

Mr Mark Peacock  
Planning Department  
Welwyn Hatfield Borough Council  
The Campus  
Welwyn Garden City  
AL8 6AE

1<sup>st</sup> February 2021

Dear Mr Peacock,

**Re: Objection to planning application ref. 6/2020/3451/MAJ for the proposed erection of 14 dwellings at Wells Farm, Northaw Road, East Cuffley, Potters Bar, EN6 4RD**

This objection has been prepared by hgh Consulting and is submitted on behalf of the owner of Thorntons Farm, Northaw, and local residents in Vineyards Road in relation to the planning application (ref. 6/2020/3451/MAJ) for:

*“Demolition of existing buildings and erection of 14 dwellings.”*

**The site**

The site comprises a cluster of six buildings (A-F) with associated hardstanding and areas of vegetation. The lower walls of a former seventh building (G) are also present. While originally built for agricultural purposes, it is understood that some of the buildings have been converted to various commercial uses including stables, storage and office uses. Vehicular access to the site is from Northaw Road East, which bounds the site to the south and is fronted by a cottage which is beyond the application site boundary. To the east of the site is Wells Farm farmhouse which has its own access to Northaw Road East. The site is bounded by open land to the north and west.

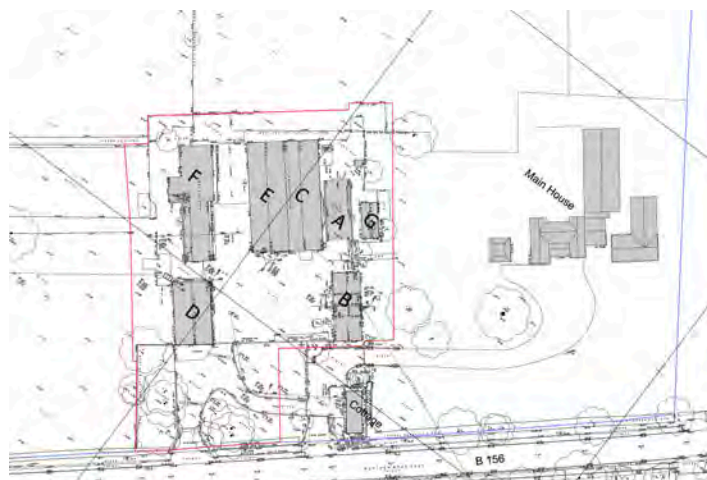


Figure 1: Site location plan

The site is in a rural location that is removed from the edge of the settlement boundary of the village of Cuffley, which lies over 300 metres to the northeast. The site's immediate surroundings predominantly comprise agricultural land, as well as the Northaw and Cuffley Lawn Tennis Club and Cuffley Football Club to the northeast on the opposite side of Northaw Road East.

In Welwyn Hatfield Borough Council's ("WHBC's") adopted Local Plan (2005), the application site is designated within the Green Belt. The site is within the Northaw Common Parkland Landscape Character Area in the Council's Landscape Character Assessment (2005).

In the Regulation 19 submission draft Local Plan (2016), the site forms part of residential site allocation HS30 (Figure 2) and, alongside the adjacent residential allocation HS29 to the northeast, is proposed for removal from the Green Belt. However, following the publication of the submission draft Local Plan, the Examining Inspector raised concern about the shortcomings of the Green Belt assessment underpinning the plan. A Stage 3 Green Belt Assessment (2019) was subsequently undertaken and identified that the release of the wider 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.

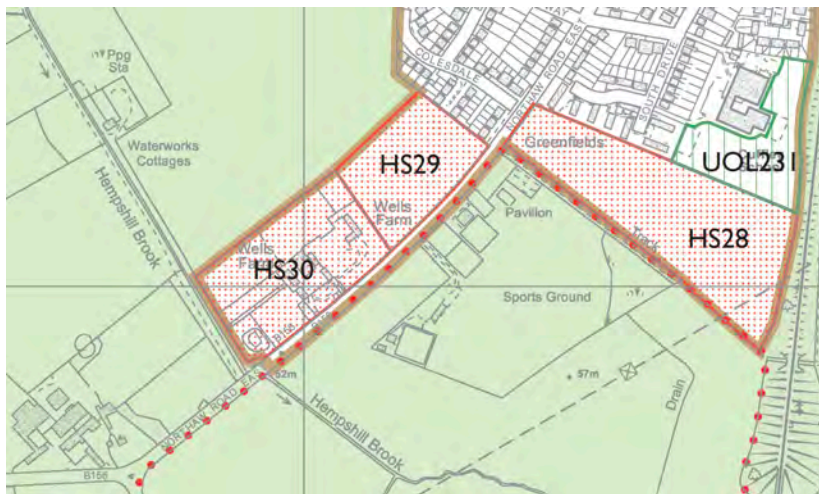


Figure 2: Extract from the submission draft Local Plan proposals map (2016)

