



Proof of Evidence of Valerie Scott on behalf of Aldenham Parish Council

Land south of
Shenley Hill, Radlett

July 2023 | Project Ref: 9216A

LPA Ref: 22/1539/OUT

PINS Ref: APP/N1920/W/23/3320599

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1. Introduction

- 1.1** My name is Mrs Valerie Scott and I am the Director of Planning at HCUK Group. I am the witness for Aldenham Parish Council (the "Parish Council"), who have been granted Rule 6(6) status in this appeal by Fairfax Acquisitions Ltd (the "Appellant") against the refusal by Hertsmere Borough Council for development on land south of Shenley Lane, Radlett. The proposed development is the "*erection of up to 195 new homes (45% affordable), safeguarded land for the expansion of Newberries Primary School and provision of a new medical centre, along with associated access. Outline application to include the matter of ACCESS (with the following matters reserved: APPEARANCE, LANDSCAPING, LAYOUT AND SCALE*" (Application Ref: 22/1539/OUT).
- 1.2** The appeal site (herein referred to as the "Site") is wholly within Aldenham Parish. Hertsmere Borough Council (the "Borough Council") consulted with the Parish Council asking for their comments on the application on 22nd September 2022. The Parish Council resolved to object to the proposed development and a letter of objection was sent to the Borough Council on 13th October 2022 (CD2.5). A copy of the letter of objection is enclosed in Appendix 1 of my Statement of Case on behalf of the Parish Council (CD7.3). The Appellant submitted amended plans to the Borough Council in December 2022 and the Parish Council was reconsulted. The Parish Council submitted further comments on 11th January 2023 (CD2.36). These further comments are enclosed in Appendix 2 of my Statement of Case on behalf of the Parish Council (CD7.3)
- 1.3** Following the Borough Council's refusal of the application on 2nd March 2023 an appeal was lodged by Boyer Planning on behalf of the Appellant and allocated reference APP/N1920/W/23/3320599 (the "Appeal"). A Public Inquiry to consider the Appeal is scheduled to take place between 22nd and 31st August 2023.
- 1.4** In this evidence I will address the concerns of the Parish Council as set out in the Statement of Case.

Qualifications and experience

- 1.5** My relevant qualifications and experience are that I hold a Bachelor of Science, Honours Degree in Geography, a Master's Degree in Civic Design and I am a Member of the Royal Town Planning Institute. I am currently the Planning Director of HCUK Group. Prior to joining HCUK Group I was a Planning Director in the London office of RPS CgMs, where I worked for over 12 years.
- 1.6** I have over forty five years' experience in planning, twelve of which were for local authorities, including the City of Manchester and the Corporation of the City of London, with the remainder in private practice. I have given evidence at several major planning appeal inquiries, attended many appeal hearings and given evidence at Local Plan Inquiries and Hearings.
- 1.7** The evidence which I have prepared and provide for this appeal reference APP/N1920/W/23/3320599 in this proof of evidence 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.

Site visits

- 1.8** I undertook site visits on 30 May 2023 and 5 July 2023. I viewed the Site from Shenley Hill and the northern end of footpath 55, from Theobald Street, from the grounds of Newberries Primary School land and from two properties with gardens bordering on to north side of the site, namely No 76 Williams Way and No 99 Newberries Avenue.

Scope of Evidence

- 1.9** In this Proof of Evidence I shall refer to the Statements of Case and Statement of Common Ground where relevant. I outline the planning policy context against which the appeal scheme is to be assessed. In particular, I set out my assessment of the proposal's harm to the Green Belt, and also the other harm identified in the Statement of Case prepared on behalf of the Parish Council. I then set out my assessment of the 'very special circumstances' ("VSCs") put forward by the Appellant and reach the conclusion that these do not collectively outweigh the harm

to the Green Belt and other harm identified. Finally, I undertake a planning balance exercise, pursuant to paragraph 11(d)(i) of the NPPF and conclude that there is a clear reason for the refusal of the proposal, in so far as it amounts to inappropriate development in the Green Belt as referred to in the first reason for refusal and there are no VSCs which would outweigh the harm caused.

2. Appeal Site and Surroundings

- 2.1** The Site comprises an open field used mainly as pastureland. It has a total area of 11.45 hectares.
- 2.2** It is located to the east of Radlett, immediately adjacent to the Radlett Village settlement boundary which runs along its western boundary. Shenley Hill forms the northern boundary and provides a gated access to the Site located in the north-west corner. The Site is bordered on its eastern side by an area of woodland, with further woodland located at the southern end of the Site. The woodland at the southern end of the Site (Theobald's Wood) is contained within the Site itself with the southern boundary of the Site formed by Theobald Street.
- 2.3** The Site also skirts around the northern, eastern and southern boundaries of Newberries Primary School, which consists of single storey buildings, a parking area for staff, a small playground and a grassed playing area. Access to the school is from the eastern end of Newberries Avenue. There are fences on all sides of the school grounds. However, the northern and eastern boundaries have dense hedgerows with many mature trees, and the southern boundary borders on to the northern side of Theobald's Wood.
- 2.4** Glimpses of the Site can be seen from the entrance gate and along Shenley Hill, although the Site is partially screened by a hedge of mature trees and vegetation along this frontage. A good public view of the Site is also available from the northern end of Footpath 55 accessed from Shenley Hill immediately to the north-east corner of the Site. However, there are many properties with rear and side gardens bordering the western boundary of the Site with the residents of these properties having good views across the Site to the woodland area beyond.



Figure 1: View of site from Shenley Hill. Figure 2: View of site from access gate, Shenley Hill



Figure 3: View of site from Footpath 55. Figure 4: View of site from 76 Williams Way

Notable designations on or near the site

- 2.5** The whole of the Site is within the Metropolitan Green Belt, as shown on the Hertsmere Local Plan Policies Map, which runs along the Radlett Village settlement boundary and includes the site of Porters Park Golf Club, which lies opposite the Site on the northern side of Shenley Hill, and land to the south of the Site on the southern side of Theobald Street. Newberries Primary School is also within the Green Belt.
- 2.6** The Site is within the area covered by the Radlett Neighbourhood Plan made (adopted) in May 2021 (CD3.11).
- 2.7** The woodland area which lies within the southern part of the Site is part of the Theobald Street Wood Local Wildlife Site.
- 2.8** The wooded area which forms part of Porters Park Golf Club to the north of the site is known as The Gorse and this is also a Local Wildlife Site.

- 2.9** Within the adjacent woodland to the east of the Site is the Radlett Plantation Regionally Important Geological Site (“RIGS”). This was designated by Hertfordshire Geological Society due to the presence of Puddingstone, which is a rare type of stone.
- 2.10** The Site is within the Watling Chase Community Forest Area, which is one of 12 Community Forests around England covering 18,840 ha. of land in Hertfordshire and its northern fringe (CD4.28).
- 2.11** The Site is also within the Hertsmere Landscape Character Area (LCA21 High Canons Landscapes and Ridges) (CD4.44).
- 2.12** These designations can be seen on the Hertsmere Site Allocations and Development Management Policies Map. (CD3.2).
- 2.13** There are no public rights of way across the Site but there is a public footpath (Footpath 55), accessed from Shenley Hill immediately to the north-east of the site, which continues in a south easterly direction through The Gorse to Wood Hall and linking up to other footpaths including the Hertfordshire Way. Another public footpath (Footpath 54) crossing open land starts on the southern side of Theobald Street opposite the western corner of the Site and leads in a south westerly direction across the river and under the railway line before linking up to paths leading to Battlers Green and Letchmore Heath.
- 2.14** Buckfield, a house on Theobald Street, is locally listed. It lies just outside the Site to the south-east of Theobalds Wood. However, it is not considered that the proposed development would harm the setting of this heritage asset.

