



## Appeal Decision

Inquiry held on 18 to 21 April, 25 and 27 April

Site visit made on 24 April

**by M Woodward BA (Hons) MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 25 May 2023**

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**Appeal Ref: APP/N1920/W/22/3311193**

**Land adjacent and to the rear of 52 Harris Lane, Shenley WD7 9EG**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Griggs (Options) Ltd against the decision of Hertsmere Borough Council.
  - The application Ref 22/0971/OUT, dated 1 June 2022, was refused by notice dated 28 October 2022.
  - The development proposed is 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).
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. The application was submitted in outline form, with only access to be decided along with the principle of the development. I have dealt with the appeal in this manner.
3. The planning application was amended whilst being processed by the Council, with the details and description of development altered from 'up to 46 dwellings' to 'up to 37 dwellings'. This is reflected in the banner heading above and the appeal has been determined on this basis.
4. Shenley Parish Council were granted 'Rule 6' status (R6). They presented evidence relating to landscape, noise and planning. Along with the Council and appellant, they are one of the main parties in this appeal.
5. A draft Unilateral Undertaking (UU) under Section 106 of the Town and Country Planning Act 1990 was submitted by the appellant and discussed during the Inquiry. A signed UU was submitted following the Inquiry, along with the Council's updated CIL compliance statement, and a revised 'agreed' list of suggested planning conditions. I have accepted all these documents and refer to them in my decision as necessary.
6. During the course of the Inquiry the main parties agreed the wording of a draft noise condition in order to address the objections raised by the R6 party. However, a round table session was held to discuss the noise issue, not least because local residents and businesses had also raised noise concerns. Therefore, I deal with this matter as a main issue.

7. A number of illustrative plans were submitted with the appeal and during the Inquiry<sup>1</sup>. The main parties had the opportunity to comment on them as part of the appeal. Considering the outline nature of the proposal, and the illustrative status of these plans which only show how the site *could* be developed, I am satisfied that they do not materially alter the substance of the application the Council originally considered and interested parties would not be unduly prejudiced. Therefore, I have accepted them.
8. A number of documents were also accepted throughout the Inquiry (documents ID1 – ID24). I deemed that these documents were of relevance to the Inquiry and all those present were given an opportunity to comment on them. I am satisfied that no procedural unfairness results.

### **Main Issues**

9. The main issues are:
  - The effect of the proposal on the openness of the Green Belt and its purposes;
  - The effect of the proposal on the character and appearance of the area;
  - The scheme's compatibility with existing businesses, with particular regard to potential noise impacts; and,
  - Whether any harm by reason of inappropriateness, and any other harm (if found), would be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

### **Reasons**

#### *Background - draft Local Plan*

10. The appeal site was allocated for up to 50 houses in the Council's draft Local Plan (DLP). The DLP did not reach an advanced stage (Regulation 18) and it has since been set aside. I have not been provided with any detailed evidence to suggest that the DLP is to be progressed, nor that any future local plan is likely to bear close resemblance to the DLP. In addition, the National Planning Policy Framework (the Framework) policies relating to site allocations and Green Belt boundary changes as part of the local plan process differ to those relating to individual planning applications. Therefore, the DLP and draft allocation does not carry any weight in the determination of this appeal, having regard to paragraph 48 of the Framework. However, the evidence supporting the DLP is capable of being a material consideration.

#### Green Belt

11. There is no dispute between the main parties that the proposal would be a form of inappropriate development in the Green Belt. Paragraphs 147 and 148 of the Framework make it clear that inappropriate development is, by definition, harmful to the Green Belt and that substantial weight should be given to any harm.

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<sup>1</sup> Core Documents (CD) CD-A31 – CD-A34 and Inquiry Documents (ID) ID11-ID12

### *Openness*

12. In spatial terms, the appeal site is mainly characterised by an absence of built form. The presence of chicken coops and small outbuildings/structures has no discernible effect on the site's openness. Accepting that the submitted illustrative plans detail areas with no buildings, including public open space and landscaping, and the height of the built form proposed would be no higher than 2.5 storeys; whatever the final composition of the development proposed at reserved matters stage, the overall footprint and volume of 37 dwellings would considerably reduce the site's spaciousness.
13. Whilst the proposal's relationship with land outside the appeal site boundary has no bearing on the spatial aspect of openness, the visual characteristics of the area and the proposal are relevant, as they inform the extent to which the spatial loss of openness would be perceptible. In this regard, the appeal site is largely bound on its southern side by housing located along Harris Lane and Anderson Road. The northern boundary of the site is contained by a belt of mature trees and vegetation which largely screens the site from the adjacent business. The effect would be to considerably reduce obtainable views of the proposal from the wider area, particularly to the north and south.
14. From the east the proposal would be visible from public vantage points, including the central section of footpaths 19 and 18<sup>2</sup>, where the built form would be seen in the context of the existing housing along the village edge. These views would be at some distance, but there would be a visible reduction in the site's openness as a result of the development.
15. From the west, the upper floors and roofs associated with the proposed dwellings would project above the existing hedgerows when viewed from the Harris Lane frontage, and from the nearby open space and playing fields. Even taking the appellant's assessment of visual effects on face value, and the likely screening effect in the longer term due to landscaping associated with the proposal, there would be some adverse visual effects at all of these receptors<sup>3</sup>.
16. It is put to me by the appellant that an 'infill' scheme could be devised in accordance with the requirements of paragraph 149(e) of the Framework. Several illustrative layouts as to how such a scheme could be devised have been provided<sup>4</sup>. However, no scheme similar to that envisaged has been approved by the Council. Therefore, the likelihood of a similar infill development taking place are no more than theoretical, and this consideration carries no weight in my determination. In any event, unlike the linear layout associated with the theoretical proposition, the appeal scheme would be more expansive and have a greater impact on openness, involving housing on land beyond the Harris Lane frontage, and would constitute inappropriate development.
17. I am aware that the Council's Senior Landscape Consultant raised no objection to the proposal at the planning application stage<sup>5</sup>. However, this response appears to be in relation to the potential landscape impacts and does not address the proposal's impact on openness in Green Belt terms. Even if I am