Notwithstanding the Council's decision, in completing the Examination of the submission draft version of the Local Plan, the Inspector publicly examined the two site allocations in August 2020. The Inspector set out his preliminary conclusions on the soundness of the draft Local Plan within the Interim Report of October 2020, in which he queries the "heavily biased" proposed distribution of new housing development towards Cuffley (amongst other villages). The Inspector concludes that, despite the presence of some built development, much of allocation HS30 consists of paddocks, "which are not previously developed land and fundamentally from a GB (Green Belt) perspective are open." With respect to HS30 and HS29, he concludes:

*"The demonstration of exceptional circumstances to remove these sites from the GB (Green Belt) 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."*

Within the context of the Council's intention to remove HS30's allocation from the submitted draft Local Plan, there is significant uncertainty as to whether the site allocation will progress any further or ultimately become an adopted site allocation. Further doubt is cast by the Examining Inspector's comments on the site, particularly regarding the comparative unsustainability of the site's location, existing openness of the land, and the disproportionate quantum of housing development allocated to Cuffley. Accordingly, for the current planning application, no weight can be afforded to the site's draft allocation and proposed removal from the Green Belt in determining the acceptability of the principle of the proposed development.

## Grounds of Objection

Having reviewed the application submission, we wish to register a strong objection to the proposals on 5 principal grounds:

1. Green Belt harm;
2. Landscape impact;
3. Isolated location in the countryside;
4. Loss of employment land; and
5. Highways safety.

The following sections address each of these grounds of objection in turn.

### 1. Green Belt Harm

#### Policy Context

As defined by the National Planning Policy Framework ("NPPF"), the essential characteristics of Green Belts are their openness and their permanence (Paragraph 133). With few exceptions, the construction of new buildings is considered 'inappropriate development' which is, by definition, harmful to the Green Belt and should not be approved except in 'very special circumstances' (Paragraphs 143 and 145). In planning decisions, substantial weight should be given to any harm to the Green Belt (Paragraph 144). One of the exceptions for new buildings in the Green Belt (Paragraph 145g) is where the proposal would comprise:

*"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; or*
- *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."*

Local Policies RA1 (Development in the Green Belt) and RA4 (Replacement of dwellings in Green Belt) say that permission will not be granted for new dwellings in the Green Belt except: in very special circumstances; where the proposal involves the reuse of buildings; or where the proposal is a replacement dwelling. Emerging Policies SP3 (Settlement strategy and Green Belt boundaries) and SADM34 (Development within the Green Belt) of the Submission Draft Local Plan (2016) advise that development in the Green Belt will be restricted in a manner consistent with national policy. Under Policy SADM34, replacement buildings in the Green Belt are only permitted where the new building is not materially larger than the one it replaces.

### Assessment of the Proposals

The Applicant considers that the site is previously developed land (PDL) and the development falls under the Paragraph 145(g) exception in the NPPF. PDL is defined in the NPPF 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. A number of exclusions are set out, including land that is or was last occupied by agricultural buildings.

The Applicant claims that the whole site is no longer in agricultural use and instead has an established employment use. The planning history for the site confirms that four of the six units have changed from agricultural to commercial uses through previous planning approvals. However, the planning history does not establish that the two remaining units have lawfully changed from agricultural use, nor does the scope of the aforementioned change of use permissions extend beyond the relevant unit to the wider site (including the hardstanding and access road). In addition, the Applicant acknowledges that the use of a seventh building, (building A) ceased in 2006 when the unit was fire damaged. Only the lower walls of unit A remain. In sum, it is not established that whole site is no longer in agricultural use, and therefore the whole site cannot be considered to comprise PDL for the purposes of redevelopment.

Should the Council disagree, the application should be assessed against the two provisions for the redevelopment of PDL in Paragraph 145(g). With respect to the first limb of Paragraph 145g), we refute the Applicant's view that the development would not cause a greater impact on the openness of the Green Belt compared to the existing site. The existing buildings are predominantly single storey, with only one unit (B) having a mezzanine floor, whereas the proposed dwellings are all two storeys with pitched roofs. In addition, the proposed development for 14 dwellings is more dispersed across the site compared to the existing six units. The proposal would spread the built form across the site into areas where there is currently no built form, particularly to the centre of the site and towards Northaw Road East. In addition, the proposal would result in an intensification of use of the site, introducing garages, new hedges, fences, additional parked cars, play equipment, and other domestic paraphernalia which would further impact upon openness.

