

Reference	19/02895/ART
Site Address	Land North End Of Cupid Green Lane, Hemel Hempstead
Land Owner	Various

1. Recommendation

1.1 That the Article 4 Direction made on 14th November 2019 be confirmed.

2. Summary

2.1 This Article 4 Direction was made by the Council, due to the advertised sale of some parcels on the land and the risk that changes/uses under permitted development and the physical sub-division of that land could cause very significant harm to this very sensitive rural / Green Belt landscape.

2.2 In November 2016, an Article 4 Direction was made on the same area of land following verbal reports from a potential purchaser that the land was being sold in 12 separate plots. The Council considered it was necessary at the time, to make the Direction due to the sensitive nature of the site. Following the service of the Direction, however, information was received through a submitted comment which provided important information, advising that the land was actually being sold as 6 plots, not the 12 originally thought. Furthermore, it was raised to the Council, that other pieces of land in the immediate area had been subdivided. Consequently, at the time, the Council did not consider that the area of land met the tests to be so exceptional that it warranted additional controls. Ultimately, therefore, the November 2016 Article 4 Direction was not confirmed.

2.3 More recently, there have been a number of changes to this land that has resulted in the need for an Article 4 Direction to be revisited. These include the further sub-division of one of the plots into eight, creating 13 plots across the overall field, and the erection of insensitive fencing, including subsequent to the serving of the current Article 4 Direction. Furthermore, four of the plots on the overall field are subject to current planning enforcement investigations regarding unauthorised development.

2.4 Therefore, it was concluded that a new Article 4 Direction was required to be made in order to protect this land.

3. Site Description

3.1 The site comprises a rectangular shaped field located on the north-eastern side of Cupid Green Lane, close to the junction with Gaddesden Row. The field contains three telegraph poles, as well as an electricity pylon at its south-eastern (rear) edge. The site is within the Metropolitan Green Belt, whilst the Chilterns Area of Outstanding Natural Beauty (AONB) is on the opposite side of Cupid Green Lane.

3.2 During 2017 and 2018, six 'plots' were sold to various new owners. Those plots have been defined using a mixture of fencing types including, post and rail fencing, post and wire fencing and close board fencing. The plots appear relatively equal in size. There are a number of unauthorised uses and development taking place within the individual plots, with 4 separate enforcement cases being set up to investigate

those uses/development. The uses include dog walking/training, keeping of animals (alpacas and goats) and erection of structures.

3.3 A number of other developments have taken place, which may benefit from permitted development – such as, laying of a hard surfaced track to serve the plots of land and the erection of sub dividing fencing/enclosures.

3.4 Further there are a number of planning permissions which relate to the site; namely 4/00563/17/FUL for - *Construction of stock wire fence with planted hedgerow to divide off an area of land. Installation of 5 bar gate to provide access;* 4/00145/18/FUL for – *construction of agricultural building;* 4/00144/18/FUL for - *construction of a polytunnel;* and 4/00143/18/FUL for - *creation of an access track and construction of a poly tunnel.*

3.5 It is understood that 4/00563/17/FUL has been fully implemented, 4/00143/18/FUL has been part implemented and the others have not yet been implemented.

3.6 The site is accessed off Cupid Green Lane via a seven-bar metal gate. This leads to a previously created hard surfaced 'holding area'. There is a secondary gate inside the first which serves as an access to a track and extends into the site and serves all 6 plots. A Public ROW also commences at the entrance to the site, which then continues on the other side of the field boundary hedge along the north-eastern field boundary. The area is very rural in its appearance, formed largely by medium to large-sized open fields with hedge or tree boundaries, and pockets of woodland.

3.7 There is a second seven-bar metal gate, set back from the highway, which appears to serve the plots at the bottom of the field. This metal gate has been installed to the south of the main gate further up the Lane.

4. Service of Order

4.1 The Article 4 Direction subject to this report was served on all interested parties including land owners on 14th November 2019. A total of 12 individuals/companies were served with a copy of the notice and relevant paperwork. The Direction has immediate effect and must be confirmed by 14th May 2020, which is 6 months from the Direction being made.

