

# **Bushey Museum Property Trust**

## **Representation to Hertsmere Borough Council's**

### **Site Allocations and Development Management Policies Plan (SADM)**



Reveley Lodge, Elstree Road, Bushey

**September 2015**

# Site Allocations and Development Management Policies Plan (SADM)

## Publication Stage Representation Form

For office use  
only

Reference No:

Date received:

**Please use this form to make Representations**

**Please return to Hertsmere Borough Council by 5pm on Monday 14 September 2015**

**By post:** Policy and Transport Team, Planning and Building Control, Hertsmere Borough Council, Civic Offices, Elstree Way, Borehamwood, Herts, WD6 1WA.

**By email:** local.plan@hertsmere.gov.uk

This form has three parts:

**Part A** – Personal details (only needed once).

**Part B** – Your representation(s). Please complete a separate sheet (Part B) for **every** representation you wish to make, remembering to insert your or your organisation's name at the top of the page.

**Part C** – What information you want the Council to provide you with about future progress of SADM (only needed once).

**Please read the guidance notes at the end before completing this form. They explain the terms used and will help you make your representation(s).**

Part A	1. Personal details*	2. Agent details (if applicable)
Title	Mr	
First name	Granville	
Last name	Taylor	
Job title (where relevant)	Chairman	
Organisation (where relevant)	Bushey Museum Property Trust and 525 other supporting individuals (listed in separate attachment)	
Address	C/O Bushey Museum Rudolph Road Bushey	
Post Code	WD23 3HW	
Telephone number	0208 950 1017	
Email address	<a href="mailto:busmt@busheymuseum.org">busmt@busheymuseum.org</a> and granville.taylor@gmail.com	

\*If an agent is appointed, please enter the person and/or organisation being represented in column 1 and complete all contact details in column 2.

**Please note that all representations received will be made publicly available and cannot be treated as confidential. This means that the names of all those making representations will be publicly available. Other personal information relating to private individuals, including Contact details, will not however be made publicly available.**

**Part B**

Name or organisation:

**Bushey Museum Property Trust**

For office use only

Ref No:

support:

object:

change:

**IMPORTANT: Please use a separate Part B form for each representation****3. To which part of SADM ('the Plan') does this representation relate?**

Paragraph

Policy

**SADM 36**

Policies Map

Other part  
of Plan  
(specify)**Appendix G  
page 152****4. In relation to the part of the Plan you identified in 3, do you consider the Plan to be:**

Please tick which boxes apply

4(a) Legally Compliant      Yes ☐      No ☐      no comment to make ☒4(b) Compliant with the      Yes ☐      No ☐      no comment to make ☒  
Duty to Co-operate4(c) Sound      Yes ☐      No ☒      no comment to make ☐*If you have entered 'No' to 4(c), please continue to Q5. In all other circumstances, please go to Q6.***5. If you consider the Plan to be unsound is this because it is not:**5(a) Positively prepared ☐ Please tick which box(es) apply5(b) Justified ☒5(c) Effective ☐5(d) Consistent with national policy ☒**6. If you consider the Plan is not legally compliant or fails to comply with the Duty to Co-operate or, having regard to the criteria you ticked at 5 above relating to soundness is unsound, please give details of why. Please be as precise as possible.****If you wish to comment in support of the Plan's legal compliance, compliance with the Duty to Co-operate or soundness or wish to make any other comment, please also use this box.**

The area of land known as the Paddocks, Elstree Road, Bushey (Reference BH007 in the SADM 36, Appendix G Page 152) should not be designated a Local Green Space as it fails to meet the criteria set out the National Planning Policy Framework. The information, evidence and supporting information to justify the removal of the Paddocks from the list of sites designated as a Local Green Space is attached as Annex 1, 2 and 3. Annex 4 and a separate attachment gives details of supporters.

(continue on a separate sheet/expand box if necessary)

7. Please set out as precisely as possibly what change(s) you consider necessary to make the Plan

- legally compliant or
- sound (having regard to the criteria you ticked at 5 above relating to soundness).

You will need to say why this change will make the Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text.

The plan can be made sound by removing the area of land known as the Paddocks, Elstree Road, Bushey (Reference BH007 relating to SADM 36, Local Green Spaces, Appendix G Page 152) from the list of sites that are proposed to be designated as Local Green Spaces.

(continue on a separate sheet/expand box if necessary)

**Please note** your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested change, as there will not normally be a subsequent opportunity for further submissions based on the representation you are currently making. **After this current publication stage, further submissions will only be able to be made at the Inspector's request, based on the matters and issues he/she identifies for Examination.**

8. If you do not consider the Plan to be sound and the Council is prepared to make changes to the Plan which reflect your suggested change, would you be prepared to enter into a 'Statement of Common Ground' with this Council?

Yes ☒ No ☐

9. If your representation is seeking a modification/change to the Plan, do you consider it necessary to participate at the oral part of the Examination?

No, I do not wish to participate at the oral Examination

☐

Yes, I wish to participate at the oral Examination

☒

10. If you wish to participate at the oral part of the Examination, please outline why you consider this to be necessary:

The designation of the Paddock, Elstree Road, Bushey, as a Local Green Space severely constrains the use of the site, which will affect the assets and future income of the Bushey Museum Property Trust, the owner of the site. It is essential that the Trust takes all the opportunities available to it to protect its assets, including making oral representations, as required by Charity law.

(continue on a separate sheet/expand box if necessary)

**Please note:** the Inspector will determine the most appropriate procedure to hear those who have indicated that they wish to participate at the oral part of the Examination.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Part C

(Only needed once)

Name (Print): \_\_\_\_\_

☒

If you wish to be informed of the date of the submission of the Plan to the Secretary of State, please tick this box.

☒

If you wish to be informed of the recommendations of the Inspector appointed by the Secretary of State to carry out the independent Examination of the Plan, please tick this box.

☒

If you wish to be informed of the adoption of the Plan by Hertsmere Borough Council please tick this box.

☐

If you no longer wish to receive communications from the Council on SADM please tick this box.