While the second limb of Paragraph 145(g) allows for some impact on openness, meeting this limb requires a development scheme to contribute towards meeting local affordable housing needs. The application scheme proposes no onsite affordable housing, nor makes any mention of offsite provision. It is worth noting that the absence of affordable housing conflicts with draft Policy SP7 (Type and Mix of Housing), which requires major developments on previously developed sites in the Green Belt to deliver 30% affordable housing.

As the proposal does not meet the PDL exception in Paragraph 145(g), 'very special circumstances' associated with the development must be proven to justify the Green Belt harm. An exceptionally high bar must be met to prove the existence of very special circumstances. The Applicant's case for very special circumstances is lacking, principally relying upon the potential for the site to contribute to unmet housing need. Overall, it fails to prove that there are very special circumstances to outweigh the harm that would be caused to the Green Belt.

In strategic terms, the Stage 3 Green Belt Assessment (2019) recognises the key contribution made by the site's wider parcel towards the Green Belt purposes of safeguarding the countryside from encroachment and preventing neighbouring towns from merging. The proposed development would erode these functions of the parcel Green Belt and, if approved, could become a precedent for the future development on land to the west of Cuffley.

Overall, the proposed uplift in scale, bulk, massing, in combination with the associated new domestic activity at the site, would result in a significant harmful impact on the openness of the Green Belt, both within the site itself and the site's wider contribution to the Green Belt purposes. The proposals comprise inappropriate Green Belt development which would conflict with the NPPF, Local Policies R1, RA1 and RA4 and emerging Local Policies SP3 and SADM34. In accordance with Paragraph 144 of the NPPF, substantial weight must be given to this identified harm.

## **2. Landscape impact**

### Policy context

At Paragraph 127, the NPPF seeks to ensure that development is sympathetic to the local landscape setting. Paragraph 141 encourages local authorities to make beneficial use of Green Belt designations to retain and enhance landscapes and visual amenity. Paragraph 170 seeks to protect and enhance valued landscapes.

Adopted Policy RA10 (Landscape regions and character areas) says that proposals for development in rural areas will be expected to conserve, maintain and enhance the local landscape character of the area. Draft Policy SADM16 (Ecology and Landscape) advises that proposal should help conserve and enhance the borough's natural and historic landscape and sit comfortably within the wider landscape setting. Proposals should take full account of the relevant Landscape Character Assessment and adopt the strategy and guidelines for managing change set out therein.

The Welwyn Hatfield Landscape Character Assessment (2005) advises that the predominant land cover in the Northaw Common Parkland Character Area is parkland, with settlements generally confined to defensive sites on higher ground.

### Assessment of the proposals

The application site forms part of a highly sensitive landscape. Part of the evidence base for the emerging Local Plan is the Landscape Sensitivity Assessment (2019). The site forms part of the Character Area 53c, which is identified as having a 'Moderate-High' landscape sensitivity to residential development, the second highest level in a range of five.

Another relevant evidence base document is the Green Gap Assessment (2019), which reviews land between settlements to understand the impact that development within these gaps might have on their role in terms of maintaining separation, settlement pattern and character. The study concludes the "*clear physical gap, of rural character*" between Northaw and Cuffley has a 'Moderate-High' landscape sensitivity to development, with the report noting "*the area between the settlements is open and even relatively modest amounts of development would be visually prominent.*" The report recommends the designation of a Policy Gap Area, to include the application site, to protect against ribbon development along the roads between the two settlements, and retain the area's distinct open and rural character.

The application seeks to replace the existing six buildings that are of a rural appearance and have a low landscape impact, with a development of 14 dwellings of greater scale and massing. The proposed housing would appear cramped and overly dense in this rural and open setting. The proposals incorporate dominant materials such as white painted brick which would stand out from the landscape compared to the muted material palette of the existing buildings. The bulky development would have a suburbanising effect on views experienced when travelling along Northaw Road East (Figure 3). It is notable that the application Landscape and Visual Impact Assessment does not include an assessment of any views from the higher ground and open countryside to the north, however, the proposal would undoubtedly be dominant within these views.