3. Site Planning History and Appeal Proposal

Site Planning History

- 3.1** There has been no previous application made for development on this Site. However, a request was made for a screening opinion prior to the submission of the appeal application and a response given by the Borough Council on 18th May 2022 advising that in the LPA's opinion no Environment Statement would be required.

The Appeal Scheme

- 3.2** The Appeal follows the decision of Hertsmere Borough Council (who are the local planning authority, "LPA") to refuse an application for planning permission (LPA Ref: 22/1529/OUT) for development on land south of Shenley Lane, Radlett (CD2.1).
- 3.3** The proposals seek outline permission for the erection of up to 195 homes, expansion space for Newberries Primary School and a new medical centre, with associated access, landscaping and parking.
- 3.4** The proposals comprise the following elements:
- The delivery of up to 195 new homes, of which now 45% would be affordable;
 - The provision of a piece of land (0.7 hectares) for Newberries Primary School located to the north of the school;
 - The provision of a new medical centre for the use of Red House Surgery, currently located within the Radlett Village centre at 124 Watling Street; and
 - Public open space to serve the new development.

3.5 The proposed development would be accessed via the existing access on Shenley Hill, with a new pedestrian and cycle route through Theobald's Wood to link with Theobald Street.

3.6 An illustrative masterplan was prepared in support of the application (CD1.12) together with a parameters plan (CD1.11) which showed the use of various parts of the Site but did not state the maximum and minimum heights of the building to be located on each plot.

Reasons for Refusal

3.7 The LPA refused permission on three grounds as follows:

"1) Inappropriate and harmful development in the Green Belt

Per paragraph 11 of the National Planning Policy Framework (2021) 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 defined exceptions at paragraphs 149 and 150 of the NPPF. A case for Very Special Circumstances 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 harm to the Green Belt, by reason of inappropriateness and due to the significant harm to openness that would arise. Accordingly, Very Special Circumstances do not arise here.

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

3.8 The Parish Council supports this first reason for the refusal of the application, now subject to appeal, and my comments on this are referred to in this proof.

- 3.9** There were two other reasons for refusal. The second reason relates to the risk of potential archaeological artefacts and the third relates to surface water drainage and flood risk.
- 3.10** Following the submission of further documents with respect to Archaeology and the concerns the LPA outlined in the second reason for refusal, the objection of Historic England has been withdrawn and the LPA consider that the outstanding issues relating to the possibility of harm to archaeological artefacts have been resolved and no further studies are required at the site. The LPA do not therefore intend to pursue this reason for refusal.
- 3.11** At the time of writing this Proof of Evidence on-going discussions were being held between the Lead Local Flood Authority (“LLFA”) and the Appellant in relation to flood risk and drainage. As it stands at the time of writing this Proof of Evidence no comment has been received from the LLFA and as such the third reason for refusal remains relevant. This reason for refusal may also be removed if the matters of concern relating to flood risk and drainage are resolved.
- 3.12** The Parish Council did not itself raise concerns about archaeological issues or flood risk and drainage and I have not therefore provided any evidence with regard to the second or third reasons for refusal. I approach my assessment on the assumption that both these reasons for refusal will be resolved.

Other issues to be assessed

- 3.13** The Appeal also requires consideration of the scale, density and character of the proposed residential development, the impact on the character of the landscape and the weight to be given to the benefits relied on by the Appellant.

4. Planning Policy Context

Key Planning Policies

- 4.1** In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, planning applications should be determined in accordance with the development plan unless other material considerations indicate otherwise.
- 4.2** The statutory development plan includes the following relevant documents:
- Hertsmere Local Plan Core Strategy (adopted 2013) (“CS”) (CD3.1);
 - Site Allocations and Development Management Policies Plan (adopted 2016) (“SADMPP”) (CD3.2); and
 - Radlett Neighbourhood Plan (“RNP”) which was made (adopted) in May 2021 (CD3.11).
- 4.3** In addition the following Council documents also form parts of the development plan but are not relevant to this appeal:
- Hertfordshire Minerals Local Plan Review 2002-2016;
 - Hertfordshire Waste Core Strategy and Development Management Policies (adopted November 2012);
 - Hertfordshire Waste Site Allocations Document (adopted July 2014).
- 4.4** Other policy documents relevant to the consideration of this appeal include the National Planning Policy Framework (CD3.9), National Planning Practice Guidance (CD3.16), the National Design Guide (CD3.17) and National Model Design Code (CD3.18), the Radlett Character Assessment 2016 (CD4.42) and Addendum updated in January 2019 (CD4.43), and the following supplementary planning documents prepared by the Borough Council as follows:
- The Guidelines for Development – Part D of the Planning and Design Guide (CD3.19);
 - Parking Standards (adopted 2014) (CD3.20);
 - Draft Biodiversity Net Gain Supplementary Planning Guidance (2022) (CD3.12);

- Watling Chase Community Forest – A Guide for Landowners, Developers and Users (CD4.28);
- Design Guidelines for LCA 21 High Canons and Valley Ridges (CD4.44);
- Draft Carbon Offsetting Supplementary Planning Guidance (2022) (CD3.13); and
- Affordable Housing (adopted 2015) (CD3.5);

4.5 The written Ministerial Statement by Michael Gove MP, Secretary of State for Housing and Communities, dated 6 December 2022 and entitled 'Update on Levelling Up Bill Statement (UIN HCWS415)' is also particularly relevant to this appeal (CD9.1).

4.6 Hertsmere's local MP, Oliver Dowden said on 27th July 2022:

"...I do not think it is appropriate for developments to be approved on sites included in the original draft plan, which was comprehensively rejected by residents earlier this year. I believe that priority must be given to protecting our green spaces while the council works to put together a more sustainable plan for development in the Borough."¹ (CD9.2).

Hertsmere Local Plan Core Strategy

4.7 The policies of the CS that are particularly relevant to the Appeal include:

- SP1 Creating sustainable development
- SP2 Presumption in favour of sustainable development
- CS1 The supply of new homes
- CS2 The location of new homes
- CS4 Affordable housing
- CS7 Housing mix
- CS12 The enhancement of the natural environment
- CS13 The Green Belt
- CS15 Promoting recreational access to open spaces and the countryside

¹ <https://www.oliverdowden.com/news/oliver-raises-concerns-about-planning-applications-local-green-spaces>

- CS16 Environmental impact of new development
- CS17 Energy and CO₂ Reductions
- CS18 Access to services
- CS19 Key community facilities
- CS21 Standard charges and other planning obligations
- CS22 Securing a high quality and accessible environment
- CS24 Development and accessibility to services and employment
- CS25 Accessibility and parking
- CS26 Promoting alternatives to the car.