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<sup>2</sup> Footpath Shenley 19 and Footpath Shenley 18 as referred to in CD-A20

<sup>3</sup> Appendix F of Appellant Landscape Proof

<sup>4</sup> Appendix K of appellant Landscape Proof

<sup>5</sup> CD-B34

wrong and the landscape consultant did consider Green Belt openness, I have come to my own view on this matter based on all the evidence before me.

18. Therefore, and to conclude on this point, the proposal would significantly reduce the spatial openness of the site. There would also be a perceived diminution in openness, which would be particularly apparent locally and from limited areas within the wider countryside. As such, the change arising from the development would amount to a significant level of harm to the openness of the Green Belt.

### *Purposes*

19. Paragraph 138 of the Framework sets out the five purposes of the Green Belt. Whilst the Council's position in relation to two of the five purposes is ambiguous, no substantive evidence to support their assertion that there would be harm 'on a local level'<sup>6</sup> was provided during the Inquiry. In particular, Shenley does not comprise a large built-up area so it follows that the proposal would not prejudice purpose (a) *to check the unrestricted sprawl of large built-up areas*. There would be no harm to heritage assets, nor does this form part of the Council's wider case, thus I find no conflict with purpose (d) *to preserve the setting and special character of historic towns*. I find no conflict with purposes (b) or (e) either.
20. Evidence relating to the local role of the Green Belt purposes also includes the Hertsmere Green Belt Assessment (GBA), which comprises a suite of documents commissioned by the Council to assess Green Belt land against the five purposes, in order to inform the DLP. There have been no material changes since the GBA was published and, in the absence of any adopted policy or guidance to advise specifically on this matter, the GBA is a material consideration.
21. Stage 2 of the GBA is particularly relevant for the purposes of this appeal<sup>7</sup>. It splits the Borough up into smaller geographical areas. Sub-area 27 encompasses the appeal site, with a smaller area reflective of the appeal site boundary located in the north-western part of this sub-area, identified as area RC-3.
22. The GBA goes on to assess the contribution of RC-3 in relation to sub-area 27 and the wider Green Belt. This correlates with the strategic focus of the GBA, which was used to assist the Council in determining the allocation of future sites and reviewing Green Belt boundaries as part of the DLP. Therefore, the GBA is not intended to assist with the determination of individual planning applications. Be that as it may, I agree with the GBA insofar as, in relation to the Green Belt purposes it is physically enclosed and *'the far north-western part of SA27...does not play a fundamental role in relation to the wider Green Belt'*<sup>8</sup>. In part, this is because there would be no conflict with four of the five purposes outlined in paragraph 138 of the Framework (as set out above).
23. There is, however, no contention between the main parties that the proposal would conflict with purpose (c) *to assist in safeguarding the countryside from encroachment*, although the extent to which the appeal site contributes to this purpose is disputed. As well as my own observations, I have also taken into

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<sup>6</sup> Para 3.15 of Council's Planning Proof of Evidence

<sup>7</sup> CD-E35

<sup>8</sup> CD-E35 page 86

account the appellant's methodology-based criteria which formed part of their landscape assessment<sup>9</sup>. This sets out a range of categories and associated criteria for each of the five Green Belt purposes.

24. The appellant has underplayed the appeal site's contribution to purpose (c). It is greater than the appellant's 'relatively weak' categorisation. The criteria associated with this category includes, amongst other things, land which is urban fringe, that relates more to the urban area, and land which may contain some development and degraded land. This criteria is simply not reflective of the appeal site, which more readily aligns with the 'moderate contribution' category, which includes land which is largely greenfield with some physical containment.
25. As such, given the extensive occupation of this area by the proposed built form, it would result in clear encroachment of the countryside, in conflict with purpose (c).

#### Character and appearance

26. The appeal site lies within the Shenley Fringe assessment unit (assessment unit 21c), which forms part of the wider High Canons Valleys and Ridges landscape character area in the Hertsmere Landscape Sensitivity Assessment<sup>10</sup> (LSA). The appeal site does not fall within a valued landscape within the meaning of paragraph 174 of the Framework.
27. The appellant's position, in summary, is that the site has a sense of physical enclosure and detachment from the wider countryside which reduces its sensitivity to development. This is partly reflective of the description contained in the GBA<sup>11</sup> used to assess the site's character in relation to the wider Green Belt. I have taken this into account, along with my own judgment based on the observations I made on site, in order to determine the site's character and sensitivity.
28. In this regard, the housing immediately to the south of the site has some enclosing and urbanising effect. However, the trees beyond the northern boundary are prevalent enough to give this boundary a semi-woodland appearance. Hedgerows also partly screen Harris Lane from the site along the western boundary. Therefore, the presence of built form close to the site does not demonstrably diminish the site's verdant and rural character. For these reasons, I do not accept the appellant's assertion that the site has a 'limited interface with the wider countryside'<sup>12</sup>; rather, it forms a component part of it. Consequently, I find that the appeal site has a predominantly rural character.
29. Insofar as similarities with the LSA are concerned, the sensitive features listed, including outward facing slopes, mature trees and hedgerows, are all elements which influence the appeal site's character<sup>13</sup>, along with its openness and its role as a part of the village's countryside setting. Therefore, in line with these characteristics of assessment unit 21c contained within the LSA, I find that the site has a moderate-high sensitivity to low-density residential development.