Figure 3: Existing and proposed views from Northaw Road East, extracted from the application Design and Access Statement (King & Co)

The proposal would harm the highly sensitive landscape setting of the site and erode the valued rural character and openness of the area. The development would result in precisely the type of ribbon development that the Green Gap Policy Area recommendation seeks to prevent and would undermine the sense of separation between Cuffley and Northaw. Furthermore, development in this location would be incompatible with the settlement pattern of the Northaw Common Parkland Character Area, which is characterised by confined settlements on defensive sites on elevated ground. Overall, the proposed development would cause intrinsic harm to the natural beauty of this part of the countryside, contrary to the NPPF, Local Policy RA10 and draft Local Policy SADM16.

**3. Isolated location in the countryside**

Policy context

An overarching objective of the planning system is to manage patterns of growth to focus significant development in locations which are sustainable, through limiting the need to travel and offering a genuine choice of transport modes (Paragraph 103). Paragraph 79 of the NPPF advises that planning decisions should avoid the development of new isolated homes in the countryside unless the development seeks to fulfil an essential need for a rural worker or propose a design of exceptional quality that is truly outstanding or innovative.

Local Policy M1 (Integrating transport and land use) says that, except for developments which are necessarily located in rural areas, development proposals will be permitted only in locations with accessibility to pedestrian and cycle routes and public transport services. Similarly, draft Policy SADM1 (Windfall development) restricts windfall development to locations which are accessible to a range of services and facilities by transport modes other than the car.

### Assessment of the proposals

The proposal undermines the core NPPF principle of sustainably managing growth. The application site is beyond the settlement boundary of Cuffley in an area where new residential development is normally restricted. In assessing the HS30 site allocation, the Examining Inspector of the draft Local Plan has commented that the site's location performs relatively poorly from a "*movement perspective*". While there is a footpath to Cuffley on Northaw Road East, the footway is sloping, poorly maintained and has undergone verge creep which inhibits access to the village, particularly for disabled pedestrians or those with pushchairs. The bus stops near the site are served by one route only that has relatively infrequent services. Future residents are unlikely to walk the distance to Cuffley Railway Station (1.4km), which is beyond the acceptable walking (1km) set by Institute of Highways and Transportation (IHT) document Guidance for Journeys on Foot (2000). Overall, future occupants would be mainly reliant on the car to carry out their day-to-day activities. As such, the proposals do not comply with NPPF guidance, Local Policy M1 or draft Local Policy SADM1.

## **4. Loss of Employment Land**

### Policy context

Draft Policy SADM10 (Employment development) says that proposals resulting in the loss of land from Class B uses (equivalent to Classes E, B2 and B8 under the 2020 amendments to the UCO) will only be permitted where it can be demonstrated that the premises have been actively marketed for three years.

### Scheme Assessment

The application states that a number of the existing units are in commercial use. Such uses contribute towards meeting the demand for employment land within the District. In particular, small business units such as those at the site are important for supporting a prosperous rural economy, which is one of the key objectives of the NPPF. While it is acknowledged that Policy SADM10 is a draft policy, there is no supporting marketing evidence or other justification provided by the application to support the proposed loss of employment floorspace.

## **5. Highways safety**

### Policy context

Local Policy RA28 (New development using rural roads) advises that permission will not be granted for developments that will increase traffic on local rural roads where this will have an adverse effect on the local environment. Draft Policy SADM2 (Highway network and safety) says that development proposals will only be permitted where there would be no negative impacts on highway safety.

### Assessment of the proposals

The proposals would generate additional traffic movements utilising the existing access point onto Northaw Road East. Traffic on Northaw Road East is fast-moving and the road is subject to 60mph speed limit. The application Transport Statement notes that there have been 14 accidents between Northaw Road East and Station Road and Cattlegate Road in the past five years, including several serious accidents. There are concerns that the proposed intensification of use of the access will have highways safety implications.



## Conclusion

The planning application is strongly opposed for the planning considerations outlined above. Only very limited weight can be afforded to the site's draft allocation in the emerging Local Plan and the proposals have been assessed on this basis. The proposals conflict with the development plan policies listed in the previous sections, including fundamental NPPF principles of protecting Green Belt land and focusing development in sustainable and accessible locations. The proposal risks setting a harmful precedent for development in the open and visually prominent countryside to the west of Cuffley. It would result in development encroaching into land which performs strategic Green Belt functions, maintains an important settlement gap between Cuffley and Northaw, and has significant landscape sensitivities. The harm that has been identified above significantly and demonstrably outweighs the limited benefit of the proposals, namely, the delivery of fourteen market dwellings. It is respectfully requested that planning permission is refused.

We look forward to receiving written confirmation that this objection has been received and registered.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'R. Hepher'.

Roger Hepher  
**Director**  
hgh Consulting