



Blue Moon Paddock,  
Woodfield Lane,  
Essendon,  
Hertfordshire AL9 6JJ

## Appeal Statement

On behalf of  
Mr James Westrope

## **CONTENTS:-**

- 1.0 Introduction**
- 2.0 Site & Surrounding Area**
- 3.0 Planning History & Background**
- 4.0 Application Process & Appeal Proposals**
- 5.0 Policy Context**
  - i) National Planning Policy Framework**
  - ii) Development Plan**
- 6.0 Issues**
- 7.0 Conclusion**

## **List of Appendices:-**

- NB1:- Comparative Footprint Plan
- NB2:- Indicative Revised Layout of Dwelling
- NB3:- Bill Greensmith Architect's 7 projects
- NB4:- Alternative Visual Comparison
- NB5:- Sustainability Audit Report by Ana Petrovska
- NB6:- Sustainability Integration Overview Diagram
- NB7:- Proposed Roof Plan/Solar Panels (Drg No P/604)
- NB8:- Cycling Accessibility Maps
- NB9:- Woodland Management Plan by Cantia Arboricultural Services
- NB10:- Revised Tree Planting Proposals Plan (June 2017)

## **1.0 Introduction**

- 1.1 This appeal statement is submitted in support of revised proposals for the erection of a single family dwelling (including annex for the appellant's parents), together with associated tree planting and landscaping, as part of a Centenary woods project in association with the Woodland Trust at Blue Moon Paddock, Woodfield Land, Essendon.
- 1.2 It is submitted on behalf of the owner of the land, Mr James Westrope, who wishes to undertake this development proposal as a self-build project to provide his permanent family home, alongside the long term stewardship of its associated woodland which is proposed to be delivered through a Woodland Management Plan (WMP).
- 1.3 This WMP document has been agreed with the Local Planning Authority (post refusal), and should this appeal succeed, would be implemented by means of a planning obligation under Section 106 of the Act.

## **2.0 Site & Surrounding Area**

- 2.1 The appeal site comprises a former paddock and stables accessed via an existing track/driveway, located directly off Woodfield Lane which forms the southern boundary of the site.
- 2.2 There are two existing structures on the land (a dilapidated barn and stables) which are located within the north east corner of the site, whilst the southern and western sections of the site are mostly wooded. There are pockets of scarred and damaged land interspersed throughout.
- 2.3 There are a group of existing buildings and family home associated with Chestnut Farm located immediately to the east of the site and 'The Ridings', a 4 bedroom detached family home, lies adjacent on the road frontage. It is also noted that there have recently been two major developments undertaken nearby at 'Land at Hornbeam Lane, (Spike Island), Brookmans Park, AL9 6JF, involving redevelopment of the Manor House and stud farm/stables, including the block paving of a previously unmade track which extends some 150 metres or so. These developments are prominent in views from Woodfield Lane and Cucumber Lane.
- 2.4 The overall area of the appeal site is 1.33 hectares. There is no public access or rights of way across the land.
- 2.5 The appeal site is positioned reasonably close to a number of nearby village settlements and towns, as follows:- Essendon:- less than 2 miles north; Welham Green:- approximately 2.3 miles west; Brookmans Park:- approximately 2.4 miles south west; Potters Bar:- approximately 3.3 miles south and Hatfield:- approximately 4.4 miles north west; the latter four all benefitting from mainline railway stations with direct links to central London.

### **3.0 Planning History & Background**

3.1 Excluding the appeal proposals themselves and the appellant's associated earlier withdrawn scheme, an online search revealed just one previous planning history record, as below:-

- Planning Application Ref:- S6/1990/0063/FP:- Erection of a block of four loose boxes and one tack room; granted on 2<sup>nd</sup> March 1990.

3.2 The site has however now been vacant for a number of years. Prior to its previous private stables use, it is understood that the site was formerly part of Chestnut Farm which was split into two parcels in the mid 1950s.

3.3 The appeal site had previously formed part of a special area of traditional English woodland, the quality and condition of which has deteriorated over the years due to neglect and lack of management.