4.2 The Article 4 Direction sought to immediately remove the following permitted development rights;

- **The erection, construction, improvement or alteration of a gate, fence, wall or other means of enclosure** referred to in paragraph A.1 being development comprised within Class A of Part 2 of Schedule 2 to the Order and not being development within any other Class.
- **The formation, laying out and construction of a means of access to a highway** which is not a trunk road or a classified road, where that access is required in connection with development permitted by any Class in this Schedule (other than by Class A of this Part) being development comprised within Class B of Part 2 of Schedule 2 to the Order and not being development within any other Class.

- **Temporary use of land** comprised within Class B of Part 4 of Schedule 2 to the Order and not being development within any other Class.

4.3 The effect of the Article 4(1) Direction is that development comprising the erection, construction, improvement or alteration of a gate, fence, wall or other means of enclosure; the formation, laying out and construction of a means of access to a highway; and temporary use of the land, will now require the formal determination through the submission of a planning application.

5. Legislation and Policies

5.1 Paragraph: 038 Reference ID: 13-038-20140306 of the National Planning Policy Guidance (NPPG).

5.2 Policies CS1, CS2, CS5, CS10, CS12 and CS25 of the Core Strategy.

5.3 National Planning Policy Framework (NPPF).

6. Representations

6.1 There were a total of nine formal comments submitted to the Local Authority:

- One comment received from Great Gaddesden Parish Council.
- Three comments were expressly objecting to the Article 4 Direction.
- Five comments were in support of the Direction.

6.2 Great Gaddesden Parish Council commented as follows:

The development of the land was brought to our attention by local residents who were concerned of developments there. Thankfully the enforcement team were already aware and dealing.

The land was sold off into small individual plots with good intentions of the owner. The plots have been bought by individuals. Some of which appear not to have the relevant experience or knowledge of rural, agricultural or planning issues. Some of the plots have caused concern through potential noise issues, inappropriate development, and sadly, deliberate flouting of regulations. This has also hampered other plot holders who have not caused any issues.

The Parish Council requests that the article 4 direction to remain in place at the discretion of the planning enforcement dept at DBC to give effective control over this complicated area to assist the local residents. To ensure that any development has a proportionate impact to the surroundings.

6.3 Comments in support of the Direction can be seen at [Appendix A](#). A total of five comments were received in support of the Article 4 Direction, which made the following summarised comments:

- Commercialisation of the land is wrong and should be used for agricultural purposes;
- Additional traffic generated would substantially increase the dangers posed by the nearby junction;

- Removal of the Direction would open the flood gates of use of the fields in this Area of Outstanding Natural Beauty, thus destroying the landscape forever;
- The activities in the field are damaging and destructive and is becoming a major eyesore.
- There will be a problem regarding sewerage and water.

6.4 In total, three comments were received in objection to the Article 4 Direction. These comments can be seen in full at [Appendix A](#). Comments from Mr and Mrs MacDonald were accompanied with photos and maps; these can be seen at [Appendix B](#). The comments are summarised below:

Comments from Ms Woodbridge and Mr Yemm (Plot 2)

6.5 The comments from the owners of Plot 2 are largely focused on their current use of the plot. They explain that they are using it for grazing and have subdivided it into two paddocks. They state that the need for immediate replacement of fencing (when damaged) and overnight stays during lambing etc, would mean that planning permission could not be sought in every instance and that the requirement to go through the planning process could introduce un-due risk and hazards to the livestock.

Comments from Ms Chapman (Plot 3)

6.6 The comments from Ms Chapman relate to the placing of the Article 4 Direction on her specific plot of land. She explains that her plot and her neighbouring plot (Plot 6) should not give rise to any concerns over the use of the land. She states that those plots are to be considered 'separate' as they have their own access. She requests that the Article 4 Direction is made smaller to omit her plot and Plot 6.

Comments from Mr and Mrs MacDonald (Plot 6)

6.7 Mr and Mrs MacDonald made a number of important comments in their submission. They are summarised below:

6.8 **Site description;** It is noted in the comments submitted, that the site description in the report is incorrect in that it doesn't correctly state the number of pylons in the field(s) and that there are other omissions/errors, such as gates, access points and types of fencing.

6.9 **Other subdivision of land in the surrounding area;** The comments submitted reference the subdivision of other fields in the wider, surrounding area. The comments were accompanied with a map. There are a number of areas where the subdivision of fields have been denoted with coloured lines and of these areas, two appear to be more concentrated (to the north of Gaddesden Row and to the south east of the site).

