

5<sup>th</sup> February 2021

Mr Mark Peacock  
Planning Department  
Welwyn Hatfield Borough Council  
The Campus  
Welwyn Garden City  
AL8 6AE  
Electronic copy sent by email

**Re: 6/2020/3451/MAJ – Demolition of existing buildings and erection of 14 dwellings on land at Wells Farm Northaw Rd East, Cuffley. Representation on behalf of Northaw and Cuffley Parish Council.**

Dear Mr Peacock,

This objection has been prepared by AECOM and is submitted on behalf of Northaw and Cuffley Parish Council ('the Parish Council') in response to the proposed demolition of existing buildings and erection of 14 dwellings on land at Wells Farm Northaw Rd East, Cuffley (6/2020/3451/MAJ).

In preparing this representation we have reviewed all materials submitted by the applicant and considered all relevant documentation submitted for the purposes of the ongoing Welwyn Hatfield Borough Council (WHBC) Local Plan examination. We would also highlight that the Parish Council is in the process of preparing a Neighbourhood Plan and has undertaken an extensive programme of community engagement to date. The outputs of which are pertinent to the application in question.

Extracts of the evidence and engagement commissioned by the Parish Council, prepared for the purposes of the neighbourhood plan and in response to the emerging Local Plan, are appended to this letter of objection (where relevant). In particular, residents have highlighted the importance of the surrounding landscape and green gaps between Northaw, Goff's Oak and Cuffley.

The Parish Council have four principal grounds of objections which are set out in greater detail in this letter:

1. Harm to the Green Belt and failure to demonstrate very special circumstances
2. Landscape impact and erosion of an important green gap
3. Transport impacts and unsuitable remote rural location
4. Loss of employment land and commercial premises

## **1. Green Belt harm and failure to demonstrate very special circumstances**

### National Policy

The Planning Statement, in support of the application, states that very special circumstances do not need to be demonstrated as the proposal is not 'inappropriate development' in the Green Belt. It is claimed that the application qualifies as an exception under paragraph 145 clause (g) criterion 1 of the National Planning Policy Framework (NPPF) – our emphasis:

*'145. A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:*

*g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:*

*– not have a greater impact on the openness of the Green Belt than the existing development.*

*– not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.’*

The applicant then goes on to state that if the case officer disagrees that there is ‘no greater harm’ then the proposal should be considered against criterion 2:

*‘Even in the event that the Council felt unable to conclude that there was no greater impact upon openness, it must undoubtedly be the case that they would conclude that any harm arising would be well below the threshold of substantial and also that the development would contribute much needed family housing to the local marketplace. As such it would comply with criterion 2 of paragraph 145 part G.’*

The planning statement then argues that should the first two attempts to justify exceptions under paragraph 145 (g) fail, then a very special circumstances case exists in any case.

Taking each of the applicants main argument in turn we can demonstrate that the proposal should be treated as inappropriate development in the Green Belt for the purposes on considering its merits. As such it is required to demonstrate very special circumstances. However, it cannot demonstrate very special circumstances on the basis of the proposed development and supporting evidence.

- Firstly, the proposed site plan, elevations and design and access statement (DAS) evidence (beyond any reasonable doubt) that the proposals will have a greater impact (visually and volumetrically) on openness by virtue of the proposals and thus do not qualify under criterion 1 of paragraph 145 (g):
  - larger building footprint;
  - the replacement of single storey buildings with pitched roof two storey buildings;
  - more intensive use of the site and thus the degree of activity likely to be generated, such as traffic generation; and
  - higher visual prominence (e.g. painted white dwellings visible in long and local views)
- Secondly, Paragraph 145 uses the word ‘or’ between the two exception criterion, as such proposals must be able to meet one or other of the two qualifying criteria to be considered an exception. In this instance, the proposal cannot engage criterion 2 as it does not include any affordable housing element and therefore *cannot ‘contribute to meeting an identified affordable housing need within the area’*. The applicants argument regarding the threshold of ‘substantial’ harm under criterion 2 is therefore erroneously made and immaterial for the purposes of this application.
- Thirdly, the reasoning for very special circumstances does not meet the requirements of paragraph 144. It does not demonstrate that the harm to Green Belt or any other harm is *‘clearly outweighed by other considerations’*. For the following reasons:

Applicant’s ‘tenets of the VSC case’	Commentary
Early contribution towards pressing housing requirements	Case law has demonstrated time and again that housing needs alone do not equate to very special circumstances. WHBC are at examination now and upon adoption of the Local Plan a five year housing land supply and buffer will be established (in accordance with the NPPF and Housing Delivery Test provisions). Once the neighbourhood plan is made, applications in Cuffley will be judged against a 3 year housing land supply (as per the PPG - Paragraph: 083 Reference ID: 41-083-20190509).
Positive contribution to Local Plan and other Council objectives to direct development towards accessible brownfield sites	The NPPF (Appendix 2 Glossary) defines previously developed land as (our <i>emphasis</i> ): <i>‘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</i>

	<p><i>developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings...</i></p> <p>It cannot be proven that the whole site is no longer in agricultural use. Only four of the six units have changed from agricultural to commercial uses through previous planning approvals. However, two remaining units have not lawfully changed from agricultural use. In addition change of use permissions do not extend beyond the four above mentioned units to the wider site. Further, the seventh building (A) was fire damaged with the lower walls remaining. Therefore the 'whole site' cannot be classified as Previously Developed Land for the purposes of this application. Parcels of development shown in the site plan would infringe on elements of the adjacent paddock/field.</p>
<p>Opportunity to deliver public benefits by works to improve accessibility and the development will provide improvements to highway safety</p>	<p>Moving the 30mph speed limit sign further west and widening one footpath does not result in any meaningful improvements. Both could be delivered in the absence of this development and the Parish Council is in the process of identifying similarly small-scale improvements to improve safety through the neighbourhood plan. The fact remains this is an unsuitable location detached from Cuffley with poor provision to both cyclists and pedestrians.</p>
<p>Can represent either a quality standalone scheme or an initial component of a wider allocation (subject to the adoption of a future Local Plan), thereby ensuring early delivery without prejudicing the Development Strategy.</p>	<p>The site is in a rural location with a &gt;800m walk to the Station Road's services and shops and &gt;1km to the train station. Neither the NPPF nor Local Plan would define this as a sustainable location.</p> <p>To propose even more development (75 dwelling cumulatively) in this location would result in a housing estate in the countryside with even further to travel to access shops and services (the remainder of HS29).</p>

The NPPF is clear that very special circumstances will not exist unless the harm is clearly outweighed by other considerations.

*144. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.*

It is clear that this application would be harmful to the Green Belt. The objections in this representation also demonstrate that there would be significant other harm in relation to transport, landscape and loss of employment. Taken together, the benefits of the proposal (14 new dwellings, moving the 30mph sign and pavement widening) self-evidently do not outweigh the identified harms.

Local Policy

The planning statement refers to saved policy RA1, this policy is not saved and was removed from the policy framework in April 2008<sup>1</sup>. In any case, the deleted policy (RA1) mirrored national policy of the time which has not altered significantly. In addition to the NPPF policies, saved policy RA17 militates against the principle of development in the proposal, RA17 makes it clear that (our emphasis):

<sup>1</sup> See - [https://www.welhat.gov.uk/media/883/District-Plan-Policies-Not-Saved/pdf/List\\_of\\_Not\\_Saved\\_Policies.pdf?m=63392515798000000](https://www.welhat.gov.uk/media/883/District-Plan-Policies-Not-Saved/pdf/List_of_Not_Saved_Policies.pdf?m=63392515798000000)

### **Policy RA17 - Re-use of Rural Buildings**

The change of use or adaptation of rural buildings will be permitted provided that:

- i. The proposed use and any proposed extensions or alterations is are in accordance with Green Belt policies;
- ii. The intensity of use of the site does not substantially increase;
- iii. Any increase in traffic generated from the site is acceptable in environmental and highway terms;
- iv. There would be no adverse effects on protected species, identified in Policy R16 or other species, identified in the local Biodiversity Action Plan, which use such buildings;
- v. The new activity is in sympathy with its surroundings and there is no adverse effect on the amenity of nearby residential properties and other uses;
- vi. The existing structure is of a permanent nature and is not in such poor repair that it could only be brought back into use by complete or substantial reconstruction;
- vii. Any proposed alterations would be in accordance with the design policies in the plan and the Supplementary Design Guidance; and
- viii. In cases of agricultural buildings erected recently as a result of permitted development rights, clear evidence must be given to establish why the building is no longer suitable for agricultural use.

Residential re-use will only be permitted where it can be demonstrated by the applicant that business re-use would be inappropriate and unviable. In addition, consideration will be given to the contribution made by the existing use to the rural economy and whether its loss would prejudice village vitality.