### **4.0 Application Process & Appeal Proposals**

4.1 The application, subject of this appeal, was submitted on 16<sup>th</sup> August 2016 and subsequently registered as valid on 30<sup>th</sup> August 2016 under Local Authority reference 6/2016/1677/MAJ. It followed a formal pre-application process with the Council and withdrawal of an earlier proposal (planning application S6/2015/0524/FP) in February 2016 in accordance with advice of the Case Officer.

4.2 The appeal proposals involve:-

*'Demolition of existing redundant structures and erection of single family dwelling house, together with associated tree planting scheme (part of Centenary Woods project sponsored by Woodland Trust); landscaping and car parking'*

4.3 They were advanced with careful reference and adherence to the Council's pre-application advice, with the objective of providing a very special and innovative design solution of exceptional quality. It should be noted that the description of development differed slightly from the withdrawn scheme as this had previously included a proposal to sow 7,000,000 poppy seeds with the British Legion to create a Poppy field, giving rise to fund raising opportunities for that organisation. This initiative received no support from the LPA so specific reference to it was subsequently omitted from the description. It is however an idea that the appellant would still wish to potentially pursue should his appeal succeed.

4.4 The appeal proposal is not a speculative development but will be occupied by the appellant as his family home, including accommodation for his parents, [REDACTED]



*comply with Saved Policy D1, D2 and RA10 of the adopted Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework 2012.*

4.7 This appeal is lodged against that decision.

## **5.0 Policy Context**

### **i) National Planning Policy Framework (NPPF)**

5.1 This document sets out the Government's planning policies for England adopted in March 2012. At the heart of the Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision taking. In respect of the latter, this means approving development proposals that accord with the development plan without delay. It stresses that Planning Authorities should approach decision making in a positive way to foster the delivery of sustainable development, and that they should look for solutions rather than problems.

5.2 Consistent with previous Government policy advice, one of its core planning principles is to encourage the effective use of land by reusing land that has been previously developed (brownfield land), such as that part of the appeal site where the existing structures are sited.

5.3 Section 6 of the Framework deals with '*Delivering a wide choice of high quality homes*', with emphasis upon significantly increasing the supply of housing as a national priority. As part of this objective, Local Planning Authorities must identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% to ensure choice and competition in the market for land. It is instructive to note that paragraph 49, inter-alia, states that:- '*Housing applications should be considered in the context of the presumption in favour of sustainable development.*'

5.4 Section 7 deals with 'Requiring Good Design'. The Framework stresses that good design is a key aspect of sustainable development and that this is indivisible from good planning. It states that design policies should avoid unnecessary prescription or detail and should concentrate on guiding the overall scale, density, massing, height, landscape, layout, materials and access of new development in relation to neighbouring buildings and the local area more generally.

5.5 Section 9 deals with 'Protecting Green Belt land'. It sets out the great importance that the Government attaches to Green Belts, the fundamental aim of which are to prevent urban sprawl by keeping land permanently open. It includes the five purposes for including land within the Green Belt as follows:-

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

- To prevent neighbouring towns merging into one another
- To assist in safeguarding the countryside from encroachment
- To preserve the setting and special character of historic towns; and
- To assist in urban regeneration, by encouraging the recycling of derelict and other urban land

An assessment of the role that the appeal site plays against these purposes is included at Section 6 (Issues) of this statement.

5.6 Paragraph 87 makes it clear that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in 'very special circumstances'. Furthermore, paragraph 88 goes on to explain that when considering planning applications, LPAs should ensure that substantial weight is given to any harm caused and that 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

5.7 Paragraph 89 sets out the exceptions to being considered as 'inappropriate development' including, inter-alia:-

*'limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development'.*

Commentary on 'very special circumstances' and the relevant exceptions criterion is also included at Section 6 of this statement.

## **ii) Development Plan**

5.8 The statutory development plan comprises the Saved Policies of the Welwyn Hatfield District Plan, adopted 2005. It should be noted however that the Council are currently preparing a new emerging Local Plan, which has recently been submitted to the Secretary of State prior to public examination hearings being arranged later this year. It is therefore at a reasonably advanced stage in the process.