Site Allocations and Development

4.8

The SADMPP allocates sites for various uses, such as residential, and contains the Development Management Policies for new development in Radlett. The following policies are relevant to the consideration of this appeal:

- SADM3 Residential Developments
- SADM10 Biodiversity and Habitats
- SADM11 Landscape Character
- SADM12 Trees Landscaping and Development
- SADM14 Flood Risk
- SADM15 Sustainable Urban Drainage Systems
- SADM20 Environmental Pollution and Development
- SADM22 Green Belt Boundary
- SADM26 Development Standards in the Green Belt
- SADM27 Diversification and Development supporting the Rural Economy
- SADM30 Design Principles
- SADM32 Key Community Services
- SADM34 Open Space, Sports and Leisure Facilities
- SADM39 Transport Development Areas

- SADM40 Highway Access Criteria for New Developments

Radlett Neighbourhood Plan ("RNP") (CD3.11)

4.9 The RNP was "made" in May 2021 and now forms part of the statutory development plan. The Site is covered by the RNP with the boundary of the neighbourhood plan area being the eastern boundary of the Site.

4.10 The Vision of the RNP (page 24) includes:

- Protecting and enhancing the leafy and biodiverse nature of Radlett's streets, neighbourhoods and open countryside;
- Easy access to the open countryside and a well-maintained network of footpaths, bridleways, cycleways and streets within Radlett itself; and
- A broad range of well-kept and highly frequented community and cultural facilities within easy walking distance of public transport and other destinations such as shops and services.

4.11 The Objectives of the RNP (page 25) include:

- To protect the verdant character of Radlett (Objective 1);
- To meet new housing demand in a manner that is sensitive to the character of the village (Objective 2);
- To support the development and/or retention of smaller homes available to younger people and older downsizers (Objective 3);
- To promote the protection and positive use of the surrounding Green Belt by providing opportunity to access it by foot, horseback and bicycle (Objective 4);
- To promote an active community within the village, with improved community and cultural facilities for residents and visitors (Objective 7);
- To encourage and facilitate the development of buildings and sites within the village in order to improve the vitality of the high street and provide better facilities and amenities for the community and visitors (Objective 8); and
- To encourage cycling to and from key local destinations by improving the facilities for safe cycling and adequate parking (dedicated and safe paths, lanes and tracks) within and outside of Radlett (Objective 9).

4.12 The relevant policies of the RNP are as follows:

- Policy HD3 Respecting and Enhancing Local Townscape Character and Patterns;
- Policy HD5 Healthy High Quality Trees and Hedges;
- Policy RV2 Medical Facilities; and
- Policy GA1 Walking and Cycling Networks.

4.13 The RNP also includes a Design Code (page 38) to which all development should have regard.

Radlett Character Assessment

4.14 The Radlett Neighbourhood Plan Character Assessment (CD4.42) was initially published in 2016 in association with the RNP to provide measurable evidence in support of the Plan's objective to preserve the character of the village. The objectives of the Character Assessment were as follows:

- Identify measurable properties of the Radlett urban grain and building form;
- Provide guidance for future building development which will ensure the maintenance and enhancement of those properties;
- Identify any areas of special interest to the Radlett Character; and
- Provide guidelines for future building development within those special areas.

4.15 An Addendum to the Radlett Character Assessment – Bungalows with individual and/or group value (CD4.43) was also published in 2016 and this addendum was updated in January 2019.

New Local Plan

4.16 A draft version of a new Local Plan was published for consultation under Regulation 18 in September 2021 (CD3.4). The Site was allocated in the Draft New Local Plan as a Strategic Housing Allocation (Site 3). There was significant opposition to this Draft Plan including opposition to the allocation of the Site for residential use. As a result of these objections, the New Local Plan was set aside. In my view, this draft allocation carries no weight in the determination of this appeal. This is the same view that Inspector Woodward took in the Harris Lane Appeal Decision at paragraph

10 and Inspector Gilbert took in the Little Bushey Hill Appeal Decision at paragraph 32.

4.17 However, as per the approach of Inspectors Woodward and Gilbert, I do acknowledge that the supporting studies carried out as part of the Draft Local Plan evidence base are material considerations. Of these, the most relevant to the appeal are considered to be:

- Green Belt Assessment Stage 1 (2016) (CD4.26); and
- Green Belt Assessment Stage 2 (2019) (CD4.27).

National Planning Policy Framework

4.18 The National Planning Policy Framework 2021 (“NPPF”) (CD3.9) is a material consideration.

4.19 The Government undertook a consultation on proposed changes to the NPPF as set out in the Levelling Up and Regeneration Bill between December 2022 and March 2023 and it is likely that the NPPF will be amended shortly.

4.20 In the meantime, the 6 December 2022 statement by the Rt, Hon. Michael Gove MP setting out the intended changes to the NPPF is a material consideration of limited weight. It stresses the precious nature of the Green Belt and the importance of giving local communities a greater say in what is built in their neighbourhood. This confirmed the Government’s intention:

- To amend the NPPF by the end of April 2023
- To continue to ensure valued landscapes are protected, particularly (inter alia) the Green Belt. National and local policy will be given sufficient weight to be able to “rebuff unwanted speculative development by appeal”.

Housing Land Supply and Delivery

4.21 The LPA’s housing land supply position for 2021/22 states that:

“Overall, the council’s updated 5 year land supply, in accordance with the updated standardised methodology (July 2019) and if specifically using the 2014-based household projections, is 724 dwellings per annum (plus a 5% buffer), resulting in a revised 5 year land supply of 2.25 years.”

4.22 The Housing Delivery Test results published on 14 January 2022 indicate the LPA had a 2021 HDT measurement of 88%.

4.23 In the Little Bushey Lane Appeal Decision (CD5.23), at paragraph 109, Inspector Gilbert identified the housing land supply position to be between 1.23 years housing supply and 2.25 years' supply. She described the extent of the shortfall as woeful, representing extremely substantial shortfalls symptomatic of a chronic failure to deliver housing. She described the position for affordable as no less bleak and identified a significant gap between need for and provision of affordable housing.

Planning Practice Guidance

4.24 Planning Practice Guidance ("PPG") (CD3.16) on the role of the Green Belt in the planning system (published July 2019) is also a material consideration. This provides clarification to the factors which may be taken into account when considering the impact of development of the 'openness of the Green Belt' (paragraph: 001 Reference ID: 64-001-20190722 Revision date: 22 07 2019).

5. Main Issues and Assessment

5.1 The main issues to be assessed in this appeal are:

- a. The extent of harm to the Green Belt, and the weight to be attached to this, including:
 - i. 'definitional harm' (by reason of inappropriateness);
 - ii. harm to the Green Belt's openness and permanence (which para 137 NPPF states as being the essential characteristics of the Green Belt);
 - iii. impact on the purposes of the Green Belt spatial designation (which are set out on para 138 of the NPPF).
- b. Other harm arising from the proposal, including:
 - i. harm to the character of the landscape;
 - ii. inappropriate nature of the development in terms of its scale and density; and
 - iii. inappropriate location for new medical centre;
- c. Whether the harm identified (including harm to the Green Belt and other harm as set out above) is clearly outweighed by other considerations, so as to amount to "very special circumstances" ("VSCs") necessary to justify the development.
- d. Based on the above, whether the application of policies to protect the Green Belt provide a clear reason for refusing the development proposed, for the purposes of paragraph 11d(i) of the NPPF.

