



Appeal Decision

Inquiry opened on 5 November 2024

Accompanied site visit made on 8 November 2024

by David Wildsmith BSc(Hons) MSc CEng MICE FCI HT MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27/11/2024

APPEAL REF: APP/N1920/W/24/3346928

Land at Barnet Lane and Furzehill Road, Borehamwood, Hertfordshire

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by BDW Trading Ltd ('the appellant') against Hertsmere Borough Council ('the Council' or 'HBC').
- The application Ref 23/0937/OUT, dated 15 May 2023, was refused by notice dated 13 March 2024.
- The development proposed is the erection of up to 220 dwellings, including 50% affordable housing, self-build/custom-build plots, green infrastructure (including public open space, play area, landscape planting and sustainable drainage systems), ecological enhancements to Woodcock Hill Village Green, new multi-modal vehicular access from Furzehill Road, emergency, pedestrian and cycle access from Carrington Avenue, and associated works and development – with means of access to be determined at this stage and with all other matters reserved.
- The Inquiry sat for 5 days on 5-8 and 13 November 2024¹.

Decision

1. The appeal is allowed and outline planning permission is granted for the erection of up to 220 dwellings, including 50% affordable housing, self-build/custom-build plots, green infrastructure (including public open space, play area, landscape planting and sustainable drainage systems), ecological enhancements to Woodcock Hill Village Green (WHVG), new multi-modal vehicular access from Furzehill Road, emergency, pedestrian and cycle access from Carrington Avenue, and associated works and development, on land at Barnet Lane and Furzehill Road, Borehamwood, Hertfordshire, in accordance with the terms of the application Ref 23/0937/OUT, dated 15 May 2023, subject to the conditions set out in the schedule at the end of this decision.

Preliminary and procedural matters

2. The application was submitted in outline with only the means of access to be determined at this stage. The proposed Furzehill Road main site access is shown on Drawing No 18-157/001 Rev G², with the proposed Carrington Avenue pedestrian, cycle and emergency vehicle access shown on Drawing No 18-157/002 Rev H³.
3. After the application had been submitted it became apparent that some 0.22 hectares (ha) of land in the south-west corner of the application site (now appeal site) lay within the WHVG and was not within the ownership of the appellant. With the agreement of the Council the appellant amended the red line boundary to

¹ The final day of the Inquiry was conducted remotely, by means of Microsoft 'Teams'

² Core Document (CD) 2.14

³ CD 1.24

address this matter. This has resulted in a reduction in site area and does not affect the proposed development area, or the proposed number or location of dwellings and infrastructure. Because of this I am satisfied that the amendments to the red line boundary, and the consequent changes to other plans⁴, would not adversely prejudice anyone with an interest in this case. I have therefore determined the appeal on the basis of these amended plans. Further details of this matter are set out in the Planning Statement of Common Ground⁵ (SoCG).

4. The Planning SoCG also confirms that the Council can currently only demonstrate a housing land supply (HLS) of 1.36 years. Amongst other things this means that the development plan policies which are most important for determining this appeal have to be considered out-of-date, in accordance with footnote 8 to paragraph 11(d) of the National Planning Policy Framework⁶ (NPPF).
5. Paragraph 154 of the NPPF explains that the construction of new buildings should be regarded as inappropriate in the Green Belt. As the appeal site lies wholly within the Metropolitan Green Belt the parties agree that the appeal proposal would represent inappropriate development, as defined in Policy CS13 of the Hertsmere Core Strategy⁷ (HCS), adopted in January 2013, and the NPPF.
6. After the Inquiry had closed, but in accordance with an agreed timescale, the appellant submitted a completed planning obligation in the form of an agreement made under section 106 (S106) of the Town and Country Planning Act 1990, as amended⁸. I deal with this under the fifth main issue.
7. I undertook an accompanied visit to the appeal site and surrounding area in the company of representatives of the appellant and the Council on 8 November 2024. On the same day, and on other days throughout the course of the Inquiry, I visited other locations in the vicinity of the appeal site on an unaccompanied basis.

Site description, surrounding area and details of the appeal proposal

8. Details of the appeal site and the surrounding area are given in the Planning SoCG, the Landscape and Visual Matters (LVM) SoCG⁹ **and the Officer's Report**¹⁰ (OR) to the Planning Committee. In summary, the site comprises some 11.78 ha lying outside but immediately adjacent to the southern settlement boundary of Borehamwood, within the Metropolitan Green Belt. It comprises semi-improved natural grassland, broad-leaved woodland, scrub and amenity/managed grassed areas, with land levels increasing from the north-west corner to the centre, and **then sloping down towards the site's south-eastern corner.**
9. The western part of the site lies within the WHVG and the Woodcock Hill Fields Local Wildlife Site (LWS) whilst the eastern section of the site, where development is proposed, extends to about 7.7 ha and comprises 2 field parcels with pasture grassland, bordered by mature tree belts. Many of the tree groups and individual trees within and around the site are covered by a Tree Preservation Order (TPO).
10. Furzehill Road borders the site to the east, whilst Barnet Lane runs alongside the southern boundary. Carrington Avenue lies immediately to the north of the site and

⁴ The Parameter Plan (CD 2.21), the Opportunities and Constraints Plan (CD 2.22), the Development Framework Plan (CD 2.23), the Illustrative Masterplan (CD 2.24) and the Landscape Strategy Concept Plan (CD 2.25)

⁵ CD 11.1

⁶ CD 7.1

⁷ CD 4.1

⁸ Document (Doc) 7

⁹ CD 11.2

¹⁰ CD 3.1

is characterised by traditional, 2-storey, post-war housing. Dwellings fronting onto Furzehill Road, Ashley Drive and Farriers Way to the east of the site are broadly similar in character, although there are some 3-storey buildings within the Farriers Way estate. A number of large, detached dwellings lie to the south of the site, fronting onto the southern side of Barnet Lane and backing onto open countryside. The M1 Motorway lies a kilometre or so to the south, beyond a large wooded area known as Scratch Wood. Open heathland, formerly part of the WHVG¹¹, lies to the west. Outline planning permission for up to 74 dwellings was allowed on this land at appeal in March 2024¹².

11. An existing Public Right of Way (PRoW), Footpath 9, crosses the site, connecting Furzehill Road at the north-eastern boundary, westwards across to Carrington Avenue where it continues through Woodcock Hill south-westwards to Barnet Lane.
12. The Planning SoCG states that the site lies in an accessible location on the edge of the Borehamwood built-up area, about 1 kilometre from the town centre, and enjoys good accessibility by a range of travel modes to a wide range of retail, employment and other facilities and services. Nearby bus stops on Furzehill Road are served by high frequency bus services to the town centre and the Elstree & Borehamwood railway station to the north, and also serve services to stations on the London Underground at Edgware and High Barnet. Additional peak period bus services to other locations are also available¹³. The Elstree & Borehamwood railway station, located on the Thameslink route, lies within a 15 to 20 minute walk or a 3 to 5 minute cycle ride from the site, offering frequent trains in each direction.
13. Under the appeal proposal the appellant seeks to construct up to 220 dwellings, to include 50% affordable dwellings and 6 self-build/custom-build dwellings, along with associated access/highways improvements, drainage and attenuation measures, play area, open space and landscaping. The proposal is supported by a Parameter Plan and a Design Code document¹⁴. An Illustrative Masterplan shows one way in which a scheme of up to 220 dwellings could be accommodated in line with the Parameter Plan and Design Code.

Main issues

14. Having regard to the detail and extent of the evidence put forward by the parties I consider that the important and necessary matters can be covered by the following 6 main issues:
 - 1) the effect of the proposed development on the openness of the Green Belt, and on the purposes of the Green Belt as set out in the NPPF;
 - 2) the effect of the proposed development on the landscape, character and appearance of the surrounding area;
 - 3) whether the appeal proposal would give rise to any other harm;
 - 4) an assessment of the weight to be given to the benefits of the proposed development;
 - 5) the extent to which any submitted planning obligations and/or planning conditions would address the impacts of the proposed development;
 - 6) whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

¹¹ See paragraph 2.3 of CD 11.1 and its footnote

¹² CD 9.4 – referred to elsewhere in this decision as the Hartfield Avenue appeal

¹³ See paragraph 2.13 of CD 11.1

¹⁴ CD 1.10

15. Before dealing with these main issues I first set out the existing policy framework against which this appeal needs to be determined, and also refer to the emerging Local Plan and its evidence base¹⁵.

Reasons

Existing planning policy framework

16. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan for the area unless material considerations indicate otherwise. The Planning SoCG states that in this case the development plan includes the HCS and the Site Allocations and Development Management Policies Plan¹⁶ (SADMPP), adopted in November 2017.

The Council's single reason for refusal¹⁷ alleges conflict with a number of HCS and SADMPP policies which I summarise below.

17. HCS Policy SP1 relates to the delivery of sustainable development within the Borough, with emphasis on prioritising the efficient use of brownfield land and development opportunities within existing built-up areas within urban settlements. It sets out a wide range of matters with which new development should accord, with the following being particularly relevant in the context of this appeal:

- conserve and enhance biodiversity, protected trees, and sites of ecological value in the Borough and provide opportunities for habitat creation and enhancement throughout the life of a development;
- mitigate the environmental impact of transport by promoting alternatives to the car for accessing new development and existing development and other destinations across the Borough, and opportunities for linked trips;
- be of high quality design and appropriate in scale, appearance and function to the local context and settlement hierarchy, taking advantage of opportunity to improve the character and quality of an area;
- avoid prejudicing, either individually or cumulatively, characteristics and features of the natural and built environment;
- minimise and mitigate the impact on local infrastructure and services;
- avoid inappropriate development in the Green Belt;
- seek the maximum level of affordable housing on site;
- incorporate the use of Sustainable Urban Drainage Systems where appropriate and where required by the Flood and Water Management Act 2010 to help reduce the risk of flooding.

18. As the matters detailed above seem to me to accord with up-to-date requirements of the NPPF, I consider that this policy should carry full weight in this appeal.

19. HCS Policy CS13 states, amongst other things, that there is a general presumption against inappropriate development within the Green Belt, as defined on the Policies Map and that such development will not be permitted unless very special circumstances exist. As this echoes Green Belt policy detailed in Section 13 of the NPPF I again consider that it should carry full weight in this appeal.

20. SADMPP Policy SADM11 explains that development will be managed to help conserve, enhance and/or restore the character of the wider landscape across the

¹⁵ Covered in more detail in paragraphs 7.21-7.32 of the Planning SoCG – CD 11.1

¹⁶ CD 4.2

¹⁷ CD 3.5

Borough. Individual proposals will be assessed for their impact on landscape features to ensure that they conserve or improve the prevailing landscape quality, character and condition. It further states that the location and design of development and its landscaping will respect local features and take opportunities to enhance habitats and green infrastructure links, and requires landscaping schemes to use native species which are appropriate to the area. I consider that this policy broadly accords with Section 15 of the NPPF and like the Council I therefore accord it significant weight in this appeal.

21. Finally, SADMPP Policy SADM26 recognises that residents and businesses may wish to make changes to buildings and sites within the Green Belt, and accordingly it sets out a number of principles with which such development would be expected to comply. The Planning SoCG confirms that the particular principle of concern to the Council in this case is the one which requires the scale, height and bulk of the development to be sympathetic to, and compatible with, its landscape setting and not be harmful to the openness of the Green Belt.
22. However, in the current case, where the development in question is agreed to be inappropriate development in the Green Belt it would clearly have an adverse impact on the openness of the Green Belt. **That said, I share the appellant's view** that notwithstanding any conflict with this policy, it would still be possible for a development proposal to comply with the strategic Green Belt policy, HCS Policy CS13, if very special circumstances can be demonstrated (see later). I explore this matter later in this decision, and in these circumstances I consider that Policy SADM26 can still carry weight in this appeal.
23. The NPPF is a material consideration. As noted above, its paragraph 11(d) explains that where the development plan policies which are most important for determining the application are out-of-date – a situation that the parties agree applies here - development proposals that accord with an up-to-date development plan should be granted planning permission unless either of 2 stated exceptions apply. The first of these is where the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed. **The NPPF's Green Belt policies fall into this category and I discuss these** and other relevant NPPF policies as necessary throughout this decision.
24. The Planning Practice Guidance (PPG) is also a material consideration in the **determination of this appeal, as are a number of the Council's adopted** Supplementary Planning Documents and Guidance (SPD/SPG) as detailed in paragraphs 7.18 and 7.19 of the Planning SoCG.