5.9 The decision notice refers to eight saved policies from the 2005 adopted district plan, as follows:-

Policy SD1 (Sustainable Development)

Policy H1 (New Housing Development)

Policy H2 (Location of Windfall Residential Development)

Policy GBSP1 (Definition of the Green Belt)

Policy GBSP2 (Towns & Specified settlements)

Policy D1 (Quality of Design)

Policy D2 (Character and Context)

Policy RA10 (Landscape Regions and Character Areas)

- 5.10 This statement will demonstrate that the appeal proposals do not conflict with any of these policies. Other saved policies of note which support the appeal proposals include:- R1 (Maximising the Use of Previously Developed Land); D8 (Landscaping); R17 (Trees, Woodland & Hedgerows); and R3 (Energy Efficiency) and R4 (Renewable Energy Sources).

## 6.0 Issues

- 6.1 The Council's three reasons for refusal break down into three broad areas for consideration:- sustainability; impact upon the Green Belt; and landscape matters. The fundamental issue however relating to this appeal case is that of the overall planning balance and whether or not there are very special circumstances involved that outweigh any harm that may be caused to the Green Belt. Notwithstanding this balancing exercise, it is necessary to assess whether (given that there is no dispute that previously developed land is involved) the relevant NPPF exceptions criterion should be applied. If it can be applied, then no special circumstances are necessary, so this statement logically addresses this latter point first.

### Previously Developed Land Exception

- 6.2 The Officer's report deals with this issue at Section 1 (The principle of development within the Green Belt) under the sub-heading of 'Appropriateness' on page 4. It highlights the wording of paragraph 89 of the NPPF and states:- *'Whilst this exception is not reflected in the adopted Local Plan, it represents up to date Government policy and is therefore a material consideration that carries **substantial weight.**'* (Our emphasis in bold)
- 6.3 This section of the report goes onto assess whether the existing structures on the land can be considered to fall within the definition of previously developed land, concluding that they can, as follows:-

*'The Glossary to the Framework defines previously developed land as land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. The definition excludes, amongst other things, land that is or has been occupied by agricultural buildings. It is*



*accepted that, unless horses are used for agricultural purposes, the stabling of horses would not comprise an agricultural use.*

*In this case there is no evidence to suggest that the horses previously stabled on the site were used for agricultural purposes, therefore, **the existing structures are considered to fall within the definition of previously developed land for the purposes of the Framework.*** (Our emphasis in bold)

6.4 Having established this very important point of common ground between the parties, the decision maker must then consider the two conditions that need to be met for the exception to apply ie. the appeal proposals must not *'have a greater impact on the openness of the Green Belt and the purposes of including land within it than the existing development'*.

6.5 Turning to the latter test first and the role that the appeal site currently plays within the Green Belt, taking each of the five identified purposes in turn, the appellants comments as follows:-

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

The appeal proposals would not create a situation of sprawl; the site is not located adjacent to a large urban area but would form a discreet and visually contained development (even when viewed from the public highway) within a rural setting, located upon a footprint where derelict stable buildings are currently in-situ (ie. on previously developed land). As such, the appeal proposals would have no effect upon this purpose; there is no dispute with the LPA on this point.

**ii) To prevent neighbouring towns merging into one another**

The location of the appeal site, to the south of Essendon and north west of Brookmans Park, does not sit directly between two settlements where there would be any potential for neighbouring towns merging closer together as a result of the appeal proposals being implemented. As such, there would be no effect upon this purpose and again, there is no dispute with the LPA on this particular point.

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

The footprint of the proposed building is contained within the broad outline established by the existing buildings on the land; as shown in the comparative plan attached as Appendix NB1. It should be noted that the new building will not extend any further north; south; east or west than the extent of the furthest points on the existing elevations of the in-situ derelict structures. The resultant footprint of the new building at 240.4sqm equates to an overall site coverage of just 1.8% on that part of site which is agreed to be brownfield land in any event. There would therefore be no encroachment into the countryside involved. The Officer however does not agree on this point and considers that there would be an urbanising effect, which together with a much larger building, would lead to such encroachment. (Note:- a previous figure of 2.37% site coverage stated in the Planning; Design and Access Statement had been mistakenly carried over from an earlier larger scheme)

In considering this matter, it should be noted that the appellant has agreed to strictly limit the residential curtilage to that immediately around the proposed building; this was defined in liaison with the Planning Officer and at his specific request. It comprises an approximate area of 900sqm (equating to just 6.7% of the overall site area of 13320sqm/1.33ha). This garden area and its associated domestic activity would be functionally separate from the wider planning unit, which would involve the management of the woodland.

