



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

## Appeal Statement

On behalf of  
Mr James Westrope

**CONTENTS:-**

Page Nos

<b>1.0</b>	<b>INTRODUCTION</b>	<b>3</b>
<b>2.0</b>	<b>SITE &amp; SURROUNDING AREA</b>	<b>3</b>
<b>3.0</b>	<b>PLANNING HISTORY &amp; BACKGROUND</b>	<b>4</b>
<b>4.0</b>	<b>APPLICATION PROCESS &amp; APPEAL PROPOSALS</b>	<b>5</b>
<b>5.0</b>	<b>POLICY CONTEXT</b>	<b>7</b>
	i) <b>National Planning Policy Framework</b>	<b>7</b>
	ii) <b>Development Plan</b>	<b>9</b>
<b>6.0</b>	<b>ISSUES</b>	<b>10</b>
<b>7.0</b>	<b>CONCLUSION</b>	<b>20</b>

**List of Appendices:-**

- NB1:- Inspector's Appeal decision letter dated 9<sup>th</sup> October 2017
- NB2:- Transport Report by Waterman dated April 2018
- NB3:- Comparative 'Before' and 'After' Visuals
- NB4:- Sustainability Audit Report by Ana Petrovska
- NB5:- Sustainability Integration Overview Diagram
- NB6:- Proposed Roof Plan/Solar Panels (Drg No P/506/B)
- NB7:- Bill Greensmith Architect's 7 projects
- NB8:- Woodland Management Plan by Cantia Arboricultural Services
- NB9:- Revised Tree Planting Proposals Plan (June 2017)

## **1.0 INTRODUCTION**

- 1.1 This appeal statement is submitted in support of further 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.
- 1.3 Mr Westrope acquired the land approximately 4 years ago, and throughout that period he has encountered a number of security problems with fly tipping and break ins. He has continued to strengthen the gate and boundary fencing in response, but whilst the site continues to remain vacant, this problem will inevitably continue.

## **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 The appeal proposals represent the appellant's third scheme, as described at Section 4 of this statement.
- 3.2 The second scheme was also determined at appeal (Ref:- APP/C1950/W/3179182) despite extensive dialogue with the Officer including a formal pre-application process. For ease of reference, the Inspector's decision letter dated 9<sup>th</sup> October 2017 is attached at Appendix NB1.
- 3.3 In summary, the Inspector agreed that the former equestrian use of the site falls within the definition of previously developed land (para 4), but based on the detailed mathematical comparison of the footprint and volume between the existing situation and the proposed concluded that:- *'By all metrics therefore the proposal would have a greater impact on the openness of the Green Belt in spatial terms than the existing development'* (para 6). He also found that the design of the proposals would be in sharp contrast to the rural character of the existing buildings, referring specifically to the height of the ridge of the new rectangular building presenting a stark building (para 7). As such, the Inspector failed the scheme on both spatial and visual terms, finding the proposals to represent inappropriate development within the Green Belt (paras 8 & 9).
- 3.4 At paragraph 11, it is instructive that the Inspector considered that the use of more sympathetic materials may help to blend the structure more into the site; the appellant has carefully followed that advice. Reference is also made to the difficulty in controlling the details of car parking; boundary treatments and domestic paraphernalia. These points will be addressed at Section 6 of this statement.
- 3.5 At paragraphs 12 to 17, the Inspector inter-alia considers the locational characteristics of the site, with reference to paragraph 55 of the Framework, and concludes that the subject location is not a sustainable one. The appellant deals with this analysis at Section 6, including reference to a specialist highways report by Waterman attached at Appendix NB2. It should be stressed that the Inspector's assessment on this matter was in the context of a much larger scheme, whereas it will be shown that the current appeal proposals clearly meet the Framework's exceptions criteria.
- 3.6 At paragraphs 18 to 20, the Inspector deals with *'Other Considerations'*, including the appellant's proposed Woodland Management Plan, and it is instructive for the decision maker when re-assessing the new planning balance of the issues that he accepted that these enhancement works would only be likely to go ahead in conjunction with the proposal and specifically that:- *'Clear ecological benefits, as well as visual and landscape benefits would therefore solely be provided by the proposal'*. On the overall balance of the issues, however the Inspector dismissed the appeal.
- 3.7 Prior to this, the appellant's first scheme was withdrawn (planning application S6/2015/0524/FP) in February 2016 in accordance with advice of the Case Officer, who had concerns over both the size and design of the proposals. It should be noted that at no time during four years of discussions with the Local Planning Authority, have they ever expressed the view that development at the appeal site is unacceptable *'in-principle'*.
- 3.8 Prior to the appellant's involvement with the land, there is 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.