The accompanying economic statement and planning statement do not address the key aspect of this policy i.e. the applicant has failed to demonstrate business re-use is inappropriate or unviable. The applicant has merely confirmed that the landowner is unwilling at this time to make capital investments into the commercial premises. The applicant has failed to satisfy the policy requirements of RA17.

#### Other Material Considerations

The site in question forms part of the wider submitted allocation HS29 included in the draft Local Plan submitted for examination in May 2017. However, through the Local Plan examining process the appointed Inspector highlighted shortcomings with the submitted Green Belt assessment underpinning the plan. There followed a stage 3 Green Belt Assessment (2019) which found that the release of parcel P87 (including sites HS30 and HS29) would lead to 'High' harm to the Green Belt. In January 2020, WHBC resolved to no longer support sites HS30 and HS29 as part of the emerging Local Plan due to this unacceptable level of Green Belt harm.

The appointed Inspector published his 'Examination into the Welwyn-Hatfield Local Plan 2013-2032 Inspector's preliminary conclusions and advice' in October 2020.<sup>2</sup> There are a number of passages that are material to this application (our emphasis):

#### **Other Green Belt housing sites**

104. ... the proposed distribution of new housing development, in the submitted plan, is heavily biased towards four of the eight excluded villages, Brookmans Park, Cuffley, Little Heath and Woolmer Green.

#### **Policy SADM 33 Cuffley**

120. Although the largest village, Cuffley is detached from the main centres of population within Welwyn Hatfield and it has comparatively few employment opportunities. Consequently, unlike the Borough as a whole, there is net out commuting (about 1,200 or 30%). It nevertheless has a station, but the rail links are with London and Hertford. Other commuter links are with urban areas in Broxbourne and Hertsmer rather than with Welwyn-Hatfield, to which there is a comparatively lengthy and sometimes congested, road journey. Consequently, Cuffley, in a Welwyn-Hatfield

<sup>2</sup> Accessed at: [https://www.welhat.gov.uk/media/17381/EX212-Inspector-s-Interim-Report-Preliminary-conclusions-Advice-October-2020/pdf/EX212\\_WHBC\\_Interim\\_Report\\_October\\_2020\\_V2.1.pdf?m=637393028289100000](https://www.welhat.gov.uk/media/17381/EX212-Inspector-s-Interim-Report-Preliminary-conclusions-Advice-October-2020/pdf/EX212_WHBC_Interim_Report_October_2020_V2.1.pdf?m=637393028289100000)

context, is not a particularly sustainable location from a transport perspective, in which to meet the accommodation needs of persons working at the major employment sites within the Borough.

121. The SA refers to the congestion at the road junction in the centre of the village, which is clearly already a significant problem at peak times. Minor improvements could be made to relieve the existing congestion and to delay it from becoming severe for a period. However, in the longer term there needs to be a planned resolution to this matter, if development is to continue at Cuffley. If development is to be in excess of that required to meet local needs, then that timescale will be reduced. The Council should have regard to the above considerations when assessing the desirability of recommending additional overall levels of development at Cuffley to the Examination.

#### **Sites HS 29 & 30, Land north of Northaw Road East**

123. These sites were not individually assessed in the stage 3 GB review but were assessed as a part of a much larger parcel to the north. Their harm rating was assessed as high...

124. ...although part of the site contains dwellings set in large gardens, a building containing a design consultancy and some sheds, much of HS 30 consists of paddocks, which are not previously developed land and fundamentally from a GB perspective are open.

125. The demonstration of exceptional circumstances to remove these sites from the GB will partly depend upon the relative amount of overall development that is justified at Cuffley and the deliverability of the other proposed sites, as well as the above site considerations. The other sites currently before the Examination are sequentially better located from a movement perspective and I consider them all to be sound or capable of being made sound.

These extracts demonstrate that there is significant doubt as to whether Cuffley can bear any additional development without requiring significant reinforcements to highways and improvements that seek to achieve modal shift away from the private car. The development is entirely reliant on car borne travel.

## **2. Landscape impacts and erosion of the green gap**

### National Policy

The NPPF places great importance on conserving local character and landscapes (our emphasis):

127. Planning policies and decisions should ensure that developments:

c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

141. Once Green Belts have been defined, local planning authorities should plan positively to enhance their beneficial use, such as looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation; to retain and enhance landscapes, visual amenity and biodiversity; or to improve damaged and derelict land.