As referred to in the Officer's delegated report, the appellant is also willing to accept a planning condition withdrawing normal permitted development rights and as such the Council would have full control over any future proposals for any outbuildings or other structures. Furthermore, specifically in response to the Officer's concern about the lack of storage space, and particularly that required for the necessary equipment to manage the land and for bicycle storage provision, the appellant has included an indicative revised layout as part of the appeal documentation; see Appendix NB2.

This revised layout now incorporates such space within the main building itself, which can be controlled by means of a suitable planning condition requiring further details to be submitted; approved; and implemented accordingly. The appellant also proposes that the access road would be formed by bound gravel or possibly grasscrete or similar informal surfacing to provide a softer visual impact and rural aesthetic; this can also be controlled by a condition covering the external materials for the scheme to include all hardstanding areas. It is not the correct approach for the LPA to assess the proposals based on 'hypotheticals'.

**iv) To preserve the setting and special character of historic towns**

There are no historic towns within the setting of the appeal site and as such this purpose is not relevant to this assessment; the LPA agree.

**v) To assist in urban regeneration**

The appellant considers that there would be no material harm caused to the overall objective of encouraging urban regeneration through the decision maker permitting one single house in this location. Furthermore, there would be no material change to the pattern of development in this locality since there are existing structures in situ and there is no dispute that this constitutes previously developed land. The LPA contest this point suggesting that the appeal proposals would in some way undermine strategic planning.

6.6 For these reasons, the appellant concludes that the approval and implementation of the appeal proposals would have no adverse effect on any of the five identified purposes of including land within the Green Belt. In the appellant's opinion, this part of the exceptions test is therefore fully satisfied, whilst the LPA agree on three out of the five purposes not being effected.

6.7 Turning to the other test, it is necessary to consider how the appeal proposals would impact upon the site's 'openness', as being the essential characteristic of Green Belt

land. In considering how to judge this impact, the appellant is in agreement with the Officer's relevant comment in his delegated report which states, inter-alia, that:- *'...it is acknowledged that openness goes beyond physical presence and that the visual sense of openness is a **qualitative** judgement pertaining to the whole, including disposition of buildings, footprint, height, bulk, mass roofscape, landscape and topography.'* (Our emphasis in bold). Contradictory to this, however, the Officer then carries out a detailed 'planning by mathematics' exercise and whilst it can not be disputed that the appeal proposals would introduce more built development and physical presence than the current situation, the decision maker can not automatically conclude that there would be any resultant harm.

- 6.8 The appellant has taken great care with this issue and has sought to minimise visual impact by appropriately siting the proposed building within the broad footprint of the existing structures on the land and tightly defining the residential curtilage. A 'before' and 'after' comparative exercise was submitted with the application, which the appellant considers is instructive in the 'qualitative' judgement that is needed. The existing structures are both redundant and unsightly, and will be replaced with a new high quality eco building with an attractive rural aesthetic. The detailed aspects of the design and selection of materials will be dealt with subsequently, but in broad terms the appellant contends that the replacement building will blend seamlessly with its surroundings and represent a clear visual enhancement of the land rather than causing any harm to it. The sense of openness of the existing site would be preserved and not only that, but its landscape character would be significantly enhanced through the proposed woodland management plan. Additionally, whilst not a determining factor, it is relevant to highlight that there would only be very limited views of the new building available from the public highway and surrounding countryside.
- 6.9 A 'qualitative' judgement on 'openness' can therefore be a positive one, and in the appellant's view, both of the exceptions criteria can be considered to be satisfied. If the decision maker is in agreement, the appeal proposals can be deemed to be 'appropriate' and there is no need to go on to consider whether or not a 'very special circumstances' case exists. The next section of this report is therefore advanced on a 'without prejudice' basis in the event that weight is given to the Council's more 'quantitative', mathematical based argument on impact.
- 6.10 With either scenario, the Council's policy GBSP1 (Definition of the Green Belt), which is a strategically focused one relating to maintaining the District's Green Belt boundary as defined on the Proposals Map, would be overcome. Furthermore, given the emphasis on increasing housing supply in the NPPF and the Council's acceptance that the subject land has part brownfield status, there would be no conflict with policies H1 (New Housing Development) and H2 (Location of Windfall Residential Development) as stated in the decision notice, noting that these policies are now somewhat out of date and pre-date the NPPF in any event.