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

3.10 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. The appellant does his best to keep the site in order, but only has limited time that he can commit.

#### 4.0 APPLICATION PROCESS & APPEAL PROPOSALS

4.1 The third planning application, now subject of this appeal, was dated 3<sup>rd</sup> January 2018; the LPA categorised it as being a 'major application' despite it being for only one dwelling and provided a 13 week target date for its determination of 4<sup>th</sup> April 2018. The description of development for the appeal proposals is:-

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

4.2 The appeal proposals have been radically altered from previous applications, in that the new building is now contained within the same envelope as the existing structures, as highlighted above. This follows the cues from the Inspector's assessment and thereby provides a development solution for the site which simply replicates the same footprint; floor area and volume as the existing structures (ie. buildings A and B) as shown at drawing P/503/A. The only exception being a subtle frameless glazed link provided between the buildings which is required for functional purposes.

4.3 A very high quality of design has been maintained, incorporating a traditional 'barn like' vernacular, using soft timber and tiled roof materials in keeping with the local rural character and landscape. Consistent with previous proposals, a number of sustainability features will be incorporated into the scheme design, including the use of air source heat pumps; SUDS (Sustainable Urban Drainage); 20Kw Solar panels; SIP (Structural Insulated Panel Construction); LED lighting; and rainwater harvesting. An electric charging point is also proposed for cars/bicycles.

4.4 Over 100 new trees are proposed to be planted at the site as part of the Woodland Trust's Centenary wood project in memory of the 100 year World War 1 anniversary. A detailed landscaping plan is included, as previously discussed and agreed with the Council's Tree Officer.

4.5 Proposed vehicular access is gained from Woodfield Lane, consistent with the existing situation, with gates that are significantly set back from the edge of the highway to provide good visibility splays in both directions. This is positioned adjacent to the existing entrance to Chestnut farm and associated house beyond. This general arrangement will be maintained and the existing driveway leading into the appeal site will be upgraded with use of sympathetic

materials to provide a suitable residential access, with off street parking to serve the new dwelling.

- 4.6 Pedestrian access to the residential dwelling will be provided on a level threshold, with good circulation space throughout internally, to meet disability standards.
- 4.7 As mentioned within the introduction, the proposed development is not a speculative project and will be occupied by the appellant as his family home, which will include an annex for his parents;

#### **Summary of Consultations**

- 4.8 There were no objections from neighbours and two letters of supports were received by the LPA as summarised within the Officer's delegated report.
- 4.9 The Council incorrectly consulted with North Mymms Parish Council, whose jurisdiction does not cover the appeal site; they objected to the proposals on green belt grounds. The actual Parish Council responsible however is Hatfield Town Council who previously had no objections.
- 4.10 In terms of other statutory bodies, it should be highlighted that the County Highway Authority continue to raise '*no objection*', and that Hertfordshire Ecology also raise '*no objection subject to suggested conditions*'. The objection from 'Lead Local Flood Authority' is not understood and was never brought to the appellant's attention during this latest period of discussions. The appellant will seek clarification from the LPA, but it is noted that this is not referenced in the Council's reasons for refusal. All necessary Flood Risk Assessment work has been carried out to meet with the LPA's previous requirements. Both the Environment Agency and Thames Water did not respond.

#### **Discussions with Case Officer**

- 4.11 The appellant and his representative met with the Case Officer again at the site on 12<sup>th</sup> February 2018 at the Officer's request in order for him to refresh his memory of it. The Officer offered no opinion on the proposals but stated that he was still considering matters and '*weighing up the benefits versus the harm*'. The appellant's team were not contacted again by the Officer for any information until the end of March when there was a request for amendments to the drawings to pick up on a minor inconsistency between the footprint of building B and its associated elevations; this also required the volume calculations to be redone. The appellant duly obliged and also granted the Officer's request for a one day extension to the time period. An amended visual was also submitted by the appellant, which despite being notified of its timing, the Case Officer did not wait to consider before issuing the Council's decision notice.
- 4.12 The application was refused under Officers delegated powers on 5<sup>th</sup> April 2018 stating the following three reasons:-
  - 1) *The proposal is contrary to the settlement strategy of the Council and, on balance, fails to achieve a benefit across the three dimensions of sustainability – environmental, social and economic for the reasons discussed within the report including, but not limited to, the location and its remoteness from existing services and facilities and*