**Bushey Museum Property Trust and 525 Individual supporters**  
**Information, Evidence and Supporting Information**

**Annex 1: Unsoundness**

**INTRODUCTION AND BACKGROUND**

1. This representation is on behalf of the Bushey Museum Property Trust (“the Trust”) in relation to Hertsmere Borough Council’s (“the Council”) proposal to designate land known as the Paddock, Elstree Road, Bushey Heath (“the land”) as a Local Green Space (“LGS”) under paragraphs 76 and 77 of the National Planning Policy Framework (“the NPPF”) in the emerging Site Allocations and Development Management Policies Plan (“SADM”). The representation is also on behalf of 525 residents and Friends of Bushey Museum who support the view of the Trust that the Paddock should not be designated a Local Green Space. Annex 4 gives details of how their support was elicited, and a separate attachment gives their names and addresses.
2. The land and adjacent Reveley Lodge (located across Elstree Road from the land) are owned and managed by the Trust. The Reveley Lodge estate was bequeathed to Bushey Museum by Mrs Eila Chewett in 2003. Her will states:

*“[6] I GIVE all my property both real and personal whatsoever and wheresoever subject to and after payment of my funeral and testamentary expenses and debts and the legacies given by Clause 4 hereof (‘my residuary estate’) to BUSHEY MUSEUM TRUST (Charity Registration Number 294261) absolutely for its general charitable purposes.”*

3. The Trust must raise funds by the sale of the land in order to restore Reveley Lodge, its outbuildings and the cottages in Elstree Road and to secure the long-term future of the house and garden. The sale of the land would therefore also enable the continuation of the charitable work of Bushey Museum and Reveley Lodge for the benefit of the local community and general public. Hundreds of schoolchildren enjoy educational events at Reveley Lodge every year and the two-acre garden of Reveley Lodge is open to the public, without charge, Monday to Friday all through the year and alternate Sundays in the summer. If the funds from the sale of the land are not secured it is likely that Reveley Lodge would have to close in the next few years. Likewise, if the land were designated as a LGS it would also raise the possibility that Reveley Lodge would have to close due to the consequential restrictions on the development of the land.



4. The proposal to designate the land as LGS was included in the SADM consultation draft as a result of the Green Spaces Study (2012), which identified spaces as LGS, Major Green Spaces, and Minor Amenity Land. The SADM states (at paragraph 5.31):

*“The NPPF makes specific reference to Local Green Space: this should apply to green areas of particular importance to the local community and would rule out new development on them other than in very special circumstances. The Green Spaces and Amenity Land Assessment, which recommends areas which could appropriately be defined as Local Green Spaces, was subject to public consultation before it was finalised to allow the community to make a case for any areas which might have special local significance. These spaces are shown on the Policies Map and listed in Appendix G.”*

5. Draft policy SADM 36 deals with development proposals on land designated as a LGS:

*“Policy SADM36 - Local Green Space*

*Development proposals, which would result in the loss of a Local Green Space defined on the Policies Map or would have a negative impact on the features that make it locally significant, will not be permitted unless exceptional circumstances can be demonstrated.*

*Where exceptional circumstances can be demonstrated, proposals will not be considered acceptable unless they:*

- (i) are ancillary to the use of the space or to any buildings on that land;*
- (ii) will enhance activities associated with the use of the space;*
- (iii) are appropriate in scale; and*
- (iv) will contribute positively to the setting and quality of the space.”*

6. The Council’s response to the Trust’s consultation response on the draft 2014 SADM is as follows:

*“NPPF says space should be demonstrably special to the local community. Strength of support for protecting it has been demonstrated in the number of responses to SADM. 67 reps in support received. This demonstrates it is special to the local community.*

*NPPF also says it should hold a particular local significance eg because of beauty, historical significance, recreational value, tranquillity or richness of wildlife. These are examples, not an exhaustive list. Responses received indicate why local people feel the area is of local significance:*

- Improves area’s visual amenity,*
- It was bequeathed with Reveley Lodge to community by Eila Chewett who requested that it not be built on – historical importance – for community to enjoy*
- The last remaining part of original Heath – part of local heritage of area,*

- *Only remaining green space in Bushey Heath*
- *Green space/oasis in increasingly built up area*
- *Adds to semi-rural feel,*
- *Attractive entrance to residential area, complements character of area.*
- *Green space which defines identity and character of area*
- *Designation will conserve and protect space,*
- *Protect precious green space for current and future generations*
- *Important for well-being*
- *Foxes bats and badgers*
- *Grazed by horses*
- *Painted by artists. Artist have used it*
- *School children have used it for education purposes*
- *Local wildlife, birds*
- *Trees, wild flowers.*
- *Petition of 1000 signatures to save site from development*
- *Only remaining space on north facing slope – views across to St Albans*
- *Traffic congestion – don't build on it*

*Spaces do not have to be open to the public to have value. Far from undermining its value, its location on a busy main road provides some valuable relief from the busyness and the built up nature of the area.*

*Context: score acknowledges its local value in terms both of its contribution to the current character of the area, and also its historical significance. Not accessible but significant visually, and there are no other open spaces in the immediate area, certainly not that are visible from the public area. Other privately owned sites have been given Local Open Space designation.*

*Structural and landscape benefits: Site is significant in the local landscape. Creates a break in built up area, separating housing in Caldecote Gardens from Elstree Road, and Immanuel College from the start of the residential development on Elstree Road to the west - all of differing character and the open space helps both to separate these areas and define their character.*

*Forms a welcome open area on an otherwise built frontage to Elstree Road. Retention of the open area is important for protecting the character of the area.*

*Ecological benefits: Comments received from local residents include reference to local wildlife, birds, trees, wild flowers, foxes, bats and badgers. The Ecological study concludes that the hedgerows around the site have value as ecological corridors which is especially beneficial for bats, and offer some potential foraging and nesting opportunities for birds, reptiles, amphibians, invertebrates and small mammals. The mature oak tree in the north east corner of the site provides nesting and foraging opportunities for a number of bird species such as great spotted woodpecker, and habitat for a wide range of invertebrates. It is also classified as category 1\* for bats.*