Emerging Local Plan

25. The Council began to update the HCS in 2016 and it prepared a new draft Local Plan¹⁸ which reached Regulation 18 (public consultation) stage in September 2021. This draft plan proposed the appeal site as a sustainable new neighbourhood capable of delivering around 250 new homes, but the Council decided to set the plan aside in April 2022. The Council published a revised Regulation 18 plan¹⁹ in April of this year, which has once again proposed the appeal site as a housing allocation, capable of accommodating an indicative 250 dwellings. The Council has not yet responded to the consultation on this plan.

¹⁸ CD 6.3

¹⁹ CD 6.4

26. In these circumstances, and having regard to paragraph 48 of the NPPF, I consider that very limited weight can be given to this emerging plan as it is clearly still at a very early stage of preparation. However, it is apparent from the information before me that much work has gone into assessing which sites could most appropriately be released from the Green Belt to accommodate the required housing numbers²⁰. The Planning SoCG makes it clear that both parties regard this evidence base as a material consideration in this appeal, and as this matter has been the subject of independent assessment over many years I see no good reason why this evidence base should not carry appreciable weight in this appeal.

Emerging National Policy

27. It is also relevant to note that at the time the Inquiry was sitting amendments to the NPPF were awaited, following the **Government's consultation on proposed reforms** to the NPPF and other changes to the planning system²¹. These draft amendments to the NPPF include a **definition of 'Grey belt' in the Glossary**, which may or may not relate to the appeal site, depending on the final definition of such land, if indeed it features in the amended NPPF. As things currently stand, however, I can only give this matter limited weight.

Main issue 1 – the effect of the proposed development on the openness of the Green Belt, and on the purposes of the Green Belt as set out in the NPPF

28. NPPF paragraph 142 states that the Government attaches great importance to Green Belts, with the fundamental aim of Green Belt policy being to prevent urban sprawl by keeping land permanently open; and that the essential characteristics of Green Belts are their openness and their permanence. I agree with the parties that this proposal would be inappropriate development in the Green Belt. Paragraph 152 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 153 explains that 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.

29. With these points in mind it is therefore necessary to consider the effect of the proposed development on the openness of the Green Belt, and also on the purposes of including land in the Green Belt. In making these assessments I have had regard to the views and opinions set out in the evidence of Mr Gardner for the appellant, and Mr Kirkpatrick for the Council, but I have also relied on my own observations of the site and the surrounding area made at my accompanied site visit. This provided the opportunity to view the site from a number of representative viewpoints agreed as part of **the appellant's** Landscape and Visual Impact Assessment²² (LVIA), submitted to support the outline planning application.

The effect on openness

30. The PPG explains that openness in Green Belt terms is capable of having both spatial and visual aspects, such that the visual impact of a proposal may be relevant, as may its volume. It also indicates that other matters which may need to be taken into account in making an assessment of the impact of a proposed development on openness can include, but not be limited to, the duration of the development, its remediability, and the degree of activity such as the amount of

²⁰ See CDs 6.6, 6.7, 6.8 & 6.9

²¹ See CDs 7.5, 7.6 & 7.7

²² CD 1.14 - prepared in accordance with the **Landscape Institute's 'Guidelines for Landscape and Visual Impact Assessment, Third edition'**²² (GLVIA3) – CD 7.4

traffic likely to be generated. In this context I consider it of relevance to note that no development is proposed on the western part of the site, such that the WHVG would be unaffected by the appeal proposal, contrary to the views of many of those who made representations against this scheme.

31. That said, the appeal proposal would introduce an appreciable amount of new residential development onto more than half (some 4.5 ha) of the eastern part of the site, comprising up to 220 dwellings of 2, 2.5 and 3 storeys in height, along with associated roads and parking areas, at an average density of 48 dwellings per hectare (dph). This would accord with the 30-50 dph range for such development **set out in Part D of the Council's Planning and Design Guide SPD²³**, and in my assessment would not appear out of keeping with the prevailing form of residential development in the surrounding area. In spatial terms it would, however, clearly have a significant impact on the openness of the Green Belt.
32. In addition to this basic spatial impact I saw at my accompanied site visit that there are locations around the site, primarily along Furzehill Road and Barnet Lane, where views can be obtained into the open, inner part of the appeal site. As such, the presence of some 220 new dwellings and associated vehicles and domestic paraphernalia would be apparent to those passing close to the site, and the development would therefore also have a clear visual impact on openness. However, the dense belts of existing tree planting and other vegetation which line **much of the site's boundaries** mean that only glimpsed views of the new development would be possible, and these views would be further restricted by the strengthening of the boundary vegetation in line with the proposed landscape strategy. This means that any such visual impact would only be very localised.
33. However, because of concerns expressed by Mr Kirkpatrick I did also assess the **proposal's** likely visual impact from viewpoints 14 and 25, located some distance to the south on the northern edge of Scratch Wood. The absence of any wireframes or photomontages of the proposed development makes any detailed assessment difficult. However, the combination of the separation distances involved, the topography of the intervening ground, the ground levels on the appeal site itself and the existing vegetation to which I have already referred lead me to the view that any visual impact on such distant receptors would be minimal. Any impact could, in any case, possibly be avoided or at least further minimised by appropriate conditioning at reserved matters stage if this proposal was to be allowed. Drawing the above points together I consider that in visual terms the proposed development would result in moderate adverse impact on the openness of the Green Belt.

The effect on the purposes of the Green Belt

34. Paragraph 143 of the NPPF explains that Green Belt serves 5 purposes, and the Council and the appellant agreed that purposes (d) and (e) – respectively 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 – are not relevant in this case. I share that view. This means, however, that the first 3 purposes are seen as being applicable to this site and I deal with each, below.
35. Purpose (a) - to check the unrestricted sprawl of large built-up areas. Together with the Hartfield Avenue site to the west, upon which a development of 74 dwellings was allowed at appeal in March of this year²⁴, the appeal site was assessed for the

²³ CD 5.5

²⁴ CD 9.4

Council by independent consultants as part of the Hertsmere Green Belt Assessment (HGBA) Stage 2²⁵. This comprised part of the evidence base for the 2021 Regulation 18 version of the Hertsmere Local Plan and I understand that the assessment has also been relied on in the current, 2024 Regulation 18 Local Plan. This combined area was referenced as site RC-5²⁶, and the assessment took the view that both of the sub-areas it contains performed weakly against this first Green Belt purpose because of their enclosure within the large built-up area of Borehamwood. The appellant supported this view at the Inquiry, arguing that as the appeal site lies to the north of the ribbon development on the south side of Barnet Lane it only makes a limited contribution to the distinction between the urban fringe and the wider open countryside to the south of Barnet Lane.

36. In contrast the Council maintained that as the appeal site contains very limited built development (a single wooden shed, seen at the accompanied site visit), and has a strong sense of openness, it relates more strongly to the wider countryside and hence makes a reasonably strong contribution to this Green Belt purpose. I generally share this view and also consider that the significant areas of planting **along the appeal site's** boundaries serve to set the site apart from existing development to the north and, to a lesser extent, the east, such that it does clearly fulfil some aspects of this first Green Belt purpose.
37. However, I have also considered whether the end result could be viewed as **'unrestricted sprawl'** if the development was to proceed. My conclusion is that it could not. I take this view because the site has a strong, defensible, well-treed southern boundary, which to my mind means that any proposed development could not be **considered to be 'unrestricted'**. Moreover, as development on the site would sit within the general envelope of existing development bounded by the likes of Carrington Avenue to the north-west and Ashley Drive and Farriers Close to the south-east, **I am not persuaded that it would constitute 'sprawl'**. Drawing the above points together I consider, on balance, that the loss of the appeal site to development would result in a moderate conflict with this Green Belt purpose.
38. Purpose (b) - to prevent neighbouring towns merging into one another. It seems to me that the only neighbouring town to which this purpose could reasonably relate would be Edgware, to the south of the appeal site and also south of the M1 Motorway. The Council considers that the appeal site makes a weak contribution to this purpose, arguing that it provides **a 'less essential part of the gap' between settlements**, where development may be possible without significant risk of merging of settlements due to the effects of distance and the absence of any potential inter-visibility between the 2 settlements.
39. The appellant takes this a step further and argues that as the appeal site forms part of a larger indent within the southern edge of Borehamwood, development on the appeal site would not adversely affect any perceived gap between Borehamwood and any other town. This echoes the views expressed in the HGBA Stage 2 study referred to above, which maintains that the release of this site for development would not reduce the physical or perceptual scale of the gap between Borehamwood and Greater London. Moreover, advice to Council Members contained in the OR²⁷ was that the Green Belt can physically and visually accommodate development within this site without fundamentally compromising the gaps

²⁵ CD 6.8

²⁶ Within RC-5 the current appeal site is identified as SA-50, with the site to the west being SA-49

²⁷ Paragraph 7.33 in CD 3.1

between settlements. Having regard to the above points I consider that the appeal site makes very little contribution to this Green Belt purpose.

40. Purpose (c) - to assist in safeguarding the countryside from encroachment. The HGBA Stage 2 assesses that the eastern part of the appeal site (SA-50) meets this purpose strongly as a result of its more unspoilt rural character and strong openness. Mr Gardner did not demur from this view, accepting that the appeal site should be viewed as countryside. But he did maintain that the site is subject to several urbanising influences and is perceived as part of the settlement edge, such that whilst there would undoubtedly be some encroachment, development would not significantly increase the urbanising visual influence beyond the appeal site itself. Because of this he argued that the level of harm against this purpose would be moderate.
41. In contrast Mr Kirkpatrick argued that the partial views of settlement edge housing and adjacent roads highlighted by Mr Gardner are not dominating influences, with the appeal site retaining a stronger relationship with the wider countryside than with the nearby built-up area. He maintained that the developed area would be transformed from countryside to suburban character, and that although some internal greenspaces would remain they would be unlikely to be perceived as part of the countryside because they would contain suburban features such as a play area and walkways. Overall, Mr Kirkpatrick's view was that the appeal site makes a relatively strong contribution to this purpose.
42. **I generally share the Council's view on this matter**, although as has already been made clear it is only the eastern part of the overall appeal site which would be developed, and the impact on this purpose has to be seen and assessed in this light. I have also noted the general comment made in the HGBA Stage 2 regarding SA-49 and SA-50, that these sub-areas do not play a fundamental role in relation to the wider Green Belt parcel, and if released in combination would not harm the performance of the wider strategic Green Belt²⁸. Nevertheless, in view of the size and extent of the proposed development my overall view is that the impact on this purpose would be significant.

Summary on Green Belt harm

43. Drawing the above matters together I conclude that the proposed development would represent inappropriate development in the Green Belt; would have a significant adverse impact on the openness of the eastern part of the appeal site in spatial terms; a moderate adverse impact on the openness of the Green Belt in visual terms; and would result in varying degrees of conflict with 3 of the purposes of including land within the Green Belt. In accordance with guidance in paragraph 153 of the NPPF I give substantial weight to these harms to the Green Belt.
44. Subject to an assessment as to whether very special circumstances exist – which I carry out under the sixth main issue - the appeal proposal is at odds with parts of HCS Policies CS1 and CS13, and SADMPP Policy SADM26.

Main issue 2 – the effect of the proposed development on the landscape, character and appearance of the surrounding area

45. As noted above, the LVIA submitted to support the outline planning application included a number of representative viewpoints, chosen to enable the assessment of the impact of the proposed development on a range of receptors at various

²⁸ Page 90 of CD 6.8

distances from the site. Some viewpoints within the site were also included. As a result of its baseline assessment the LVIA commented that the appeal site is well-screened, with public views being limited to the **site's** immediate environs, primarily the public highways which surround the site, the London Loop Long Distance Footpath Route to the south, and PRoW Footpath 9 which runs through the northern and middle section of the site. The LVIA further noted that views of the appeal site begin to diminish and become difficult to distinguish further away from the local environment, due to a combination of intervening vegetation, built form and undulating topography. My own observations made at my accompanied and unaccompanied site visits support this view.