*from existing infrastructure. This is not outweighed by the limited environmental, economic and social benefits of the scheme. As such, the proposed development is fundamentally unsustainable, contrary to Saved Policies SD1, H1, H2, GBSP1 and GBSP2 of the adopted Welwyn Hatfield District Plan 2005; Policies SADM1, SADM34 and SP3 of the Council's Draft Local Plan Proposed Submission 2016; and the 'golden thread' of the National Planning Policy Framework 2012 which seeks to achieve sustainable development.*

- 2) *The design and nature of the proposed development is harmful to the openness and visual amenity of the Green Belt and conflicts with the purposes of including land within the Green Belt by encroaching residential form into the countryside and failing to assist in urban regeneration by encouraging the recycling of derelict and other urban land. As such the proposal represents inappropriate development within the Green Belt. The Local Planning Authority considers that very special circumstances do not exist to outweigh the harm to the Green Belt and the other harm identified. The development therefore fails to comply with the objectives of Saved Policies GBSP1 and GBSP2 of the adopted Welwyn Hatfield District Plan 2005; Policies SP3 and SADM34 of the Council's Draft Local Plan Proposed Submission 2016; and the National Planning Policy Framework 2012.*
- 3) *The urbanisation of this site is considered to result in an unacceptable erosion of the demonstrable physical attributes within the Landscape Character Area and would neither conserve, maintain, enhance nor strengthen the character of the wider surrounding area. As such, the proposal is not considered to comply with Saved Policy D1, D2 and RA10 of the adopted Welwyn Hatfield District Plan 2005; Policies SP9 and SADM16 of the Council's Draft Local Plan Proposed Submission 2016; and the National Planning Policy Framework 2012.*

4.13 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, as 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'.***

It is the appellant's case that this criteria has now been fully satisfied by the revised proposals, as amplified at Section 6 of this statement.



5.8 The revised draft NPPF (2018) has recently completed its consultation period and is anticipated to be released later this summer. It remains largely unchanged in terms of the Government's Green Belt policy, although there is a new paragraph 85 which reflects a more pragmatic approach to economic development within rural areas, especially with reference to previously developed land. It states:-

*'Planning policies and decisions should recognise that sites to meet local businesses and community needs in rural areas may have to be found outside 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 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 well-related to existing settlements should be encouraged where suitable opportunities exist.'*

**ii) Development Plan**

5.9 The statutory development plan comprises the Saved Policies of the Welwyn Hatfield District Plan, adopted 2005. This plan is now seriously out of date, particularly with reference to its housing policies and how the NPPF applies its presumption in favour of sustainable development. It should be noted however that the Council is now well advanced in terms of preparing a new emerging Local Plan, which is currently at public examination hearings stage.

5.10 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)

5.11 With regard to the emerging Local Plan, it references five policies, as follows:-

- Policy SADM1 (Windfall Development)
- Policy SADM 34 (Development within the Green Belt)
- SP 3 (Settlement Strategy and Green Belt boundaries)
- SP 9 (Place Making and High Quality Design)
- SADM 16 (Ecology and Landscape)

5.12 This statement will demonstrate that the appeal proposals do not conflict with 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, as follows:-

- i) Sustainability (particularly the location)
- ii) Impact upon the Green Belt (particularly openness and visual amenity)
- iii) Impact upon the Landscape Character Area

6.2 All of these issues are considered in the context of the overall planning balance and particularly with regard to the relevant NPPF exceptions test involving previously developed land. There are no issues of highways safety; there would be no adverse impact upon residential amenities of the adjacent dwelling; and the proposed accommodation meets all relevant policies and guidance in terms of internal space and amenity standards, as accepted by the Local Planning Authority.