*There are a number of TPOs on the site.*



*This is scored 1 (not 2) – appropriate given the ecological value.*

*Cultural and heritage benefits: Many respondents to the SADM consultation cited the historical significance of the field - the remaining piece of the original Heath, its links with Eila Chewett, and its use in the past by local artists.*

*Directly opposite Reveley Lodge and therefore does contribute to the setting of this listed building. Is also linked historically and in the minds of local people with Reveley Lodge.*

*The listed Immanuel College is close to the site's eastern boundary, and locally listed cottages on Elstree Road to the west. Failure to protect the site would lead to irrevocable change in character of this part of Bushey Heath.*

*Responses to planning applications and SADM have shown the site to be demonstrably special to the local community and holding particular significance. Re-visiting the assessment undertaken under the Green Spaces Study has confirmed the scoring attributed to the site when the original study, which was subject to public consultation, was undertaken."*

7. Annex 2 provides more detailed comments on the points raised by the Council and residents. Annex 3 gives our comments on the Green Spaces Study that resulted in the assessment of the land as a Local Green Space.

## **COMPLIANCE WITH NATIONAL PLANNING POLICY FRAMEWORK**

8. The courts have not yet considered the issue of designation of a site as a LGS, so the starting point is the text of the NPPF itself (subject to the principle established by *Tesco v Dundee City Council* 2012 UKSC 13 that the courts may inquire into whether policies have been read objectively in their proper context by decision-makers). Paragraphs 76 and 77 say:

*"76. Local communities through local and neighbourhood plans should be able to identify for special protection green areas of particular importance to them. By designating land as Local Green Space local communities will be able to rule out new development other than in very special circumstances. Identifying land as Local Green Space should therefore be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services. Local Green Spaces should only be designated when a plan is prepared or reviewed, and be capable of enduring beyond the end of the plan period.*

*77. The Local Green Space designation will not be appropriate for most green areas or open space. The designation should only be used:*

- *where the green space is in reasonably close proximity to the community it serves;*
- *where the green area is demonstrably special to a local community*

*and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and*

- *where the green area concerned is local in character and is not an extensive tract of land."*

9. Paragraph 78 of the NPPF is also relevant. It reads:

*"Local policy for managing development within a Local Green Space should be consistent with policy for Green Belts."*

### Effect of Designation

10. It can be seen from the paragraphs of the NPPF quoted above that despite the informality of the designation process, the effect of a site's designation as LGS is significant. Essentially, the same restriction on development in the Green Belt applies (paragraph 78 of the NPPF and paragraph 020 of the PPG, chapter 37 (all references to the PPG hereinafter refer to paragraphs within chapter 37)). Thus, even if development is necessary and sustainable, it may still only take place within an area designated as LGS when very special circumstances apply. Please note that draft policy SADM 36 uses a higher standard of "exceptional circumstances", which is inappropriate: "very special circumstances" is the language used in the NPPF.

11. What would constitute very special circumstances is not defined in the NPPF, but it can be assumed from the informality of the designation process and the absence of a list such as that set out in paragraph 89 of the NPPF (in relation to development in the Green Belt) that this is to be a matter entirely for the discretion of the local planning authority. Designation of an area as LGS thus imputes great uncertainty as to how, and whether, development will be permitted to proceed in an area.

### Status of LGS During the Development Plan Process

12. Perhaps because the effect of designating an area as LGS has such a drastic effect after such an informal process, the designation of an area as LGS is subservient to the requirement that a development plan must meet the identified needs of the area for homes, jobs and other essential infrastructure (paragraph 76 of the NPPF). This is reemphasised in paragraph 007 of the PPG (reference ID: 37-007-20140306), which states:

*"Designating any Local Green Space will need to be consistent with local planning for sustainable development in the area. In particular, plans must identify sufficient land in suitable locations to meet identified development needs and the Local Green Space designation should not be used in a way that undermines this aim of plan making."* (emphasis added)

13. Thus, any argument that granting planning permission for development that would serve to meet the identified development needs of an area would prejudice an LGS application is wrong in law. The same is true of an allocation in a development plan. Policy must be taken to mean what it says, and national policy, supported by national guidance, says that the decision-maker must first ensure the development plan document meets the identified needs of the area. Once this task is completed and only then does the issue of whether land would be suitable for designation as an LGS fall to be considered.
14. Therefore any development plan that prioritises the designation of land as LGS over ensuring that it is capable of meeting the identified development needs of an area would be unsound.

*Suitability of the Land as LGS: "Extensive Tract of Land"*

15. There is debate as to what constitutes "an extensive tract of land" (by paragraph 77 of the NPPF). Size in terms of hectares is not a helpful benchmark on its own, as this is not a reference point specified in the NPPF or the PPG. The PPG provides examples consisting of small, locally distinct areas which can be easily identified on the ground (and not by reference to boundaries on a map):

*"Whether to designate land is a matter for local discretion. For example, green areas could include land where sports pavilions, boating lakes or structures such as war memorials are located, allotments, or urban spaces that provide a tranquil oasis."* (paragraph 013, reference ID: 37-013-20140306)

...

*"There are no hard and fast rules about how big a Local Green Space can be because places are different and a degree of judgment will inevitably be needed. However, paragraph 77 of the National Planning Policy Framework is clear that Local Green Space designation should only be used where the green area concerned is not an extensive tract of land. Consequently blanket designation of open countryside adjacent to settlements will not be appropriate. In particular, designation should not be proposed as a 'back door' way to try to achieve what would amount to a new area of Green Belt by another name."* (paragraph 15, reference ID: 37-015-20140306)

16. Further on, paragraph 017 of the PPG refers to green areas that are valued because of their wildlife, historic significance and/or beauty. Designation as a LGS is clearly intended to cover vital pieces of green space in urban areas that perform an important community function, rather than mere tracts of land.