## A Very Special Case

- 6.11 With reference to the NPPF, the ‘test’ for special circumstances to exist requires that any harm which arises from the appeal proposals must be clearly outweighed by other considerations. The appellant’s assessment undertaken against ‘openness’ and ‘purposes of including land with the Green Belt’, indicates that the only possible harm caused to the Green Belt would be by definition in terms of ‘inappropriateness’ of the development. Moreover, this harm would only result if the exceptions criteria is not accepted and even if it is, it must be the case that it would at least be tempered by virtue of the site’s brownfield status. This very limited harm (ie. by policy definition only) must then be weighed against the benefits that would be delivered by the appeal proposals.
- 6.12 The three key benefits, which the appellant relies upon for this assessment, are set out below:-
- Exemplary high quality contemporary and innovative design
  - Integration of sustainability measures to ensure achievement of equivalent of Code for Sustainable Homes level 6, together with other benefits under all three dimensions of sustainable development (ie; environmental; economic & social)
  - Special tree planting scheme supported by the Woodland Trust (part of Centenary Woods project), together with associated woodland management plan to be delivered by a planning obligation

Each of these benefits are amplified in turn below:-

### The ‘Special’ Design

- 6.13 The appellant’s objective is to provide a high quality contemporary design which will be both extraordinary and very special, blending seamlessly within its enhanced woodland setting. The project architect, Bill Greensmith, conceives the project as *‘the renewal of a landscape and the buildings within it’* and describes an episodic sequence of transitional experiences as you move through the site. The building itself is described by the architect as *‘a barn vernacular pared down to a fundamental form’*, which composed of charred timber is made of the same materials of the landscape itself. Mr Greensmith has a successful track record of dealing with development projects in sensitive landscape settings and some examples from his back catalogue, as previously provided for the Local Planning Authority (LPA), are attached at Appendix NB3 for general background and interest only.
- 6.14 The Officer states in his report that:- *‘The principle of using materials that have green credentials and reflect the organic and wooded setting of the building is fully supported’* and in general discussions it had been accepted by the Officer that a high standard of architectural design had been introduced to the project. So much so, that

discussions between Magenta Planning and Senior Management Officers at the Council had explored whether the project architect could be tied into the implementation stages of the development; the appellant was in agreement with such a 'tie-in' proposition but ultimately this idea was not pursued further due to the Officer's resultant negative recommendation.

- 6.15 The Officer is critical of both the charred timber material and the polished stainless steel façade. The appellant is disappointed that these concerns were not raised by the LPA at an earlier stage since they can easily be addressed without changing the fundamental concept of the proposals. To this end, and without prejudice, the appellant has produced an alternative approach to the materials applied to the elevations. This has replaced the polished stainless steel façade with a feature 'green wall' adjacent to the pond area, and has replaced the charred timber with a natural timber that can weather in harmony with the surrounding woodland, as recommended by the Officer's report. This illustrative drawing, together with an amended visual comparison, is attached at Appendix NB4. In the event that the Inspector was minded to approve the proposals and preferred this alternative approach to the external materials, then it could be controlled by means of a suitable planning condition requiring submission of further details and samples of materials for approval prior to commencement of the development.
- 6.16 Notwithstanding this offer, the appellant finds the criticism of the stainless steel façade in terms of potential bird strike due to glint/glare to be remote and the concerns over corrosion to be entirely hypothetical, since this would depend on the precise specification and maintenance regime adopted. The concept is to introduce a dramatic and exciting feature element; the Officer however suggests that this type of material is more suited to an urban environment but accepts that this is a subjective argument. The appellant does not accept this argument and considers that this idea would work extremely well in this rural setting. However, incorporation of a 'green wall' as a dramatic feature elevation would work equally as well, and it could be argued, in line with the Officer's comments, that this approach would be more suited to the natural woodland setting.
- 6.17 Either approach is valid and will provide a unique design approach to the site responding organically to its woodland environment. With reference to paragraph 55 of the NPPF, the appellant contends that the design:-
- is truly outstanding and innovative, helping to raise standards more generally in rural areas;
  - reflects the highest standards in architecture;
  - will significantly enhance its immediate setting; and
  - be sensitive to the defining characteristics of the local area.

