensitivity assessment found the Shenley Fringe assessment unit to be of overall Medium - High landscape sensitivity, to low and medium density residential development of two/two and a half storeys.
- 4.18 Given the containment provided to the Site by neighbouring commercial and residential development and the limited interface with the wider countryside, I consider the Site sits at the lower end of medium sensitivity.

### **Green Belt Context**

- 4.19 The Appeal Site lies within the Green Belt and outside of the settlement boundary of Shenley. The Green Belt currently washes over the southern part of Shenley with the northern part inset in the Green Belt.

- 4.20 The Green Belt covers almost 80% of Hertsmere District which is virtually all of the land that falls outside of the boundaries of the principal settlements. As a consequence, if current and future housing need is to be met then the Green Belt boundary will need to be reviewed or land within it released.

### **Stage 1 Assessment**

- 4.21 Against that background, Hertsmere Borough Council commissioned Arup to undertake a Stage 1 Green Belt Assessment in 2017 to inform the emerging Local Plan. That assessment was carried out at a strategic level to assess how different areas of Green Belt land, within the Borough, performed against Green Belt purposes.

### **Stage 2**

- 4.22 Following the Stage 1 Assessment, Arup then produced a more refined Stage 2 Assessment (CDE 35) to ensure that the Council had made every effort to identify appropriate land to meet identified housing needs. An extract of the Stage 2 Assessment is contained in **Appendix G**.
- 4.23 Stage 2 of the Green Belt Assessment subdivides the Stage 1 Parcels into a series of Sub Areas with the Appeal Site falling within Parcel 18 and within the north western part of Sub Area 27. That Sub Area extends from London Road, northwards to Mimms Lane and eastwards to the Catherine Bourne watercourse.
- 4.24 As Sub Area 27 covered a relatively large area, the Assessment then identified a small area in the north western corner of the Sub-Area which it identified as part of RC-3, which is the Appeal Site. It describes RC-3 as *'a very small scale area, physically enclosed by strong features to the north, south and west, 'which does not play a fundamental role in relation to the wider Green Belt'* (my underlining). This north western part of the Sub-Area is recommended in the study for further consideration.
- 4.25 The Stage 2 Assessment also states that boundary features that are readily recognisable and likely to be permanent have been identified, although some strengthening would be required to the existing hedgerow in the north western part of SA-27 (the Site), to limit visual linkages with the wider Green Belt beyond and ensure the hedgerow is consistent and readily recognisable.
- 4.26 From my observations from the Site and neighbouring area I similarly conclude that the Site does not play a fundamental role in relation to the wider Green Belt.



## **Green Belt Study Part 4**

- 4.27 In March 2021 Arup published a Green Belt Village Inset Boundary Assessment (CDE46). The purpose of that Assessment was to consider inseting parts of villages into the Green Belt, such as the southern half of Shenley, which is currently washed over by the Green Belt.
- 4.28 The Assessment recommended that the southern part of Shenley should be inset into the Green Belt. The proposed inset boundary is shown on page 60 of the report and borders the southwestern boundary of the Appeal Site.
- 4.29 Within the Assessment the Appeal Site is identified as SH.5 and it is recommended that no alterations were to be made, at the time the report was published, to exclude the Appeal Site from the Green Belt boundary. However, this is of no significance because it is clear from the reasoning of the Part 4 Study that this was to be revisited once it was determined whether SH.5 was to be allocated. The recommendation was therefore potentially temporary only, and was not founded on an "in principle" objection to development of the Appeal Site for residential purposes.
- 4.30 At the time the assessment was undertaken (October 2020), the Council was still considering which promoted sites might be shortlisted as their proposed site allocations. The Appeal Site was identified as one such site (Land adjacent 52 Harris Lane). In recognition of this, the Assessment went on to say that:

*'If any of these sites are shortlisted, it will be necessary to further revise the proposed inset boundaries'.*

- 4.31 It is apparent from the above caveat that the proposed Green Belt inset boundary for the southern part of Shenley was not intended to be definitive and could be amended if sites such as the Appeal Site were allocated or granted consent by other means.