6.10 **Views of plots 3 and 6 from surrounding areas;** The comments submitted by Mr and Mrs MacDonald mention that plots 3 and 6 cannot be seen from RoW 44 due to the density of the hedge along the majority of the boundary. They mention that the visual impact of the site is greater from RoW 39, but maintain that plots 3 and 6 cannot be seen from the surrounding areas of public rights of way.

6.11 **Use of land and planning application fees;** It was noted in the comments

submitted by Mr and Mrs MacDonald, that their own plot and their neighbouring plot (plots 3 and 6) had not been subject to any unauthorised development or uses. Further, they commented that the effect of the Article 4 Direction would be that they would now need to pay for applications to implement permitted development rights.

Response to consultation comments

6.12 The comments received in objection to the Article 4 Direction are from owners of plots within the field site. These objectors feel that due to their lack of affiliation with the rest of the field site, and the lack of development or uses on their land, that they should not be included within the Article 4 Direction. Overall, they support the Article 4 Direction being made, especially in relation to Plot 1, which has been the subject of additional sales, subdivision and uses.

6.13 **Site description;** The comments raise a query over the site description and state that the site description in the original delegated report is incorrect in that it doesn't correctly state the number of pylons in the field(s) and that there are other omissions/errors, such as gates, access points and types of fencing. The officer has corrected the points on the means of access and the second field gate at the main access. The officer has also clarified the point in relation to the number of pylons in the field in that; there is one electricity pylon and three telegraph poles in the field. Notwithstanding those changes, the officer is minded to suggest that the outcome of the delegated report would not differ from the one which resulted in the making of the Article 4 Direction in November 2019.

6.14 **Other subdivision of land in the surrounding area;** The submitted comments reference the subdivision of other fields in the wider, surrounding area. The comments were accompanied with a map (See [Appendix B](#)). There are a number of areas on this map where the subdivision of fields have been denoted with coloured lines and of these areas, two appear to be more concentrated (to the north of Gaddesden Row and to the south east of the site). The comments mention that these areas may cause greater impact in that each smaller subdivided area could use the 28-day temporary use permitted development right.

6.15 The Council undertook to obtain land registry details of these areas of land and confirm that those areas are individually within one proprietorship. Therefore, any subdivision of fields within the proprietorship would not automatically mean that temporary use rights or other permitted development rights would apply to each of those parcels. In contrast, the field on which the Article 4 Direction has been applied is currently under 6 different proprietorships (likely to increase) as such, the permitted development rights can be multiplied by at least 6 across the field and there could be almost 6 months of continuous temporary uses taking place within the field.

6.16 The current uses taking place within the areas of land under one proprietorship are considered to be appropriate as they are agricultural/equestrian uses. These uses are not currently a cause for concern, but this will be monitored. The Council considers it is justified in applying the Article 4 Direction over the area which it has, as there is no justification to apply these additional controls over these areas outside of the field. Further, it should be made clear that any argument that the Article 4 Direction does not cover a large enough area does not mean that it would be incorrect to apply the Article 4 Direction over the area which is currently being considered, in order to strengthen the protection of that area.

6.17 Views of plots 3 and 6 from surrounding areas; The comments submitted mention that plots 3 and 6 cannot be seen from RoW 44 due to the density of the hedge along the majority of the boundary. They mention that the visual impact of the site is greater from RoW 39, but maintain that plots 3 and 6 cannot be seen from the surrounding areas of public rights of way.

6.18 The Council undertook a visual assessment on 13th February 2020 and evidenced the visual impact of the site from various view points along RoW 44, 39 and the Highway (Cupid Green Lane). Photographs of that assessment are at [Appendix C](#). It is clear that the whole field can be seen from RoW 39 and that specifically plots 3 and 6 are clearly visible. Additionally, the Highway affords direct views of the whole field and specifically, plots 3 and 6 are visible. RoW 44 does afford some screening of the site by virtue of the dense hedgerow, however, at the point where it turns and begins to travel north, there is a large break in the hedgerow and the views south across the site are enabled.

6.19 It is noted that the views from RoW 44 are not of plots 3 or 6 (plot 3 can be seen, but this is not a direct view), this is due to the lie of the land and the field dropping away to the south.