170. Planning policies and decisions should contribute to and enhance the natural and local environment by:

a) protecting and enhancing valued landscape, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);  
b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;

The site plans, elevations and landscape materials included within the DAS, demonstrate how the application is misaligned with the above national policy aims.

### Local Policy

In addition, the proposals fail to have regard to the following local landscape policy (our emphasis):

**Policy RA10 - Landscape Regions and Character Areas**

Proposals for development in the rural areas will be expected to contribute, as appropriate, to the conservation, maintenance and enhancement of the local landscape character of the area in which they are located, as defined in the Welwyn Hatfield Landscape Character Assessment.

The landscape assessment and proposed landscape scheme show that the development will be more prominent in the landscape, erode the openness of the site and reduce the green gap between Northaw and Cuffley (see below). The urbanising impacts of the proposal have not been fully shown in the DAS, with a bias toward short roadside views and no long or panoramic views shown of the proposed site from prominent local vistas.

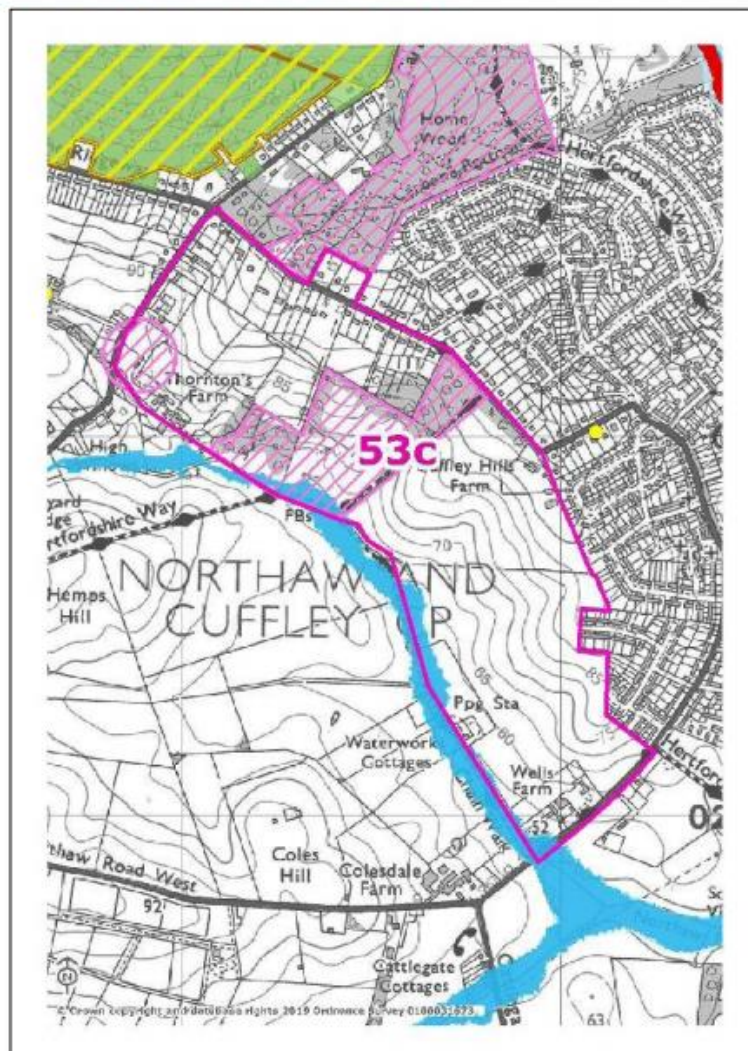
Supporting Documentation

The 'Development of Evidence for Welwyn Hatfield Local Plan: Landscape Sensitivity Assessment' (LUC, July 2019) summarises the sensitivity of the landscape in this location (our emphasis):

*Sensitivity to development on the edge of Cuffley (53c) - There are some valued features within the area, with the sloping valley-side landform providing a distinct setting to Cuffley, and a strong sense of openness. Woodland adds landscape value, and the presence of the Hertfordshire Way on the valley floor adds to sensitivity. Landscape sensitivity to residential development in this area is therefore moderate-high.*

**Figure 1 Landscape Assessment Extract**

**Landscape Character Area 53: Northaw Common Parkland  
Landscape assessment area (53c)**



For the area between Northaw and Cuffley the 'Development of Evidence for Welwyn Hatfield Local Plan: Green Gap Assessment' (LUC, August 2019) states (pages 102-105) that (our emphasis):

*"The rural area between Northaw and Cuffley is relatively large, with its narrowest part a distance of just less than 1.6km apart at its closest point..."*