6.3 It is instructive that that the Officer's previous delegated report was heavy with mathematical analysis, as reflected by the Inspector's appeal dismissal, but accepted that the exceptions criteria relating to brownfield land at paragraph 89 of the NPPF was a material consideration that carries '*substantial weight*'. The Officer has now departed from the maths ('scale') argument and adopted one that relates more to the '*nature*' of the development and its '*perceived effects on openness*'. The LPA's new argument reads as though 'no change' whatsoever should be allowed at the land and that the principle of residential development could never be supported. This is a fundamental shift in the Council's position and after four years of discussing various residential proposals with them (including their paid for pre-application service) is unexpected; unreasonable; and hugely disappointing.

### **Previously Developed Land Exception**

6.4 There continues however to be no dispute between the parties that the appeal site does constitute previously developed land and that it is therefore appropriate to apply the exceptions test. In this regard, the Officer's report states:-

*'As a former equestrian use the site falls within the definition of previously developed land as contained in the Framework, and with regards to the first part of the exception to paragraph 89 therefore the proposal constitutes the redevelopment of a redundant previously developed site'*.

6.5 For ease of reference the two conditions that need to be satisfied for the exception to apply are extracted from the Framework as below; 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'*.

### **Role of the appeal site within Green Belt (Five Purposes)**

6.6 Turning to the latter condition first, taking each of the five identified purposes in turn, the appellant provides commentary under each, as follows:-

- To check 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 within a rural setting, located upon exactly the same footprint where derelict stables buildings are currently in-situ (ie. on previously developed land).

- To prevent neighbouring towns from 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. The appeal proposals would therefore have no effect upon this purpose.

- To assist in safeguarding the countryside from encroachment;

With the exception of the glazed link, the envelope of the proposed building is contained precisely within the same footprint and volume as the existing buildings on the land. As such there would be no encroachment of built development into the countryside; rather, the countryside will be enhanced through the additional tree planting that is proposed.

- 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.

- To assist in urban regeneration;

There will be no material harm caused to the overall objective of encouraging urban regeneration by permitting one single house at this brownfield site location. Furthermore, there will be no material change to the pattern of development in this locality since there are existing structures in situ on previously developed land.

- 6.7 As such, it is concluded that the approval and implementation of the appeal proposals would have no adverse effect on the purposes of including land within the Green Belt. The LPA contest this proposition on just one of the above five purposes arguing that *'in visual terms the proposal would have a greater impact on the openness of the Green Belt than the existing development'* and in doing so fails to safeguard the countryside from encroachment.

#### **Impact on Openness**

- 6.8 Turning to the first part of the exceptions test, it is instructive that the Council's argument has now changed from being a quantitative one to a purely subjective qualitative one, with reference to *'wider factors'* that must be taken into account.
- 6.9 Notwithstanding this, dealing with the mathematics, the appellant has provided the detailed comparative numerical assessment between the 'existing' and 'proposed' situations at Drawing No P501A & P502B. This shows that, with the exception of the glazed link, the proposed floorarea (at 168.5 sqm) and the volume (at 505 cubic metres) is exactly the same as the existing situation. As such, the proposals have been carefully profiled to sit precisely within the same building envelope as the two existing structures. The dimensions for the glazed link are provided separately, but effectively this part of the development will have no material impact on openness or visual impact, due to its subtle position between the two buildings and its transparency. This point is not contested by the LPA.