### **HELAA 2019 (Extract Appendix I)**

- 4.32 The HELAA of 2019 (CDE 27) identified the Appeal Site as Site HEL 390, Land adjacent to 52 Harris Lane, Shenley.
- 4.33 Site HEL 390 is identified as having the capacity to accommodate 50 dwellings which can be delivered within 5 years. The HELAA study concluded that:

*'Under the current policy framework, the site would not be suitable for development other than for rural exceptions scale and type of housing.'*

*Were exceptional circumstances to exist which could justify amending the Green Belt boundary in this location in line with paragraph 136 of the NPPF, the site is considered to be suitable, achievable and deliverable for an estimated 50\* homes (my underlining). However, currently the site can only be recorded in the category of sites as not currently acceptable'.*

- 4.34 It is apparent from the summary above, that the LPA's officers who prepared the HELAA considered the Appeal Site to be entirely suitable for development and that 50 houses could be delivered within a 5 year period. The very special circumstances that justify the release of the Site for development now are set out in the Planning Evidence of Mr Brown.

### **Statutory and Non-Statutory Designations**

- 4.35 The Site is not covered by any statutory or non-statutory designations for landscape character or quality. It is agreed in the Planning SOCG (para 3 h) that the Site is not within a Valued Landscape. It also agreed that the Appeal Scheme has no impact on designated or undesignated heritage assets (para 3 j).

### **Site Description**

- 4.36 The Site comprises a broadly rectangular grass field which has four semi-detached properties, which face onto Harris Lane, indented into the western boundary of the Site. Frontage development continues along Harris Lane to the junction with London Road.
- 4.37 There are several trees and sheds in the north westernmost part of the Site. The rest of the Site is open, save for a line of lattice mounted overhead cables which cross the southern part of the Site. The overhead cables will be undergrounded as part of the Appeal Scheme.
- 4.38 A mixed species hedgerow runs alongside the Harris Lane frontage of the Site and there is a field gated access towards the northern end of the boundary.
- 4.39 The south western Site boundary comprises a combination of rear garden fences and hedging, with intermittent tree cover. This boundary follows the rear gardens of the properties served off Harris Lane and Anderson Road.
- 4.40 The south eastern Site boundary is defined by a hedgerow with occasional hedgerow trees, which separate the Site from the neighbouring field.

- 4.41 The north eastern Site boundary is defined by a hedgerow and the woodland which lies within the neighbouring commercial development.

### **Topography**

- 4.42 The Site gently slopes downwards from a highpoint on the western boundary to the eastern boundary. The neighbouring countryside gently falls away to the east towards the Catherine Bourne watercourse, before rising again on the opposite valley side.

### **Visibility**

- 4.43 An assessment of the visibility of the Site was undertaken as part of the LVIA and a series of photographs taken from public vantage points. The viewpoints are illustrated on the Location Plan and Aerial Photograph contained in **Appendices A** and **B** and on the photographs in **Appendix C**. The location of the CGIs are shown on the site location plan at **Appendix A**.

- 4.44 In broad terms, the woodland to the immediate north of the Site and the housing to the south contains public views from these directions. More open views are possible from the public footpaths to the south east, as the land falls away from the Site. There is also a framed view into the Site from the gated access on Harris Lane.

### **South**

- 4.45 From the south the main views into the Site are from the properties on the northern side of Anderson Road. These views are typically from first floor windows and are partially filtered by boundary vegetation (reciprocal views at photographs 01 & 02). There are similar views from a number of properties on Birchwood, although these are more distant views (reciprocal views at photographs 02 & 03).

### **East**

- 4.46 There are middle distance views from a section of public footpath Shenley 019 to the south east of the Site. In such views the properties on Harris Lane and Anderson Road (photograph 13 & 14) are evident. Intervening field boundary vegetation filters and eventually screens views of the Site as the footpath continues in a south westerly direction (photographs 11 & 12).
- 4.47 From further east on public footpath Shenley 018, there are limited opportunities for more distant views of the Site (photograph 16). Although once again the properties on Harris Lane, Anderson Road and

those within the southern part of Shenley are visible. There is also intermittent tree cover within the intervening area that fragments the views.

### **North**

- 4.48 Views from the office building on the commercial development to the immediate north of the Site are predominantly screened by the intervening woodland vegetation, although occasional heavily filtered views of the Site are possible during winter months (reciprocal views at photographs 04, 05 & 06).