7. Considerations

Introduction

7.1 An Article 4 Direction is a direction under article 4 of the General Permitted Development Order, which enables the Secretary of State or the local planning authority to withdraw specified permitted development rights across a defined area.

7.2 Paragraph: 038 Reference ID: 13-038-20140306 of the National Planning Policy Guidance (NPPG) states that the use of Article 4 directions to remove national permitted development rights should be limited to situations where this is necessary to protect local amenity or the wellbeing of the area. The potential harm that the direction is intended to address should be clearly identified.

7.3 It is considered that the site, which is situated within the Green Belt, is particularly visually sensitive and prominent from public vantage points.

Green Belt

7.4 Policy CS5 of the Core Strategy states that the Council will apply national Green Belt policy to protect the openness and character of the Green Belt, local distinctiveness and the physical separation of settlements.

7.5 The NPPF is also clear on the weight to be attached to Green Belt land. Paragraph 79 states that, "*The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and permanence*".

Harm and Visibility

7.6 The potential for further introduction of fences, gates and other means of enclosure which are likely to be required to further divide the site would combine to visually detract from the area and would result in demonstrable and unacceptable harm. The erection of means of enclosures are not subject to the prior approval process and as such, fall outside of the control of the Local Planning Authority. Furthermore, concerns exist regarding the development pressures which could result from such subdivision.

7.7 There are equally concerns that the further sub-division of the ownership of the land could see temporary permitted development rights be further multiplied compared to the situation immediately prior where the field constituted 6 individual plots. This could result in the near continuous operation of 'temporary' activities across the original field.

7.8 The Council is satisfied that the area of land, as defined in the plan attached to the Article 4 Direction is under sufficient threat of further development and as such, it is necessary to seek to remove permitted development rights to afford the Local Authority an opportunity to adequately assess the impact and harm of each proposed development or use at this site.

7.9 The comments made in objection the Article 4 Direction are specifically from plot owners who feel that the Direction should not cover their land as they have not undertaken any development or uses which would necessarily give rise to concern in the local area. However, the Local Authority maintains that the area sought to be covered by the Article 4 Direction is sufficient enough to control the risks to the area, at the same time as covering a visually contained and defined area as the site is bounded by hedgerows.

7.10 The field is surrounded by the road (Cupid Green Lane) to the north-west and south-west. Along the field's south-west boundary is a hedgerow and this carries on around the entire perimeter of the site, including along the public ROW (44), making the field appear visually enclosed by a natural boundary. Therefore, it would be visually illogical to separate the field into Article 4 and non-Article 4 areas owing to its natural demarcation. Furthermore, the making of separate areas within the field where the Article 4 does and does not apply, would introduce practical enforcement difficulties.

7.11 The Council has investigated the other areas of sub division in the immediate, local area and has concluded that they are within the same ownership/land title and as such, each smaller sub divided parcel of land within those single ownerships, would not benefit from its own temporary use rights or other permitted development rights. As such, the risk posed by the sub division of those parcels of land is not considered to be such that it would warrant the imposition of additional controls. The risks posed by the land to which this Article 4 Direction is the subject, had increased its risk through the further sale of the parcels of land within it and overall, the impact of temporary uses and other permitted development rights could be magnified and substantially worse.

Justification for Article 4 Direction

7.12 It is considered that the serving of an 'immediate direction' was warranted, appropriate and necessary. It is further considered that the confirmation of the Article 4 Direction is equally warranted, appropriate and necessary. The potential harm caused by the further sub-division of this land has been described above and the threat to the

site's visual integrity is considered to be imminent. Plot 1 is being marketed for sale as separate plots, and the subdivision of the rest of the land has already occurred.

7.13 Overall, the risk posed by the use of the land within this area for temporary uses or for creation of further smaller plots or new accesses, could significantly impact on the local area. The site is highly visible from public rights of way and the Highway (Cupid Green Lane) and as such, the Council considers that its decision to control those uses and rights is justified in this instance.

Compensation

7.14 If a local planning authority makes an Article 4 Direction, it can be liable to pay compensation to those whose permitted development rights have been withdrawn, but only if it then subsequently:

- refuses planning permission for development which would otherwise have been permitted development; or
- grants planning permission subject to more limiting conditions than the General Permitted Development Order.

7.15 The grounds on which compensation can be claimed are limited to abortive expenditure or other loss or damage directly attributable to the withdrawal of permitted development rights.