5.2 When considering the weight to be given to factors causing harm or benefits/VSCs of the proposal, I apply the following sliding scale of weight (from most weight to least weight):

- Substantial
- Significant
- Moderate

- Limited
- Very limited

Harm by reason of “inappropriateness – definitive harm”

5.3 The Site is situated within the Metropolitan Green Belt. As per paragraph 137 of the NPPF, the Government attaches “great importance” to Green Belt designation.

5.4 “Inappropriate development” is by, by definition, harmful to the Green Belt (NPPF paragraph 147) and substantial weight should be given to any such harm (NPPF paragraph 148).

5.5 All parties are in agreement that the proposal comprises “inappropriate development” for the purposes of paragraph 147 of the NPPF, as it involves new buildings in the Green Belt and does not fall within any exceptions to that definition as set out in paragraphs 149 and 150 of the NPPF.

5.6 On that basis, there is ‘definitive harm’ to the Green Belt, which is to be given substantial weight.

Harm to the openness of the Green Belt

5.7 Paragraph 137 of the NPPF states the essential characteristics of Green Belt are its openness and its permanence. It is necessary to assess whether the proposal will cause harm to these essential characteristics, the extent of harm, and what weight should be attributed to this.

5.8 Planning Practice Guidance (Paragraph: 001 Reference ID: 64-001-20190722 Revision date 22 07 2019) clarifies that assessment of whether a proposal impacts on the openness of the Green Belt “*requires a judgement based on the circumstances of the case*” and, the courts have identified a number of matters which may be relevant, including but not limited to:

- Openness is capable of having both spatial and visual aspects – in other words, the visual impact of the proposal may be relevant, as could its volume;
- The duration of the development, and its remediability – taking into account any provisions to return land to its original state or to an equivalent (or improved) state of openness; and

- A degree of activity likely to be generated, such as traffic generation.

5.9 The appeal scheme proposes the introduction of up to 195 dwellings, a new medical centre and internal roads with hard standing required for car parking and driveways, domestic gardens, and various paraphernalia associated with residential use and boundary walls and fences depending on the layout and design.

5.10 In terms of traffic generation, the Transport Assessment submitted in support of the application concluded that the scheme would generate an expected two-way morning peak (8.00 – 9.00) of 152 vehicle movements and evening peak (17.00 – 18.00) of 125 vehicles. This is a significant volume of vehicular movement (there would also be pedestrian movements) which would dramatically alter the existing degree of activity on the Site.

5.11 The Site is currently an open parcel of land extending over 11.45 hectares used primarily for the purposes of sheep grazing. There are public views into the site from Shenley Hill, from Footpath 55 at its northern end, as well as more limited views due to trees from the eastern end of Willams Way. There are also extensive private views from the many properties which border onto the site. As such the appeal scheme represents a significant spatial and visual intrusion into the Green Belt, causing substantial harm to its openness. That harm would be permanent given the nature of the appeal scheme.

5.12 A very recent appeal relating to Land to the North of Bradmore Way, The Brookmans Estate, Brookmans Park (3307844) was dismissed on 22nd July 2023 (CD5.24). Inspector Board made the following comments in relation to openness (spatial and visual aspects):

"17. The site is currently as open field, and it is entirely free from built development. The appeal scheme would introduce built development onto the site in the form of 125 dwellings, care home, scout hut with associated access roads, gardens, open spaces and driveways. The precise layout and form of the scheme would be determined at reserved matters stage. The landscape masterplan provides an illustration of landscape boundary treatment, areas of open space, play space, woodland belts and wildflower meadow areas. Nevertheless, the change from an open field to built development would lead to a reduction in openness of the site.

18. If the appeal scheme went ahead then the illustrative block plan shows that a high built form and activity proportion of the appeal site would be introduced across a high proportion of the appeal site. Matters of scale and appearance are reserved for future consideration. Nonetheless the Design and Access Statement indicates that the scale of the development would be consistent with the local vernacular with dwellings up to two and half storeys in height. As such the scheme would have a greater scale than the existing situation adding built form to the area.

19. Therefore, in terms of spatial harm if the appeal were to go ahead there would be a significant amount of harm to the Green Belt lost permanently and replaced with built form and activity from residential development. On this point I agree with the Council that the presence of built form cannot be tempered by the extent of containment of the site.

20. Visually the site would be contained by dwellings on Bradmore Way and Peplins Way and to a lesser degree by the shared boundary of Brookmans Park Golf Course. In terms of the visual element of the loss of openness there would be a number of localised viewpoints from where this would be evident. However, whilst I acknowledge this and the containment from some aspects this would not reduce the change visually from an absence of built form.

30. I appreciate that the site is contained to some extent, but the site is primarily an area of open fields which transition from the clear built edge of Brookmans Park ...”.

5.13 Whilst I also accept, in relation to the current appeal, appearance, landscape, layout and scale are reserved matters, the illustrative plans show that in order to accommodate the maximum quantum of residential properties proposed, a large percentage of the Site would be utilised for buildings, roads, car parking areas and driveways. As such, openness would be significantly impacted, in spatial and visual terms.

5.14 The Appellant has provided an illustrative masterplan (CD1.12) showing a range of building types although the plan does not show the number of storeys or building heights. The Appellant has also submitted a Parameters Plan (CD1.11) to include with the planning submission. In the Appellant’s Statement of Case (CD7.1) it is stated on page 96 that the ‘height and scale’ are included within the parameters plan noting that the majority of development will be 2 storeys to eaves height and some selected areas are shown as 2.5 to 3 storeys. The Parameters Plan (CD1.11) does show two areas

marked with a purple dashed line as areas suitable for 2.5 – 3 storeys, with all other areas to be 2-storey to eaves the plan. It does not include heights. Buildings of at least 2 storeys with some 2.5 – 2 storeys would result in the vertical intrusion into the Site which would also compound the loss of spatial openness.

5.15 In summary, I am of the view that the proposal will cause a significant loss of openness, in spatial and visual terms, which should be afforded substantial weight in the planning balance.

Harm to the purposes of including land with the Green Belt

5.16 In addition to the harm to the openness of the Site it is also necessary to assess the degree of harm in relation to the five purposes of the Green Belt as set out in paragraph 138 of the NPPF:

- (a) to check the unrestricted sprawl of large built-up areas;
- (b) to prevent neighbouring towns from merging;
- (c) to assist in safeguarding the countryside from encroachment;
- (d) to preserve the setting and special character of historic towns; and
- (e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

5.17 In respect of these purposes, I consider that the purposes of most relevance to this appeal are (a) and (c). The proposed development would also close the gap between Radlett and Shenley, a distance of only 1km and between Radlett and Borehamwood, a distance of just under 4km between Radlett and Borehamwood. As such, the second purpose (Purpose b) 'to prevent neighbouring towns from merging' is also relevant.

5.18 The Appellant's Statement of Case (CD7.1) states in Paragraphs 3.6 and 3.7 that the parcel of land as outlined in the ARUP Green Belt Stage 1 Assessment as 'Green Belt Parcel 30 (land adjoining Radlett)' scores moderately against Green Belt purposes (taken together). The Appellant also argues that the parcel plays a limited role pertaining to the Site in respect of the wider strategic Green Belt. The Appellant draws on comments from the ARUP Green Belt Stage 1 Assessment (CD4.26) which outline that the release of the sub-area of the parcel (the Site) would result in the designation of a similarly performing Green Belt boundary when compared to existing and the

removal of this sub-area is unlikely to impact the performance of the wider strategic Green Belt.