- 6.10 The Officer now contends however that the domestic use of the site would in itself result in a *'more intrusive form of development'* and in *'the perception of a more developed site'*. It has always been the appellant's intention to develop *'a permanent dwelling'* in this location so it is baffling that after 4 years of discussions with the Council that they now are relying on the resultant contrast in character between the existing and proposed land uses as somehow being harmful, stating that it is a *'matter of general principle'* that dwellings don't contribute positively to the visual amenity of the countryside. This argument is not supported by the NPPF which does not specifically exclude dwellings from the exceptions test, and the Inspector will of course make his/her own subjective judgement about the visual merits of the proposals when assessed against the existing situation. Appendix NB3 shows the comparative 'before' and 'after' visuals, including the appellant's preferred option of incorporating green walls and balancing pond.
- 6.11 The Officer makes reference to other cases as a means of attempting to blur the lines between 'openness' and 'visual impact', but in the judgement of Mr Justice Green in *Mrs Jean Timms/ A W Lymn (The Family Funeral Service) Limited v Gedling Borough Council (2014)*, he found the two concepts to be entirely separate entities. His judgement was clear that the impact on Green Belt openness occurs from actual physical development on the land and found that it was wrong in principle to arrive at a specific conclusion as to openness by reference to visual impact. The judgement however also goes on to recognise that visual impact is still an important consideration in Green Belt situations and that related mitigation measures can play a role in weighing up the overall balance of the issues and assessing whether special circumstances exist. The appellant concurs. In the case of the appeal proposals, the intrinsic openness of the site will clearly be maintained, as reflected by the lack of built development on it, other than that replacing the exact dimensions of the existing. In the appellant's analysis, this will simply result in a neutral position in terms of the appeal proposal's impact upon openness.
- 6.12 The appellant contends that the Council's argument is inherently weak and that it has incorrectly merged the concepts of openness and visual impact/appearance. In the appellant's opinion, there would seem to be little point in preserving the status quo of the existing dilapidated and redundant structures on previously developed land when they can be brought back into beneficial use for residential purposes, through an attractive and high quality scheme of the same size. If the amount of glazing was problematic to the LPA, that element of the design could easily have been changed during the process of the application or could be controlled by planning condition as a detail. Is the Officer implying that if the scheme had looked less like a house, and more like a stable, with controlled lighting, he would have supported it? The lack of transparent dialogue makes it impossible to know, wasting time and resources for both parties.
- 6.13 The matter of the scheme being *'overtly residential in nature'* is clearly not a substantiated ground for refusal. Rather, the whole approach by the appellant has been to advance a high quality design that involves a very modest intervention within the landscape, with use of a soft rural vernacular/traditional palette of materials. In the appellant's opinion, the simple rural aesthetic of the scheme is entirely appropriate and will sit comfortably on the land, blending seamlessly within its landscaped surroundings and within its enhanced woodland setting. As a result, there would be no impact upon the Green Belt, either spatially or visually.
- 6.14 Furthermore, the Officer places considerable emphasis on the hypothetical situation of likely resulting *'domestic paraphernalia'*, but has not sought to discuss appropriate planning

conditions that would control such matters. The appellant finds this contradictory to earlier discussions with the LPA, since the defined domestic garden area was introduced at the Officer's specific request comprising an approximate area of 900sqm (equating to just 6.7% of the overall site area of 13320sqm/1.33ha). This limited residential curtilage, shown immediately around the proposed building, would be clearly and physically apparent on the ground, and its associated domestic activity would be functionally separate from the wider planning unit, which would involve the management of the woodland. Consistent with the previous scheme, the appellant would be willing for this matter to be controlled by an appropriate planning condition to remove permitted development rights from the wider land. As such, the Council would have full control over any future proposals for any outbuildings or other structures, although none are envisaged since a large external storage area has been incorporated within the design (including cycle storage provision).

- 6.15 In terms of the management of the woodland, the appellant previously agreed the terms of a Woodland Management Plan (WMP) with the Council as a legal unilateral undertaking, expending significant legal fees in doing so. In this regard, the appellant is baffled why the LPA would have instructed Solicitors to facilitate the WMP if ultimately they had no intention of granting planning permission. This aspect of the proposals however remains a fundamental objective for the appellant to deliver. As such, he would have been willing to update that agreement with the Authority during the course of this latest planning application. Notwithstanding, a planning condition could equally secure the WMP's delivery, together with the new tree planting that is proposed. Having said that, if the Inspector is minded to allow the appeal, but would prefer the WMP to be controlled by means of the legal agreement rather than a planning condition, an updated document could be arranged very quickly as all aspects of it are already fully agreed between the parties.
- 6.16 The previous Inspector's appeal decision letter also touched on the appropriate use of mitigating conditions (at paragraph 11), specifically referencing the use of grasscrete for the parking and access, but pointing out that the site would inevitably result in a more domesticated appearance. His main concern however expressed earlier within that same paragraph was that the *'scale and height of the proposal would still appear stark and discordant'*. Since the project is essentially now a rebuild of the existing structures, this would no longer be the case so the appropriateness or otherwise of imposing planning conditions can be re-assessed by the decision maker within the context of a different balancing exercise. The appellant maintains that it is not the correct approach for the LPA to assess the proposals based on 'hypotheticals'. Rather, the open character of the site will be preserved and its landscape character significantly enhanced through the proper use of planning conditions and/or legal agreement. In addition to delivering the WMP, these would ensure that the sympathetic use of external materials throughout the scheme, including car parking surfaces and boundary treatments, that the appellant is proposing will be appropriately secured and implemented. 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.
- 6.17 In the appellant's view, both the visual and spatial aspects of the Green Belt would therefore be protected, and accordingly the proposals satisfy the NPPF exceptions test whereby they do not constitute inappropriate development.