*Suitability of the Land as LGS: Proximity to the Community; is Demonstrably Special and Holds a Particular Local Significance*

17. Firstly, it is not in dispute that the land is in reasonably close proximity to the community. However, whether the Paddock is demonstrably special and holds a particular local significance are both issues in dispute.
18. The NPPF requires that the evidence demonstrates that the land is special. The land is on a busy main road and cannot be considered tranquil. Moreover, it is private land and not accessible to the public, which affects how useful it can be to the local community. The Trust has made the reasonable point that the land would serve the community better if it were built on, as this would provide both much needed housing and much needed funds for Reveley Lodge and garden and the Bushey Museum. Bushey Museum itself serves the local community through its charitable work to provide education opportunities, tranquillity and richness of ecological and botanical life in Reveley Lodge's garden (notably a more attractive green space which is fully accessible to the community) and the preservation of Bushey and Bushey Heath's historic heritage.
19. The fact that a sizeable number of local residents oppose development on the land does not equate to evidence that it is demonstrably special. There must be something demonstrably special about the land itself. Further, in addition to the requirement that the evidence demonstrates that the land is special, it must also hold a particular local significance. As there is no public access to the site, the only means by which it could be demonstrably special and hold a particular local significance is by holding a particular landscape, ecological or historical importance.
20. As to the landscape importance of the land, it is no more and no less beautiful than other fields in the locality. It is not particular in landscape terms: it merely *"contributes to the streetscene, adding to the spacious, suburban character of the area"* (Inspector Thorby, 2012 appeal decision, paragraph 4). This is insufficient to qualify the land as holding a particular local significance in landscape terms. There is no reason to believe that appropriate landscaping in conjunction with development of the site could not enable the site to continue to contribute to the streetscene and suburban character of the area.
21. Further, the land has no particular ecological significance. There appears to be some argument that the land is the last remaining part of the original heath land in Bushey. This is not the case. "Heathland" is an environmentally defined concept and the facts simply do not support the argument. The land is situated entirely on bedrock classified as London Clay, and accordingly cannot be considered to be heathland.
22. Nor does it serve as an ecological corridor as there is a busy main road on one side, a through-road on another side, and residential properties on the remaining two sides. The study carried out by Ethos Environment Planning to accompany a previous planning application on the site found that the land was poor semi-improved grassland surrounded by a mixture of dense and scattered scrub which have medium-low botanical diversity (report, page 26). The environmental consultants concluded that all adverse effects on wildlife as a result of developing the site could be adequately mitigated and development could in fact take advantage of opportunities to enhance the ecological value of the site (pages 27-28). See <http://www6.hertsmere.gov.uk/online->

applications/files/BC27490943932F11A627EFA169173EAF/pdf/14\_1331\_FUL-  
ECOLOGICAL\_APPRAISAL-276535.pdf

23. Finally, the land is not associated with any historical event or personage (as opposed to Reveley Lodge). Bushey Museum can find no evidence of any painting made on or of the land, never mind one of any import.
24. It can be seen from the above that public support for a well-loved area of land is insufficient on its own for a site to be designated as LGS. The designation is intended to protect small and distinct spaces of green space within an urban area which are demonstrably special and of particular importance to the local community. It is not intended to be used as a means merely to prevent development from taking place on a particular site.

## CONCLUSION

25. In summary, firstly; the principle and extent of any LGS will have to be determined after providing for local development needs, secondly; the evidence does not demonstrate that the land is demonstrably special or of any particular local significance so as to warrant designation as LGS. It is therefore our contention that the land does not meet the criteria set out in the NPPF and should be removed from the SADM as a Local Green Space.

**Bushey Museum Property Trust and 525 Individual supporters**  
**Information, Evidence and Supporting Information**

**Annex 2: Commentary on points made by Hertsmere Borough Council and Residents**

**1. School children have used 'The Paddock' for educational purposes?**

- Reveley Lodge and its estate have been used for educational purposes after it came into the ownership of Bushey Museum Property Trust following the death of Mrs Eila Chewett in 2003. Since that time, two educational officers have been in charge of providing educational services (Marion Gee and Adele Taylor). To their knowledge, no school children have ever used 'The Paddock' for educational purposes. This is in contrast to the Reveley Lodge site, which is used regularly by hundreds of children each year, including the local school, Bushey Heath Primary School. There is no reason to use the Paddock as the courses on offer – 'Victorian Experience', 'Second World War', 'Plants and Seeds', and 'Meet Lucy Kemp Welch' use the facilities of the house and garden. It would also be a safety hazard for young children to cross the busy road.