### **West**

- 4.49 There are views from the properties on Harris Lane that back onto the Site (photograph 01 & 04) although these are mainly confined to upper storey windows.
- 4.50 Views from Harris Lane are largely screened by the hedgerow on the Site frontage. There is a framed view into the Site from the field gate access (photographs 07, 08 & 10).
- 4.51 Views towards the Site from the recreation ground to the immediate west of Harris Lane are largely prevented by the hedgerow which runs alongside the lane. The Site is effectively seen as a gap between the commercial arboricultural business to the north and the frontage housing on Harris Lane. There are no meaningful long distance views through the Site to the ridge further to the east. In any event, the recreation ground is surrounded by built development on two sides.
- 4.52 The trees on the north western Site boundary are visible above the hedgerow as are the upper floors and roofscape of the houses on Harris Lane (photograph 09).

### **Landscape Value**

- 4.53 The reasons for refusal does not say that the Site is a Valued Landscape and I have already referred to the fact that the Planning and Landscape SOCG agree that the Site is not a Valued Landscape. Similarly, Rule 6 Parties do not suggest that the Site is a Valued Landscape. However, for completeness, I have assessed the Site against the criteria set out in the Guidelines for Landscape and Visual Impact Assessment 3<sup>rd</sup> edition ('GLVIA) and the supplementary advice issued by the Landscape Institute in 2021 ('TGN 02/21'). The supplementary advice is not intended to provide an exhaustive list and identifies matters that could be considered.

4.54 Box 5.1 of the 3rd edition of the GLVIA sets out seven factors that can help in the identification of Valued Landscapes. I have set these out below with my observations beneath. Where appropriate, I have added, in italics, the definitions contained in the additional guidance in TGN 02/21.

#### **Landscape quality (condition) *Landscape condition***

4.55 The Site is currently a grass field that is not actively farmed. There is nothing in the way that the Site is managed that elevates its quality above that of remnant farmland.

4.56 TGN 02/21 states that examples of indicators of landscape value include the 'absence of detracting/incongruous features (or features are present but have little influence)'. In the case of the Site, the neighbouring development undoubtedly has an influence on its character as it extends along roughly half of the frontage of the Site and along the entirety of the southern boundary. The neighbouring housing does not fall within the Conservation Area and is of no particular architectural merit.

#### **Scenic quality**

4.57 The Site is a remnant area of farmland, but does not carry any designations for its intrinsic landscape quality. It is largely detached from the wider landscape on account of the enclosure provided by the commercial development to the north and the housing served off Anderson Road to the south. The eastern boundary of the Site also links the eastern part of the commercial development to the north to the residential curtilage of the properties at the end of Anderson Drive.

#### **Rarity (Distinctiveness)**

4.58 The Site does not contain any rare elements.

#### **Conservation Interest (Natural heritage and cultural heritage)**

4.59 The Site as a whole is not covered by any ecological designations nor is it covered by any heritage designations. The Planning SOCG (para 3 j) acknowledges that the Appeal Scheme has no impact on designated or undesignated heritage assets.

#### **Recreation value**

4.60 There is currently no public access onto the Site. Publicly accessible playing fields lie immediately to the west of the Site and there are a series of footpaths to the east, beyond the Site.

### **Perceptual aspects**

- 4.61 GLVIA refers to perceptual aspects as a landscape which is valued for notable qualities of wildness and/or tranquillity. The Site cannot be described as wild and similarly it cannot be described as tranquil.

### **Association**

- 4.62 As far as I am aware the Site does not have any associations with notable historic figures or historic events.

### **Function** *(This is a new factor identified in GTN 02/21)*

- 4.63 In the TGN 02/21 guidance, the term 'function' covers a range of qualities with the emphasis on 'healthy functioning landscapes'. Examples include hydrological systems, peat bogs, woodlands, oceans and wildflower meadows, amongst other things. It also states that it includes 'landscapes and landscape elements that have strong functional physical or functional links with an adjacent national landscape designation..'
- 4.64 Like all greenfield sites, the Site performs some function e.g. carbon absorption, absorption of rainwater etc. but there is nothing that would elevate its status above that of a typical greenfield site.
- 4.65 Given the above factors, I do not consider the Site to be a Valued Landscape for the purpose of para 174a of the NPPF, and the Borough Council have not suggested otherwise.