46. The landscape witnesses for the Council and the appellant have jointly produced the LVM SoCG which includes their differing assessments of the likely landscape and visual impact of the proposed development when viewed from 30 of the LVIA viewpoints. In summary, they agree that the appeal proposal would cause harm to the character and appearance of the area but further agree that by itself this harm would be insufficient to justify refusal of this proposal. The SoCG also confirms that the appeal site is not subject to any local or national landscape designation, nor is it within a valued landscape as detailed in paragraph 180(a) of the NPPF.
47. I have also had regard to a Landscape Sensitivity Assessment²⁹ (LSA), which was produced for the Council in 2020 and considered the relative landscape sensitivity of different areas of the Borough to residential and employment development. Its Introduction explains that it was undertaken to increase the understanding of the local landscape and settlement pattern; to inform decisions on the allocation of sites in the new Local Plan; and to guide consideration of individual planning applications in and around those areas assessed.
48. As identified in the LSA, the appeal site is located within the northern part of Landscape Character Area (LCA) 23: Elstree Ridge and Slopes. LCA 23 is then broken down into smaller assessment units (AUs), with the appeal site lying within AU 23a: Elstree and Borehamwood Fringe. Amongst other things this AU is described as comprising fields of pasture divided by thick hedgerows, as well as some deciduous woodlands, grasslands and scattered low density houses set within trees along Barnet Lane, which runs along the top of the ridge. At my site visits I saw that these features are apparent on and around the appeal site.
49. The LSA concludes that AU 23a has a moderate sensitivity to low density development of 2 to 2.5 storey dwellings and medium density to mixed residential development of houses and flats. In terms of guidance it recommends that any development should be located on flatter land where it can be integrated into the existing urban edge, or located in central areas where it will have least impact on the wider landscape. It also recommends that any plans for development should retain all deciduous woodlands, orchards and ecologically valued grasslands, and use vegetation that is in character with the locality to integrate any new development into the landscape so that the rural character of the landscape character area is retained.
50. Dealing first with landscape effects, both parties consider the appeal site to be of medium-high sensitivity to development, and that the proposed development would result in a high magnitude of change to the appeal site itself and also to its immediate context, especially at construction and Year 1. Again, I share these views and consider it self-evident that the introduction of relatively large-scale

²⁹ CD 6.13

residential development onto this open paddock area, currently used for the grazing of horses, would bring about a major adverse effect on the landscape character of the eastern part of the appeal site, and would thereby result in harm to aspects of this landscape resource.

51. These changes would include some alterations to the topography of the site to accommodate development platforms and the sustainable drainage feature **proposed for the site's south**-eastern corner, as well as the removal of a small amount of vegetation both within the site and along its eastern boundary, to enable the formation of the new vehicular access. The level and nature of effect would still be major/moderate at Year 15, a point upon which both parties agree. However, some key components of character would remain, including Footpath 9 set within a wooded corridor, and the retention of the well-treed existing boundaries. In addition, as previously noted, the western part of the overall site, including the WHVG, would not be adversely affected by the appeal proposal.
52. **I have noted the Council's** contention that measures shown in the HBC Outline Landscape Appraisals (OLA) report³⁰, aimed at limiting the impacts of any development on this site, have not been adhered to in the proposed development. In particular the Council maintains that **the proposal does not include the OLA's** suggested lower density transition towards Barnet Lane, but instead proposes a line of 3-storey buildings in the south-east of the site; and that the OLA envisages a greater set-back of development from the southern site boundary and from Footpath 9 than that shown on the Parameter Plan.
53. However, the OLA makes it clear that its suggested measures are only illustrative, and I am aware that the **Council's** Principal Urban Design Officer has been consulted on the proposal and generally supports the matters shown on the Parameter Plan, the Illustrative Masterplan, and the Landscape Strategy Concept Plan³¹. Moreover, I see that the Parameter Plan indicates **buildings of 'up to 3 storeys' in height for the** south-eastern part of the site, with all such matters needing to be approved by the Council at reserved matters stage in any case. Taken together, I am satisfied that there would be no significant conflict with the OLA suggestions.
54. Looking beyond the appeal site itself I consider that any impacts on landscape character would be limited and localised, largely because the proposed development area is self-contained and well-screened. Moreover, these impacts would inevitably moderate as the proposed development matures, and notwithstanding the fact that the appeal proposal would clearly introduce new housing onto currently undeveloped land, upon completion the area would have a similar settlement-edge appearance to other, existing residential areas within the general locality. Because of these points I consider that the impacts on the wider LCA should only be seen as modest.
55. In terms of visual effects I have been mindful of the comments and differing views of the respective landscape witnesses with regard to the likely impact of the proposed development from a range of the agreed viewpoints, located generally **adjacent to or close to the appeal site's boundaries**. However, as with landscape matters I have made my own assessment of the likely effects, assisted by observations at my accompanied and unaccompanied site visits.

³⁰ CD 6.14

³¹ Pages 187-190 in CD 3.1

56. On this matter, and particularly because of the extensive amount of existing and proposed boundary vegetation around the area of the appeal site upon which the development is proposed, I do not consider it necessary or indeed particularly helpful to provide a commentary on each of the viewpoints. Suffice it to say that with the exception of the proposed vehicular access onto Furzehill Road, from where relatively clear (albeit limited) views into the site would be possible, only glimpsed views (at most) of the proposed development would be possible from all other viewpoints outside the site. That said, the visual impacts would be major and very noticeable at construction and Year 1 from the viewpoints along Furzehill Road **and at the site's south-eastern corner**, where existing tree cover and other vegetation is less dense, and also for users of Footpath 9 within the site, who would pass in close proximity to the development area.
57. As noted within the LVIA, these predominantly glimpsed views would change from those of a pastureland set within a well-treed framework, to a construction site with an emerging domestic-scale built form, and ultimately to views of a new residential area set within areas of retained and strengthened green infrastructure, with some new areas of publicly accessible green space and a retained PRoW across the site. The effects on receptors would range from major to minor adverse overall during the construction phase and Year 1 but **I share the appellant's view that** impacts would reduce by Year 15, once the landscape proposals mature and the elevational treatments weather.
58. In summary, by introducing a suburban-style residential development onto this currently open, rural site the appeal proposal would cause some harm to the landscape character of the site. It would also give rise to some visual harm, particularly for residential receptors in the adjacent streets and for receptors passing the site, although longer-distance visual impacts would be much more limited. Although these impacts would reduce over time, as the additional planting matures and the development assimilates into the surrounding area, my overall conclusion on this issue is that the appeal proposal would have an adverse impact on the landscape, character and appearance of the surrounding area. Like the Council I consider that this harm should carry moderate weight. Accordingly I consider the proposed development to be at odds with some parts of SADMPP Polices SADM11 and SADM26.

Main issue 3 – whether the appeal proposal would give rise to any other harm

59. As noted previously, the Council refused planning permission for a single reason relating to Green Belt harm and harm arising to landscape, character and appearance. The Council is therefore content that no other harms would arise if this proposal was to proceed. However, I am well aware that interested persons raised a number of other areas of concern both at application stage³² and appeal stage. In addition, 3 interested persons appeared at the Inquiry to set out some of their concerns in more detail³³. I deal with what I consider to be the main topics of concern in the following sections.
60. Flood Risk and Drainage. At the time **Members of the Council's Planning Committee** first considered this proposal, in January 2024, it was still subject to an outstanding objection from Hertfordshire County Council (HCC) as Lead Local Flood Authority (LLFA). In essence the LLFA maintained that insufficient information had been

³² See section 5.3 in CD 3.1

³³ See, for example, Doc 3

submitted for it to determine whether or not the Flood Risk Assessment³⁴ (FRA) and Drainage Strategy submitted with the planning application were acceptable. As a result, Council Members decided to defer a decision and seek additional information on this matter. Interested persons raised additional concerns, including that an overflowing drain in nearby Alwyn Close means that drainage in the area cannot cope; and that after it rains there is flooding at the Furzehill Road/Farriers Way/Barnet Lane roundabout.

61. On these matters, the evidence before the Inquiry is that based on the Environment Agency mapping the appeal site is situated within Flood Zone 1, meaning that there is a less than 0.1% chance of fluvial flooding occurring. Moreover, most of the site is at very low risk of surface water flooding, with the exception of a **band of 'low-medium risk'** flooding along the southernmost extent of the site and a small area of **'low risk' close to the northern** site boundary. **The appellant's** FRA indicates that in accordance with the PPG residential development is acceptable within Flood Zone 1, with the built development in this case only proposed on land within the areas at **'very low' risk of surface water flooding**.
62. The FRA further indicates that surface water from the proposed development would be attenuated in permeable paving and an enhanced detention basin located at the topographical low point (the south-eastern corner of the site), prior to discharging to the main river. Swales are also proposed, and the surface water would be discharged at greenfield run-off rates. The sustainable drainage system has been designed to accommodate a 1 in 100 year storm plus 40% to account for climate change, in line with the latest guidance. The FRA concludes that the proposed development could be drained in a sustainable manner, commensurate with local and national policy.
63. Moreover, prior to this proposal being **considered by the Council's Planning** Committee for the second time, in March 2024³⁵, updated comments were received from the LLFA³⁶ advising that following a review of the FRA its previous concerns had been overcome and no objection was now raised to the proposal, subject to the imposition of recommended conditions. This means that notwithstanding the concerns expressed by a number of local residents and other interested persons, there is no authoritative technical evidence before the Inquiry opposing this proposal on drainage or flood risk grounds. I therefore conclude that this matter should not weigh against the proposed development.
64. Highways and Transport. The concerns raised by interested persons cover a wide range of transport-related matters, including increased congestion and worsening highway safety as a result of the traffic which would be generated by the proposed development; the standard and availability of public transport to serve the new development; the advisability of using Carrington Avenue as an emergency access and a route for cyclists; and a lack of routes for pedestrians through the site. However, whilst I have no doubt that these concerns are sincerely held by those who object to this proposal, as far as I can see they are not supported by any authoritative evidence or technical analysis.
65. In contrast, the appellant has submitted a detailed and comprehensive Transport Assessment³⁷ (TA) and an Accessibility Assessment and Audit³⁸ to support the

³⁴ CD 1.12

³⁵ CD 3.3

³⁶ CDs 15.33 & 15.34

³⁷ CD 1.19

³⁸ CD 1.4

application, covering such matters as the **sustainability of the appeal site's location** and accessibility by a range of transport modes; traffic generation, distribution and assignment; traffic impact assessment; and a Construction Traffic Management Plan. Off-site highway improvement works are proposed, which would be secured by condition, and a Residential Travel Plan³⁹ is also proposed, to inform new residential occupiers about the range of sustainable transport options available to them. This would be secured by a condition and is also referenced in detail in the submitted S106 agreement (see later).

66. As part of the TA, capacity analyses of the proposed site access and other nearby junctions have been undertaken and these demonstrate that the junctions would all operate within capacity and/or would not result in a severe residual cumulative impact on the road network, and therefore would not be at odds with NPPF paragraph 115. In addition, a Road Safety Audit of the relevant junctions was undertaken as part of the TA, with satisfactory results. Finally on safety matters, I have noted the reference to a fatal cycle accident, but accident records were consulted as part of the TA and no fatalities were recorded in the relevant area surrounding the appeal site in the most recent 5-year period assessed.
67. I note that the relevant highway and transport authorities have all been consulted on this proposal and that National Highways and HCC as local highway authority raise no objections, subject to the imposition of a number of conditions. Although Transport for London and Active Travel England did not fully support this proposal in their initial comments, I share the view expressed by Council Officers in the OR, that updated information and the imposition of appropriate conditions would be sufficient to satisfactorily address these concerns.
68. Having regard to all the above points I conclude that in light of the proposed off-site highway works and offered transport contributions, the proposed development would be accessible by a range of sustainable transport modes and would not give rise to unacceptable highway, road safety or other transport issues.
69. Noise and light pollution, and the effect on the living conditions of nearby residents. General concerns were raised on these grounds by a number of interested persons, but again these were not supported by any detailed evidence. Insofar as possible **noise and light pollution is concerned, the Council's Environmental Health & Licensing Department** was consulted and raised no objection, subject to the imposition of recommended conditions. In terms of other living conditions concerns, such as loss of outlook or impacts on daylight, sunlight and privacy, in view of the proposed illustrative layout the Council considered that these could be satisfactorily addressed at the reserved matters stage. I share that view and accordingly do not consider that these matters should weigh against the proposal.
70. Impact on Wildlife and Eco-systems. Interested persons commented that the appeal site is home to many wildlife species and a wide variety of birds, and maintained that the appeal proposal would cause harm to these through the loss of land and important hedgerows as well as through habitat pollution and noise. They also maintained that trees protected by TPOs should not be removed.
71. However, the Planning SoCG makes it clear that the appeal proposal would not have any significant adverse effect on protected species and no objections are raised in relation to the proposals on ecology grounds, subject to the imposition of conditions securing the implementation of appropriate mitigation measures.