Moreover, the Council's relevant Local Plan policies D1 and D2, requiring a high quality of design and that developments relate to their context respectively are satisfied.

- 6.18 The Planning Officer refutes this, but his arguments are subjective and in many areas are of a hypothetical nature. The whole approach to the revised scheme responded to the Officer's pre-application advice to raise the bar of the design which the appellant's team duly did. The appellant therefore does not understand why, after over two years of discussions, the dialogue could not have continued to allow any outstanding concerns to be addressed. If there had been 'in-principle' issues involved, the appellant would have appealed at a much earlier stage. The appellant also remains confused why he was requested, very late in the process, to commission a reptile survey at significant further cost if the parties were ultimately not going to be able to reach agreement on the proposals.

### Sustainability

- 6.19 The sustainability and environmental credentials have been significantly enhanced as part of the revised proposals to achieve Code level 6 (increased from a minimum of Code 4 associated with the previously withdrawn application). This includes a whole range of measures that have been integrated with the revised pure timber design from the outset of this concept, acting as an exemplar of new building techniques and solutions.
- 6.20 Sustainability has been a fundamental part of the client's design brief from the outset and as a result, the building's performance in terms of overall carbon emissions will be considerably beyond the Council's normal policy requirements.
- 6.21 The sustainability report from EAL Consultants (submitted with the planning application) sets out the detailed information on how this will be achieved with reference to the various categories of the Code, such as Energy; Water; Materials; Surface Water run-off; Health and Wellbeing; Management; and Ecology. For ease of reference, the conclusion from their report is set out verbatim below:-

*'The design and sustainability measures incorporated in the proposed strategy are of an award winning standard. Welwyn and Hatfield Borough Council Energy and Sustainability Policies and appropriate measures have been incorporated at design level. After incorporating efficiency measures, air source heat pump system and photovoltaic system the development will achieve net zero carbon emission.*

- *Code for Sustainable Homes pre-assessment shows that the dwelling can meet Code level 6*
  - *A truly unique design of a high standard of architecture*
  - *The proposed fabric specification exceeds the requirements of Part L1A 2013 and is in line with the principles of the Energy Hierarchy'.*
- 6.22 Despite these conclusions however the LPA contends that the various sustainability features proposed have not been properly considered and that they lack detailed resolution. As a result of this criticism, the appellant has commissioned an audit by a

further independent sustainability consultant, Ana Petrovska OCDEA, NDEA, BREEAM Accredited Professional/Sustainability Champion, CIBSE Low Carbon Consultant and her report is attached at Appendix NB5. Ms Petrovska has provided further technical advice to the architect, with a focus on addressing the Local Authority's concerns and upon delivering a truly cyclical and innovative sustainability solution whereby the various features work synergistically. (ie. the PV panels provide power to the pump connecting to the rainwater attenuation basin to irrigate the green wall, which in turn provides bio-diversity and a solar filter to the interior of the dwelling).

6.23 In accordance with the advice received, further technical details and drawings have been developed by the architect, as attached at Appendices NB6 (Sustainability Integration Overview) and NB7 (Proposed Roof Plan/Solar Panels). Again, the control of such further details can be secured by a suitable 'prior commencement' planning condition requiring the submission and approval of the sustainability design features to be incorporated, together with their subsequent implementation. These benefits fall within the 'environmental' aspect of sustainable development as do the ecological benefits that flow from the WMP (discussed further below).