7.16 Compensation can only be claimed if the planning application is made within 12 months from the date when the Article 4 Direction takes effect.

Cancellation or Modification of an Article 4 Direction

7.17 An Article 4 Direction can remain in place permanently once it has been confirmed. However, it is important for local planning authorities to monitor any Article 4 Directions regularly to make certain that the original reasons the direction was made remain valid.

7.18 Where an article 4 direction is no longer necessary it can be cancelled. Furthermore, a direction can be modified by cancelling the existing direction and replacing it with a new one. In both cases the normal procedures for making an Article 4 Direction apply.

7.19 It is therefore important to note that the current Article 4 Direction cannot be retained with modifications. It is either:

- confirmed (exactly as it is presently worded)
- withdrawn, and then a modified Article 4 Direction made.
- Not confirmed / withdrawn (the restrictions simply fall away).

7.20 It has been noted above that some of the plot holders, whilst not objecting to the making of an Article 4 Direction on the other plots, object to their land being included in the Direction. This report has already explained why the Article 4 Direction should cover the overall field (visually sensitive and prominent site overall, site formed by a natural boundary and seen as one piece of land that has been sub-divided). Should

the current Article 4 Direction be withdrawn and then re-made to cover a smaller area of land than any development that has taken place since the Article 4 Direction was made, and which would otherwise have been permitted development, would be able to remain.

8. Conclusions

8.1 The Local Authority considers that the Article 4 Direction which was made on 14th November 2019 was justified and warranted.

8.2 The area which it covers is appropriate when considering the visual containment of the 6 plots and the localised risk due to different owners of those 6 plots of land. Further, the sale of additional plots of land within the field is increasing the risk of additional permitted development rights being afforded to the field, which would have a significant detrimental impact on the area.

8.3 The objections received are specific to individual plots and maintain that the Direction should not be confirmed due to the lack of activity in their specific plot. The Council considers that the risk still exists, through the onward sale of plots and that the cumulative impact of the uses or development within the wider field could be severely detrimental when considering the field's overall visual appearance.

9. RECOMMENDATION – That the Article 4 Direction (ref: 19/02895/ART) be confirmed for the reasons stated above.

Appendix A - Responses received

Contributors	Support	Neutral	Objecting
8	5	0	3

SUPPORT	
1	<p>We are writing to say that the commercialisation of the land at the top of Cupid Green Lane for anything other than normal agricultural use is totally wrong. The junction at the end of Gaddesden Row is extremely dangerous and has been the site of many accidents over the years – some very serious. Cupid Green Lane just will not be able to cope with the traffic and the dangers will be very substantially increased if the current activities continue, or, indeed, expand.</p> <p>We are totally opposed to the current activities at the site and are very supportive of the Article 4 Direction.</p>
2	I wanted to write supporting the Article 4 on the land at Cupid Green Lane.

	<p>The land is beautiful agricultural land which has been so for many years in an area of outstanding natural beauty and Green Belt. It has been so sad to see this beautiful landscape destroyed by a large mobile home, domestic fencing, caravans and vans and cars parked throughout the day and night, a tarmacked track put in and a piles of soil and a large shipping container left along with piles of rubbish and bonfires. I also have no doubt that people are living there as we hear machinery and see lights in the night and have had post delivered to our address for an occupant there. A large party camp out with numerous tents and vehicles was held in the summer as well.</p> <p>This seems to be a total breach of the protection of an area of outstanding beauty and use of agricultural land.</p> <p>I support Article 4 very strongly as if it was removed I believe it would open the flood gates for use of fields in this area of outstanding natural beauty, thus destroying the landscape forever.</p>
3	<p>I have to say that until I had a better look yesterday at the activities in the field at the top of Cupid Green Lane, I had not appreciated how damaging and destructive the activities there really are. I moved to Frithsden from Corner Farm in 2015, having lived there for nearly 30 years, although my wife and I do still own 2 cottages at The Granary behind Corner Farm, which we let.</p> <p>I agree with every word that has said and think that everything possible must be done to stop what is becoming a major eyesore and destruction of a proper rural environment. A country slum is being created!</p>
4	<p>A. I would like to have it noted, my concern on the impact that the access via the gates onto Cupid Green Lane from the land ,is causing, extra traffic congestion on an already congested narrow road while the occupants enter and leave their plots via the gate which they have to lock and unlock .</p> <p>B. I have also got concerns about the various buildings that are being erected as this is an designated area of outstanding natural beauty and it is sad that the landscape is being blemished.</p>
5	<p>I am writing about my concerns that the land in Cupid Green Lane, Hemel Hempstead is been sold for residential use as advertised by the estate agent, see below. https://www.zoopla.co.uk/for-sale/details/50822220?search_identifier=c677df57d91cbfa4cd54b8753e46b85f</p> <p>If this is not stops then there will be a problem regarding sewerage and water as I believe no one has applied for planning permission for resident, the whole site is starting to look like a caravan site. What is the intention of the council to allow green belt area which was used for agriculture previously? Everyone else has to apply for permission and this seems to be taking far too long for local residents to receive an answer. How did this happen in the first place and the area in Gaddesden Row has been dealt with far stricter rules and regulations.</p> <p>This area of land is still in the green belt and I am sure was supposed to be the same as the other vacant land in Gaddesden Row which is correctly advertised, see below.</p>
OBJECTION	