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<sup>9</sup> Appendix K of CD-a20 'Purpose 3'

<sup>10</sup> CD-E50 – Hertsmere Landscape Sensitivity to Residential and Employment Development in Hertsmere (2020)

<sup>11</sup> CD-E36 page 121

<sup>12</sup> Appellant landscape proof – para 4.18

<sup>13</sup> CD-E50 page A-63

30. In relation to the scheme's response to those sensitive landscape features, whilst the R6 party suggest harm would arise partly as a result of the loss of a 'small woodland' on the southwest boundary, the submitted tree protection plan would ensure the retention of these trees<sup>14</sup>.
31. I also recognise that a high-quality scheme could be realised which would be no more of a skyline feature than the existing housing located along Harris Lane, and existing pylons within the site would be removed. Furthermore, the proposal would not harm the wider landscape character, the nearby townscape character, and any harm to trees and hedgerows in the short-term would be offset and enhanced over time upon the maturation of proposed landscaping.
32. In terms of the Harris Lane playing fields and green space, the character of these spaces mainly derives from their verdant surroundings. Obtainable views of the High Canons from here are at distance and make only a limited contribution to the setting of these spaces. In this regard, the scheme would appear as an extension of existing housing along Harris Lane and would not be an imposing presence or significantly detracting element.
33. In relation to visual effects, Harris Lane is a medium sensitivity receptor as it comprises a trafficked highway<sup>15</sup>. The existing hedgerow restricts views of the appeal site and the High Canons beyond considerably, but there would be close up views of the proposed housing which would extend above the hedgerows. Overall, visual impacts when approaching the site along this road in either direction would be moderately adverse.
34. Turning to other visual effects, there would be obtainable views of the proposal at some distance from footpaths 18 and 19. The proposal would be visible along a short stretch of each footpath, appearing as an extension of built form into the countryside, but this would be commensurate with the existing grain of development to the south. When viewed in the wider panorama, existing housing on the eastern side of Shenley is much closer to these footpaths than the proposal which, when viewed in the context of the existing village envelope, would not appear as a significantly obtrusive element.
35. Finally, views of existing open countryside as a result of the site's occupation by housing would be significantly reduced for occupiers of some properties which directly face the site along Harris Lane and Andersen Road. These are largely private views, to which I attribute limited weight.
36. In summary, the scheme would represent a form of encroachment into the countryside which would irrevocably harm the overall impression of the site's rural character and openness. There would be a few moderate localised visual impacts. The overall effects on the wider landscape and area would generally be limited. As such, the scheme would have a moderate harmful effect on the character and appearance of the area.

### Noise

37. The principal concern relates to the proximity of, and activities associated with, the adjacent site known as Gristwood and Toms. This is an arboriculture business which includes a range of noise generating plant and machinery located outdoors. The activities associated with the business have the potential

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<sup>14</sup> CD-A9

<sup>15</sup> Unlike the R6 party who consider Harris Lane's sensitivity to be 'high'

to result in excessive noise for future occupiers of the proposed dwellings. Those noise impacts could generate complaints from future occupiers of the dwellings, resulting in constraints placed on the future operations of the business.

38. During the Inquiry the main parties agreed the wording of a suggested planning condition requiring, amongst other things, further noise survey work, details of mitigation, and a scheme overall which would require adherence to set internal and external noise levels in line with relevant standards<sup>16</sup>.
39. Along with the suggested condition, illustrative layout plans were submitted during the Inquiry in an attempt to address the noise concerns raised<sup>17</sup>. The Council expressed design related concerns in relation to these plans, their illustrative status means they do not form part of the appeal scheme. Whilst they may require further amendments, the Council would retain control of reserved matters details as and when they are sought, in the event the appeal was allowed.
40. Given the nature of the Council's concerns I see no reason why an acceptable scheme could not be advanced at reserved matters stage, and the prospects of addressing the suggested noise condition seem at least reasonable. The imposition of a condition in this case would meet the necessary tests contained in Planning Practice Guidance and the Framework.
41. In conclusion, the proposal would address the requirements of paragraph 187 of the Framework and related local planning policies which require that decisions ensure new development can be integrated effectively with existing businesses.

### Other Considerations

#### *Housing supply*

42. The Council are unable to demonstrate a five-year supply of deliverable housing sites as required by paragraph 68 of the Framework. In terms of the extent of the shortfall, even taking the Council's higher figure, this would equate to a housing land supply figure (HLS) of just 2.25 years. However, the appellant's position is that the Council's HLS figure is lower, at 1.58 years.
43. If I was to assume the appellant's lower HLS calculation for the purposes of this appeal (for the avoidance of doubt, HLS figure of 1.58 years), the deficit over the relevant 5-year period amounts to 2603 dwellings. In short, this figure would represent a very substantial and acute shortfall indeed. Furthermore, the HLS shortfall is unlikely to be addressed in the near future. Despite the DLP's set aside status, the evidence base supporting it made it clear that Green Belt land would need to be released in order to meet future housing needs. As the appellant put it, the Council has 'no credible plan to redress the crisis' which is apparent given that the DLP has little prospect of being adopted in its current form, nor is there any timeline for its advancement or the adoption of an alternative plan.