## 5.0 DESCRIPTION OF THE PROPOSED DEVELOPMENT AND SUMMARY OF LANDSCAPE AND VISUAL EFFECTS

- 5.1 The application is in outline form only, save for means of access. Illustrative material has also been provided to show how development could come forward on the Site in an appropriate manner. This comprises the DAS and illustrative layout, amongst other things.
- 5.2 The masterplan that accompanies the planning application is purely illustrative, and as I have already explained, it has been refined to respond to comments from the LPA and myself, amongst others. The latest iteration of the illustrative masterplan (a refinement of “Option 2” – discussed in the Committee Report) is contained in **Appendix E**. A series of illustrative floor plans are also provided to show how the proposed dwellings could address the northern Site boundary.
- 5.3 The Appeal Scheme will provide up to 37 dwellings with associated landscaping and open space. Access will be from Harris Lane. Appearance, landscaping, layout and scale are all reserved matters.
- 5.4 The Proposed Site Layout illustrates the key principles of the Appeal Scheme and these can be summarised as:
- Retention of the existing boundary hedgerows and hedgerow trees except for a very small section of hedgerow on the Site frontage which will need to be removed to accommodate the Site access .
  - Creating a viewing corridor from Harris Lane, through the development to the open countryside beyond.
  - Orientating housing to face onto Harris Lane to complement the neighbouring frontage development.
  - Housing to be predominantly 2 storeys with 2 1/2 storey flats in the centre of the Site.
  - Creation of areas of green space at the heart of the development and within the informal open space at the eastern end.
  - Provision of acoustic timber fencing to the rear of the properties which back onto the north eastern boundary.
  - Enhancement of the existing boundary vegetation, particularly along the south eastern boundary with new tree planting and

understorey planting to strengthen and widen the existing hedgerow, creating a strong defensible boundary to the wider countryside and Green Belt beyond.

- New amenity landscaping including street trees, hedging and a mixture of native and ornamental planting to the plot frontages.

5.5 The illustrative masterplan shows that the proposed development will complement the prevailing pattern of development in the village and that it will have a distinct sense of place, with generous areas of open space offering long views to the east towards the Canons that will be accessible and thus attractive to new and existing residents alike. The proposed public open space accords in my assessment with the objectives of para 145 of the NPPF.

5.6 The consultation response from the Urban Design Officer, on the 7<sup>th</sup> of October 2022 (CDB 26), acknowledged the benefit the generous areas of open space the scheme delivers. The response stated, in respect of Option 2, which is similar to the current illustrative layout, that:

*'The road alignment and central green are positive, offering greater potential for views across the site towards the rural landscape beyond. The central green space provides positive, well-overlooked and integrated public open space that better connects with the primary SUDs area at the lowest point of the site and provides greater potential for community use, play space, and a continuous above ground SUDS network.'*

5.7 The hedgerow on the south eastern boundary will be strengthened with significant areas of new woodland planting to provide a robust and defensible boundary to the countryside/Green Belt beyond. That vegetation will be in the public domain so that it can be managed, in perpetuity, in an appropriate manner.

5.8 To illustrate the potential impact of the development on the neighbouring countryside, and from within the village, a series of CGI's have been prepared. These are contained in **Appendix J** and I provide a commentary on them in the following section.

### **Design Quality**

5.9 Whilst I acknowledge that the application is in outline form only, I have no doubt that a high quality development can come forward on this Site. Examples of the quality of the developments that Griggs Homes have delivered in the local area are contained in the exemplar document appended to the Planning Proof of Evidence.



- 5.10 The Planning SOCG (para 4.12 -4.13) acknowledges that the Appeal Scheme is set within a green infrastructure framework and that at the detailed design stage a good standard of design is achievable. The hedgerow on the Harris Lane frontage will also provide containment and create a soft interface between the Appeal Scheme and Harris Lane.

### **Summary of effects**

- 5.11 A summary of the anticipated landscape and visual effects of the development is given below. I also provide a commentary on the impact of the development on the Green Belt.