³⁹ CD 1.20

Moreover, whilst the mandatory requirement for the provision of a 10% biodiversity net gain (BNG) set out in the Environment Act 2021 does not apply to this proposal (as the planning application was submitted prior to 12 February 2024), it is agreed that the proposals would nevertheless deliver a BNG of 10%, which is expected to be provided off-site and would be secured through the S106 agreement.

72. No objections have been raised by Place Services⁴⁰ or the Forestry Commission⁴¹ to the proposals on arboricultural grounds, subject to the imposition of appropriate conditions. It is also agreed that the most important trees on site, can be retained and safely integrated within the development without risk of future pressure for their removal, and that extensive replacement planting can be facilitated within the site. The Planning SoCG also confirms that the majority of the hedgerows which run around and through the site would be retained as part of the proposals.
73. Having regard to all the above points I conclude that matters of BNG and ecology should not count against this proposal. Indeed, I note that both the Council and the appellant agree that the provision of 10% BNG should actually count as a benefit of this proposal (see later).
74. Impact on Local Infrastructure and Services. As set out in the OR, numerous concerns have been raised by members of the public regarding the likely impact of the proposed development on local services and infrastructure such as local doctors, dentists and schools. However, the OR explains that the responsibility for schools and education lies with HCC, and clarifies that funds collected through the Community Infrastructure Levy (CIL) can be utilised to fund local school provision. The Council would receive CIL funds through this proposal if planning permission was granted, and the impact on local school provision could therefore be offset through the use of such CIL funding.
75. The OR further explains that the National Health Service Integrated Care Board for Hertfordshire and West Essex has made specific requests to offset the impact of increased population arising from the proposed development on local healthcare facilities. The appellant has agreed to these requests for contributions, which would be secured through the S106 agreement. I discuss this matter in more detail under the fifth main issue, **where I also discuss the Council's CIL Compliance Statement**⁴².
76. In light of the above points I conclude that the impact on local infrastructure and services could be adequately and satisfactorily addressed through CIL contributions and through other contributions secured through the S106 agreement. This matter is therefore not something which weighs against the appeal proposal.
77. Summary. Although other matters of concern have been raised by interested persons I do not consider that any warrant additional coverage at this point. With this in mind, and having regard to the matters discussed above, it is my assessment that none of the matters raised should be seen as weighing materially against this proposal.

Main issue 4 – weight to be given to the benefits of the proposed development

78. There is agreement between the parties on what matters should be seen as benefits of this proposal, but disagreement on the weights to be attributed to some of these benefits. I explore each of these matters, below, and provide my own

⁴⁰ The Council's Landscape Consultants – see CD 15.23

⁴¹ CD 15.4

⁴² Doc 6

assessments of the weight which each benefit should attract. The Planning SoCG is a helpful starting point for this exercise as it sets out in tabular form the agreed benefit areas. Various aspects of the proposed provision of housing comprise the main benefit areas and I deal with these first. In this section I have attributed weight using a scale which seemed to be common to the parties. In ascending order this is no weight/neutral; very limited; limited; moderate; significant; very significant; substantial; and very substantial.

79. Delivery of market housing. Although this outline proposal is for the construction of up to 220 dwellings, of which 50% would be affordable, suggested Condition 10 clarifies that the development shall deliver no fewer than 208 dwellings, of which no fewer than 104 shall be affordable dwellings and no fewer than 6 shall be self-build/custom-build dwellings. As there is no firm evidence to indicate that 220 dwellings could not be realised on this site, I have used the 220 dwelling figure for the purpose of assessing the likely scale of benefits which could arise.
80. Putting this into context, the Planning SoCG confirms that the Council cannot currently demonstrate a 5-year supply of deliverable housing land against the standard methodology. Within this SoCG the parties have agreed the deliverable supply figure of 1.36 years which appears to have been determined by the Inspector⁴³ who considered and allowed the Hartfield Avenue appeal in March of this year⁴⁴. This relates to a shortfall of 3,173 dwellings which the parties agree is very substantial. I share that view.
81. In this regard I note that the draft Local Plan which reached Regulation 18 stage in September 2021⁴⁵ proposed to significantly increase the annual housing requirement for the Borough from the HCS figure of 266 dwellings per annum (dpa) to 760 dpa, so as to deliver 12,160 new homes over the 15-year plan period. This would have required the release of land from the Green Belt for around 9,000 new homes as evidence showed that fewer than 2,800 new homes could be delivered on urban brownfield sites. As noted earlier, the appeal site was proposed within this draft plan as a sustainable new neighbourhood capable of delivering around 250 new homes. However, following the receipt of nearly 18,000 representations the Council decided to set this draft plan aside in April 2022.
82. This has led to the current, revised Regulation 18 plan⁴⁶ which the Council published in April of this year. The Foreword to this 2024 Regulation 18 plan states **that the Council is committed to protecting more of the Borough's Green Belt, by** allocating far fewer sites than were included in the previous draft Local Plan. The revised housing target is 9,396 new homes over the 15-year plan period, a reduction of some 2,764 from the previous strategy. That said, significant Green Belt land would still need to be released in this revised strategy, as the 2024 Regulation 18 plan explains that the amount of available brownfield land is very limited and will deliver little more than one quarter of the total housing need.
83. **The appellant is very critical of the Council's approach** with regard to this 2024 Regulation 18 Plan, commenting that if the **new Labour Government's** proposed changes to the NPPF are adopted⁴⁷ the Council would need to meet a housing requirement of 3,648 more homes than that which the 2021 Regulation 18 plan sought to meet. Instead of doing that, the 2024 Regulation 18 plan proposes to

⁴³ Referred to hereafter as 'the Hartfield Avenue Inspector'

⁴⁴ CD 9.4

⁴⁵ CD 6.3

⁴⁶ CD 6.4

⁴⁷ CD 7.6

reduce delivery by 2,674 homes, as noted above. However, as the Government has not yet published a revised NPPF I can only give this matter very limited weight as it is unclear at present what the detail of any changes would be.

84. Nonetheless, what is abundantly clear is that the local plan-making process has significantly stalled within Hertsmere, with no replacement for the HCS having been adopted in the last 11 years or so, and with no prospect of this situation changing in the near future. The most up to date Local Development Scheme⁴⁸, published in November 2023 indicated that a new Local Plan was not anticipated being adopted until July 2026, and with significant changes to the NPPF likely to be published shortly it seems inevitable to me that the date of adoption of a new Local Plan will be pushed back further.
85. But notwithstanding the absence of a formally adopted up-to-date Local Plan, the 'direction of travel' that the Council has been pursuing in both the set-aside 2021 Regulation 18 draft plan and its 2024 successor is perfectly clear. In a Borough which is 80% Green Belt, and where only some 20%-25% of the required housing can be accommodated on brownfield sites, it is an inevitability that any future adopted Local Plan will have to plan for Green Belt releases. That is what so much of the evidence base for the emerging plans has been concentrating on, and in this regard I am mindful of the fact that the appeal site has consistently appeared as a housing allocation in the emerging draft plans. Moreover, in terms of the '**Housing Sites Matrix**', **set out in the 2024 'Assessment and comparison of Green Belt housing and employment sites'**⁴⁹ the appeal site is the highest scoring site in Borehamwood which **is Hertsmere's only** Tier 1 settlement.
86. It is against the background of all the above points, that I consider the weight which should be attached to the provision of up to 220 dwellings in this appeal. I note that reference has been made by both parties to other housing appeals in Hertsmere within the last 18 months or so, and the differing weights given to the provision of market housing in those appeals by the respective Inspectors. These range from significant weight given to a proposal for up to 37 dwellings (22 market dwellings) at Harris Lane, Shenley in May 2023⁵⁰; through substantial weight given to a proposal for up to 195 dwellings (107 market dwellings) at Shenley Road, Radlett in January 2024⁵¹; to very substantial weight given to a proposal for up to 310 dwellings (186 market dwellings) at Little Bushey Lane, Bushey, in July 2023⁵².
87. Very substantial weight was also given by the Hartfield Avenue Inspector to the most recent proposal, for up to 74 dwellings (41 market dwellings), in March 2024. It is clear that colleague Inspectors have taken various matters into account in reaching their final weightings, although with the exception of the Hartfield Avenue Inspector none appeared to define the actual weighting scales they were using.
88. The Council argued that the current proposal is more akin to the Shenley Road, Radlett proposal, both in terms of scale of development and developable site area, and maintained that the market housing element of the appeal proposal should therefore be given substantial weight. However, I note that in this Shenley Road appeal the Council was assumed to be able to demonstrate a 2.25 year HLS, which amounted, at that time, to a shortfall of some 2,088 dwellings. The agreed shortfall is now significantly larger, at some 3,173 dwellings, and because of this I see no

⁴⁸ CD 6.5

⁴⁹ CD 6.9

⁵⁰ CD 9.1

⁵¹ CD 9.3

⁵² CD 9.2

good reason to give any less weight than did the Hartfield Avenue Inspector, especially as the current appeal proposal would provide some 2.5 times the market dwellings of that proposal. As such I conclude that very substantial weight should be given to the minimum of 104 market houses in the current appeal.

89. Affordable housing. The Affordable Housing SoCG⁵³ explains there is agreement between the parties on a wide range of affordable housing matters, with no areas of dispute. In particular the parties agree that the 2016 South-West Hertfordshire Strategic Housing Market Assessment⁵⁴ (SHMA) identifies a need for 434 affordable dpa between 2013 and 2036, but that since the start of this SHMA period affordable housing completions have averaged just 44 net affordable dpa. This means that a shortfall of 4,287 affordable dwellings has arisen over this period, equivalent to an average annual shortfall of 390 affordable dwellings. As the appellant points out, this means that 90% of the affordable housing need is not being met⁵⁵.
90. Furthermore, the 2020 Local Housing Needs Assessment⁵⁶ (LHNA) identifies a total need for 503 affordable dpa between 2020 and 2036, with this figure increasing in the 2024 LHNA⁵⁷ to a need for 590 affordable dpa between 2020 and 2040. However, the parties agree that since the start of this 2024 LHNA period in 2020/21, affordable housing completions have averaged just 39 net of 'Right to Buy' dpa against this need figure of 590 affordable dpa. A shortfall of some 2,206 affordable dwellings has therefore arisen in the first 4 years of the 2024 LHNA period, equivalent to 552 per annum. These figures show that insofar as affordable housing provision is concerned, delivery is worsening and the shortfall is increasing.
91. Against this background the parties agree that very substantial weight should be **afforded to this scheme's delivery of 50%** affordable homes, especially as this would significantly exceed the minimum policy requirement of 35%, and would be greater than the percentages proposed in the Shenley Road, Little Bushey Lane and Hartfield Avenue appeals referred to above. I see no reason to dispute these points and I therefore conclude that very substantial weight should be given to the minimum of 104 affordable homes that this proposal would provide.
92. Self-build & Custom-build Housing. The appeal proposal makes provision for 6 self-build or custom-build dwellings for those residents wishing to build their own home. Since the introduction of the NPPF in 2012, local authorities have been required to plan for a mix of housing which includes those who wish to build their own homes, and the requirement to plan for those wishing to build or commission their own home is set out in both the NPPF and the PPG.
93. The parties have prepared a SoCG⁵⁸ on this topic which explains that the Self-build and Custom Housebuilding Act (2015) requires the Council to keep a register of individuals and associations who wish to acquire serviced plots of land to bring forward self-build and custom housebuilding projects, and places a duty on the Council to have regard to these registers in carrying out its planning functions. Moreover, the Housing and Planning Act (2016) made amendments to The Self-Build and Custom Housebuilding Act, placing a statutory duty on local authorities to

⁵³ See paragraphs 9.1-9.18 in CD 11.3

⁵⁴ CD 6.17

⁵⁵ Paragraph 6.17 in CD 12.5

⁵⁶ CD 6.10

⁵⁷ CD 6.11

⁵⁸ CD 11.4

permit enough serviced plots to meet demand arising from each 12-month Base Period⁵⁹ of its Self-Build Register within 3 years of the end of a Base Period.