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<sup>16</sup> ID20

<sup>17</sup> ID11 and ID12

44. The Council's HLS position is one that has been worsening year on year<sup>18</sup>, and if future housing needs are to be met, development of Green Belt land seems likely. On a local level, annual housing delivery in Shenley has been very limited in comparison with the needs assessed as part of the evidence base informing the Shenley [Neighbourhood] Plan 2019 to 2036 (NP).
45. However, it is also important to put into context the extent to which the scheme would address the Council's housing supply position. The provision of 37 dwellings<sup>19</sup> would not be significant in overall scale and represents a relatively modest number of new houses. Nevertheless, in light of the Council's severe shortfall in HLS and housing delivery, and the lack of a plan to address future requirements, I attribute significant weight to the contribution the scheme would make to boosting the Borough's overall housing land supply.
46. The Council accepts that there is an acute affordable housing shortage. Only around 10% of affordable homes have been delivered across the Borough since 2013/2014. The NP acknowledges that lack of affordable housing is the most significant area of concern for local residents. Indeed, no affordable houses have been delivered locally since the NP's adoption, with persistent under delivery before this. This proposal would deliver 40% affordable houses, in excess of the policy requirement of 35%, equating to a total of 15 affordable homes. Again, it is a relatively modest number, but in light of the context outlined, this contribution weighs significantly in favour of the appeal.
47. In respect of self-build housing, up to 80 names are listed on the Council's self-build register, with less than 10 stating Shenley as a preferred location. The Council have made some limited progress towards meeting the statutory duty<sup>20</sup> and the demand locally does not appear to be significant. This scheme involves a small number of self-build plots (3) and I therefore attribute this contribution limited weight.

#### *Other benefits*

48. In respect of biodiversity, there would be a net gain of not less than 10% in the form of on and off-site provision. The UU includes a mechanism whereby off-site provision would involve an identified receptor site in the first instance, with other receptor sites and contributions considered if necessary. There is no current adopted policy requirement to provide any more than biodiversity 'enhancement', and the enhancement proposed in this case would be measurably in excess of the minimum required. Therefore, this attracts moderate weight in favour of the scheme.
49. The appellant's assertion that the proposal would support local employment, increased expenditure in the area and would generate approximately 85 jobs is not disputed by the main parties. The Framework supports all forms of economic growth. However, there is nothing to distinguish the potential job creation here compared with any other housing scheme. Even though the Borough is not maximising potential economic benefits due to poor housing delivery performance, in the context of the number of dwellings proposed, these economic benefits carry limited weight.

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<sup>18</sup> Appellant Proof of Evidence – Planning

<sup>19</sup> Of which 19 would be market units, 15 affordable and 3 self-build

<sup>20</sup> Self Build and Custom Housebuilding Act 2015



50. The site is sustainably located, within walking and cycling distance of local services and facilities, including schools. Shenley lacks the range of services and employment opportunities available in the larger settlements in the Borough, although good bus connections to other urban areas are within walking distance of the site. The proposal would also provide a contribution towards improving health facilities locally. These social benefits attract limited weight.
51. The proposal would provide public open space (POS) and the illustrative plans indicate that it could comprise a significant portion of the eastern and central areas of any future layout. However, playing fields and green space exists close by on the opposite side of Harris Lane. Whilst the proposal could be designed to allow views of the High Canons to be appreciated, obtainable views from Harris Lane would largely be framed by the proposed housing, and those visiting the POS from outside the appeal site to enjoy countryside views of the High Canons would be required to travel through the estate. The POS offering would be a component part of the housing scheme and would have limited wider aesthetic and recreational value. Nevertheless, it would offer some, albeit limited, benefits.

#### *Other Matters*

52. The main parties have provided me with copies of numerous other appeal decisions<sup>21</sup> citing various reasons as to why they should or should not be afforded weight in my decision. Each of the referenced cases involved different planning policy considerations, main issues, site characteristics or housing land supply positions. Inevitably, these and other factors have been incorporated into each respective planning balance and attributed weight depending on the circumstances of each case, none of which are directly comparable with the appeal scheme. This reinforces a well held planning principle, that each case should be considered on its own merits. By the same token, my decision is unlikely to set a precedence for future decisions because of these variables.
53. In addition, on the general matter of ascribing weight to the planning benefits of new housing, the Green Belt appeal decisions referred to involve a greater number of houses. As a result, I am not bound to attribute the same weight to housing benefits of a proposal concerning a smaller number of dwellings. Therefore, limited weight is attached to these other appeal cases, and they do not alter my conclusions in this case.

#### Whether 'very special circumstances' exist and planning balance

54. Being inappropriate development in the Green Belt, the proposal would constitute definitional harm. There would be significant harm to the openness of the Green Belt and there would be a moderate degree of conflict with one of the Green Belt purposes (in relation to safeguarding the countryside from encroachment). In accordance with the Framework, substantial weight is attributed to any harm to the Green Belt. There would also be moderate harm to the character and appearance of the area.
55. Subject to the imposition of a planning condition, noise impacts could be mitigated so that the development could be integrated effectively with the

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<sup>21</sup> CD-H1 – CD-H21

existing nearby arboriculture business. This is a neutral factor neither weighing for or against the proposal.