### **Relationship to Shenley**

- 5.12 The Site has a strong relationship to Shenley with existing housing backing onto approximately half of the Harris Lane frontage and the entirety of the southern boundary. The balance of the western boundary faces onto Harris Lane. The curtilage of the commercial development to the north similarly backs onto the entire length of the northern boundary. It is only the relatively short eastern boundary which backs onto the neighbouring countryside. Given these factors, only **15%** of the Site boundary borders open countryside.
- 5.13 The Site also benefits from a high degree of visual containment on account of the swathe of woodland immediately to the north of the Site and the housing on Harris Lane and Anderson Road. The eastern boundary benefits from an established hedgerow with intermittent tree cover which allows some views into the Site from the east but where such views are available the Site is seen within the context of neighbouring development, such as the 3 storey flatted development at Birchwood which is significantly closer to footpath 19 than the Appeal Scheme (see CGI D, **Appendix J**).

### **Landscape Features**

- 5.14 The Site is a remnant area of pastoral farmland, with its boundaries comprising a mix of hedgerows, hedgerow trees and off-site woodland. The illustrative layout shows how the Site can be developed while retaining the majority of existing boundary vegetation. The hedgerow on Harris Lane will require a very small section of hedgerow to be removed to facilitate the proposed access but as the existing hedgerow is set back behind a relatively wide grass verge it will not be necessary to remove any additional hedgerow to accommodate the attendant visibility splays. No trees will require removal.

- 5.15 A 2.4 metre high acoustic fence is proposed along the northeastern edge of the Site where the properties back onto the boundary. Sections of the fence will cross the root protection area of some of the neighbouring trees but there will be some flexibility in the spacing of the posts to ensure that none of the primary roots of the trees are impacted upon. The exact location of the posts will be determined from onsite arboricultural advice. This topic is further addressed at section 16 of the arboricultural report submitted at application stage [CDA.16].
- 5.16 The acoustic fence will be to the rear, or side of the properties, and as such there will be limited opportunities to see it from the public domain. Further, at reserved matters stage, the appearance and maintenance of the acoustic fence can be further considered. Options will include that the fence is an appropriate shade or that vegetation is introduced to grow up it. As deemed appropriate at that stage, a narrow maintenance strip can be established between the acoustic fence and adjacent gardens (potentially de-marked by a low picket fence), with the former subject to (e.g.) management company responsibilities.
- 5.17 The proposed development will include significant areas of new tree planting to enhance the existing field boundaries, in particular along the south eastern boundary, to provide a strong boundary to the neighbouring countryside, and along the south western boundary to filter views from the adjacent properties. New trees will also be planted within the areas of open space. Overall, there will be an increase in tree cover on the Site.

### **Landscape Quality, Value and Sensitivity**

- 5.18 In Section 4 of this evidence I have assessed the value of the Site and referred to the fact that the LPA agrees that it is not covered by any statutory or non-statutory designations and is not a Valued Landscape in respect of para 174a of the NPPF.
- 5.19 The Site's important landscape features occur along the field boundaries and include a number of hedgerows and the occasional mature tree. These features are of medium - high landscape importance and save for a very small section of frontage hedge, will be retained and incorporated into a sensitively designed development scheme.
- 5.20 Development of the Site will inevitably change its character from that of a remnant area of farmland to that of residential development with generous areas of open space. Given the Site's physical and visual containment and the scale and density of the Appeal Scheme, the Site is considered to be capable of accommodating a residential development which gives rise to strictly limited harm to the wider

landscape. The Planning SOCG (para 3k and 3m) also acknowledges that the proposed density is acceptable and that the Appeal Scheme can deliver an appropriate mix of dwellings and tenures.

- 5.21 The new housing on the Site will read as a continuation of the existing properties on Harris Lane and Anderson Road and will therefore be compatible with the scale and nature of development in the village. Retention of the Site's boundary vegetation will be augmented by new planting, which will further assimilate the proposals into their surroundings.

### **Visual Effects**

- 5.22 The Effects Tables at **Appendix F** were based on the original scheme, prior to the minor amendments that have recently been undertaken. As the scheme is in outline there is no definitive scheme to address, but as the principle of development remains the same, the effects are virtually the same for the amended scheme.

- 5.23 A series of CGIs have been prepared to inform the assessment of anticipated visual effects. These images are contained in **Appendix J** and show the Appeal Scheme at year 1 and at year 15, when the vegetation is semi mature. As the main views into the Site are from the east the approach to development on that edge of the Site is to set housing back from the boundary behind a generous area of open space which can accommodate new planting. The indicative approach to the treatment of properties that face onto the eastern boundary is similar to the properties at Old Nursery Close which Griggs Homes recently built. These houses are two storey and in the northern half of the Close have a recessive palette of materials, such as dark red brick and timber weather boarding. These properties also feature in the Shenley Neighbourhood Plan in the section on Rural Character.