**2. The Paddock is the last remaining part of the original heath land in Bushey?**

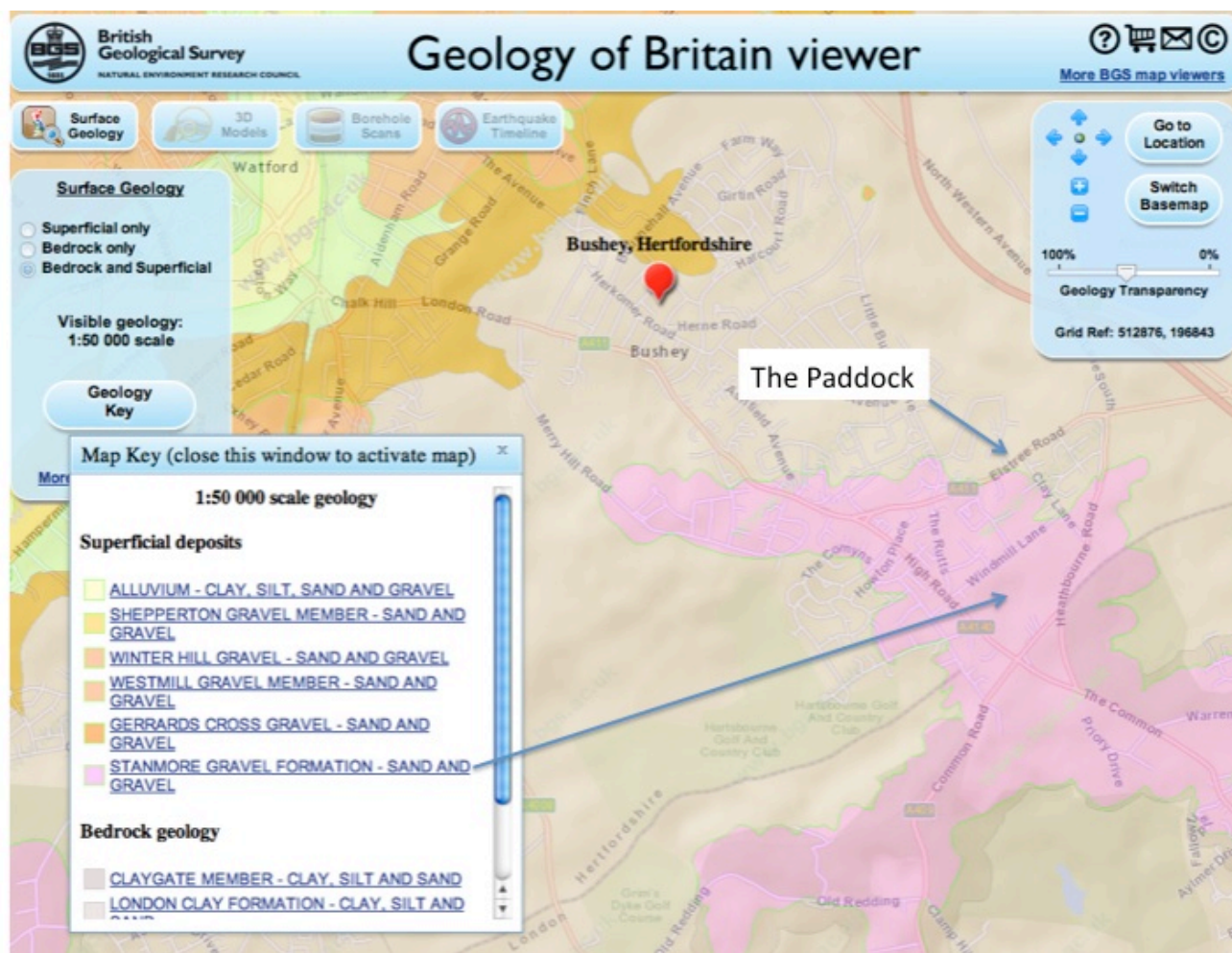
- 1166 AD: the field known as 'The Paddock' is situated within the boundaries of the Parish of Bushey and was part of the medieval field system.
- 1806 Bushey Enclosure Act: 'The Paddock' was part of a much larger field that was enclosed.
- 1840 The Tithe Awards: 'The Paddock' was part of a much larger field, used as meadow and owned by The Reverend George Isherwood.
- 1871: 1:2500 OS map, first edition – the land opposite Reveley Lodge is an enclosed field.

The terms '**heath**' and '**common**' land.

- The terms '**heath**' and '**common**' land are interchangeable and mean the same – where human activity has brought about a large tract of rough pasturage and undergrowth common to all those belonging to the Manor in the Medieval period.
- The 1806 Bushey Enclosure Act precipitated the enclosure of Bushey common, which today is known as Bushey Heath.
- Bushey common/heath is not true heathland in geological, ecological or botanical terms. By definition heathland is an ecosystem supporting vegetation developing on poor, usually acid, sandy or gravelly soils dominated by gorse and heathers or other narrow leaved plants.



- According to the British Geological Survey the Stanmore Gravels that define the extent of Bushey Heath and provide the environment for heathland to develop, peter out just to the southwest corner of Reveley Lodge. The Paddock is entirely on the underlying London Clay, which is of little ecological value and certainly does not support heathland species.
- So neither the historical records nor the science of heath lands support the assertion that the Paddock is part of the historic heath.



### 3. Was bequeathed to the community by Eila Chewett, requesting that it not be built on?

- Eila Chewett, the last owner of Reveley Lodge and 'The Paddock', bequeathed both to the **Bushey Museum Trust** in 2003.
- Her will, dated 17<sup>th</sup> October 2002, Clause 6, clearly states:

*'I GIVE all my property both real and personal whatsoever and wheresoever subject to and after payment of my funeral and testamentary expenses and debts and the legacies given by Clause 4 hereof ("my residuary estate") to BUSHEY MUSEUM TRUST (Charity Registration Number 294261) absolutely for its general charitable purposes.'*

- Mrs Chewett's will stated she wished the Paddock to be used for grazing horses 'when not required for use by the Trust'. She also wished 'that Reveley Lodge is not disposed of'. The Trust's action of using the Paddock to avoid the risk of having to dispose of Reveley Lodge is entirely consistent with her will. She did not state that the Paddock should not be built on.

#### 4. Only remaining green space in Bushey Heath?

- There are four nature reserves within 840 metres of the Paddock, as the environment study by Ethos Environmental Planning makes clear.
- There are 3 major green spaces (SADM35) in Bushey Heath – *The Colne Valley Reservoirs, the allotment gardens in Windmill Lane and Bushey Heath Primary School in The Rutts.*
- Mary Forsdyke Gardens and Warren Lake, designated a local green space (SADM36), is a Park, situated in the High Road, opposite St Peter's Church, Bushey Heath
- A large open space located in Prowse Avenue, Bushey Heath and designated a local green space (SADM36).
- REVELEY LODGE two acre garden, Elstree Road, Bushey Heath, a local green space, open to the local community and general public free of charge, Monday to Friday 9am-4 pm and second and fourth Sunday each month in the summer, 11am-4 pm.

#### 5. Haven for wildlife, bats, foxes and badgers?

- The ecological survey found some evidence of bats in the large oak tree. However, the oak tree is protected by a Tree Preservation Order and therefore they would be unaffected by any development.
- Foxes are endemic in the area and are unaffected by human habitation.
- There is no evidence of badger activity in the environmental report. Badgers prefer sandy soil that is easy to dig for their setts, and drains well. The Paddock is on London Clay, which is wet, sticky and difficult to tunnel.
- Evidence of wildlife has been found in the hedgerow next to Elstree Road, but again this can be protected within existing planning guidance.