56. A modest number of dwellings are proposed. Having regard to the Council's deficient overall HLS position, the benefits of housing provision attract significant weight. Affordable housing provision also attracts significant weight in favour. Limited weight is attributed to the provision of self-build plots. The biodiversity benefits in this case would be moderate, and the economic, social and POS related benefits attract limited positive weight.
57. The Framework makes it clear that very special circumstances will not exist unless the harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations<sup>22</sup>. It is not sufficient for harm to merely be outweighed, but benefits must *clearly* outweigh the harm. In this case, when taken together, the overall benefits would not be of sufficient magnitude to clearly outweigh the totality of harm.
58. I therefore conclude that the harm by reason of inappropriateness, and any other harm, is not clearly outweighed by other considerations, such that the very special circumstances necessary to justify the development do not exist.
59. Consequently, the proposal would conflict with Policies SP1, SP2 and CS13 of the Hertsmere Local Plan Core Strategy (2013) (Core Strategy) which require, amongst other matters, that inappropriate development in the Green Belt is avoided unless very special circumstances exist. There would also be conflict with Policy SADM26 of the Hertsmere Local Plan Site Allocations and Development Management Policies Plan 2016 which requires that proposals, amongst other things, are in accordance with Policy CS13 of the Core Strategy.
60. The identified harm to the Green Belt provides a clear reason for refusing planning permission and the proposal would not benefit from the presumption in favour of sustainable development<sup>23</sup>.

### **Conclusion**

61. The proposal would conflict with the development plan as a whole and other material considerations do not indicate a decision otherwise than in accordance with it. This leads me to conclude that the appeal should be dismissed.

*M Woodward*

INSPECTOR

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<sup>22</sup> Paragraph 148 of the Framework

<sup>23</sup> See footnote 7 of paragraph 11d) of the Framework

## APPEARANCES

### FOR THE APPELLANT:

Andrew Tabachnik KC. He called:	39 Essex Chambers
Clive Self- MA (Urb Des) Dip LA CMLI	CSA Environmental (Landscape and Green Belt)
Samuel Bryant - MPhys CEng MIOA	Director Cas Allen Associates Ltd (Noise)
Steven Brown - BSc Hons DipTP MRTPI	Principal - Woolf Bond Planning LLP (Planning and Housing)

### FOR THE COUNCIL:

Josef Cannon assisted by Olivia Davies. He called:	Cornerstone Barristers
Peter Radmall	Landscape, Green Belt - Peter Radmall Associates
Mark Silverman - MRTPI	Team Leader – Planning Policy (Housing)
Martin Ross	Hertsmere Borough Council (Housing)
Georgia O'Brien - MA	Senior Planner (Planning)

### FOR THE RULE 6 PARTY:

Ben Du Feu. He called:	Cornerstone Barristers
Louise Hooper - LHLA	Landscape Architect (Landscape)
Brigid Taylor - MSc LLB MRTPI PIEMA MIENVS	Bell Cornwell (Planning)
Reuben Peckham – BEng MPhil CEng MIOA	Noise consultant

### INTERESTED PERSONS:

Josephine Lunt Simon Kane	All local residents or speaking on behalf of local residents unless otherwise stated
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Lesley Berry  
Dave Gristwood  
Julie Lloyd  
Stephen Mizelas  
Laurence Burrage  
Martin Lunt  
Jonathan Shaw  
Jon Woolf  
Norman Luper  
Paula Davis  
Julia Durnsford  
Robert Davis  
Sharon Madsen  
Norman Luper  
Rachel Shaw  
Michael Ward  
John Bunker

Gristwood and Toms business

## **CORE DOCUMENTS**

- CDA.1 - Covering Letter (1 June 2022) (Woolf Bond Planning)
- CDA.2 - Planning Application Form and Certificates
- CDA.3 - Supporting Planning Statement (Woolf Bond Planning)
- CDA.4 - Design and Access Statement (Warner)
- CDA.5 - Site Location Plan No. 1908-PL1000
- CDA.6 - Topographical Survey (Stamford Topographical)
- CDA.7 - Illustrative Landscape Strategy Plan No. CSA/4132/112 (March 2022)
- CDA.8 - Off-site Biodiversity Net Gain – Ecological Management Plan. Plan No. CSA/4132/113 (April 2022)
- CDA.9 - Tree Protection Plan. Plan No. TPP/LHLSH/010 A. (DCCLA) (April 2022)
- CDA.10 - Density Comparison Map 1 – PL01 Rev A (13 July 2022)
- CDA.11 - Density Comparison Map 2 – PL02 (15 July 2022)
- CDA.12 - Density Comparison Map 3 – PL03 (15 July 2022)
- CDA.13 - Ecological Impact Assessment Report CSA 4132/07 (CSA) (April 2022)
- CDA.14 - Biodiversity Net Gain Spreadsheet Matrix
- CDA.15 - Archaeology and Heritage Assessment (BSA) (May 2022)
- CDA.16 - Arboricultural Impact Assessment and Method Statement (David Clarke) (March 2022)
- CDA.17 - Flood Risk Assessment and SuDS Strategy Report (EAS) (May 2022)
- CDA.18 - Transport Statement (EAS) (April 2022)
- CDA.19 - Neighbourhood Plan Assessment (Warner) (May 2022)
- CDA.20 - Landscape and Visual Impact Assessment Report CSA/4132/06. (CSA) (April 2022)
- CDA.21 - Climate Change and Energy Statement (Love Design Studio) (May 2022)
- CDA.22 - Construction Management Plan (Griggs) (May 2022)
- CDA.23 - Desktop Phase I Geo Environmental and Geotechnical Site Assessment (TRC) (May 2022)
- CDA.24 - CSA Response to Place Services dated 8 September 2022
- CDA.25 - Noise Impact Assessment (TRC) (September 2022)
- CDA.26 - Cover Letter 'Applicant Response to Consultee Comments upon the application accompanied by plans and particulars' (Woolf Bond Planning) (9 September 2022)
- CDA.27 - Warner Planning Response to Imagine Places Report (5 October 2022)
- CDA.28 - TRC Response to Environmental Health Comments (30 September 2022)
- CDA.29 - TRC Additional Noise Monitoring (October 2022)
- CDA.30 - Cover letter 'Planning Application Particulars' (Woolf Bond Planning) (6 October 2022)
- CDA.31 - Illustrative Site Layout Plan OPTION 1. 1908-PL1004 (5 October 2022)
- CDA.32 - Illustrative Site Layout Plan OPTION 2. 1908-PL1003 (5 October 2022)
- CDA.33 - Indicative Storey Height Plan OPTION 1 1908-PL006 (5 October 2022)
- CDA.34 - Indicative Storey Height Plan OPTION 2 1908-PL005 (5 October 2022)
- CDB.1- Officer Committee Report and Update upon the Appeal Application (22/0971) (20 October 2022).
- CDB.2 - Decision Notice dated 28 October 2022.
- CDB.3 - HCC's Growth & Infrastructure Unit (13 June 2022)
- CDB.4 - Terry Batchelor – Drainage Services (13 June 2022)
- CDB.5 - Thames Water Response (14 June 2022)
- CDB.6 - Environmental Health Officer response (16 June 2022)
- CDB.7 - Met Office response (17 June 2022)