5.19 The ARUP Green Belt Assessment was prepared to inform the potential release of sites from the Green Belt as part of the emerging Local Plan.

5.20 The Site at Stage 1 of the Assessment formed part of a larger parcel of land (Parcel 30 – located to the south of Shenley and Radlett and to the north of Borehamwood). The Assessment (Pages 75 and 76) stated:

“Green Belt Parcel 30, located to the south of Shenley and Radlett, and to the north of Borehamwood, scores strongly against Purpose 3 due to its low coverage of built form and strong rural character, and moderately against Purposes 1 and 2, preventing sprawl from the large built up area of Borehamwood and forming part of the gaps between Borehamwood, Radlett and Shenley. The Parcel is not located at the edge of the historic part of Radlett and therefore does not score against Purpose 4.

There is however scope for sub-division in the north-west of the parcel adjoining Radlett. This area, bounded by dense woodland to the east and south, the edge of Radlett to the west and Shenley Road to the north, is relatively small in scale and makes only a limited relationship the gap between Radlett and Shenley (Purpose 2). Furthermore, is visually more connected to the settlement edge and has a limited relationship with the wider countryside to the east.

Recommendation: *Green Parcel 30 scores strongly against the NPPF purposes, but there may be scope for sub-division. The north-west of the Parcel, adjacent to Radlett, which may score less strongly, should be considered further.”*

5.21 In the Final Report (Stage 2) (CD4.27) at (Pages 66 and 67) the sub-area RA-8 (SA-75) – South of Shenley Road was considered. This area this area is made up of the appeal site and Newberries Primary School. The sub was considered to perform moderately overall. The assessment states as follows:

“SA-75, located to the east of Radlett performs moderately overall. The sub-area does not meet Purpose 1 as it is not at the edge of a distinct urban area, and performs moderately against Purpose 2, forming a small part of gap between Radlett and Borehamwood, and preventing ribbon development from Radlett. It is also noted that the Gorse Woodland to the south-east of the sub-area provides an

additional buffer to the physical or perceptual coalescence of settlements. The sub-area performs moderately against Purpose 3, as it is formed of open fields with limited built form, contributing to a largely rural character. It is however noted that the sub-area has a strong sense of enclosure, with limited links to the wider countryside. The sub-area does not meet Purpose 4.”

5.22 The recommendation was as follows:

“SA-75 performs moderately against NPPF purposes and plays a limited role in respect of the wider strategic Green Belt. It is noted that the release of the sub-area would result in the designation of a similarly performing Green Belt boundary. It is recommended that sub-area 75 is considered further for release as RA-8.”

5.23 Contrary to the comments made by ARUP, in my opinion the Site does serve the first purpose of the Green Belt (Purpose (a) – to check the unrestricted sprawl of large built-up areas). Radlett is the fourth largest settlement in Hertsmere following Borehamwood, Potters Bar and Bushey in the Settlement Hierarchy. It is described in the adopted Local Plan as: *“Largely residential in character and surrounded by Green Belt with good rail links to London and a popular district centre serving both the local population and an increasing number of visitors from further afield.”*

5.24 Whilst I appreciate that Inspector Gilbert reached the view in the Little Bushey Lane Appeal Decision (CD5.22) at paragraph 48 that Bushey was not a large built up area, seemingly on the same basis that it was smaller than Borehamwood, I do not consider it to be the case that only one settlement can be considered a large built up area in any one district. I consider that when one visits Radlett, it is readily apparent that it is a large built up area (albeit smaller than some other built up areas).

5.25 The land within the Green Belt around Radlett has been subject to a large amount of pressure for potential development and the proposal to develop the Site would result in sprawl to a large, although reasonably compact, built-up area. In addition to the appeal scheme, there has also been an application made for residential development on Green Belt land to the south of Theobald Street, immediately south of the Site.

5.26 The nearby settlements of Borehamwood, Shenley and Bushey have also been subject to increased pressure to develop in the Green Belt. This includes an application for the construction of up to 37 dwellings on land adjacent to 52 Harris Lane, Radlett (LPA Ref: 22/0971/OUT). This application was recently dismissed at appeal (Appeal Ref:

APP/N192/W/22/3311193) (CD 5.18). There has also been an appeal against the refusal of planning permission for the erection of up to 310 units on land east of Little Bushey Lane, Bushey (LPA Ref: 22/1071/OUT), Appeal Ref: APP/N1920/W/23/3314268). This appeal has also been dismissed. (CD5.23).

5.27 In addition to urban sprawl the proposed development would reduce the limited gap of only 1km between Radlett and Shenley. Although further away it would also reduce the gap between Radlett and Borehamwood, which is just under 4km from the site. The reduction in the gap is limited but would still undermine purpose (b) - to prevent neighbouring towns from merging.

5.28 The Site comprises a large area of open land, some 11.45 hectares which would be changed to built form housing and other development and would be visible from a number of viewpoints. Green Belt purpose (c) is to assist in safeguarding the countryside from encroachment and is not solely limited to encroachment which is visible or highly visible. It is clear that developing the site for housing would amount to a conflict with this purpose. The Site currently reads as open countryside, devoid of built form and the proposed development would definitely result in encroachment into the countryside.

5.29 As such I identify harm to three of the five purposes (a), (b) and (c) as set out in the NPPF paragraph 138. I give this harm substantial weight.

Conclusion on Green Belt Harm

5.30 Based on the above assessment, I have identified that the appeal proposals will result in substantial harm to the Green Belt including:

- Definitive harm – the proposal is defined as ‘inappropriate development’ in the Green Belt as it involves the construction of new buildings which do not fall within the exceptions provided in paragraphs 149 and 150 of the NPPF.
- Harm to the essential characteristics of the Green Belt – its openness and permanence.
- Harm to three of the five purposes of the Green Belt, purposes (a), (b) and (c) as set out in the NPPF paragraph 138.

5.31 Policy CS13 of the CS reinforces that development proposals will be assessed in line with NPPF Green Belt Policy.

5.32 I give these harms substantial weight in the planning balance.

Development Plan Policy Assessment

5.33 Policy CS13 of the CS reinforces that development proposals will be assessed in line with NPPF Green Belt Policy.

5.34 The appeal proposals are also contrary to Policy SP1 (Creating sustainable development) and Policy SP2 (Presumption in favour of sustainable development) of the Core Strategy. Criterion (vii) of Policy SP1 states that all development across the Borough should 'avoid inappropriate development in the Green Belt'. Policy SP2 states that when considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. This includes protecting and enhancing our natural environment. The Council will grant permission unless material considerations indicate otherwise taking into account whether specific policies in that Framework indicate that development should be restricted.

5.35 Policy SADM26 (Development Standards in the Green Belt) was also referred to in the first reason for refusal. This policy states that the Council will assess all applications for development in the Green Belt, as defined in the Policies Map, in accordance with Core Strategy Policy CS13. It also sets out a number of principles including criterion (iv) which requires that the scale, height and bulk of development should not be harmful to the openness of the Green Belt.

5.36 In addition, to the policies referred to above the proposed development would also be contrary to the Vision and Objectives of the RNP.