## Reasons for Refusal

- 6.18 Turning next to the Council's three reasons for refusal, the appellant deals with each in turn below, as follows:-

### Reason 1:- Sustainability (particularly the location)

In the light of the exceptions test above, the appellant would argue that this objection falls away. Notwithstanding, a specialist transport report focussing upon the sustainability of the location has now been commissioned and is available to inform the decision maker on this specific issue, as referred to earlier and attached at Appendix NB2. This level of detail was not available to the previous appeal Inspector.

- 6.19 In summary, Waterman's report demonstrates that the location of the appeal site is a sustainable one. In particular, it highlights that it is sited immediately adjacent to other residential properties and is closely linked to a network of neighbouring settlements that provide a full range of services and amenities for local residents. It also describes the various linkages with public transport and rail interchanges that are available, the opportunities for pedestrian and cycle travel, as well as the appellant's proposals for electric vehicle charging points. It highlights that there are in fact 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.
- 6.20 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.
- 6.21 It should also be noted that the appeal site is connectable to all necessary local infrastructure and utilities (ie. water; electricity; drainage etc).
- 6.22 The appeal proposal would therefore by no means be an isolated and inaccessible dwelling in a remote countryside location. In the overall planning balance of the issues, the appellant contends that the LPA are significantly overstating this point, whilst understating the importance of the scheme's resultant benefits (ie. economic; social; and environmental), which they accept exist but describe as 'limited'.
- 6.23 Notwithstanding whether the decision maker deems that a 'special circumstances' case is necessary (in the light of the exceptions test), the benefits that would flow from the appeal proposals are set out as follows:-

### **Economic/Social Benefits**

- 6.24 The contribution of new housing is both an economic and social benefit. In this case, the benefit involved is not just related to the creation of the new unit but also to the freeing up two existing dwellings in the local area (the appellant's home and that of his parents). 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.
- 6.25 Employment gains would also be realised in that there would be a number of temporary construction and landscaping jobs generated by the build, as well as business opportunities for local suppliers.
- 6.26 There will also be other social benefits related to the project such as the appellant's intention to provide access for local schools' nature study projects (ie. Chancellor's School). This would provide community access to the land for educational and recreational purpose where presently there is none. This would be by informal arrangement between the appellant and the School, and is an initiative that is supported by Grant Shapps MP.
- 6.27 In summary, the economic/social benefits therefore involve:-
- Increased housing supply and choice;
  - 
  - Creation of temporary local construction and other related jobs;
  - Availability of land for local schools' nature study projects;

### **Environmental Benefits**

- 6.28 Sustainability has been a fundamental part of the client's design brief from the outset of this project, 4 years ago and continues to be so. As a result, the building's performance in terms of overall carbon emissions will be considerably beyond the Council's normal policy requirements. Specifically, after incorporating efficiency measures, air source heat pump system and photovoltaic system the development will achieve net zero carbon emission. Furthermore, the proposed fabric specification exceeds the requirements of Part L1A 2013 and is in line with the principles of the Energy Hierarchy (equivalent of level 6 of the former Code for Sustainable Homes). The appellant continues to work closely with his appointed sustainability consultant whose updated report is attached at Appendix NB4. It concludes, inter alia, that:- *'The proposed design and sustainability measures incorporated within the scheme are of an award winning standard'*. Furthermore, a 'Sustainability Integration Overview' diagram and revised roof plan to accommodate the proposed solar panels are attached at appendices NB5 and NB6 respectively. The control of such 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.