94. There is currently no development plan policy for Hertsmere requiring the provision of self-build/custom-build units, although the Council does maintain a Self-Build Register which indicates an interest from 92 individuals and 4 groups, up to 30 October 2023⁶⁰. Mr Faulkner, for the Council, asserted that demand for self-build and custom-build housing is 'not huge' in Hertsmere, but accepted that the Council has not undertaken any robust up-to-date assessment of likely future demand for this type of housing in line with the PPG.
95. Moreover, Mr Moger, for the appellant explained that local self-build registers often significantly under-represent true demand as they are reliant on people knowing about the register and registering their interest accordingly. He maintained that this did not always happen, and argued that other data from secondary sources should also be used⁶¹. Such additional data as detailed in the PPG could be that from building plot search websites, enquiries for building plots recorded by local estate agents and surveys of local residents. Mr Moger provided some such data in the form of the Buildstore Custom Build Homes database, which he maintained indicated that the demand for custom and self-build housing in Hertsmere is likely to far exceed the number of entries on the local register.
96. Although the relevance of some of the postcode areas in this Buildstore database was queried by Mr Faulkner, I do not consider it necessary or profitable to delve too deeply into this matter. What is important is that the evidence before me indicates that only 40 self-build or custom-build housing plots have been delivered in Hertsmere over the last 8 years⁶². The current supply appears to be the 4 plots arising from the planning permission granted on appeal by the Hartfield Avenue Inspector in March of this year. The appellant points out that the Council had until 30 October 2024 to address the shortfall of at least 18 plots that had accrued in the period up to Base Period 5 as well as meeting demand for a further 15 additional plots arising from Base Period 6, or it will fail in its statutory duty for the fifth consecutive year. The Council now has until 30 October 2025 to address this existing shortfall and to make provision for at least 7 further plots.
97. Against this background the appeal scheme would provide 6 plots for self/custom-build homes, which Mr Faulkner agreed would be a substantial contribution towards demand. His view was that this matter should be given significant weight, having regard to the differing conclusions of the Inspectors in the Harris Lane, Shenley and Little Bushey Lane, Bushey, appeals, already referred to above⁶³, and also noting that the Hartfield Avenue Inspector gave significant weight to the provision of 4 self/custom-build units in that appeal. To counter this, the appellant has referred me to a number of other appeal decisions where substantial weight was given to the proposed provision of self/custom-build plots, including examples where only 1 or 2 such plots were on offer⁶⁴.
98. I do not have full detailed information on the many cases referred to by the appellant, but consider it reasonable to take as my starting point the most recent

⁵⁹ Base Periods run from 31 October to 30 October the following year

⁶⁰ Paragraphs 4.63-4.65 in CD 13.1

⁶¹ See paragraphs 4.33-4.51 in CD 12.7

⁶² Figure 5.1 in CD 12.7

⁶³ In the Harris Lane appeal the Inspector gave limited weight to the provision of 3 self/custom-build units; in the Little Bushey Lane appeal the Inspector gave substantial weight to the provision of 10 units

⁶⁴ Section 6 of CD 12.7

appeal in Hertsmere, at Hartfield Avenue. I note that the shortfall has more-or-less doubled since the time of that decision and the current appeal proposal would provide 6 self/custom-build units compared to 4 at Hartfield Avenue. In addition, as the appellants has pointed out, the appeal proposal would address 86% of the **Council's current** Base Period requirement of 7 plots, which it is required to meet by 30 October 2025. Having regard to all of these points I conclude that substantial weight to this matter is justified in this case.

99. Economic benefits. It is clear that the appeal scheme would give rise to some quantifiable economic benefits as set out in **Mr Armstrong's evidence**⁶⁵. The proposed development of 220 dwellings is predicted to support the employment of 682 people and provide 7 apprentices, graduates or trainees, as well as resulting in an additional £6.5 million being spent in the local economy each year. However, the benefits during the construction phase would only be for a temporary period, and both these and the longer-term benefits which would arise from new residents' increased spend in the local economy would arise from any similarly-sized scheme and so could not be considered unique to this proposal. They would, however, be real benefits which should clearly be given weight.
100. Furthermore, although the appellants is correct in pointing out that there would be CIL payments and other contributions secured through the S106 agreement, these are required to make the development acceptable in planning terms and cannot therefore simply be seen as benefits of the scheme. That said, I do accept that some of the contributions would benefit the wider community, not just the new residents of the proposed development. Because of this, and for the other reasons just given, I conclude that the economic benefits should attract moderate weight.
101. Biodiversity Net Gain. This matter has already been touched on under main issue 3, as some interested persons considered that the appeal proposal would result in harm to ecology and wildlife. However, the parties agree that the opposite situation would arise, with the proposed development not having any significant adverse effect on protected species or on any other ecological matters, subject to the imposition of conditions securing the implementation of appropriate mitigation measures. Moreover, as noted above, the mandatory requirement for the provision of a 10% BNG set by the Environment Act 2021 does not apply as the planning application was submitted prior to the relevant date of 12 February 2024. The parties agree that the proposal would deliver a BNG of 10%, which is expected to be provided off-site, and would be secured in the S106 agreement.
102. I note that in the recent Hartfield Avenue appeal, where a BNG of 20% was achieved, that Inspector gave moderate weight to this benefit. However, I do not consider the same weight can be given in the current case because although the 10% figure has to be seen as higher than the relevant applicable 'benchmark'⁶⁶, it is only what would be expected for development proposals submitted after 12 February 2024. It is also only the figure expected by the Council's adopted Biodiversity Net Gain SPD⁶⁷. In these circumstances I conclude, like the Council, that only limited weight should be given to this benefit.
103. Retention & Enhancement of Village Green & LWS. In recent years the WHVG has come under pressure from development, and that part of the Village Green lying outside the current appeal site was de-registered a few years ago, opening the way

⁶⁵ Paragraphs 4.88-4.89 in CD 12.1

⁶⁶ The requirement to 'minimise impacts on and provide net gains for biodiversity' in paragraph 180(d) of CD 7.1

⁶⁷ CD 5.6

for what has subsequently become the Hartfield Avenue planning permission⁶⁸. The current appeal scheme proposes the retention of that part of the WHVG which lies within the appeal site, together with some limited ecological enhancement works. It is further proposed that the freehold of the Village Green land lying within the appeal site be transferred to the Village Green Committee⁶⁹ together with a maintenance contribution, so that they can take control of its future and the Village Green can be secured in perpetuity for the enjoyment of the local community.

104. The Council accepts that this should be seen as a benefit of the scheme, but maintains that in view of the protection already afforded to this land as a Village Green it should only be given limited weight. However, in light of the changes to part of the **WHVG's status in the past, detailed above, I conclude** that this community benefit warrants moderate weight.
105. Beneficial Use of the Green Belt. Public access to the appeal site is currently limited to the WHVG area and Footpath 9, whereas under the appeal proposal greater access would be opened up to the wider community who would be able to use the new footpath and cycle paths which would be created, and also benefit from the new open space and play space provision. In my assessment this would only amount to a modest benefit, and like the parties I conclude that it should just be given limited weight.
106. Sustainability. The Climate Change and Energy and Sustainability Strategy⁷⁰ submitted with the application, commits the appellant to constructing all dwellings to meet the 2025 Future Homes Standard in advance of the proposed mandatory timetable, and delivering Net Zero Carbon dwellings. On this point I have noted that the **Council's Climate Change and Sustainability Officer advised**, at the application stage, that this sustainability strategy would offer some significant areas of excellence with regards to sustainability and net zero emissions⁷¹. Subject to these matters being secured by the imposition of an appropriate condition I conclude that these sustainability benefits should be given limited weight.
107. Emerging Local Plan Allocation. The final area of agreed benefit relates to the fact that the appeal site features as a housing allocation in the emerging 2024 Regulation 18 Local Plan. I have already concluded, in the planning policy framework section of this decision, that only very limited weight can be given to this emerging plan, but that its supporting evidence base should be given appreciable weight. With these points in mind, and having regard to how well the appeal site performs in Green Belt and sustainability terms, I conclude that it is reasonable to give limited weight to the emerging Local Plan allocation.

Main issue 5 – the extent to which any submitted planning obligations and/or planning conditions would address the impacts of the proposed development

108. A total of 30 suggested planning conditions were put forward jointly by the parties, to be imposed if planning permission was to be granted⁷². There was agreement on most of these conditions, with just 2 exceptions. Firstly, on Condition 19 (Minerals Management Plan), whilst accepting this in principle the appellant was concerned that it may not fully meet the test for conditions set out in paragraph 57 of the NPPF. However, it seems to me that having regard to the stated reason for this

⁶⁸ See paragraph 4.92 of CD 12.1

⁶⁹ Or a similar environmental body in the event of the WHVG Committee not agreeing – see the S106 agreement

⁷⁰ CD 1.18

⁷¹ Paragraphs 7.212-7.216 of CD 3.1

⁷² Doc 6

condition, its imposition would be reasonable and necessary to prevent mineral sterilisation, contribute to resource efficiency, promote sustainable construction practices and reduce the need to import primary materials. It would clearly be directly related to the development proposed, and so I consider that it would meet the tests and could be imposed.

109. The second condition of concern was Condition 30, which proposed the removal of permitted development rights relating to enlargement, improvements or alterations; enlargement by the construction of additional storeys; additions or alterations to roofs; buildings and other development within curtilages; hard surfaces within curtilages; and gates, fences and walls and similar. The Council wanted to impose this condition so it could retain control of development in order to preserve the openness of the Green Belt and prevent further harm from occurring.
110. However, as the proposed development area would be well-shielded, and as the overall envelope of development is defined by the Parameter Plan, I do not consider that a general removal of these permitted development rights would be justified. That said, I do consider that there is merit and need to remove those permitted development rights which would allow alterations to the roof or the construction of additional storeys, and thereby potentially result in development becoming more prominent at this edge of settlement Green Belt location. I therefore consider that this condition could be retained in an amended form. I conclude that the remaining, agreed conditions would accord with the relevant NPPF guidance and would satisfactorily address the impacts of the proposed development.
111. With regards to the S106 agreement, in summary it makes provision for the following specific obligations:
- a. The provision of 50% of the proposed dwellings to be delivered as affordable housing units, with the following tenure mix: 25.5% First Homes, 21.8% Shared Ownership, 24.5% Affordable Rent and 28.2% Social Rent;
 - b. The submission of a Custom/Self-Build Dwelling Scheme aimed at providing not less than 5% of the market dwellings (up to 6 dwellings) as Custom or Self-Build dwellings;
 - c. A BNG Management Plan (BNGMP), allowing for the provision of Biodiversity Units to be secured off-site if a 10% BNG cannot be secured on-site, to be submitted to the Council for approval, prior to commencement of the development; and the provisions of the BNGMP to then be carried out and complied with;
 - d. The transfer of that part of the WHVG which lies within the appeal site to a community interest group or an appropriate public body or properly constituted non-profit organisation;
 - e. An Open Space Scheme (OSS) to cover such matters as the location, layout, size, specification, timetable for delivery, management, monitoring and funding of the local area of play, the local equipped area of play and the Natural Greenspace to be provided on the site. The OSS to be submitted to the Council for approval, prior to or with the relevant Reserved Matters Application;
 - f. A Health Infrastructure Contribution of £368,651 for the following purposes:
 - £284,220 towards the relocation of Theobald Medical Centre or the redevelopment of Elstree Way Corridor or expansion of Schopwick Surgery; and/or

- £44,385 towards Elstree Way Clinical Centre in Borehamwood; and/or
 - £40,046 towards the Urgent Care Centre within the Elstree Way Clinic;
- g. A Cycle Hire Contribution of £137,500 to be used towards a cycle scheme or other bike sharing scheme in the vicinity of the appeal site;
- h. A Bus Service Contribution of £300,000 towards public transport service improvements including (but not limited to) the 'Hertsmere Hopper' bus service;
- i. A Sustainable Transport Contribution of £950,000 towards local transport schemes identified in the South-Central Hertfordshire Growth and Transport Plan including (but not limited to) packages 21 to 23;
- j. A Travel Plan to be submitted to HCC for approval, prior to first occupation of the development;
- k. A Travel Plan Evaluation and Support Contribution of £10,800 to be paid to HCC for evaluating administering and monitoring the objectives of the Travel Plan;
- l. The provision of a Resident Travel Pack and a Sustainable Travel Voucher (which have first been approved by HCC) to each dwelling forming part of the development, within 1 month of the first occupation of that dwelling;
- m. A Monitoring Fee of £10,000 to cover the **Council's** costs of monitoring and reporting upon the planning obligations;
- n. A Monitoring Contribution of £340.

112. All contributions would be appropriately index-linked as set out in the S106 agreement.

113. The Council has provided a helpful commentary on the proposed obligations and contributions in its CIL Compliance Statement. In particular it notes that there is no development plan requirement to make provision for self-build or custom-build housing, but as this is a statutory duty of the Council, and as it is being put forward **by the appellant as part of its 'very special circumstances' case, I consider that** this obligation is necessary. In a similar way the Council points out that there is nothing in the development plan requiring the transfer of the WHVG to an appropriate management group, but again I consider that as it contributes towards the very special circumstances case for allowing this proposal, it is a necessary obligation.