### **North**

- 5.24 Heavily filtered views of the new houses in the northern part of the Site will be possible in winter months, from the commercial office building to the north of the Site, with the intervening woodland and acoustic screening the majority of views.

- 5.25 The new houses will not be visible from properties on the edge of Mimms Lane on account of the intervening woodland and built form.

### **South**

- 5.26 Views from properties on the northern edge of Anderson Road will look towards the new houses on the Site, with retained boundary vegetation and additional tree planting providing filtering of views.
- 5.27 Views from Anderson Road will largely be prevented by the existing housing although there will be glimpsed views of the upper floors and roofscape of the proposed houses from gaps between the existing houses.
- 5.28 View from properties at Birchwood will be of the proposed houses in the south eastern part of the Site, with retained boundary vegetation and additional new tree and understorey planting providing further screening to these views, as it matures.

### **East**

- 5.29 Views from public footpath Shenley 019 (**CGI D**) will be limited to a short section of the route, where the new houses will appear as a continuation of the existing houses on the edge of Shenley. Retained vegetation to the south eastern boundary, together with additional new tree and understorey planting will increasingly filter these views as it matures. The new houses will be screened from view as the footpath continues north by the intervening woodland, and will be similarly screened from view as the footpath continues south westwards.
- 5.30 Views from public footpath Shenley 018 (**CGI E**) will be similar to those from Footpath 019, albeit more distant. Intervening field boundary vegetation will provide some filtering of views, which will be further filtered or screened by new tree and understorey planting on the south eastern Site boundary.
- 5.31 In considering the impact of the Appeal Scheme on westward views from footpaths 18 and 19, where the Appeal Scheme is visible, the existing development within Shenley forms a significant component of the view. In many instances the existing properties have an abrupt interface with the Green Belt/Countryside beyond (see Photograph 20). The Appeal scheme will have a far more appropriate interface with the neighbouring countryside on account of the scale and density of development, the recessive palette of facing materials envisaged and the generous areas of new planting in the south eastern part of the Site.

### **West**

- 5.32 There will be some views from the four semi-detached properties on Harris Lane that back onto the Site. The retained boundary vegetation together with new tree planting will help to filter these views.

- 5.33 Views from Harris Lane to the immediate west of the Site will look towards the new houses fronting Harris Lane, which will be seen as a continuation of existing properties along the road.
- 5.34 In views from the recreation ground to the west of Harris Lane (**CGI A**), there will be views of the upper floors and roofscape above the intervening hedgerow. These properties will appear as a continuation of existing properties on Harris Lane. Glimpsed views of the upper floors and roofs of new housing in the rest of the Site will also be possible although such views will be limited.
- 5.35 There will be a framed view through the Site to the countryside beyond from the vehicular access into the Site (**CGI A**). There will also be opportunities for views to the neighbouring countryside from the communal area of open space in the centre of the Site (**CGI C**).

#### **Consultation response to planning application from Place Services.**

- 5.36 In considering the overall visual effects of the development it is also relevant to consider the response to the planning application from Place Services (Senior Landscape Consultant) in October of 2022 (CDB 17). That response concluded that:

*'it should still be acknowledged that there will in turn be a change to the views experienced by PRoW users and visitors to the wider countryside, as well as a change to the perceived sense of place and character because open views would become enclosed and constrained. Therefore, though these impacts have, for the most part, been deemed adverse, we would have judged the adverse impacts to be greater than currently judged within the LVIA however, **this would not be unacceptable**' (My underlining and highlighting).*

- 5.37 Whilst the consultation response from Place Services made a variety of observations on the LVIA they did not formally object to the scheme on landscape grounds. Rather, they concluded that *'should approval be forthcoming, we would advise that the following information should also be provided'*. The information they suggested was the sort of information that would typically be submitted at the RM stage, such as a detailed soft landscape scheme.

#### **Assessment of the Site's performance against Green Belt purposes**

- 5.38 The Site forms a small part of Sub-Area 27, and is identified in the Hertsmere Green Belt Assessment Part 2 as not playing a fundamental role in relation to the wider Green Belt. The Site is recommended for further consideration in the Council's study, although it states that this

could only be considered if the southern built up area of Shenley (currently washed over), is inset in the Green Belt.