- 6.29 The appellant has also established and maintained a close dialogue with the Woodland Trust, 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. A detailed landscaping proposal is therefore included, consistent with that agreed previously with the Council's Arboricultural Officer. The implementation of this new tree planting will enhance the area for local wildlife and have a positive impact on the removal of carbon from the atmosphere thereby helping to deal with climate change. It should be noted that the appellant's timescale for the planting scheme is proposed as being prior to development commencing, which can be controlled by means of a suitable planning condition. This was previously discussed and agreed with the Case Officer.
- 6.30 In addition, the agreed WMP sets out a series of detailed measures and work programme, within the framework of a management commitment to the landscape for a minimum period of 20 years. This will be amplified under the appellant's assessment of the Council's third reason for refusal.
- 6.31 In summary, the environmental benefits therefore involve:-
- the incorporation of sustainability features with the objective of achieving an equivalent of Code for Sustainable Homes level 6
  - special tree planting and landscaping scheme supported by the Woodland Trust (part of Centenary Woods project)
  - Delivery of a bespoke Woodland Management Plan to be delivered by planning condition or unilateral undertaking.
- 6.32 As such, all three strands of sustainable development will be satisfied by the appeal proposals (ie. environmental; economic and social). As such, in terms of the overall planning balance, these benefits can be weighed against the harm caused to the Green Belt. Given the previous analysis undertaken against the 'five purposes criteria' and 'openness', the appellant contends that the only possible harm caused to the Green Belt could be said to be 'by definition'. The NPPF's test for special circumstances to exist requires that any such harm arising must be clearly outweighed by other considerations. The appellant contends that this is the case with the appeal proposals in that the benefits delivered will clearly and significantly outweigh the limited harm.
- 6.33 In terms of the both the adopted and emerging draft policies referred to within this reason for refusal, the appellant specifically comments against each of them as follows:-

**Adopted WHDP 2005**

- Policy SD1 (Sustainable Development):- As above, all three strands of sustainable development will be satisfied; no conflict with policy.
- Policy H1 (New Housing Development):- This policy is out of date and applications for new housing should be considered in the context of the NPPF's presumption in favour of sustainable development; no conflict with policy.
- Policy H2 (Location of Windfall Residential Development):- This policy could also be considered to be out of date, but notwithstanding it has been demonstrated that the



appeal site involves the development of previously developed land within an accessible and sustainable location; no conflict with policy.

- Policy GBSP1 (Definition of the Green Belt):- This is a strategically focused policy relating to maintaining the District's Green Belt boundary as defined on the Council's out of date Proposals Map; it has little relevance to the appeal proposals but it is nevertheless relevant to note that the Council is currently working under the direction of the Local Plan Inspector to re-assess/increase the amount of land they need to release from the Green Belt in order to meet their objectively assessed needs.
- Policy GBSP2 (Towns & Specified settlements):- This policy deals with the distribution of development into specified towns and villages throughout the district. This policy is also under current review and scrutiny as part of the on-going Local Plan process, particularly in respect of those villages that are washed over by Green Belt. Whilst the appeal site falls outside of these specified settlements, as explained at Appendix NB2 (Waterman's Report) it is part of a surrounding network, with different sized settlements being within relatively close proximity, ranging from the village of Essendon to the major town of Hatfield. There would be no material conflict with this policy in permitting one house on previously developed land, within a sustainable location.

#### **Emerging Draft Local Plan 2016**

- Policy SADM1 (Windfall Development):- As with policy H2 above there would be no conflict involved.
- Policy SADM 34 (Development within the Green Belt):- This policy sets out the Council's criteria for allowing certain types of development within the Green Belt including replacement buildings, provided that the new building is not materially larger than the one it replaces in terms of its footprint; height and external volume. Whilst the appeal proposals involve the introduction of a different use within such a replacement building, it has been demonstrated that no harm would be caused by this change and that the NPPF exceptions criteria is duly satisfied; no material conflict with this policy.
- SP 3 (Settlement Strategy and Green Belt boundaries):- As with policy GBSP2 above, there would be no material conflict with this policy.

#### Reason 2:- Impact upon the Green Belt (particularly openness and visual amenity)

- 6.34 Much of the grounds of the Council's second reason for refusal has already been covered earlier in the appellant's analysis of the NPPF's exceptions criteria. It is re-iterated however that the aspects of '*design and nature*' of the proposals referred to by the LPA should not be confused in the assessment of '*openness*'.
- 6.35 The Council have failed to demonstrate how the proposals would be harmful, and the fundamental switch of their argument after 4 years of discussions relating to a residential form of development leaves the appellant perplexed and exasperated.