#### 6. Painted by artists who have used it?

- The art curator at Bushey Museum, John Gerry, has checked on Adlib, the fine art information retrieval system used at the Museum, whether there are any records of pictures painted on or of the field. None could be found. Consultation with other local experts with a good knowledge of the collection failed to find anyone with a recollection of such a painting. He comments on the possibility of a painting *'It is highly unlikely anyway because the view of the house (North front) from The Field is pretty boring, because The Field is well below the level of the road and the house, so all you can see is very high walls and hedges and the roof. Of the garden nothing can be seen at all from The Field. As to pictures which look the other way, there are many but all done in, or from, the garden and revealing only the South front of the house.'*



## 7. Provides setting for Reveley Lodge?

- As the land is in private ownership, the only view of Reveley Lodge is from the two roads bordering the land – Elstree Road and Caldecote Gardens. The view from Elstree Road does not include the Paddock, so it cannot be described as a setting. The best view, albeit obliquely, is from the corner of Elstree Road and Caldecote Gardens. Suitable planning restrictions would allow this view to be unaffected.



The view of Reveley Lodge from further down Caldecote Garden is very poor with only the roof being partially visible. It does not provide a setting for the house.



**Bushey Museum Property Trust and 525 Individual supporters**  
**Information, Evidence and Supporting Information**

**Annex 3: Commentary on Hertsmere Borough Council Green Space Study**

Hertsmere carried out a Green Space Study in 2012 and assessed all its spaces against a matrix of criteria. Against each criteria, the land or space was assessed as either '0' does not meet the requirements, '1' partly meets the requirements, or '2' fully meets the requirements. Different weightings were associated with each criteria, and the scorings for weighting times assessment summed to give a total score. A total score of 11 or greater was sufficient to designate the space as a Local Green Space. The study pre-dated the NPPF. Although Hertsmere have stated they have re-assessed the Paddock in light of the NPPF, it is to the same criteria as before and not to the specific items listed in the NPPF.

Hertsmere have scored the field as '1' – partly meets the requirements - against five criteria – Context, Structural and landscape benefits, Ecological benefits, Cultural and heritage benefits, and Amenity benefits and sense of place. Other criteria are scored as zero – does not meet the requirements. Our comments on the five criteria are given below. (Criteria definition and factors taken from Hertsmere document).

<b>Criteria</b>	<b>Context</b>
<b>Definition</b>	This relates to the value of the space locally. Is it easily accessible to all? Is it the only park/open space or play area in the neighbourhood? Does it form part of the historic environment?
<b>Factors</b>	Accessibility of site to users Quantity of provision in the surrounding area. Quality of the provision in the surrounding
<b>Comments</b>	The field is not accessible as it is fenced off private land. High quality parks and spaces are very close (there are 4 Local Nature Reserves within 840m and the garden of Reveley Lodge itself is directly opposite). The field is not part of the historic environment (as opposed to Reveley Lodge). It is not the last remaining part of historic heathland. Should be scored as zero.

<b>Criteria</b>	<b>Structural and landscape benefits</b>
<b>Definition</b>	The landscape framework of open spaces can contribute to the study of environmental quality. Well-located, high quality green spaces help to define the identity and character of an area, and separate it from areas nearby.
<b>Factors</b>	Buffer between roads and houses. Buffer/link between areas of a town. Focal point of town structure/layout. Green belt land. Edge of settlement forming local landscape
<b>Comments</b>	The field is, in effect, an empty plot completely surrounded by houses, part way along Elstree Road. It does not mark, link or separate any part of Bushey. Even the factor 'buffer between roads and houses'

	does not apply as the field separates only one house - on Caldecote Gardens - from Elstree Road. The factor, in our view, applies to a number of houses (not a single one) separated from a road by a green space. Should be scored as zero.
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Criteria	Ecological benefits
<b>Definition</b>	Green spaces support local biodiversity and some provide habitats for local wildlife and may exhibit some geological features. Some may help to alleviate the extremes of urban climates such as noise and water pollution.
<b>Factors</b>	Designations – e.g. SSSI's, LNR's. Diverse and rich habitats. Site includes rivers, ponds, lakes that encourage wildlife habitats. Local biodiversity studies
<b>Comments</b>	The field does not have any of the factors listed e.g. SSSI status, rich habitats, ponds etc, and has never been used for biodiversity studies. There appears to be no evidence that it has demonstrably more wildlife than the land at the rear of 2-44 Richfield Road (also a proposed Local Green Space but scored as zero). An ecological appraisal of the site by Ethos Environmental Planning (Sept 2014) shows the site to have no particular or significant ecological merit. Should be scored as zero. In contrast, the garden at Reveley Lodge has a pond and bee colony, and habitats for wildlife are actively managed.

Criteria	Cultural and heritage benefits
<b>Definition</b>	Some green spaces have a historical value and some provided a setting listed buildings (sic); also can be high profile symbols of towns and cities.
<b>Factors</b>	Historic buildings. Historic gardens. Symbol of the area. Conservation area. Monuments and/or memorials
<b>Comments</b>	The field (as opposed to Reveley Lodge) has no historical value, is not a symbol of the area and has no monument or memorial on it. It is not a setting for a listed building as the field is separated from Reveley Lodge by a busy road. It does not frame or enhance views of Reveley Lodge. Should be scored zero.

Criteria	Amenity benefits and sense of place
<b>Definition</b>	The network of green spaces can contribute to the visual amenity of an urban landscape and make them a more attractive place to live, work and play. They can be appreciated both visually and passively – not just through the active use of facilities provided.
<b>Factors</b>	Helps to create specific neighbourhood. Provides important landmark Clearly visible from most areas Softens urban texture
<b>Comments</b>	We accept that the field, in common with most other fields, is visually

	attractive. But it is not special or particular. It does not delineate a specific neighbourhood, it is not a landmark or very visible, but it does soften the urban texture. Therefore, we would accept a score of 1.
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### Summary and Conclusions

In our view, the scoring of the Paddock against Hertsmere's Value Assessment Criteria is incorrect for four criteria, and we have given reasons. The total score against Hertsmere's criteria should be therefore 4 (below the cut-off score which we understand to be 11). Consequently, we submit that 'The Paddocks' does not meet the threshold for designation as a Local Green Space even when tested against the Hertsmere criteria, as against the NPPF criteria, and it should be removed from the list.