114. In requesting the Cycle Hire Contribution the Council explained that a cycle hire scheme was launched in October 2022, providing bikes and e-bikes to hire around Borehamwood. It stated that the scheme is in its infancy and that the nearest cycle hire/docking stations are located in the centre of Borehamwood and close to Elstree & Borehamwood railway station. It explained that cycle hire and docking stations are also located within the predominantly residential areas of Borehamwood and that the appellant has offered to provide a new cycle hire docking station near to **the site's proposed access on Furzehill Road**. However, in addition to the docking station the Council considers that the Cycle Hire Contribution is also a necessary part of the measures aimed at reducing the use of private motor vehicles and encouraging modal shift towards active and sustainable modes of transport. The Council further points out that this would comply with HCS Policies SP1 and CS26 and the objectives of the NPPF.

115. This obligation was contested by the appellant on the grounds that the HCS policies and NPPF requirement would be met by the Sustainable Transport Contribution of £950,000 and the Bus Service Contribution of £300,000 detailed above (£1.25 million in total). However, as these policies do not specify the scale of any contributions, this matter is not straightforward. The only relevant guidance before me appears to be that from HCC⁷³, which indicates that applying its adopted Developers Planning Obligation Toolkit towards '**Strand 2' mitigation works**⁷⁴ would point to a contribution of just over £1.5 million. HCC has, however, recognised that the overall mitigation works which the appellant would be funding would also benefit the wider community, and has therefore reduced the requested contribution to the £1.25 million indicated above.
116. Whilst I understand the reasoning behind this reduction, in the absence of any detailed evidence the **amount of the 'discount' seems to** me to have been made on a somewhat arbitrary basis. In this context the requested Cycle Hire Contribution of £135,000 would be significantly less than **the 'discount' HCC has applied to the maximum 'Strand 2' contribution, and therefore falls within the overall 'basket' of** sustainable transport contributions which the appellant might reasonably have expected to make. In these circumstances I consider that the Cycle Hire Contribution is a justified and necessary obligation.
117. In summary, for the reasons set out above I am satisfied that all the aforementioned obligations would be necessary to make the development acceptable in planning terms, and that all meet the requirements of Regulation 122 of the CIL Regulations 2010 and paragraph 57 of the NPPF.
- Main issue 6 – whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal*
118. Under the earlier main issues I have considered the harms and benefits of this proposal, and have ascribed weight to them. Summarising these points, and dealing first with the harms, under the first main issue I have concluded that this proposed development would represent inappropriate development in the Green Belt; would have a significant adverse impact on the openness of the eastern part of the appeal site in spatial terms; a moderate adverse impact on the openness of the Green Belt in visual terms; and would result in varying degrees of conflict with 3 of the purposes of including land within the Green Belt. In accordance with guidance in paragraph 153 of the NPPF I give substantial weight to these harms to the Green Belt.
119. Under the second main issue I concluded that the appeal proposal would cause some harm to the landscape character of the site and would also give rise to some visual harm, particularly for residential receptors in the adjacent streets and for receptors passing the site. Overall I concluded that this harm should be given moderate weight. Under the third main issue, despite various matters being raised by interested persons I found that no further material harm would arise from this proposed development. This was also the view of the Council and the appellant.
120. Against these harms, I have identified and given weight to the benefits which would arise if this development was to proceed. Under the fourth main issue I considered the delivery of market housing and concluded that the provision of a minimum of

⁷³ See CD 15.28

⁷⁴ **The Council explains that 'Strand 2' mitigation works are works that address the wider cumulative impact of the development for which the development is not solely responsible, but from which it derives benefit**

104 market dwellings should carry very substantial weight. I also concluded that very substantial weight should be given to the provision of a minimum of 104 affordable housing units.

121. A further category of housing which would be provided through this proposal is self-build or custom-build housing. This proposal would greatly assist in reducing the shortfall of this housing category; would assist the Council in carrying out its statutory duty in this regard; and would provide 6 of the 7 self-build/custom-build plots required in the current Base Period. For the reasons set out earlier I conclude that substantial weight should be given to this benefit of the proposal.
122. This proposal would result in real and on-going economic benefits which I conclude should be given moderate weight. I have also concluded that moderate weight should be given to the benefits arising from the retention and enhancement of the WHVG and LWS. I have further concluded that limited weight should be given to the 10% BNG which this scheme would achieve; limited weight to the beneficial use of the Green Belt which would arise from the creation of new, accessible open space and the opening up of the appeal site to the wider community; limited weight to the sustainability benefits of the proposed development; and limited weight to the fact that the appeal site appears yet again as a housing allocation in the current 2024 version of the emerging Local Plan.
123. Although there are weights on both sides of this balance, assessment of the overall impact is not a mathematical exercise. Planning judgement is clearly needed, to come to a view on how this balance should be determined, as is an understanding of the context and planning background. I have considered these matters throughout this decision and have reached my conclusion on this matter in the light of the fact that **the Council's** plan-making process has clearly stalled, but that in a Borough which is 80% Green Belt and has limited brownfield land available it is inevitable that a significant amount of future housing development is going to have to take place on land that is currently Green Belt.
124. It is with these points in mind that on this final main issue I conclude that the benefits I have detailed above clearly outweigh the harm to the Green Belt by reason of inappropriateness and any other harm resulting from the proposal. Because of this I further conclude that very special circumstances exist which warrant the approval of this proposed development.

Summary and overall conclusion

125. Summarising the various matters detailed above, the fact that I have found that very special circumstances exist for approving this proposal for inappropriate development in the Green Belt means that for the purposes of paragraph 11(d)(i) of the NPPF, the Green Belt does not provide a clear reason for refusing the development proposed. This further means that in light of my conclusion above, the adverse impacts of granting permission would not significantly and demonstrably outweigh the benefits of this proposal when assessed against the policies in the NPPF taken as a whole.
126. In these circumstances the presumption in favour of sustainable development applies and the appeal proposal would therefore accord with HCS Policies SP1 and CS13, the relevant parts of SADMPP Policies SADM11 and SADM26, and with the development plan as a whole. I therefore conclude that the appeal should be allowed, subject to the imposition of the conditions discussed at the Inquiry and set

out in the attached schedule. These conditions all meet the appropriate tests and I have summarised the reasons for imposing them, below.

Conditions

127. Conditions 1 and 2 are standard conditions dealing with reserved matters and timescales, with Conditions 3 and 4 being imposed to provide certainty and to ensure that the development is carried out in accordance with the approved plans. Condition 4 will also ensure satisfactory access into the site and avoid the carriage of extraneous material or surface water from or onto the highway. Conditions 5 and 6 are imposed to ensure that the scheme will result in a high-quality design that safeguards and enhances the character and appearance of the area and ensures suitable, safe and satisfactory planning and development of the site.
128. Condition 7 will ensure that the development comprises a satisfactory mix of dwelling types and sizes to address different types of housing need, whilst Condition 9 will **ensure that the development is capable of meeting 'Accessible and Adaptable Dwellings' standards**. Condition 10 is imposed to ensure that the benefits arising from the delivery of new homes are not materially diminished following the approval of outline planning permission. The living conditions of future residents will be safeguarded by Condition 22.
129. Condition 8 is required to guarantee a suitable scheme of soft and hard landscaping works, whilst Condition 13 is imposed to safeguard the long-term management of habitats within the site, to maximise benefits to wildlife, to minimize the impact of the development upon the Woodcock Hill Fields LWS and to demonstrate measurable BNG can be achieved from the development. Condition 18 is needed so as to maintain the existing vegetation at the site, which makes an important contribution to the character of the area.
130. Conditions 11 and 12 will ensure that the highway improvement works are designed to an appropriate standard, in the interest of highway safety, and to safeguard the character of the area, while Condition 17 is imposed in order to protect highway safety, the amenity of other users of the public highway, rights of way, and wildlife.
131. Condition 14 will ensure that flood risk is adequately addressed and not increased, while Condition 15 is imposed to prevent flooding by ensuring sufficient storage and disposal mechanisms are available on the site for surface water. Condition 16 is imposed in order to minimise waste production and maximise the quantity of waste reused on site and recycled, with Condition 19 imposed in order to prevent mineral sterilisation, contribute to resource efficiency, promote sustainable construction practices and reduce the need to import primary materials.
132. Condition 20 is required to ensure that suitable investigation and recording of any heritage assets of archaeological significance within the site is carried out, with Condition 21 being imposed to safeguard adequate water infrastructure provision on site for the local fire service to discharge its statutory firefighting duties. Condition 23 is needed to make sure the development accords with the climate change and sustainability requirements of the NPPF.
133. Conditions 24 and 25 are imposed to ensure that risks from land contamination to future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. Condition 26 is imposed to ensure that the

development would not result in undue harm to bats and/or their habitat, whilst Condition 29 is needed to safeguard any protected species present on site.

134. Condition 27 is needed so as to provide sustainable transport measures for visitors and future occupiers, whilst Condition 28 will ensure that sustainable travel options associated with the development are promoted and maximised.
135. Finally, Condition 30 is imposed to enable the Council to retain control over the development in order to prevent further harm to the Green Belt.
136. I have had regard to all other matters raised, including the points put forward in opposition to this proposal by local residents and other interested persons, but find nothing sufficient to outweigh the considerations which have led me to conclude that this appeal should be allowed.

David Wildsmith

INSPECTOR

Schedule of conditions (30 in total)

Reserved Matters

- 1) Details of the appearance, landscaping, layout and scale, (hereinafter called, the reserved matters) shall be submitted to and approved in writing by the Local Planning Authority before any development begins, and the development shall thereafter be carried out as approved.

Timescales

- 2) Application for approval of the reserved matters shall be made to the Local Planning Authority not later than 3 years from the date of this permission. The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.

Approved Plans

- 3) The development hereby approved shall be carried out in accordance with the following approved plans:
 - Site Location Plan – P22-2492_DE_001_13A;
 - Parameter Plan – P22-2492_DE_001_3_L;
 - Proposed Furzehill Road Site Access - 18-157/001 Rev G;
 - Proposed Carrington Avenue Site Access - 18-157/002 Rev H.

Access Plans

- 4) Prior to the first occupation of the development hereby approved access to the site shall be completed and thereafter retained as shown on drawing numbers (18-157/001 Rev G and 18-157/002H) in accordance with details/specifications to be submitted to and approved in writing by the Local Planning Authority. These details should include appropriate arrangements for surface water to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

Parameter Plans /Design Code

- 5) The development hereby approved shall be carried out substantially in accordance with the details described on the following plan and document:
 - Parameter Plan - P22-2492_DE_001_3_L;
 - Design Code Document – P22-2492_4K (April 2023).

Applications for reserved matters shall include a Design Code Compliance Statement that demonstrates how the reserved matters application accords with the approved Parameter Plan and Design Code Document.

Highway Details

- 6) Details submitted with the layout reserved matters, as required by condition 1, shall include (in the form of scaled plans and/or written specifications) details of:
 - i. Roads, footways;
 - ii. Cycleways;
 - iii. Foul and surface water drainage;
 - iv. Visibility splays;
 - v. Access arrangements;
 - vi. Parking provision in accordance with adopted standard;
 - vii. Loading areas;
 - viii. Turning areas.

These works shall be carried out in accordance with the approved details prior to first occupation and retained thereafter.

Housing Mix

- 7) Details submitted with the layout reserved matters shall include details of the mix of type, size and tenure of market and affordable dwellings, for approval in writing by the Local Planning Authority.

Landscaping Reserved Matters

- 8) Details submitted with the landscaping reserved matters shall be substantially in accordance with the Landscape Strategy Concept Plan (Ref: D3229-FAB-00-XX-RP-L-0004 Rev G) and include the following:
- A scheme of soft landscaping for the site drawn to a scale of not less than 1:200; .
 - Planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants noting species, plant sizes and proposed numbers/densities;
 - A statement explaining how the species and provenance of the proposed tree and hedgerow planting has been selected to be resilient to climate change and biosecurity;
 - Existing and proposed finished levels and contours showing earthworks and mounding (where appropriate); surfacing materials; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulations areas; hard surfacing materials; minor artefacts and structures (for example refuse and/or other storage units, lighting and similar features); proposed and existing functional services above and below ground (for example drainage, power, communications cables and pipelines, indicating lines, manholes, supports and other technical features); details of play area, including play equipment; retained historic landscape features and proposals for restoration where relevant;
 - A Landscape Management Plan including the long-term design objectives, management responsibilities and details of arrangements for implementation, specifications, maintenance schedules and periods for all hard and soft landscape areas, (other than privately owned plots) together with a timetable for the implementation of the Landscape Management Plan.