6.24 In terms of other the other two dimensions of sustainable development (ie. economic and social), the LPA have understated the benefits that would be delivered by the scheme. Namely;-

- Increased housing supply and choice, noting that in addition to the dwelling at the appeal site it would free up two other properties in Hertfordshire for family housing (ie. the appellant's existing house in nearby Potters Bar and his parent's house in Barnet). This would add to the quantity and quality of the district's housing stock consistent with the NPPF's objective to significantly increase housing supply.
- The ability for the appellant to provide accommodation and care on-site for his [REDACTED] mother [REDACTED]  
[REDACTED]
- Creation of temporary local construction jobs relating to the build out and business opportunities for local suppliers
- Availability of land for local schools' nature study projects (ie. Chancellor's School) thereby providing community access for educational and recreational purpose; this would be by informal arrangement between the appellant and the School, as supported by Grant Shapps MP

6.25 The appellant also contends that the alleged harm by the LPA relating to the location of the appeal site is very much overstated. There are a number of different sized settlements in relatively close proximity (ranging from the village of Essendon to the major town of Hatfield). Essendon is the closest settlement and whilst this is only a small village it supports a number of facilities including a petrol station/shop; village

hall; country club and public house/restaurant (Rose & Crown PH). The 2005 Local Plan defines Essendon as 'a rural village' with such settlements being described as having a 'degree of self-sufficiency to sustain their communities' (para 4.13; a). Hatfield, on the other hand, is one of the two largest population centres in the borough (the other being Welwyn Garden City) and has the whole range of shops and facilities available, including leisure and employment opportunities. It is connected to the capital via the A1(M) and direct trains to London King's Cross, Finsbury Park and Moorgate.

- 6.26 As noted earlier, the indicative revised layout (at Appendix NB2) now specifically accommodates cycle storage provision and many of the surrounding settlements are easily accessible by this mode of travel. Using the web based tool 'How Far Can I Travel' and taking the appeal site as the start point, the appellant has looked at four different scenarios, as attached at Appendix NB8, as follows:-

Diagram 1:- Cycle speed of 6.5mph for 20mins

Diagram 2:- Cycle speed of 8.5mph for 20mins

Diagram 3:- Cycle speed of 6.5mph for 30mins

Diagram 4:- Cycle speed of 8.5mph for 30mins

These diagrams show the extensive area (including the surrounding settlements to varying degrees) that can be covered within the criteria set. The speed and distance that people cycle obviously varies significantly but the above covers a realistic range noting that;-

*'In utility cycling there is a large variation;* [REDACTED]

[REDACTED] *For cyclists in Copenhagen the average cycling speed is 15.5Km/h (9.6 mph)';* (Source – Wikipedia/Bicycle Statistics, City of Copenhagen website)

- 6.27 The appellant does not therefore agree with the LPA that the location of appeal site is an unsustainable one. Rather, there are reasonably good prospects for sustainable modes of transport to be used, both for local destinations and those further afield given the site's relationship with nearby settlements that have railway stations, and ease of accessibility to those settlements. As such, there would be no material conflict with the Council's relevant policy (GBSP2:- Towns & Specified settlements). It should also be noted that the appeal site is connectable to all necessary local infrastructure and utilities (ie. water; electricity; drainage etc).
- 6.28 Furthermore, in weighing up the balance on sustainability issues, the innovative energy efficiency measures; the gains in bio-diversity; and other economic and social benefits relating to the appeal proposals should therefore be attributed significant weight, whereas any potential harm relating to the locational characteristics of the development is 'de minimis' in the appellant's view. As such, there would also be no conflict with the Council's saved policy SD1 (Sustainable Development).