**Bushey Museum Property Trust and 525 Individual supporters**  
**Information, Evidence and Supporting Information**

**Annex 4: Individual supporters**

This representation is made on behalf of Bushey Museum Property Trust, the owner of the Paddock, and a number of supporters – largely local residents and Friends of Bushey Museum. Hertsmere has requested that if like-minded individuals wish to make the same points, the responses should be condensed into a single submission with a list of the individuals' names and addresses. These are attached and a file of the individual signatures will accompany the hardcopy of this document. Support for the arguments set out in this document was gathered by sending out the letter below, with a summary of the main points, below, also being displayed at Reveley Lodge from 9<sup>th</sup> August 2015 onwards.

**Letter to Friends of Bushey Museum**

Dear Friend of Bushey Museum

As I'm sure you know, Reveley Lodge and its estate was bequeathed to Bushey Museum by its last owner, Mrs Eila Chewett, in 2003. About 6 years ago, Reveley's Trustees decided to sell the Paddock, the field opposite Reveley Lodge, to secure the future of Reveley Lodge. The sale would also provide sufficient monies to insulate Bushey Museum from any future cuts in part funding by Hertsmere. Currently, an application for planning permission by Cala Homes for development of the Paddock is going for appeal, Hertsmere having refused permission to Cala Homes on July 16<sup>th</sup> this year.

Separately, Hertsmere council are proposing to designate the Paddock a Local Green Space, and on Monday this proposal has gone for public consultation. Representations on the plan can now be made, which will be considered by an Inspector towards the end of the year. If the Paddock becomes a Local Green Space, effectively it becomes Green Belt land, with no building permitted at all. Its value will plummet from a few million pounds to virtually nothing. Neither the current planning permission, nor even one for a single chalet bungalow would be allowed.

We would like as many Friends as possible to support us in preventing this designation. You can do this in one of two ways:

1. Go to <https://www.hertsmere.gov.uk/Planning--Building-Control/Planning-Policy/Local-Plan/Site-Allocations-and-Development-Management-PoliciesDPD.aspx> and click on the Response form, which you should fill out and send in; or
2. Fill out the slip below, giving your name and address, supporting the removal of the Paddock from the list of designated Local Green Spaces, and sending it back to the Museum by post, or scan and return by e-mail.

The closing date for representations is 14<sup>th</sup> September 2015, but to give me time to add your representations to that of the Trust, please send your slips to me by **7th September at the latest**. Please feel free to copy this note to your friends.

## Bushey Museum Property Trust and Individual Supporters

I very much hope that you can support us in meeting the terms of Mrs Chewett's will that 'Reveley Lodge is not disposed of' and having the option to sell the Paddock is an essential part of achieving her wish. If you have any queries, please don't hesitate to contact Bushey Museum or me by phone or e-mail.

Granville Taylor

Chairman Bushey Museum Property Trust

Email: granville.taylor@googlemail .com

Telephone: 0208 950 1017



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To: Bushey Museum Property Trust, Bushey Museum, Rudolph Road, Bushey WD23 3HW  
or email: busmt@busheymuseum.org

I, (Name).....  
of

(Address).....  
.....  
....

wish to make a representation to Hertsmere Council's Site Allocations and Development Management Plan published on 31<sup>st</sup> July 2015 that 'The Paddocks' Elstree Road, Bushey (Reference BH007) is **not** designated a Local Green Space, and that my representation is in common with that of the Bushey Museum Property Trust.

Signed: .....

Date:.....

Information used to elicit support and on display at Reveley Lodge

## Can you help us save Reveley?

We need your support to prevent 'The Paddock' opposite Reveley Lodge from being designated 'A Local Green Space'.

The Paddock and Reveley Lodge are owned and managed by the Bushey Museum Property Trust who desperately need money to restore Reveley Lodge, its outbuildings and the cottages in the Elstree Road.

The sale of the Paddock would not only provide the funding needed for restoration work but also to continue the charitable work of Bushey Museum and Reveley Lodge for the benefit of the local community and general public.

If 'The Paddock' is designated as a 'Local Green Space' it would mean that there is the possibility that Reveley Lodge would have to close.

Government Planning Guidance states:

<http://planningguidance.planningportal.gov.uk>

The Local Green Space designation will not be appropriate for most green areas or open space. The designation should only be used:

- where the green space is in reasonably close proximity to the community it serves:
- where the green area is demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and
- where the green area concerned is local in character and is not an extensive tract of land.

**Arguments against proposal to designate 'The Paddock', Elstree Road, Bushey Heath as a Local Green Space.**

**Criteria 1: *where the green space is in reasonably close proximity to the community it serves.***

Does 'The Paddock' serve the community?

- The Paddock is private land and not open to the local community.
- It would serve the community better if built on, providing much needed housing required in the area.

It would also serve the community better, as the sale of the land would free up much needed funds for Reveley Lodge and garden and the Bushey Museum, serving the

local community through its charitable work to provide education opportunities, tranquillity and richness of ecological and botanical life in Reveley's garden and the preservation of Bushey and Bushey Heath's historic heritage. Arguments against proposal to designate 'The Paddock', Elstree Road, Bushey Heath as a Local Green Space.

**Criteria 2:** where the green area is demonstrably special to a local community and holds a particular local significance.

**The field known as 'The Paddock' has a particular local significance?**

**NOT TRUE**

- The field is no more and no less beautiful than other fields in the locality – not particular in any way.
- The field is on a busy main road and is certainly not tranquil – not particular in any way.
- The land has no significance as an ecological corridor as the land has a busy main road on one side, a through road on another, and residential properties on the remaining two sides – not particular in any way.
- The site is surrounded by urban development and experiences the same level of wildlife activity as the private gardens in the area, such as visits from foxes and common garden birds – not particular in richness of wildlife.
- The ecological appraisal of the Paddock by Ethos Environment Planning, shows clearly that the land is not host to any particular set of wildlife creatures or endangered species – not particular in richness of wildlife.
- Nothing has happened on the field or been associated with any historical event or personage – no historical significance in any way (as opposed to Reveley Lodge)
- **We therefore contend that the field can neither be demonstrated to be special nor to have a particular local significance.**

**Designation will conserve and protect space?**

**NOT TRUE**

- Designation does not have the authority to instruct or provide funding for conservation and protection of field. Instead the land will continue to revert to scrubland and dense undergrowth.