CDB.8 - NHS Herts Valley Clinical Commissioning Group Response (22 June 2022)  
CDB.9 - Minerals & Waste Response (24 June 2022)  
CDB.10 - Hertfordshire Fire and Rescue Service (20 June 2022)  
CDB.11 - Built Heritage Response (23 June 2022)  
CDB.12 - Private Sector Housing Officer (30 June 2022)  
CDB.13 - Urban Design Comments (1 July 2022)  
CDB.14 - CPRE response (6 July 2022)  
CDB.15 - Shenley Parish Council (08 July 2022)  
CDB.16 - Urban Design Comments (11 July 2022)  
CDB.17 - Place Services Response (12 July 2022)  
CDB.18 - HCC Highways Response (14 June 2022)  
CDB.19 - HCC Historic Environment Advisor, Hertfordshire (5 August 2022)  
CDB.20 - Hertfordshire Ecology (9 August 2022)  
CDB.21 - Arboriculture Comments Place Services (15 August 2022)  
CDB.22 - Senior Landscape Consultant Place Services (17 August 2022)  
CDB.23 - imagine Places for Shenley Parish Council (10 August 2022)  
CDB.24 - Environmental Health officer (16 September 2022)  
CDB.25 - CPRE (16 September 2022)  
CDB.26 - Urban Design Comments (7 October 2022)  
CDB.27 - Shenley Parish Council (10 October 2022)  
CDB.28 - Minerals & Waste Response (11 October 2022)  
CDB.29 - Thames Water (11 October 2022)  
CDB.30 - HCC Growth & Infrastructure Unit (10 October 2022)  
CDB.31 - NHS (7 October 2022)  
CDB.32 - Terry Batchelor – Drainage Services (24 October 2022)  
CDB.33 - NHS Ambulance (27 October 2022)  
CDB.34 - Senior Landscape Consultant Place services (20 October 2022)  
CDC.1 - Appellant’s Statement of Case (November 2022)  
CDC.2 - Hertsmere Borough Council’s Statement of Case (February 2023)  
CDC.3 - Shenley Parish Council Statement of Case (February 2023)  
CDD.1 - Planning (10 February 2023)  
CDD.2 - Landscape, Character and Appearance (14 March 2023)  
CDD.3 - Noise (14 March 2023)  
CDD.4 - Five Year Housing Land Supply (17 March 2023)  
CDD.5 - Planning Addendum  
CDE.1 - Hertsmere Core Strategy (CS) (January 2013)  
CDE.2 - Site Allocations and Development Management Policies Plan (adopted November 2016)  
CDE.2.1 - Elstree Way Corridor Area Action Plan (adopted July 2015)  
CDE.3 - Shenley Neighbourhood Plan 2019 – 2036 (May 2021)  
CDE.4 - Part D: Guidelines for High Quality Sustainable Development 2016  
CDE.5 - Hertsmere Local Plan Parking Standards SPD (2014)  
CDE.6 - Interim Planning Policy Position Statement (2020)  
CDE.7 - Affordable Housing SPD  
CDE.8 - Housing Delivery Test Action Plan 2022  
CDE.9 - Housing Delivery Test Results 2021  
CDE.10 - Five Year Housing Land Supply 2021/2022 – September 2022  
CDE.11 - Five Year Housing Land Supply 2020/2021  
CDE.12 - Five Year Housing Land Supply 2019/2020  
CDE.13 - Five Year Housing Land Supply 2018/2019  
CDE.14 - Five Year Housing Land Supply 2017/2018  
CDE.15 - Five Year Housing Land Supply 2016/2017  
CDE.16 - Hertsmere Self and Custom Build Register