5.37 The Vision of the RNP (page 24) includes:

- Protecting and enhancing the leafy and biodiverse nature of Radlett's streets, neighbourhoods and open countryside; and
- Easy access to the open countryside and a well-maintained network of footpaths, bridleways, cycleways and streets within Radlett.

5.38 The Objectives of the RNP (page 25) include:

- To protect and enhance the verdant character of Radlett (Objective 1); and

- To promote the protection and positive use of the surrounding Green Belt by providing more opportunity to access it by footpath, horseback and bicycle (Objective 4).

5.39 One of the proposals set out in the RNP as shown on the Proposals Map (page 27) was to provide a new footpath through the Site to provide access from Shenley Hill to Theobald Street and to link with footpaths 55 and 54 which currently provide access to the countryside to the east and south of Radlett. Proposing a pedestrian and cycle route through the proposed development is a poor substitute for providing an attractive route adjacent to or through this currently open field, as proposed in the RNP.

Harm to the character of the landscape and visual amenity

5.40 For financial reasons the Parish Council has not been able to provide a Landscape Witness to give evidence at the Public Inquiry but Claire Browne, HCUK Group Landscape Consultant, has reviewed the CSA LVIA and comments made by Place Services as well as the proposed development, as shown on the Parameters Plan and the Illustrative Masterplan.

5.41 Ms Browne agrees with the Place Services review of the CSA LVIA in terms of the harmful impact on the landscape. She also provided the following further comments in relation to the landscape impact resulting from the loss of a result of the loss of openness of the Site.

5.42 The Landscape Character Assessment for this area (LCA 21 High Cannons and Valley Ridges) ("LCA") (CD4.44) states:

"Small settlements occupy the narrow fingers of plateau overlooking the surrounding slopes of both arable and pastoral landscapes, which often have a contained character."

This characteristic of this LCA, settlement overlooking an arable or pasture landscape would be lost. The transition to Radlett within an arable and pasture setting would be lost as the approach would abruptly change from woodland to a suburban type residential development infilling the settlement edge which is currently a transition from woodland to pasture and then settlement.

5.43 It is a pleasant view across an extensive field (albeit filtered by trees) as you approach the setting of the Radlett along Shenley Lane.



Figure 5: View of Site from Shenley Lane approaching edge of settlement.

5.44 I agree with the comments made by Claire Browne above and the comments made by Place Services when consulted on the application.

5.45 The proposed development would have a harmful impact on the landscape and as well as the impact on the LCA it would also undermine the Site's contribution to the Watling Chase Community Forest.

5.46 The openness of the Site and its wooded surroundings can be clearly seen from Shenley Hill and the entrance to the public pathway (Footpath 55). The openness and landscape beauty of the Site is also important to the visual amenity and well-being of the residents of many properties particularly those living on the south side of Newberries Avenue and the houses at the end of Willow Way and Faggots Close.

5.47 The proposed development would be contrary to following development plan policies:

5.48 Policy CS12 (The Enhancement of the Natural Environment) of the Hertsmere Local Plan Core Strategy (2013) which requires development proposals to conserve and enhance the natural environment of the Borough including landscape character.

5.49 Policy SADM11 (Landscape Character) which states that development will be managed to help conserve, enhance and restore the character of the wider landscape across the

borough. Individual proposals will be assessed for their impact on features to ensure that they conserve or improve the prevailing landscape quality, character and condition, including as described the Hertfordshire Landscape Character Assessments.

5.50 Policy SADM28 (Watling Chase Community Forest) which states that the Forest Plan and supplementary planning guidance will be material in the determination of planning applications in the Forest area. The main objectives of the Community Forest include:

- creating a visually exciting and functionally diverse environment;
- regenerating the environment of the Green Belt and similar areas;
- protecting areas of high quality landscape; and
- improving access to the countryside.

5.51 The Objectives of the RNP include protecting and enhancing the verdant character of Radlett.

5.52 RNP Policy HD3 requires that development proposals respect and respond positively to local townscape and landscape character.

5.53 I consider that the impact on the character of the landscape and the visual amenity would result in harm and this should be given significant weight.

5.54 The proposed development has therefore the potential to conflict with CS Policy CS12 (Enhancement of the Natural Environment), SADM Policy SADM12 (Trees, Landscaping and Development, and RNP Policy HD5 (Healthy Quality Trees).

5.55 Overall, there are significant adverse impacts on both landscape and visual amenity. I give this significant weight.

Scale, density and character of the proposed residential development

5.56 The Radlett Neighbourhood Character Assessment states that, for the whole of Radlett, in 2016, the average number of dwellings per hectare was 11. This is substantially lower than the UK National standard density for sub-urban districts which is 20 dwellings per hectare and indicates that Radlett, which has evolved from a semi-rural village, does not follow typical outer London residential characteristics.

- 5.57** Analysing the characteristics of medium-sized plots in the RNP Character Assessment shows that average plot cover in Radlett is 13.4% and the most common plots are those with 11%.
- 5.58** The building heights also confirm the low-rise character of Radlett. The majority of building units in Radlett are 7 to 9 metres high (52%). The building heights along Newberries Avenue are between 7 to 9 metres.
- 5.59** By building upwards, by being more closely spaced and with reduced parking and amenity spaces, the proposed development would differ from the overall character of Radlett by accommodating around 36 dwellings per hectare.
- 5.60** The Radlett Design Code seeks to protect and enhance Radlett's attractive characteristics achieving plot coverage and ridge heights that respects its surroundings.
- 5.61** The proposed development would also be contrary to the following policies as set out below.
- 5.62** Policy SADM30 (Design Principles) requires development to recognise and complement the particular local character of the area in which it is located; create a sense of place by complementing the local character, pattern of development or distinctiveness of its surroundings.
- 5.63** The Objectives of the RNP include the need to meet new housing demand in a manner that is sensitive to the character of the village, having regard to context and the Radlett Character Assessment 2016.
- 5.64** RNP Policy HD3 states that development proposals are required to reflect and respond positively to local townscape and landscape character.
- 5.65** RNP Policy RD4 states that all development must respect Radlett's distinctive green and verdant qualities.
- 5.66** I give this harm significant weight.

Provision of a new Medical Centre

5.67 The proposed development includes the provision of a new Medical Centre for the Red House Surgery which currently have premises at 124 Watling Street in Radlett Village Centre. Although the Parish Council accepts that there may be a need in the future to expand these surgery facilities and the proposed development would itself put additional pressure on these medical services the RNP Policy RV2 of the Plan states as follows:

*“RV2 Medical Services – The retention or enhancement of the range of medical services in Radlett will be supported. Any such use should be **located in the village centre** unless it can be demonstrated that there are no viable or deliverable sites, in which case provision elsewhere in the settlement will be supported.”*

5.68 The Site is completely unsuitable for a Medical Centre. It is far better to locate community facilities in the village centre where journeys can be combined. It would require many more car movements and it is unlikely that many would chose to the medical centre.

5.69 In the Appendix to the RNP various opportunities for changes in the centre are suggested. These include possible expansion of the Red House Surgery using the site of the adjoining post office (Location D), the redevelopment of the Radlett Village Institute (Location C), or development on the site of Newberries Car Park (Option B).

5.70 The proposed development would therefore be contrary to Policies SP1, SP2 and CS24 of the Hertsmere Local Plan Core Strategy (2013), Policies SADM32 and SADM39 of the Hertsmere Local Plan Site Allocations and Development Management Plan (2016) Vision and Objectives and Policy RV2 of the RNP.