**Green space which defines identity and character of area?**

**NOT TRUE**

- The field is private land and has never been accessible to the public, so has never had a special use.

**Important for well-being?**

**NOT TRUE**

- There is no public access to the field, therefore it has no recreational benefits.

**School children have used 'The Paddock' for educational purposes?**

**NOT TRUE**

- No school children have ever used 'The Paddock' for educational purposes. As opposed to the Reveley Lodge site which is used regularly by hundreds of children each year, including the local school, Bushey Heath Primary School.

**Criteria 3: where the green area concerned is local in character and is not an extensive tract of land.**

**The Paddock is the last remaining part of the original heath land in Bushey?**

**NOT TRUE**

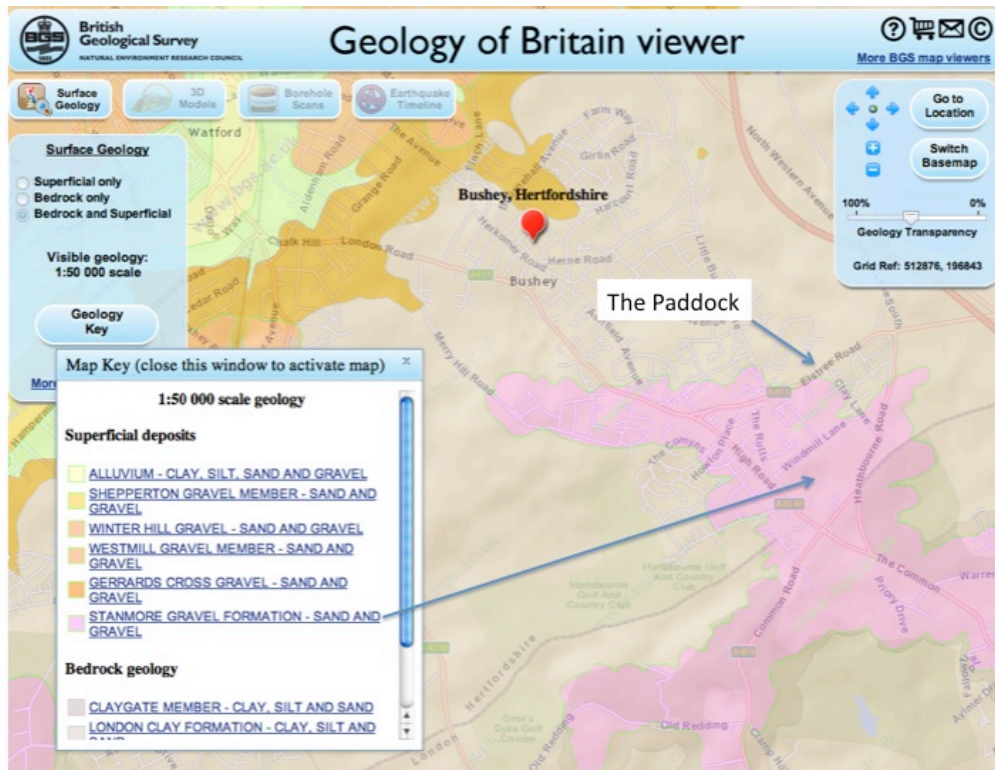
- 1166 AD: the field known as 'The Paddock' is situated within the boundaries of the Parish of Bushey and was part of the medieval field system.
- 1806 Bushey Enclosure Act: 'The Paddock' was part of a much larger field which was enclosed.
- 1840 The Tithe Awards: 'The Paddock' was part of a much larger field, used as meadow and owned by The Reverend George Isherwood.
- 1871: 1:2500 OS map, first edition – the land opposite Reveley Lodge is an enclosed field.

The terms '**heath**' and '**common**' land.

- The terms '**heath**' and '**common**' land have sometimes been used inaccurately to mean the same – where human activity has brought about a large tract of rough pasturage and undergrowth common to all those belonging to the Manor in the Medieval period.
- The 1806 Bushey Enclosure Act precipitated the enclosure of Bushey common which today is known as Bushey Heath.
- Bushey common/heath is not true heathland in geological, ecological or botanical terms. By definition heathland is an ecosystem supporting vegetation developing on poor, usually acid, sandy or gravelly soils dominated by gorse and heathers or other narrow leaved plants.
- According to the British Geological Survey the Stanmore Gravels that define the extent of Bushey Heath and provide the environment for heathland to develop,

peter out just to the southwest corner of Reveley Lodge. The Paddock is entirely on the underlying London Clay, which is of little ecological value and certainly does not support heathland species.

- **So neither the historical records nor the science of heath lands support the assertion that the Paddock is part of the historic heath.**



**Was bequeathed to the community by Elia Chewett, requesting that it not be built on?**

## NOT TRUE

- Elia Chewett, the last owner of Reveley Lodge and 'The Paddock', bequeathed both to the **Bushey Museum Trust** in 2003.
- Her will, dated 17<sup>th</sup> October 2002, Clause 6, clearly states:

*'I GIVE all my property both real and personal whatsoever and wheresoever subject to and after payment of my funeral and testamentary expenses and debts and the legacies given by Clause 4 hereof ("my residuary estate") to BUSHEY MUSEUM TRUST (Charity Registration Number 294261) absolutely for its general charitable purposes.'*

- There is no evidence to support the claim that Eila Chewett bequeathed the Paddock on the basis that no development would take place.



## Only remaining green space in Bushey Heath?

### NOT TRUE

- There are 3 major green spaces (SADM35) in Bushey Heath – *The Colne Valley Reservoirs, the allotment gardens in Windmill Lane and Bushey Heath Primary School in The Rutts.*
- Mary Forsdyke Gardens and Warren Lake, designated a local green space (SADM36), is a Park, situated in the High Road, opposite St Peter's Church, Bushey Heath
- A large open space located in Prowse Avenue, Bushey Heath and designated a local green space (SADM36).
- REVELEY LODGE two acre garden, Elstree Road, Bushey Heath, a local green space, open to the local community and general public free of charge, Monday to Friday 9am-4 pm and second and fourth Sunday each month in the summer, 11am-4 pm.

END OF DOCUMENT