- 5.39 The following section provides an assessment of the Site, against the first four purposes of the Green Belt, as set out in paragraph 138 of the NPPF. The 5<sup>th</sup> purpose of the Green Belt is not considered, on the basis that this purpose is considered to apply equally to all areas within the Green Belt. The case with regard to very special circumstances for development within the Green Belt is set out in the Planning Evidence.

**To check the unrestricted sprawl of large built-up areas**

- 5.40 Shenley is identified in the Hertsmere Local Plan as a 'service village' and as such is not considered to constitute a large settlement. In the Landscape SOCG (para 22a), the parties similarly agree that Shenley is not a large built up area, such that there is no conflict with this Green Belt purpose.
- 5.41 As I have already explained, the Site has a strong relationship to the settlement and also benefits from containment provided by the neighbouring commercial development. The south eastern Site boundary is already clearly defined by a hedgerow with intermittent tree cover and this planting will be further strengthened. The Site therefore represents a very well contained parcel of land with a strong relationship to the existing settlement. It clearly will not be unrestricted sprawl, not least because it is not a large built up area.

**To prevent neighbouring towns from merging into one another**

- 5.42 Shenley clearly is not a town and there is therefore no risk of it merging with another town. In terms of the Site contributing to the village merging with another settlement, the nearest village is that of Ridge which is approximately 1.9km from the Site. Development of the Site would not extend the settlement edge of Shenley any further east than the existing built form at Birchwood and therefore make no contribution to this Green Belt purpose. This is agreed with the LPA in the Landscape SOCG (para 22).

**To assist in safeguarding the countryside from encroachment**

- 5.43 The Site comprises a well contained single field which has an urban fringe character. It is not in active agricultural use and has overhead power lines, supported on lattice pylons, crossing the Site, a chicken coop and a series of outbuildings associated with 52 Harris Lane. The Site has clearly identifiable and permanent boundaries, preventing encroachment into the wider countryside beyond. Development on the

Site would, as a matter of fact, encroach onto a small part of the countryside but it would not result in encroachment into the wider countryside, nor would it set the precedent for further development in the neighbouring countryside. It therefore performs weakly in this regard, as is agreed with the Council in the Landscape SOCG (para 22).

### **Preserve the setting and special character of historic towns.**

- 5.44 It is agreed in the Landscape SOCG that there is no conflict with this Green Belt purpose (para 22). The settlement of Shenley is not considered to be an historic town. The Site is separated from the edge of the Shenley Conservation Area by Harris Lane and vegetation on either side of the road. There is very little inter-visibility between the Site and this part of the Conservation Area, and the Site does not contribute to the latter's setting. The LPA has accepted (both at application stage in reliance on advice from its conservation officer, and in the Planning SOCG at para 3j) that the Appeal Scheme will have no impact on heritage assets. The Appeal Scheme thus preserves the setting of the Conservation Area. The LPA's comments in the Landscape SOCG do not allege harm to the setting of the Conservation Area, and any such assertion would be inconsistent with the position of the LPA.

### **Openness**

- 5.45 Openness has both a spatial and visual component. In terms of the spatial impact of the development, I have already explained that the Site is extremely well related to existing residential and commercial development and fronts onto Harris Lane. It also has clearly defined and defensible boundaries. The Appeal Scheme will also deliver significant areas of open space.
- 5.46 Whilst the openness of the Site will change to a certain degree, the relationship of the Site to the settlement, and the nature of the external site boundary with the countryside, is such that the impact on the Green Belt will be strictly limited and localised and importantly it will not set a precedent for future development in this area.
- 5.47 In terms of visibility, I have already described the content and nature of views of the Site and the anticipated effects. I have also referred to Place Services (Senior Landscape Consultant) response to the application which concluded that a change to views from the wider countryside would occur but that the change '*would not be unacceptable*'. This observation is highly relevant as it is considering the impact from the neighbouring countryside/Green Belt.

### **Overall Conclusion on Green Belt**

- 5.48 As set out above, I acknowledge that there will be some conflict with the purpose of protecting the countryside from encroachment but given the highly contained nature of the Site the impact will be limited and localised but will nevertheless need to be considered in the planning balance.