5.71 Policy SP1 (Creating sustainable development) requires development across the Borough to ensure a safe, accessible and healthy living environment for residents and other users of a development. The difficulty of accessing the Medical Centre particularly for the sick and elderly would be contrary to this policy.

5.72 Policy SP2 (Presumption in Favour of Sustainable Development) requires development that would support strong, vibrant and healthy communities with accessible services to support communities’ health and well-being.

5.73 Policy SADM32 (Key community facilities) states that the provision or enhancement of community facilities will be permitted provided (inter alia):

(i) they will principally serve a local community or meet a wider, unmet need which cannot be accommodated elsewhere;

(iii) they are or can be made to be accessible by public transport, walking and cycling.

5.74 Policy SADM39 states that major trip generating development should be focussed principally in town centres.

5.75 The Vision of the Radlett Plan seeks 'A broad range of well-kept and highly frequented community and cultural facilities within easy walking distance of public transport and other destinations such as shops and services.

5.76 The proposed development is also contrary to RNP Policy RV2 Medical Services, as referred to above. I consider the relocation of the Medical Centre to be harm of significant weight.

5.77 I consider that the proposal to locate this new Medical Centre within the Site would be harmful in terms of sustainability and in terms of the policy requirement to provide new or additional medical facilities if required in the village centre. I consider that this should be given significant weight.

Conclusions re Green Belt and Other Harm

5.78 In summary the harm identified includes:

- Green Belt Harm: The proposal is defined as 'inappropriate development' in the Green Belt in the NPPF. It fails to preserve the openness of the Green Belt in both spatial and visual terms, and it undermines the purposes of the Green Belt designation as follows: it would result in sprawl to large built-up areas; it would result in a reduction in the gap between Radlett and the neighbouring settlements of Shenley and Borehamwood, and result in encroachment into the countryside. I give each of these harms substantial weight.
- Landscape and Visual Effects: Overall there are significant adverse impacts on both landscape and visual amenity. I give this significant weight.

- Harm to the scale, density and character of the area. I give this significant weight.
- Inappropriate location for new medical centre. I give this significant weight.

Very Special Circumstances (VSCs)

5.79 Paragraph 147 of the NPPF states that inappropriate development should not be approved except in VSCs, and that VSCs will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is outweighed by other considerations (Paragraph 148).

5.80 I therefore now consider the VSCs put forward by the Appellant, the weight to be given to these factors; and whether these VSCs either individually or collectively outweigh the harm to the Green Belt and other harm identified above.

5.81 The purported VSCs put forward by the Appellant in the Statement of Case are:

- The delivery of up to 195 new market homes of which 45% will be affordable;
- The safeguarding of land to allow for the future expansion of Newberries Primary School;
- The delivery of a new Medical Centre;
- Enhancements and long-term management of the Radlett Plantation;
- Delivery of a biodiversity net gain in excess of 10%;
- Delivery of multiple economic benefits including (but not limited to) job creation, GVA creation, local residential expenditure and tax revenue uplifts; and
- Delivery of a highly sustainable development which will minimise carbon emissions, enhance connectivity and deliver public transport improvements in excess of policy standards.

5.82 I now turn to a consideration of whether each of the above factors amounts to VSCs for the purposes of this appeal, and if so, the weight I attribute to each factor. I then return to the question of whether, individually or collectively, the VSCs outweighs the harm to the Green Belt and other identified harm.

Housing related benefits

- 5.83** It is accepted that Hertsmere Borough Council are currently only able to demonstrate a maximum of a 2.25 year housing land supply and the Housing Delivery Test score is 88% requiring an Action Plan to outline housing delivery improvements.
- 5.84** There is also a significant shortfall of affordable housing. At paragraph 111 of the Bushey Lane Appeal Decision Inspector Gilbert (CD5.23) commented as follows:
- "For affordable housing, the picture is no less bleak. The South West Hertfordshire Strategic 2016 (SHMA) identifies an annual need for 434 net affordable dwellings between 2013 and 2036, while the South West Hertfordshire Local Housing Need Assessment 2020 (LHNA) refers to an annual need for 503 affordable dwellings between 2020 and 2036. Data from the Department for Levelling Up, Housing and Communities shows that at 31 March 2022, 799 households were on the Housing Register. It is agreed that in the Affordable Housing SOCG (3 May 2023) that from 2013/14 onwards, net affordable housing completions have averaged 54 per year compared to the SHMA need for 434 net affordable dwellings. This results in an average annual shortfall of 380 affordable homes. Affordable housing forms just 14% of housing completions, against CS Policy CS4's target of 35%."*
- 5.85** In the Harris Lane Appeal Decision (CD5.18), Inspector Woodward gave significant weight to the contribution the scheme would make to boosting the Borough's overall housing land supply (paragraph 45) and significant weight to the provision of affordable housing (paragraph 46).
- 5.86** In the Little Bushey Lane Appeal Decision, Inspector Gilbert gave the provision of market housing very substantial weight (paragraph 110) and the provision of affordable housing very substantial weight.
- 5.87** In my view, the difference between weighting given in the two decisions relates to the quantum of housing being delivered, 37 dwellings, 40% affordable at Harris Lane and 310 dwellings, 40% affordable at Little Bushey Lane. Here, 195 dwellings are proposed, 45% of which would be affordable. In the circumstances I give substantial weight to the provision of market housing and substantial weight to the provision of affordable housing.

Land for School Expansion

- 5.88** The proposed development includes the provision of 0.7ha of safeguarded land for Newberries Primary School but the proposal does not provide for the building of or any contribution to enhancement of the educational facilities which would be required to cater for the proposed development. I understand that there is space on the existing site to enlarge the school to a two-form entry school although this would necessitate the loss of some of the playing fields or play areas. The provision of land for additional school playing fields might be useful if this school were to be a two form entry rather than single form entry school. However, there is no evidence of a current need for expansion to the school and the provision of additional playing fields in the meantime may require the need for extra and costly maintenance.
- 5.89** The provision of land appears to be in lieu of any financial contribution to the enhancement of education facilities to mitigate the impacts of the development. It is not clear that the provision of land does mitigate the impacts of the development (given that expansion is not currently necessary) or that it provides any benefit over and above mitigation.
- 5.90** In this regard, I refer to the letter dated 7th July 2023 from the Local Education Authority which states:
- “This site is also adjacent to Newberries Primary School and both are located within the Radlett primary school planning area. School places are allocated on basis of distance in the event of oversubscription, so it is therefore extremely likely that pupils living in this site would be able to access places at the school. This obligation is therefore directly related to the proposed development.*
- HCC has been in dialogue with the appellant and aim to secure service and pedestrian access to the school expansion site so the county council can service the land and pupils can access the site. If the appeal is allowed HCC will endeavour to work with the developer to secure this as any Reserved Matters are submitted to HBC for approval”.*
- 5.91** I consider that this proposed expansion of the school playing fields may result in limited benefit in the long term, but in the short term, and until the school needs to become a two-form entry school, it may also result in some harm by reason of

increased costs in terms of the maintenance of the school grounds unless the costs of this are also provided as part of a Section 106 Agreement.

- 5.92** In the absence of a clear explanation as to why the provision of this land is necessary and whether it in fact mitigates the impacts of this development it is difficult for me to give any more than limited weight to this as a benefit.