The hard landscaping scheme shall be implemented and retained thereafter prior to the occupation of any relevant part of the development.

The approved scheme of soft landscaping works shall be implemented and **retained thereafter in accordance with BS 8545:2014 'Trees: from nursery to independence in the landscape' and not later than the first planting season** following commencement of the development (or within such extended period as may first be agreed in writing with the Local Planning Authority). New planting shall comply with the requirements specified in BS 3936-1:1992 'Specification of Nursery Stock Part 1 Trees and Shrubs', and in BS 4428:1989 'Recommendations for General Landscape Operations'. Any planting removed, dying or becoming seriously damaged or diseased within 5 years of planting shall be replaced within the first available planting season thereafter with planting of similar size and species.

The Landscape Management Plan shall be carried out in accordance with the approved details prior to first occupation and retained thereafter.

Accessible and Adaptable Housing

- 9) Details submitted with the layout reserved matters shall include a scheme setting

out the arrangements for the delivery of accessible housing in accordance with the following requirements:

- a) A schedule of units, together with appropriate plans and drawings, setting out details of the number, layout and location of all units that will comply with Part M, M4 (2) (Accessible and Adaptable Dwellings) and Part M4(3) (Wheelchair Accessible Dwellings) of the Building Regulations 2010 (as amended).
 - i. All new houses and all ground floor flats must meet Building Regulations Part M4(2) standards as a minimum;
 - ii. As a minimum, all upper-level flats should be designed to meet the internal layout requirements required to achieve Part M4(2) compliance;
 - iii. A minimum of 7.5% of affordable homes and 2.5% of market homes shall be designed to achieve Building Regulations Part M4(3) (2) (a) (wheelchair accessible dwelling) standards;
 - iv. A minimum of 1 social rented dwelling (forming part of the 7.5% requirement) shall be designed to achieve Building Regulations Part M4(3) (2) (b) (wheelchair accessible dwelling) standards.
- b) All units specified as M4(2) and M4(3) in the agreed schedule and plans must be implemented in accordance with that approval and in compliance with the corresponding part of the Building Regulations in that regard.
- c) Written verification of the completion of all dwellings in accord with part (a) above will be supplied to the Local Planning Authority within 30 days of the practical completion of the block it forms part of.

Minimum Number of Units

- 10) The development hereby permitted shall deliver no fewer than 208 residential dwellings of which no fewer than 104 shall be affordable dwellings and no fewer than 6 shall be self-build/custom-build dwellings.

Highway Improvements – Offsite

- 11) A) Design Approval

Notwithstanding the details indicated on the approved drawings, no on-site works above slab level shall commence until a detailed scheme for the off-site highway improvement works as indicated on drawing numbers 18-157/011 Rev C (Proposed Access Strategy and Off site Highway Improvements), 18-157/012 Rev A (Proposed Furzehill Hill Road/Ashley Drive Accessibility Improvements), 18-157/013 Rev B (Proposed Furzehill Hill Road/Cranesway/Linster Grove Accessibility Improvements), and 18-157/016 (Proposed Improvements to Segregated Footway/Cycleway alongside site Frontage) have been submitted to and approved in writing by the Local Planning Authority.

B) Implementation / Construction

Prior to the first occupation of the development hereby permitted, the improvement works referred to in Part A of this condition shall be completed in accordance with the approved details.

Rights of Way

12) A) Design Approval

Notwithstanding the details indicated on the approved drawings no on-site works above slab level shall commence on site unless a Rights of Way Improvement Plan for the off-site and on-site Rights of Way improvement works has been submitted to and approved in writing by the Local Planning Authority.

B) Implementation / Construction

Prior to the 50th occupation hereby permitted the off-site and on-site Rights of Way improvement plan works (including any associated highway works) referred to in Part A of this condition shall be completed to the written approval of the Local Planning Authority.

Biodiversity Net-Gain Management Plan

13) Prior to the commencement of the development hereby approved (including ground works and vegetation clearance), a Biodiversity Net-Gain Management Plan shall be prepared, detailing the establishment and long-term management of retained and newly created habitats to maximise benefits for wildlife, and how biodiversity will be incorporated within the development scheme to achieve the net gain predicted. The Plan, which shall be in general accordance with the Biodiversity Net Gain Report (11011.BNGReport.vf4, November 2023), shall include the following details:

- a) Updated baseline habitat and condition surveys and pre-commencement protected species surveys;
- b) Summary and evaluation of the baseline and post-development biodiversity net gain data used to inform the metric;
- c) A description and evaluation of the location, area and species composition of planned (post-development) retained, created, and enhanced habitats;
- d) A map showing the location, and area of these habitats;
- e) The aims and objectives of management;
- f) Appropriate management options for achieving target condition for habitats as described in the approved metric;
- g) Definitive prescriptions for management actions;
- h) Work schedule including a 30-year work plan (capable of being rolled forward in perpetuity), clearly marked on suitable plans;
- i) Ongoing monitoring plan and remedial measures plan to ensure habitat condition targets are met. This shall include an evaluation of the impact of increased recreational pressure on the Woodcock Hills LWS;
- j) Details of species selected to achieve habitat condition targets as identified in the approved metric, definitively stated and marked on suitable plans;
- k) Details of the body or organisation responsible for implementation of the plan. This shall include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery;
- l) A copy of any legal agreement wording that secures the long-term provision of these measures (as appropriate);
- m) Where the results from monitoring show that conservation aims and

objectives of the plan are not being met, the plan should set out how contingencies and/or remedial action will be identified, agreed, and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme;

- n) A strategy to demonstrate how increased recreational pressure on the Woodcock Hill Fields Local Wildlife Site arising from the development will be offset;
- o) A Management Plan, setting out the number, type and position of enhancement features.

The development shall be carried out in accordance with the approved Plan and thereafter managed and maintained in accordance with the approved Plan.

Surface Water Drainage

- 14) Prior to or in conjunction with the submission of each reserved matters application for the development hereby permitted, details of a scheme for the disposing of surface water by a means of sustainable drainage system shall be submitted to and approved in writing by the Local Planning Authority in accordance with the approved drainage strategy and discharge rates as contained within the approved Flood Risk Assessment and Drainage Strategy – Addendum 3 (Odyssey, January 2024), including calculations updated to include a Coefficient of Volumetric runoff of 1 for both summer and winter. The scheme shall be implemented in full in accordance with the approved details prior to first occupation of the development. The submitted details shall:
- Provide information about the design storm period and intensity, the method employed to delay and control the surface water discharge from the site via a proposed sustainable drainage system and the measures taken to prevent pollution of the receiving surface waters. This shall include the following information:
 - i. Demonstration that the proposed surface water drainage system does not surcharge in the 100% Annual Exceedance Probability (AEP) 1 in 1 year critical storm duration, flood in the 3.33% AEP (1 in 30 year) plus climate change critical storm duration or the 1% AEP (1 in 100 year) critical storm duration;
 - ii. Demonstration that any flooding that occurs when taking into account climate change for the 1% AEP (1 in 100 year) critical storm event in accordance with NPPF does not leave the site uncontrolled via overland flow routes.

Appropriate Permissions for Drainage

- 15) Prior to or in conjunction with the submission of each relevant reserved matters application for the development hereby permitted, written permission to discharge to the watercourse outside the boundary must be obtained and shall be submitted to and approved in writing by the Local Planning Authority

Site Waste Management Plan

- 16) No development hereby approved shall take place until a Site Waste Management Plan (SWMP) for the site has been submitted to and approved in writing by the Local Planning Authority. The SWMP should aim to reduce the amount of waste being produced on site and should contain information including estimated and actual types and amounts of waste removed from the site and where that waste is being taken to. The development shall be carried out in accordance with the approved SWMP.

Construction Environmental Management Plan (CEMP)

- 17) Prior to the commencement of the development hereby approved, a CEMP (in accordance with the best practice guidelines as described in the Construction Logistics and Community Safety (CLOCS) Standard), shall have been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved CEMP. The CEMP shall include details of:
- a) The construction programme and phasing;
 - b) Hours of operation;
 - c) Details of any highway works necessary to enable construction to take place;
 - d) Details of routing of construction traffic and associated waymarking;
 - e) Details of any works to or affecting Public Rights of Way within and in the vicinity of the site. These details shall demonstrate how safe and unobstructed access will be maintained at all times;
 - f) Details of servicing and delivery, including details of site access, compound, hoarding, construction related parking, loading, unloading, turning areas and materials storage areas;
 - g) Where works cannot be wholly contained within the site, a plan should be submitted showing the site layout on the highway, including extent of hoarding, pedestrian routes and remaining road width for vehicle movements and proposed traffic management;
 - h) Management of construction traffic and deliveries to reduce congestion and avoid school pick up/drop off times, including numbers, type and routing;
 - i) Control of dust and dirt on the public highway, including details of wheel washing facilities and cleaning of site entrance adjacent to the public highway;
 - j) Details of public contact arrangements and complaint management;
 - k) Construction waste management proposals;
 - l) Mechanisms to deal with environmental impacts such as noise and vibration, air quality and dust, light and odour;
 - m) Post-construction restoration/reinstatement of the working areas and temporary access to the public highway;
 - n) Measures to be implemented to ensure wayfinding for both occupiers of the site and for those travelling through it during construction;
 - o) Measures to protect wildlife during pre-construction/constructions works, to include:
 - i. Risk assessment of potentially damaging construction activities;
 - ii. **Identification of "biodiversity protection zones"**;
 - iii. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
 - iv. The location and timing of sensitive works to avoid harm to biodiversity features;
 - v. The times during construction when specialist ecologists need to be present on site to oversee works;
 - vi. Responsible persons and lines of communication; ;

- vii. The role and responsibilities on site of an ecological clerk of works or similarly competent person;
- viii. Use of protective fences, exclusion barriers and warning signs.

Tree Protection

- 18) Prior to commencement of development hereby approved an Arboricultural Method Statement (including any demolition, groundworks and site clearance) shall be submitted to and approved in writing by the Local Planning Authority. The Statement should include details of the following:
- a) Measures for the protection of those trees and hedges on the application site that are to be retained; and
 - b) Details of all construction measures within the 'Root Protection Area' (defined by a radius of $dbh \times 12$ where dbh is the diameter of the trunk measured at a height of 1.5m above ground level) of those trees on the application site which are to be retained specifying the position, depth and method of construction/installation/excavation of service trenches, building foundations, hardstandings, roads and footpaths; and
 - c) A schedule of proposed surgery works to be undertaken to those trees and hedges on the application site which are to be retained.

The development shall be carried out in accordance with the approved Arboricultural Method Statement.

Minerals Management Plan

- 19) Prior to the commencement of ground works in each phase of the development hereby approved a Minerals Management Plan for the sustainable extraction of minerals on an opportunistic basis shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the relevant phase or phases of the development must not be carried out other than in accordance with the approved Minerals Management Plan. The Minerals Management Plan must include the following:
- a) An evaluation of the opportunities to extract minerals (sand and gravel, hoggin and other soils with engineering properties); and
 - b) A proposal for maximising the extraction of minerals, providing targets and methods for the appropriate recovery and beneficial use of the minerals (where feasible without the need for processing); and
 - c) A method to record the quantity of recovered mineral for re-use on site.

Archaeology

- 20) A) No demolition/development hereby approved shall take place/commence until an Archaeological Written Scheme of Investigation has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include an assessment of archaeological significance and research questions; and:
- a) The programme and methodology of site investigation and recording;
 - b) The programme for post-investigation assessment;
 - c) Provision to be made for analysis of the site investigation and recording;
 - d) Provision to be made for publication and dissemination of the analysis and records of the site investigation;
 - e) Provision to be made for archive deposition of the analysis and records of the site investigation;
 - f) Nomination of a competent person or persons/organisation to undertake

the works set out within the Archaeological Written Scheme of Investigation.

B) Development shall take place/commence in accordance with the programme of archaeological works set out in the Written Scheme of Investigation approved under Part A of this condition.

C) The development shall not be occupied until the site investigation and post-investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under part A of this condition and the provision made for analysis and publication where appropriate.

Fire Hydrants

- 21) Prior to first occupation of the development, a scheme for the provision of adequate water supplies and fire hydrants, necessary for firefighting purposes shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the scheme has been implemented in accordance with the approved details.