CDE.17 - Self-build and custom housebuilding data: 2016 to 2020-21  
CDE.18 - Potential Sites for Housing and Employment – Public Engagement (October 2018)  
CDE.19 - Local Development Scheme (April 2021)  
CDE.20 - Draft Hertsmere Local Plan Regulation 18 (September 2021)  
CDE.21 - Report to Council 27 April 2022. Hertsmere Local Plan: Summary of Regulation 18 draft Local Plan public engagement and way forward  
CDE.22 - Minutes from Council meeting 27 April 2022.  
CDE.23 - Appeal for Sites for Hertsmere’s new Local Plan (27 October 2022)  
CDE.24 - Minutes from Policy Review Committee 27 October 2022  
CDE.25 - South West Hertfordshire Local Housing Needs Assessment GL Hearn (September 2020)  
CDE.26 - Housing and Economic Land Availability Assessment 2019 (HELAA)  
CDE.27 - HELAA Site Maps 2019 – Shenley  
CDE.28 - SW-Herts-SHMA-Final-Report-Jan16  
CDE.29 - SW-Herts-SHMA-Exec-Sum-19-02-16  
CDE.30 - SW-Herts-SHMA-Appendices (January 2016)  
CDE.31 - Draft-Local-Plan-Sustainability-Appraisal-Report (LUC) (October 2021)  
CDE.32 - Draft-Local-Plan-Sustainability-Appraisal-Report-Appendices (LUC) (October 2021)  
CDE.33 - Hertsmere Green Belt Assessment Stage 1 Report (2016)  
CDE.34 - Hertsmere Green Belt Assessment Stage Annex Report (2016)  
CDE.35 - Hertsmere Green Belt Assessment Stage 2 Report (2019)  
CDE.36 - Hertsmere Green Belt Assessment Stage 2 Annex Report (2019)]  
CDE.37 - Hertsmere Green Belt Assessment Stage 2 Appendix B Maps – HELAA Garden Village and Further Sites Considered  
CDE.38 - Hertsmere Green Belt Assessment Stage 2 Appendix C Maps – Sub areas and Garden Village  
CDE.39 - Hertsmere Green Belt Assessment Stage 2 Appendix D Maps – Settlement level Purpose 1 Score Maps.  
CDE.40 - Hertsmere Green Belt Assessment Stage 2 Appendix E Maps – Settlement level Purpose 2 Score Maps.  
CDE.41 - Hertsmere Green Belt Assessment Stage 2 Appendix F Maps – Settlement level Purpose 3 Score Maps.  
CDE.42 - Hertsmere Green Belt Assessment Stage 2 Appendix G Maps – Settlement level Purpose 4 Score Maps.  
CDE.43 - Hertsmere Green Belt Assessment Stage 2 Appendix H Maps – Recommendation Maps.  
CDE.44 - Hertsmere Green Belt Stage 2 Additional Sites Report (2020)  
CDE.45 - Hertsmere Green Belt Stage 3 – Washed over villages (2020)  
CDE.46 - Hertsmere Green Belt Stage 4 - Inset Village Boundary Assessment 2021  
CDE.47 - HELAA Draft 2018 Site Maps – Shenley  
CDE.48 - Settlement Hierarchy and Accessibility Mapping Analysis  
CDE.49 - High Level Transport Assessment of potential sites for housing and employment  
CDE.50 - Landscape-Sensitivity-Assessment-Final-Report (LUC) (September 2020)  
CDE.51 - Outline-Landscape-Appraisals-Report-Sept-2020  
CDE.52 - Shenley Housing Needs Assessment (AECOM) (May 2018)  
CDE.53 - Hertsmere Borough Council Open Space Assessment Report July 2019  
CDE.54 - Hertsmere Borough Council Open Space Study Standards Paper July 2019  
CDE.55 - Hertsmere Borough Council Annual Monitoring Report 18-19  
CDF.1 - BS4142:2014+A1:2019 “Methods for rating and assessing industrial and commercial sound”

CDF.2 - British Standard BS8233: 2014 – Guidance on sound insulation and noise reduction for buildings, BSI Standards Publication 2014

CDF.3 - International Standard ISO 9613-2:1996 - Acoustics — Attenuation of sound during propagation outdoors — Part 2: General method of calculation

CDF.4 - Noise Policy Statement for England (DEFRA) (March 2010)

CDG.1 - Guidelines for Landscape and Visual Impact Assessment 3rd Edition - Landscape Institute and IEMA (2013)

CDG.2 - Landscape Institute. (2015). GLVIA3 – Statements of clarification.

CDG.3 - Landscape Institute. (2021). Technical Guidance Note 02/21: Assessing landscape value outside national designations.

CDG.4 - Natural England. (2014). An Approach to Landscape Character Assessment.

CDG.5 - Natural England. (2019). An approach to landscape sensitivity assessment.

CDG.6 - BS5837:2012 'Trees in Relation to Design, Demolition and Construction'

CDG.7 - Hertfordshire County Council Landscape Character Assessment – High Canons Valleys and Ridges – 021

CDG.8 - Shenley Conservation Area Appraisal (2012)

CDH.1 - Chartered institute of Highways and Transport (CIHT) 'Planning for Walking' (2015)

CDH.2 - CIHT 'Providing for Journeys on Foot' (2000)

CDI.1 - High Court Judgment of Phides Estates (Overseas) Limited vs the Secretary of State for Communities and Local Government et al [2015] EWHC 827 (Admin)

CDI.2 - Supreme Court Judgement of Suffolk Coastal District Council v Hopkins Homes Ltd and Richborough Estates Partnership LLP and another v Cheshire East Borough [2017] UKSC 37

CDI.3 Hallam Land Management Ltd v SSCLG [2018] EWCA Civ 1808

CDI.4 - Oxton Farm v Harrogate BC [2020] EWCA Civ 805

CDI.5 - Gallagher Homes Limited (2) Lioncourt Homes Limited v Solihull Metropolitan Borough Council [2014] EWHC 1283 (Admin)

CDI.6 - Wood v Gravesham [2015] EWCA Civ 195 and [2014] EWHC 683

CDI.7 - East Northants Consent Order CO/917/2020) (7th May 2020)

CDI.8 - Bedford Borough Consent Order (CO/164/2020) (2nd July 2020)

CDI.9 - High Court Judgement of Compton Parish Council & Ors v Guildford Borough Council & Anor [2019] EWHC 3242 (Admin).