*There are two allocated housing sites on the settlement edge of Cuffley following the northern edge of Northaw Road West. The development of these areas would result in infill along Northaw Road West...*

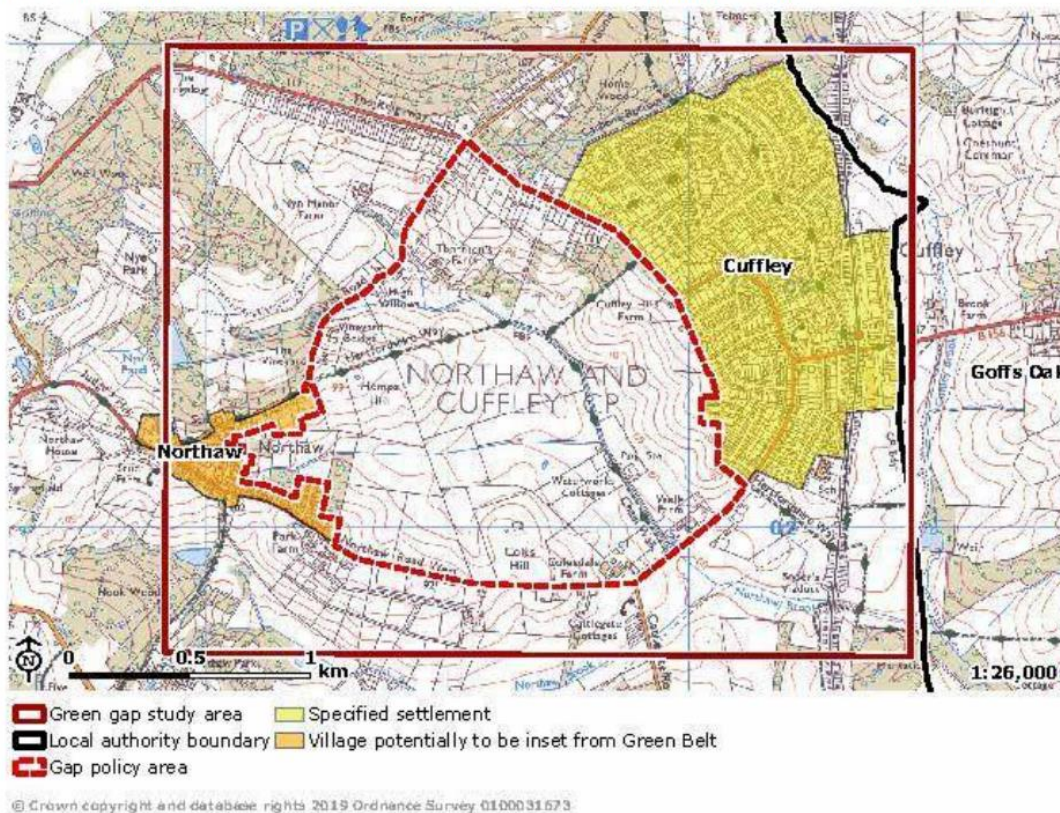
*Although there is a clear physical gap, of rural character, between the two settlements of Cuffley and Northaw, the area between the settlements is open and even relatively modest amounts of development would be visually prominent. The gap is also vulnerable to ribbon development along the roads between the two settlements (Vineyards Road and Northaw Road West) and therefore the settlement would benefit from a Gap Policy Area...*

Within this area, the aim should be to:

- Preserve the sense of separation between the two settlements and retain the area of open and rural character that defines the area, comprising undulating farmland, well maintained hedgerows and copses"

### Figure 2 Green Gap Assessment Extract

Map 2: Area in which impact of development on settlement separation should be a consideration



The application site is within one of the two allocated sites (HS29) noted in the report (that have since been proposed for removal on account of the high potential for harm) and development here would result in the erosion of this important green gap and the Design and Access Statement evidences that these developments will be visually prominent. Their location in the gap means it would result in a detached area of ribbon development. Those leaving Cuffley heading west along the B156 would have a sense of leaving Cuffley and then approaching an isolated cul-de-sac of development in a prominent location within the gap.

### 3. Transport and isolated location

#### National Policy

National policy encourages development in sustainable locations and requires development proposals to encourage sustainable modes of transportation (our emphasis):

*79. Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:*

- a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;*
- b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;*
- c) the development would re-use redundant or disused buildings and enhance its immediate setting;*
- d) the development would involve the subdivision of an existing residential dwelling; or*
- e) the design is of exceptional quality, in that it:
  - is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and*
  - would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.**

*103. The planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.*

In this instance the proposal site does not include 'redundant or disused' buildings and the NPPF advises against isolated homes such as those proposed. As noted previously, the site is in a rural location with a >800m walk to the Station Road's services and shops and >1km to the train station. Neither the NPPF nor the Local Plan would define this as a sustainable location.