## 6.0 RESPONSE TO REASON FOR REFUSAL

6.1 I now consider the various landscape and Green Belt related components of the reason for refusal.

### **Conflict with paragraphs 149 and 150 of the NPPF**

6.2 The SOCG acknowledges that there will be conflict with paragraph 149 and 150 of the NPPF. The weight that should be applied to these policies is addressed in the Planning Evidence of Mr Brown.

6.3 The Planning Evidence of Mr Brown also addresses Policies SP1 and SP2 of the Core Strategy.

### **Policy CS13 Green Belt**

6.4 Policy CS13 of the Core Strategy states that there is a general presumption against inappropriate development within the Green Belt unless very special circumstances exist. Policy CS13 does however recognise that some infill in village envelopes, such as Shenley, can occur where the settlements are washed over by the Green Belt.

6.5 I recognise that the Appeal Site falls outside of the settlement boundary of Shenley but the NPPF, at para 149e, acknowledges that limited infilling in villages which fall within the Green Belt may be appropriate. The Appellant's Planning Proof addresses (a) the test for assessing whether a site is "in" a village (which is not determined by designated settlement boundaries, but by a planning judgment considering physical features on the ground), (b) how to approach matters if a policy in the 2013 Local Plan is in conflict with the 2021 NPPF, and (c) that the NPPF does not define or place a numerical cap on what constitutes "limited" infilling – again a planning judgment is indicated.

6.6 I am not suggesting that the Appeal Scheme, as currently submitted, amounts to "limited" infilling, but I do believe that the western-most part of the Site can properly be seen as an appropriate location for infill development and I say that because it faces onto Harris Lane, has frontage housing immediately to the south and commercial development immediately to the north. As a consequence, the break in the Harris Lane frontage is less than 50 metres. In my view, the western-most part of the Appeal Site is properly to be regarded as "in" the village taking account of these physical features.

6.7 Given the above factors, I consider that frontage development could come forward on the Site in a manner which comprises "appropriate development" and is otherwise acceptable. A series of illustrative

layouts for frontage development are included in **Appendix K**. I should emphasise that the sole purpose of producing these plans is to consider the comparative effects on Harris Lane of the Appeal Scheme with infill development.

6.8 In broad terms, the visual effects from Harris Lane would be similar to those of the Appeal Scheme, although the opportunity for creating a vista through the frontage housing would be difficult to achieve, whereas the Appeal Scheme has a viewing corridor which includes land intended to be maintained in perpetuity as public open space.

6.9 In views from the countryside to the southeast, the infill housing would be visible, in a similar manner to the neighbouring housing on Harris Lane. Infill housing would not be able to deliver the same depth of planting as that proposed on the southeastern edge of the Appeal Site nor a public open space area with long views to the east.

#### **Policy SADM26**

6.10 The policy states that the Council will assess all applications for development in the Green Belt in accordance with Core Strategy Policy CS13. I have already addressed this topic.

#### **Conclusion on Green Belt Impact**

6.11 As set out above, I acknowledge that there will be some conflict with the purpose of protecting the countryside from encroachment but given the highly contained nature of the Site, and the scale of the proposed development, the visual and spatial impact will be limited and localised but will nevertheless need to be considered in the planning balance.

## 7.0 CONCLUSION

- 7.1 My overall conclusion is that the Appeal Scheme responds to the Site and its wider setting in an appropriate manner and that while there would inevitably be a certain level of harm, as a greenfield/Green Belt site would be released for development, the harm would be strictly localised and the development would not be discordant with the character of the neighbouring area nor set a precedent for future development.
- 7.2 The appellant has also worked collaboratively with the LPA to bring forward a scheme that responds to the Site and wider area in an appropriate manner. The scheme will bring forward an appropriate mix of dwellings and tenures and will deliver benefits for wildlife as well as people.
- 7.3 While the Council say in the SOCG that the draft Local Plan should carry no weight they do acknowledge that the supporting documents should carry some weight. The fact that the Site was a draft allocation and that that decision was based upon supporting Green Belt and Landscape Sensitivity Studies, clearly shows that the Site was considered appropriate for development.
- 7.4 The HELAA of 2019 identified the Appeal Site as Site HEL 390 and concluded that if exceptional circumstances exist to amend the Green Belt boundary 'the site is considered to be suitable, achievable and deliverable for an estimated 50\* homes' (my underlining). I fully agree with that conclusion.



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