CDJ.1 - Appeal Ref - APP/V1505/W/22/3298599

CDJ.2 - Appeal Ref - APP/B1390/W/20/3265925

CDJ.3 - Appeal Ref - APP/X1925/W/21/3273701

CDJ.4 - Appeal Ref - APP/X0415/W/22/3303868

CDJ.5 - Appeal Ref - APP/F2415/W/20/32362726

CDJ.6 - Appeal Ref - APP/E2205/W/21/3284706

CDJ.7 - Appeal Ref - APP/N1920/W/19/3229315

CDJ.8 - Appeal Ref - APP/C1950/Y/22/3298284

CDJ.9 - Appeal Ref - APP/C1950/W/22/3300873

CDJ.10 - Appeal Ref - APP/K3415/A/14/2224354

CDJ.11 - Appeal Ref – APP/W1717/W/18/3194846

CDJ.12 - Appeal Ref - APP/Q3115/W/20/3265861

CDJ.13 - Appeal Ref - APP/R660/A/13/2197532 & APP/R660/A/13/2197529

CDJ.14 - Appeal Ref - APP/W3520/W/18/3194926

CDJ.15 - Appeal Ref - APP/R3650/W/16/3165974

CDJ.16 - Appeal Ref - APP/W0530/A/13/2207961

CDJ.17 - Appeal Ref - APP/B1930/W/20/3260479

CDJ.18 - Appeal Ref - APP/B1930/W/21/3279463



CDJ.19 - Appeal Ref - APP/R0660/A/12/2170820  
CDJ.20 - Appeal Ref - APP/L3815/W/21/3270721  
CDJ.21 - Appeal Ref - APP/C2741/W/19/3227359  
CDK.1 - Planning Permission TP/97/0008 (13 March 1998)  
CDK.2 - Approved Site Plan for TP/97/0008  
CDK.3 - Planning Statement for 22/0926/FUL  
CDK.4 - Transport Statement Update for 22/0926/FUL  
CDK.5 - Original Site Plan No. P02B submitted with 22/0926/FUL  
CDK.6 - As Built Site Plan No. P05C submitted with 22/0926/FUL  
CDK.7 - Use Areas Site Plan No. P07A submitted with 22/0926/FUL  
CDL.1 - National Planning Policy Framework (July 2021)  
CDL.2 - Planning Practice Guidance: Green Belt  
CDL.3 - Planning Practice Guidance: Housing Supply and Delivery  
CDL.4 - Planning Practice Guidance: Noise (including noise exposure hierarchy table)  
CDL.5 - Gove Ministerial Statement (December 2022)  
CDL.6 - PINS NOTE 14/2022  
CDL.7 - Levelling-up and Regeneration Bill: reforms to national planning policy (December 2022).  
CDL.8 - Planning Practice Guidance: Self build and Custom Build Guidance  
CDL.9 - Statement made by Baroness Williams of Trafford 17 December 2015  
CDM.1 - House of Commons Debate (24 October 2013)  
CDM.2 - Children's Commissioner Report "Bleak Houses: Tackling the Crisis of Family Homelessness in England (April 2019)  
CDM.3 - Shelter Report "Denied the Right to a Safe Home; Exposing the Housing Emergency" (May 2021)  
CDM.4 - Shelter Report "Unlocking Social Housing: How to fix the rules are holding back building" (April 2022)  
CDM.5 - House of Commons 'Rising Cost of living in the UK' briefing report (November 2022)  
CDM.6 - Shelter Briefing Report 'Briefing: Cost of Living Crisis and the Housing Emergency' (September 2022)  
CDM.7 - National Audit Office Homelessness Report Executive Summary (13 September 2017)  
CDM.8 - White Paper: Fixing Our Broken Housing Market (February 2017)  
CDM.9 - Regulator of Social Housing: Rent Standard (April 2020)  
CDM.10 - Bacon Review (Aug 2021)

**INQUIRY DOCUMENTS** - Documents received and accepted during the Inquiry:

ID1 – Site plans and extract  
ID2 – Draft planning conditions  
ID3 – Unilateral Undertaking (draft)  
ID4 – CIL compliance statement  
ID5 – Landscape comments (Rule 6 Party's comments on SoCG, 23/3)  
ID6 – Appellant opening  
ID7 – Council Opening  
ID8 – Rule 6 Opening  
ID9 – SADM appendix A  
ID10 – Biodiversity Net Gain SPD  
ID11 – 'Option 4' (illustrative masterplan)  
ID12 – Option 4A (illustrative masterplan)  
ID13 – Suggested Noise Condition

- ID14 - Urban Design Comments Public Inquiry, 20th April 2023
- ID15 - Agenda for round table session (Noise)
- ID16 - Save our Shenley Interested Parties comments
- ID17 - Gristwood and Toms response to ID12
- ID18 - Hertsmere Local Plan Site Allocations and Development Management Policies Plan pages 46-47
- ID19 - Map 'J' and surrounding area (2no. documents)
- ID20 - Revised suggested Noise Condition
- ID21 - Design methodology for the assessment of overheating risk in homes
- ID22 - Rule 6 Closing
- ID23 - Council Closing
- ID24 - Appellant Closing

*End of decision*