## Woodland

- 6.29 The existing woodland at Blue Moon is clearly in poor condition and this will inevitably further deteriorate without proper management intervention and a plan to restore it. The appellant has established and maintained a close dialogue with the Woodland Trust throughout the planning process, and remains committed to plant 100 trees to commemorate one hundred years since the outbreak of the First World War as part of the Trust's Centenary Wood project (albeit a couple of years or so later than anticipated). A detailed landscaping proposal was therefore included as part of the proposals and subsequent to the refusal notice, a comprehensive WMP (by Cantia Arboricultural Services) has now been agreed with the LPA, as attached at Appendix NB9. A revised planting plan is also provided at NB10 which reflects the recommendations contained therein.
- 6.30 The agreed WMP sets out a series of detailed measures and work programme, within the framework of a management commitment for a minimum period of 20 years. It concludes, inter-alia, that;- *'The implementation of this woodland management plan will provide significant ecological benefits to the woodland by increasing its bio-diversity as well as resulting in enhancement of its visual amenities. It will facilitate the effective conservation; maintenance; and enhancement of this part of the designated Landscape Character Area as well as strengthening its wider setting'*.
- 6.31 This planting and management plan represents a unique opportunity in this specific location for restoring and managing the woodland back to its former glory. Its implementation would significantly enhance the natural aspect of the borough's countryside in terms of landscape; visual amenity and bio-diversity, allowing local wildlife to flourish. The new tree planting would also have a positive impact on the removal of carbon from the atmosphere thereby helping to deal with climate change.
- 6.32 In particular, it should be noted that the proposed woodland enhancement is consistent with the strategy and guidelines contained in the Council's Landscape Character Assessment ie. *'to conserve and strengthen'*. This includes the encouragement of woodland management to ensure age diversity, a species-rich ground flora and a variety of management types, such as high forest, coppice, coppice-with-standards and wood pasture; and to promote the planting of locally indigenous species. As such, given the appeal proposal's contribution to conservation and the maintenance and enhancement of the site's local landscape character, the criteria contained within Policy RA10 (Landscape Regions and Character Areas) is fully satisfied. The Council's third reason for refusal dealing with landscape matters can not therefore be justified.
- 6.33 Additionally, the appellant contends that the LPA has under estimated the value of the appellant having the ability to combine his residence at the appeal site with his commitments to managing the land. The implementation of the WMP will only become possible due to his 'day to day' presence at site and there is no realistic prospect for these benefits to be delivered otherwise, as they go 'hand in hand' with

the overall development project. In agreement with the LPA, the appellant wishes to deliver this benefit through a planning obligation and at the time of writing is awaiting a response from the Council's Solicitors (Trowers & Hamlins), who have been instructed by the Planning Officer at the appellant's formal request.

- 6.34 This issue should therefore also be given significant weight in the balancing assessment exercise that is required, under the environmental dimension of achieving sustainable development.
- 6.35 All of these factors, when combined, represent the special circumstances necessary to justify the development and weigh firmly in favour of the grant of planning permission, as balanced against the very limited harm that will be caused to the Green Belt (ie. harm by policy definition only).

#### Other Material Considerations

- 6.36 In addition, there are no issues of highways safety/car parking and there would be no adverse impact upon residential amenities of the occupiers at the adjacent farm/dwelling, as accepted by the Local Planning Authority. Furthermore, it is accepted that the standard of accommodation proposed meets all relevant policies and guidance.

### **7.0 Conclusion**

- 7.1 The appellant has demonstrated that an exceptional case can be made to justify the proposals based on the site's part status as previously developed land. Notwithstanding this, it is considered that the appeal proposals will cause only very limited harm (by definition of policy only) to the Green Belt and that the benefits that flow from them will considerably outweigh any such harm.
- 7.2 A special case has therefore been advanced on a 'without prejudice' basis on the following key planks:-
- the truly outstanding and innovative architectural design
  - the considerable sustainability and environmental credentials of the scheme, together with the other social and economic benefits that flow
  - the unique opportunity that exists to restore and manage this important piece of woodland back to its former glory, including the creation of a Centenary Wood project, through delivery of a WMP
- 7.3 All three strands of sustainable development will be satisfied by the proposals (ie. environmental; economic and social) and post refusal the appellant has done a significant amount of further work to address the concerns of the LPA. This additional work in support of this appeal, without changing the fundamental principles behind the proposals, has provided the detailed resolution that the LPA had previously

claimed was lacking, together with a potentially softer alternative approach to the visual aesthetic as guided by their report. All of these refinements to the scheme can be secured by means of appropriate planning conditions.

- 7.4 It is instructive that the Officer stresses the 'on balance' nature of the LPA's decision in his delegated report stating that *'the very special circumstances that are therefore required to justify the proposal **still** do not exist'*, clearly leaving the door open for further refinement and discussion.
- 7.5 In the appellant's opinion, the balancing assessment must now fall overwhelmingly in favour of granting planning permission and as such the Inspector is respectfully requested to allow this appeal.