1

We are writing in relation to the direction made under Article 4(1) for the land at the top of Cupid Green Lane, Great Gaddesden, Hertfordshire (19/02895/ART). We own a piece of land covered by the Article 4(1), we believe you refer to our land as Plot 2.

I have requested the Officer's Report in relation to the Article 4(1) but are still yet to receive a copy. As such, the below representations are based on general comments to the Article 4(1) letter and cannot take into account any specific concerns you may have. We would really appreciate the report (which I believe is normally freely available) and a chance to further respond to any specific points.

This email details our representations in relation to the article 4(1) placed on plot 2 of the land, we are not writing with respect of the other plots (or sub-plots which have been affected by the article 4(1)) and do not take responsibility for any land except plot 2.

Given the statement above it would be helpful to clarify whether the land and therefore the Article 4(1) can be appropriately distinguished between the separate plots/owners for plots 1-6 to distinguish between the various owners and responsibilities for any development of the land.

In relation to the development conditions which have been put in place through the Article 4(1), we outline our representations for plot 2 below and why we believe that the article 4(1) should not be applicable:

The erection, construction, improvement or alteration of a gate, fence, wall or other means of enclosure referred to in Paragraph A.1 being development comprised within Class A of Part 2 of Schedule 2 to the Order and not being development within any other Class.

Plot 2 is currently established as two paddocks (c. 1.75 acres each) separated with conventional agricultural fencing (post and agricultural wire stock fencing) – suitable and respectful to the area and agricultural use of land. The two paddocks are to ensure safe grazing of animals which currently need to stay separated for safety reasons. However as part of correct pasture management we utilise temporary electric fencing to maintain the correct level of pasture for animals grazing. This use of temporary electric fencing in strategic places prevents overgrazing of particular areas and allows for correct soil management. For example, this may be required dependent on weather conditions, particularly in excessively wet periods to prevent poaching of certain areas of ground and sheep developing foot rot from wet conditions or conversely in spring/summer to prevent the onset of obesity in animals for animal welfare. Further there may be instances where smaller sections are temporarily sectioned off on veterinary grounds if animals are injured and need to have their exercise restricted.

Given the nature of the use, this temporary fencing is normal use for grazing of any agricultural animal and is difficult to predict usage and difficult to ascertain exactly the positioning for various parts of the year. Please note that as much as possible we do seek to maintain the land to be open as two very large paddocks (two is required to allow resting of grazing between seasons and safety as stated above).

Given the nature of the use of the land as grazing land, should any fencing or gates get damaged then this would require immediate maintenance to ensure continued safe grazing of animals. Preventing this immediate maintenance and requiring us to then apply for planning permission (with the associated extended time frames for any application) would prevent animals remaining in the field and therefore prevents the use