Delivery of new Medical Centre

- 5.93** The Parish Council considers that even if the need for a new Medical Centre was established in the future the proposed location at the Site is the wrong location for this facility. The Medical Centre should be located in the village centre in accordance with Policy RV2 of the RNP. The proposal to provide a new Medical Centre on the Site is therefore not supported and is considered to be harmful and not a benefit.

Radlett Plantation RIGS Enhancements

- 5.94** The Appellant states that the proposed development provides the opportunity to enhance the geological value of the Puddingstone within the adjacent Radlett Plantation RIGS as the landowner is the same. The Appellant argues that the proposed long-term management of the Puddingstone will enhance the geo-conservation value and that this benefit should be considered with moderate weight.
- 5.95** I agree with the views of the Borough Council that the only benefit would be for those who would study and inspect the site (i.e. geologists), but that these works would have no direct benefit to the public as the Puddingstone is important for its rarity, not its beauty or usefulness. Additionally, should these enhancements to the Puddingstone not take place, opportunities to study and inspect would be very similar, albeit with the Puddingstone potentially being more difficult to access should there be no removal of vegetation.
- 5.96** I consider that the inclusion of the enhancement to the geological value of the Puddingstone as a benefit of the proposed development is tenuous. Indeed, I would go so far as to question whether it is really a material consideration. To be so it would need to serve a planning purpose which is a purpose which relates to the character of the use of the site. (See *R (on the application of Wright (Respondent)) v Resilient Energy Severndale Ltd and Forest of Dean Forest Council* (2019) UKSC 53) (CD6.5). I cannot see that it does that. Further, it is not at all clear how this meets Regulation

122(2) of the Community Infrastructure Levy Regulations 2010. I therefore consider that this would have very limited, if any, weight in the planning balance.

Biodiversity

5.97 The Parish Council notes that the net increase in biodiversity is achieved primarily through off site measures to offset the harm caused to the biodiversity of the Site itself. A 10% uplift in biodiversity is already an expectation of new development and I consider that this should carry limited weight in the planning balance.

Economic and Social Benefits

5.98 The Statement of Case by the Appellant introduces a new component of the VSCs case, relating to economic benefits and social benefits of the proposed development. This includes additional employment during the construction phase, additional spending in the local area by new residents, the provision of local housing providing much needed labour force and the improvement of open spaces for leisure.

5.99 No evidence has yet been provided with regards to these economic benefits of the proposed development, including the temporary employment during construction or increase in spending in the local area. No evidence has been provided with regard to the lack of skilled or unskilled labour in the Borough and how the proposed development would address that need. The Parish Council does, however, accept that development for housing does bring about economic benefits, wherever it occurs, but this would occur wherever it takes place and in my view should only be attributed limited weight.

5.100 I would also point out that were the Medical Centre to move out of the village centre, the harm to the current vibrant High Street could be significant. At present people visit The Red House Surgery in the centre of the village and then use the local retail shops, especially the chemist, as well as the various places to eat and drink. If you take people away from the centre of the village to visit their GP, they are then less likely to use the facilities of Radlett Village Centre.

5.101 The proposed provision of new public open space would be a requirement of a development of this size in order to serve the new residents but is not a particular benefit to existing residents living in this area. There is no evidence that the local area is deficient in open space and the Phillimore Recreation Ground and Shenley Park

already provide two convenient and attractive recreational facilities. The residents also have good and easy access to the countryside by the many miles of public footpaths and bridleways, which allow leisure activity in the surrounding area.

5.102 I therefore attribute limited weight to these purported benefits overall.

Sustainability and Environmental Benefits

5.103 The Appellant states that these purported benefits include the construction of new buildings of a high energy efficiency, incorporating use of sustainable energy and the delivery of off-site enhancements to the pedestrian network and public transport for sustainable travel.

5.104 Following the declaration of a Climate Change Emergency in 2019 and the creation of an Interim Position Statement on Sustainability and Climate Change by the Borough Council it is now expected that all new development should be sustainable, with high energy efficiency and lower or no carbon development in any case. The updates to the Building Regulations which came into effect in June 2022 will also help secure an increase in energy efficiency and an improvement in the ventilation standards and overheating mitigation in new residential buildings will also procure these purported benefits as a matter of law. Likewise, the provision of electric charging points will also be required for all new developments.

5.105 I therefore attribute limited weight to this purported benefit.

Conclusions re VSCs

5.106 I have outlined above my views on the benefits of the scheme and whether these amount to VSCs.

5.107 In summary, I have identified the following harm to the Green Belt and other harm arising from the appeal proposals:

- The proposal is defined as 'inappropriate development' as it involves construction of new buildings in the Green Belt and is not covered by any of the

exceptions set out in Paragraphs 149 and 150 of the NPPF. I give this **substantial weight**.

- Harm to the openness of the Green Belt, which I give **substantial weight**.
- Harm to the purposes of Green Belt designation, in particular, causing encroachment into the countryside, checking the unrestricted sprawl of large built-up areas, narrowing the gap between Radlett and Shenley and between Radlett and Borehamwood (to a lesser degree). I consider that this should be given **substantial weight**.
- Harm to the character of the landscape and visual amenity of the site. I give this **significant weight**.
- Inappropriate scale, density and character of development in the area. I give this **significant weight**.
- Inappropriate location for new medical centre. I give this **significant weight**.

5.108 I have provided the following assessment of the VSCs suggested by the Appellant:

- Contribution to housing land supply. Given that there is a significant shortfall in housing supply overall of 2.25 years and a shortfall and affordable housing. I give both of these matters **substantial weight**.
- Land for the provision of new playing fields for Newberries Primary School. I give this **limited weight** in the long term only.
- Delivery of new Medical Centre. This would by reason of its appropriate location result in **harm**.
- Radlett Plantation RIGS Enhancements. **Very limited, if any, weight**.
- Enhancement of biodiversity. **Limited weight**.
- Economic and Social Benefits. **Limited weight**.
- Sustainability and Environmental Benefits. **Limited weight**.

5.109 I do not consider that the VSCs identified by the Appellant outweigh the substantial harm to the Green Belt, harm to the openness of the Green Belt, harm to the purposes of the Green Belt, harm to the landscape and visual amenity of the Site,

harm to the residential character of the area and harm in relation to the siting of the new medical centre.

6. Conclusions

- 6.1** Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise. NPPF Paragraph 11 states that plans and decisions should apply a presumption in favour of sustainable development. For decision-taking this means approving development proposals that accord with an up-to-date development plan without delay; or (d) where there are no relevant development plan policies, or policies which are most important for determining the application are out-of-date (due to for example a shortage in supply of housing land), granting permission unless the application of policies in the Framework that protect areas or assets of particular importance (including Green Belts) provide a clear reason for refusing the development proposal (NPPF Paragraph 11(d)(i)).
- 6.2** Substantial harm to Green Belt has been identified. In addition, there would be significant harm to the landscape, character and appearance of the area and harm in relation to the siting of a new medical centre.
- 6.3** The VSCs put forward by the Applicant have been assessed, but these do not in my opinion outweigh the substantial harm which has been identified. There is, therefore, a clear reason for refusal for the purposes of NPPF Paragraph 11(d)(i).
- 6.4** The Appeal should therefore be dismissed.