- 6.36 The appellant responded to the Council's previous criticisms over the design and as a result it now has a much softer and low key rural barn aesthetic that blends in with its woodland setting. The project's chartered architect, Bill Greensmith, conceives the scheme as *'the renewal of a landscape and the buildings within it'*, with its soft timber form reflecting the same materials of the landscape itself. It should be noted that 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 NB7 for general background and interest only.
- 6.37 The Officer had previously stated in his last delegated 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 previous 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.
- 6.38 The before and after comparative visuals are attached at Appendix NB3. These include different alternatives for the materiality of the scheme, as previously discussed with the LPA, including the green walls/pond option (option 2), as well as an option to incorporate a seamless timber roof (so the whole building is a pure timber form in the woodland as option 3). The appellant's preference is Option 3, but all would provide a scheme that is of high quality and innovative, responding organically to its woodland environment, and being intrinsically linked to it through the agreed WMP. The complete package of the scheme represents a unique opportunity, and its modest intervention in the landscape will not harm the visual amenities of this part of the Green Belt in any way. Rather, the overall the site will be significantly enhanced.
- 6.39 The policies referred to in this second reason for refusal overlap with those stated by the Council in their first reason, and have therefore already been covered.

Reason 3:- Impact upon Landscape Character Area

- 6.40 The low key replacement scheme, subject of this appeal, can not credibly be described as being *'urbanisation'*, and the Council have failed to justify how it's minimal intervention within its grounds could possibly cause *'an unacceptable erosion'* of the Landscape Character Area.
- 6.41 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 four years of his ownership, 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 now a few years later than anticipated). A detailed landscaping proposal therefore continues to be included as part of the proposals and a comprehensive WMP (by Cantia Arboricultural Services) has previously been agreed with the LPA, as attached at Appendix NB8. The associated planting plan is also provided at Appendix NB9 which reflects the recommendations contained within the WMP.

- 6.42 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'*.
- 6.43 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. The previous appeal Inspector acknowledged that the scheme *'would have defined and definite ecological and bio-diversity benefits'* (See paragraph 18 of Appendix NB1).
- 6.44 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.
- 6.45 This policy compliance is re-inforced by the previous appeal Inspector's assessment (at para 18 of his letter) who also accepted that that the *'enhancement'* works would only be likely to go ahead in conjunction with the proposal, with the appellant's residence allowing the woodland's *'day to day management'* (see para 19). He also states within the same paragraph:- *'Clear ecological benefits, as well as visual and landscape benefits would therefore solely be provided by the proposal'*. In the appellant's opinion, the LPA continue to underestimate these benefits.
- 6.46 The implementation of the WMP can be secured either by condition or through the planning obligation (as previously agreed between the parties). This issue should be given significant weight in the balancing assessment exercise that is required, under the environmental dimension of achieving sustainable development.
- 6.47 In addition to Policy RA10 (covered above), the other policies referred to by the Council in this reason are considered below:-

**Adopted WHDP 2005**

- Policy D1 (Quality of Design):- The high quality of the design has been demonstrated; no conflict with policy.
- Policy D2 (Character and Context):- The resultant enhancement of the character of the site has been demonstrated; no conflict with policy.

## Emerging Draft Local Plan 2016

- Policy SP9 (Place-making and High Quality Design):- The high quality of the design has been demonstrated; no conflict with policy.
- Policy SADM16 (Ecology and Landscape):- The resultant enhancement of the character of the site has been demonstrated; no conflict with policy.

6.48 The Council's third reason for refusal dealing with landscape matters can not therefore be justified.

## 7.0 Conclusion

7.1 For all of these reasons, it is considered that the appeal proposals satisfy the relevant NPPF exceptions criteria regarding the appropriateness of developing within the Green Belt.

7.2 The dimensions of the new building (except the glazed link) follow precisely those of the existing structures, and as a result it has been shown that there will be no impact upon the Green Belt, either from a spatial or visual perspective. Essentially, the project is now a rebuild of the existing structures, but with a number of benefits flowing from it, addressing all three dimensions of achieving sustainable development (namely; economic; social and environmental). In particular, the appeal proposals will deliver:-

- a high quality and innovative architectural design that blends with the landscape, integrating sustainability and environmental features
- the restoration and management of this important piece of woodland, including the creation of a Centenary Wood project, through a WMP
- a valuable contribution to the borough's housing stock, including an element of social care

7.3 This appeal statement has demonstrated that the resultant benefits of the scheme will clearly and significantly outweigh any harm caused. In the appellant's opinion, the planning balancing scales therefore fall overwhelmingly in favour of granting planning permission. As such, the Inspector is respectfully requested to allow this appeal.