	<p>of the land for grazing. Further, leaving damaged fencing could be detrimental to the health and welfare of the animals, for example, risk of injury from protruding wire or broken posts and/or could allow animals to escape onto the surrounding roads and therefore danger to the public.</p> <p><i>The formation, laying out and construction of a means of access to a highway which is not a trunk road or a classified road, where that access is required in connection with development permitted by any Class in this Schedule (other than by Class A of this Part) being development comprised within Class B of Part 2 of Schedule 2 to the Order and not being development within any other Class.</i></p> <p>Fencing has been established to allow a point of access to be made directly from the road on the basis that the highway is not a trunk/classified road and is allowed under permitted development in line with development of another class. The current positioning of any temporary shelters is against the established hedging to be as inconspicuous and respectful to the surrounding area as possible and therefore access from the road was anticipated for winter to allow the provision of water and any other relevant supplies for animals to the appropriate area of the plot. Further should an animal get injured we do not currently have any access over winter to the relevant part of the land to either allow ease of access for vet or to transport the animal off site for veterinary attention.</p> <p><i>Temporary use of land comprised within Class B of Part 4 of Schedule 2 to the Order and not being development within any other Class.</i></p> <p>In times when animals are unexpectedly injured and in lambing season it may be a necessity to camp on the land overnight for animal welfare therefore temporary use of land (for no more than 28 days) may occasionally arise with no notice. This would not be possible to apply for permission based on unknown nature and timing implications of application.</p> <p>Overall, the use of the land is as stated above and as discussed with both Cora Watson and Robert Freeman. We are not trying to misuse the land and are very happy to have further discussions in relation to this point and any concerns you may have in relation to plot 2.</p> <p>We hope you will take the above into consideration for the placing of Article 4(1) specifically on plot 2. As stated above, we would still appreciate the provision of the relevant Officer's Report which has been requested and to be given an opportunity to respond to any specific points raised in this report.</p>
2	<p>My neighbour has forwarded on details of an article 4 that has been placed on the land at Cupid Green Lane, Hemel, HP2 6HN. My husband and I are the owners of lot C1, Cupid Green Lane. However the seller's solicitors still haven't finished the paperwork to enable it to be registered with land registry so I presume you haven't sent us any of the paperwork as you don't have us as the registered owners. I have been chasing this with my solicitor for over 6 months, since I first found out that the land wasn't in my name. The seller's solicitor has left and we have struggled to get someone to take it on. Our purchase completed on 20th Dec 2017.</p> <p>I object to the placing of an article 4 on the whole plot that was sold off in 2016/2017. It is only the recent transactions at the other end of the field that are causing you concern/problems (lot A I believe) and nothing we are doing at the other end should give</p>

	<p>rise to any concerns about the use of the land. Please could you consider adjusting the article 4 to only cover lot A-D (where there has potentially been any subdividing of land and/or placing of buildings), and not lot E and F where there has been no subdividing of land, and where there is a separate entrance for these 2 plots so they are totally separate to the other 4 plots.</p>
3	<p>We are the land owners of HD566741 which has been referred to as plot 6 in Olivia Stapleford's report. We disagree with the term plot as this implies that this is part of a larger piece of land and we wish to be viewed as a separate field in its own right. We shall use the phase plot 6 for ease of reference in this document. We wish to make representation against the current Article 4 which has been placed on the land at the top of Cupid Green Lane, Great Gaddesden. At present the Article 4 encompasses the 6 plots which made up the original field. We believe that plots 3 and 6 should not be included in the current Article 4 as since the purchase of plots 3 and 6, plot 3 has not erected any form of boundary and plot 6 has only erected a boundary fence which was granted planning permission whilst the previous Article 4 directive was in place; to the best of our knowledge temporary use has not been abused and through discussions with Philip Stanley, no issues or planning breaches were highlighted in the most recent report from Olivia Stapleford. Furthermore due to the changes introduced in the January 2018 Fee Regulations this will now incur an annual cost of between £150 and £300 just to seek permission for our permitted development rights when all conversations with the planning department cannot share with us any legitimate reason for why our land should be subjected to the Article 4 other than the fact that the land was once one parcel of land. This could be said about any piece of land should you go back far enough.</p> <p>Paragraph 4.23 of Planning Policy Guidance Note 15, clearly states 'that permitted development rights should not be withdrawn without clear justification ... and where the direction involves the minimum withdrawal of permitted development rights (in terms of both area and types of development) necessary to achieve its objective.' We believe that plots 3 and 6 should be excluded from the Article 4 directive as all reports available relating to the land at the top of Cupid Green Lane do not mention either of these adjacent plots. During discussions with Philip Stanley in relation to the land, no issues have been identified in either plot. We believe that although the current Article 4 views the 6 individual plots as a single entity as they were previously one field that plots 3 and 6 should be excluded from the Article 4. Our reasons for this are; neither plot has been divided further than the planning permission which was granted; there is an additional entrance into the field (which is not noted in the most recent reports concerning the land) which serves both plot 3 and 6 meaning that interaction with the remaining 4 plots is minimal and not necessary and neither plots have abused the rights granted to them by temporary use.</p> <p>It is unfortunate that the actions of other landowners has brought on the need for an Article 4 again. We would like to make it clear that we are not trying to justify any actions taken by neighbouring land just that we have gone to great effort to work with the council and help keep the Green Belt land as open and as visually appealing as possible. A new entrance has been constructed to our land which also allows access to plot 3. We believe this has a very low impact visually as Olivia Stapleford did not even notice it was there during her site inspection. We also wish to make it very clear that we had nothing to do with the roadway constructed in the field and can provide documents which show we wanted nothing to do with it, further separating us from the rest of the plots. We</p>