#### Local Policy

Extant saved policies promote non-car uses and developments where the infrastructure can accommodate new growth (our emphasis):

#### **Policy M1 - Integrating Transport and Land Use**

*Through the development process the Council will take every opportunity to integrate different modes of travel. Development proposals, except for those which are necessary in rural areas, will be permitted only in locations with accessibility to pedestrian and cycle routes and passenger transport services, or where this can be created, and where the environment and infrastructure can accommodate the amount and type of transport movement likely to be generated. In considering development proposals, the Council will give priority to walking and more sustainable modes of travel.*

*Internal layouts in development schemes must demonstrate priority to non-car users. They must include safe and effective routes for pedestrians and cyclists, with appropriate facilities, as well as catering for people with mobility difficulties and making provision for passenger transport and where appropriate the needs of horseriders.*

It is not 'necessary' to locate homes in this location within Cuffley and the Parish Council would highlight that homes in this location will result in further congestion within the village. Material to this application is the fact the Parish Council, Local Planning Authority and County Council are currently in discussions around a statement of common ground attached to the Local Plan. At the time of writing (February 2021) no agreement is in place as to the potential impacts on the transport network in Cuffley as a result of the allocations that remain in the Local Plan. Work on behalf of the Parish Council conducted by a transport consultant has found that there will be somewhere in the region of a 37% traffic growth in Cuffley over the plan period. The Inspector has stated that the capacity for



Cuffley to accept new growth will be a key factor in his considerations (*'in the longer term there needs to be a planned resolution to this matter, if development is to continue at Cuffley'*). The NPPF states (our emphasis):

48. Local planning authorities may give weight to relevant policies in emerging plans according to:
- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
  - b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given);

This matter has not yet been resolved via the Local Plan examination and the Parish Council are yet to confirm where common ground exists in advance of more modelling analysis. However, for the purposes of this application these constitute very serious unresolved objections, as noted by the Inspector in his interim report. The application is located in an unsuitable location and provides inadequate transport mitigation commensurate to the intensification and increased traffic movements that will result from 14 additional family sized homes.

#### 4. Employment loss

##### National Policy

The NPPF (paragraph 83) states that decisions involving rural business areas should seek conversion and diversification of agricultural businesses; and decisions should recognise the role that locations, such as the application site (rural and beyond an existing settlement), play in meeting local business needs (paragraph 84). It also states that such locations should exploit opportunities to make the location more sustainable (our emphasis).

83. Planning policies and decisions should enable:
- a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;
  - b) the development and diversification of agricultural and other land-based rural businesses;

84. Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.

The site has a number of viable businesses on site that benefit from the form and type of units available. The planning statement discusses the current state of repair of the units which highlights the potential for refurbishment. The proposal does not satisfy these policies. The applicant has not evidenced that the site remains inappropriate or unviable for a business use, simply that the current owner is unwilling to invest in capital improvements at this time.

##### Other Material Considerations

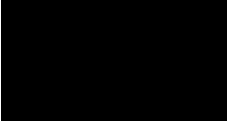
Draft Policy SADM10 (Employment development) states that proposals resulting in the loss of employment land from Class B (now Classes E, B2 and B8 under the most recent Use Classes Order September 2020) shall only be granted permission where the applicant demonstrates satisfactorily that the premises have been actively marketed for three years. As discussed earlier in this letter, the economic statement and planning statement are completely silent on these aspects.

#### Conclusion

In conclusion, the Parish Council object to this proposal on the grounds that it will result in high harm to the Green Belt; the failure of the applicant to demonstrate very special circumstances; landscape impacts in a sensitive location and erosion of an important green gap; transport impacts and inadequate mitigation proposals; and the entirely unsuitable remote rural location. In this instance the

decision maker should place minimal weight on site's previous inclusion as an allocation. Great weight should be placed on WHBC's decision to remove the site in question and on the Local Plan Inspector's initial conclusions with respect to harmful impacts to Cuffley. Related to this the Parish Council (and local resident's groups) have significant unresolved objections relating to likely highways and transport impacts and the capacity for Cuffley to accept significant housing growth.

Yours sincerely,



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