Noise

- 22) Prior to any above ground development hereby approved, the applicant shall submit to, for approval in writing by the Local Planning Authority, details relating to a scheme to protect the proposed development from noise due to transport sources which shall be implemented before any part of the accommodation hereby approved is occupied.

The scheme shall ensure that indoor ambient noise levels in living rooms and bedrooms meet the standards within BS 8233:2014. Internal L_{Amax} levels and should not exceed 45dB more than 10 times a night in bedrooms. Where opening of windows raises the internal noise levels above those within BS 8233:2014, other methods of ventilation/attenuation will be required, the details of which shall be submitted to and approved in writing by the Local Planning Authority prior to occupation of any dwelling which fails the BS 8233:2014 standards.

To assess overheating with windows closed, a CIBSE TM59 (Fixed Temperature method - CIBSE Guide A (2015a)) overheating assessment must be undertaken and submitted for review and approval in writing by the Local Planning Authority prior to occupation of any dwelling which requires other means of ventilation/attenuation.

If mechanical ventilation is required to be installed, details of the ventilation rates that the system can deliver shall be submitted to and approved in writing by the Local Planning Authority prior to occupation of any dwelling which requires mechanical ventilation.

Outdoor amenity areas should meet the 55dB World Health Organisation Community Noise Guideline Level unless otherwise agreed in writing by the Local Planning Authority.

Climate Change and Energy Statement

- 23) No development above ground level hereby approved shall commence until a Climate Change and Energy Statement (to include a whole-life carbon assessment) has been submitted to and approved in writing by the Local Planning Authority.

The statement shall be in accordance with the Climate Change, Energy and Sustainability Strategy (April 2023, Ref: BARZ3026) and demonstrate how the development will make the fullest contribution to minimising carbon dioxide

emissions and enhancing the sustainability credentials of the development, through a range of design, technological, landscape and ecological measures, in accordance with the following energy hierarchy:

- i. Be lean: use less existing energy;
- ii. Be clean: supply and use energy efficiently; and
- iii. Be green: use renewable energy.

The statement shall also demonstrate how efficiency measures will enable a maximum potable water usage of 110 litres per person per day to be achieved.

The measures set out within the statement shall thereafter be implemented in full prior to the first occupation of the associated phase of the development.

Contamination

- 24) In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing within 7 days to the Local Planning Authority and once the Local Planning Authority has identified the part of the site affected by the unexpected contamination, development must be halted on that part of the site.

Before development recommences on the part of the site where contamination is present a scheme outlining appropriate measures to prevent the pollution of the water environment, to safeguard the health of intended site users, and to ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation and approved conclusions shall be submitted to and approved in writing by the Local Planning Authority.

Thereafter the development shall not be implemented otherwise than in accordance with the approved remediation scheme.

Imported Soil

- 25) In the event soil is imported from an outside site, a scheme shall be submitted to, and approved in writing by the Local Planning Authority, verifying that any imported topsoil, is certified as suitable for use, prior to the first site usage.

Lighting

- 26) **Prior to first occupation of the development hereby permitted, a 'lighting design strategy for biodiversity' in accordance with Guidance Note 08/23 (Institute of Lighting Professionals) shall be submitted to and approved in writing by the Local Planning Authority.**

The strategy shall:

- a) identify those areas/features on site that are particularly sensitive for bats and other nocturnal animals and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
- b) show how and where external lighting will be installed through provision of appropriate lighting contour plans and technical specifications so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places. All external lighting shall be installed in accordance with the specifications and locations set out in the strategy and retained thereafter. No other external lighting shall be installed.

Cycle Parking

- 27) Prior to the commencement of the development hereby permitted, a scheme for the parking of cycles including details of the design, level and siting shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development is first occupied and thereafter retained for this purpose.

Travel Plan

- 28) At least 3 months prior to the first occupation of the approved development a detailed Travel Plan for the site shall be submitted to and approved in writing by the Local Planning Authority. The approved Travel Plan shall be implemented in accordance with the timetable and target contained therein and shall continue to be implemented as long as any part of the development is occupied subject to approved modifications agreed in writing by the Local Planning Authority.

Protection of Protected Species & Mitigation Measures

- 29) Prior to the commencement of the development hereby approved (including ground works and vegetation clearance), detailed and site/location-specific mitigation measures to protect protected species during construction/pre-construction shall be submitted to and approved in writing by the Local Planning Authority. The mitigation measures shall be informed by those set out in Section 5 of the Ecological Assessment (April 2023) (Ref: 11011.EcoAs.vf4), Section 4 of the Phase 2 Survey Results report (October 2023) (Ref: 6432 Phase 2 2023 dv3/CW/LK/DM) and Paragraph 31 of the Great Crested Newt Technical Note (July 2023).

The mitigation measures, as approved, shall thereafter be adhered to in full prior to and during construction and until development has been completed.

Removal of Permitted Development Rights

- 30) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order amending or re-enacting that Order with or without modification) no development falling within the following classes of the Order shall be carried out:
- Schedule 2, Part 1, Class AA;
 - Schedule 2, Part 1, Class B .

End of Schedule

APPEARANCES

FOR THE COUNCIL

Mr Josef Cannon KC & Ms Olivia Davies - Counsel for the Local Planning Authority	instructed by the Borough Solicitor, Hertsmere Borough Council (HBC)
They called:	
Mr Stephen Kirkpatrick <i>BSc BLD CMLI</i>	Director, Scarp Landscape Architecture Ltd
Mr Trevor Faulkner <i>BSc(Hons) DipTP MRTPI</i>	Interim Principal Planning Officer, Development Management, HBC

FOR THE APPELLANT

Mr Zack Simons & Ms Isabella Buono – Counsel for the appellant	instructed by Geoff Armstrong of Armstrong Rigg Planning
They called:	
Mr Will Gardner <i>BSc(Hons) MSc CMLI</i>	Director, The Environmental Dimension Partnership Ltd (EDP)
Mr James Stacey <i>BA(Hons) DipTP MRTPI</i>	Managing Director, Tetlow King Planning
Mr Andrew Moger <i>BA(Hons) MA MRTPI</i>	Director, Tetlow King Planning
Mr Geoff Armstrong <i>BA(Hons) MRTPI</i>	Director, Armstrong Rigg Planning

INTERESTED PERSONS OPPOSING THE APPEAL PROPOSAL

Mrs G Arnold	Local resident
Ms H Shiradski	Local resident
Mr D Hinden	Local resident

PROOFS OF EVIDENCE (PoE - contained in the Core Documents, Sections 11 & 12)

Appellant's Documents	
CD 12.1	Mr Armstrong's PoE - Planning
CD 12.2	Appendices to Mr Armstrong's PoE
CD 12.3	Mr Gardner's PoE & Appendices – Landscape & Green Belt
CD 12.4	Mr Gardner's Summary PoE
CD 12.5	Mr Stacey's PoE – Affordable Housing
CD 12.6	Appendices to Mr Stacey's PoE
CD 12.7	Mr Moger's PoE – Self-Build & Custom-Build Housing
CD 12.8	Appendices to Mr Moger's PoE
CD 12.9	Mr Moger's Summary PoE
Council's Documents	
CD 13.1	Mr Faulkner's PoE - Planning
CD 13.2	Mr Kirkpatrick's PoE – Landscape & Green Belt
CD 13.3	Mr Faulkner's Rebuttal PoE on Self-Build Matters

OTHER CORE DOCUMENTS REFERRED TO IN THIS DECISION

Application Documents and Plans – Originally Submitted May 2023	
CD 1.4	Accessibility Assessment and Audit
CD 1.10	Design Code Document
CD 1.12	Flood Risk and Drainage Assessment
CD 1.14	Landscape and Visual Impact Assessment
CD 1.18	Climate Change, Energy and Sustainability Strategy
CD 1.19	Transport Assessment
CD 1.20	Travel Plan
CD 1.24	Drawing No. 18-157/002H - Proposed Carrington Avenue Site Access
Application Documents & Plans – Submitted Post Validation/Determination	
CD 2.14	Drawing No. 18-157/001G - Proposed Furzehill Road Site Access
CD 2.21	Drawing No. P22-2492_DE_001_3_L - Parameter Plan
CD 2.22	Drawing No. P22-2492_DE_001_2_F - Opportunities & Constraints Plan
CD 2.23	Drawing No. P22-2492_DE_001_1_M – Development Framework Plan
CD 2.24	Drawing No. P22-2492_DE_006_1_I – Illustrative Layout
CD 2.25	Drawing No. D3229-FAB-00-XX-RP-L-0004 G - Landscape Strategy
Committee Report & Decision Notice	
CD 3.1	Committee Report – 18 th January 2024
CD 3.3	Addendum Committee Report – 11 th March 2024
CD 3.5	Decision Notice
The Development Plan & Evidence Base	
CD 4.1	Core Strategy (January 2013)
CD 4.2	Site Allocation and Development Management Policies Plan (November 2016)
Supplementary Planning Guidance	
CD 5.5	Part D: Guidelines for High Quality Sustainable Development 2016
CD 5.6	Biodiversity Net Gain SPD (2024)
New Local Plan 2040 & Evidence Base	
CD 6.3	'Set Aside' Regulation 18 Draft Hertsmere Local Plan (September 2021)
CD 6.4	Hertsmere Local Plan – Additional (Regulation 18) Public Consultation (April 2024)
CD 6.5	Hertsmere Borough Council Local Development Scheme (November 2023)
CD 6.6	Hertsmere Borough Council Green Belt Assessment (Stage 1) Report: Methodology and Assessment of Green Belt Parcels, 3rd January 2017
CD 6.7	Hertsmere Borough Council Green Belt Assessment (Stage 1) Annex Report - Green Belt Parcel Assessment Pro-formas
CD 6.8	Hertsmere Borough Council Green Belt Assessment Stage 2 (March 2019)
CD 6.9	Assessment and Comparison of Green Belt Housing and Employment Sites (March 2024)
CD 6.10	South West Hertfordshire Local Housing Needs Assessment (2020)
CD 6.11	South West Hertfordshire Local Housing Needs Assessment (March 2024)
CD 6.13	Landscape Sensitivity Assessment (LSA) (September 2020)
CD 6.14	Outline Landscape Appraisals for Potential Development Sites in Hertsmere (October 2020)
CD 6.17	South West Hertfordshire Strategic Housing Market Assessment (2016)

National Advice and Technical Guidance	
CD 7.1	National Planning Policy Framework (December 2023)
CD 7.4	Guidelines for Landscape and Visual Impact Assessment (3 rd Edition, 2013) (GLVIA3) – Landscape Institute/ Institute of Environmental Management and Assessment
CD 7.5	National Planning Policy Framework: draft text for consultation, July 2024
CD 7.6	Proposed Reforms to the National Planning Policy Framework and Other Changes to the Planning System – Consultation Document, Updated 2 August 2024
CD 7.7	Written Ministerial Statement: "Building the homes we need", 30th July 2024
Appeal Decisions & Judgements	
CD 9.1	Appeal Ref: 3311193 - Land at Harris Lane, Shenley
CD 9.2	Appeal Ref: 3314268 - Land at Little Bushey Lane, Bushey
CD 9.3	Appeal Ref: 3320599 - Land South of Shenley Road, Radlett
CD 9.4	Appeal Ref: 3329947 - Land lying to east of Hartfield Avenue and fronting onto Barnet Lane, Elstree
Statements of Common Ground	
CD 11.1	Planning Statement of Common Ground
CD 11.2	Landscape Statement of Common Ground
CD 11.3	Affordable Housing Statement of Common Ground
CD 11.4	Self-Build and Custom-Build Statement of Common Ground
Statutory Consultee Responses to Planning Application	
CD 15.4	Forestry Commission 18.07.23
CD 15.23	Place Services (Trees) August 2023
CD 15.28	HCC Highways Final Response 10.10.23
CD 15.33	Lead Local Flood Authority 19.02.24
CD 15.34	Lead Local Flood Authority (Final response) 04.03.24

DOCUMENTS SUBMITTED AT THE INQUIRY AND SHORTLY BEFORE

Document	1	Opening submissions on behalf of the Appellant
Document	2	Opening submissions on behalf of the Council
Document	3	Statement and speaking note submitted by Ms Shiradski
Document	4	Agenda for Round Table Session dealing with Landscape & Green Belt matters
Document	5	Accompanied site visit itinerary
Document	6	Schedule of suggested conditions
Document	7	Signed and completed Section 106 agreement
Document	8	Closing Submissions on behalf of the Council
Document	9	Closing Submissions on behalf of the Appellant