intend, in the future to define the boundaries of our land further with hedgerow in a way which is more in keeping with the Metropolitan Green Belt area. As the period of time between the Article 4's has been so short there has not been enough time for a hedge to be planted or to take root.

It was explained to us by Philip Stanley that it would be very unusual to leave off such a small area of land from an Article 4 but as is shown in photo 30 and map 4 (in purple – please see explanation for the maps at the end of this document) the area in question is a third of the entire Article 4, 6.56 acres and visually separate as it cannot be seen from surrounding areas apart from when you are immediately adjacent to it.

Through reading the 'Development Control Service Unit Planning Casework delegated report' reference 19/02899/ART we have noted some errors which we wish to draw your attention to. Within the 'site description' paragraph it states that there is 'a pylon at its southern (rear) edge' however the field contains 3 pylons – which can be found in plot 2, 3 and 5. It also states that 'The plots have been defined using post and rail fencing' which is incorrect as the majority of fencing used to define the plots is stock wire fencing. Furthermore, at the original entrance it describes access to the site as 'via a seven-bar metal gate', this is not the case as there are two seven-bar metal gates to provide access as seen in photo 21. Additionally, no mention is made of the access via a seven-bar metal gate to plots 3 and 6 shown in photo 20.

The site description also comments on the appearance of the area saying it is 'formed largely by medium to large-sized open fields with hedge or tree boundaries'. In the Addendum to report 02 June 2017, application number 4/03035/16/ART it notes that, 'the objection provided visual evidence of a significant amount of field sub-division in the immediate area.' As this has been acknowledged in a previous report it seems to contradict this statement.

In the 'Relevant Planning History' section the table of planning applications does not include the planning application reference 4/00563/17/FUL relating to plot 6. We believe this planning application is particularly relevant as it covers sub-division and was granted whilst the previous Article 4 directive was in place.

This paragraph also refers to becoming aware of plot 1 being sold in small plots on the open market in September 2019. However, we know that information was provided to Philip Stanley through a telephone conversation and a follow-up email sent on the 9th July 2019 which included photos of the intended division of the land. We feel this is a particularly important piece of information as the Article 4 regularly states that it is in 'immediate effect' but was not placed upon the land until 4 months after the first communications related to further sub-division. It should also be highlighted that it still took 2 months after the stated date of related information before the Article 4 was put in place. This seems strange as when the original Article 4 was put on the field it occurred within days of lesser detailed information being provided about imminent sub-division.

As part of the 'Other Relevant History' paragraph it states 'The land, at the time, was to be sold off into 12 plots', however the land at the top of Cupid Green Lane was never intended to be split into 12 plots and was never advertised as such. This information was hearsay given by a potential purchaser and therefore should not be stated as fact in a report.

The information included in the 'Considerations' paragraph states that 'The field is part

of the wide open views going uphill from Grovehill' although the lay of the land does not immediately go uphill from Grovehill. As such, no part of the field in question, can be seen from Grovehill allotments or the houses in the immediate vicinity.

The sentence 'Following the consideration and subsequent decision to not confirm the Article 4 Direction in November 2016' implies that the Article 4 was not confirmed in November 2016 when in fact it took until June 2017 before this decision was reached.

Throughout the report, the road way or access track is often mentioned as perceived as having had a detrimental impact upon the site. It should be noted that included in the 'Relevant Planning History' paragraph that planning permission was granted for an access track to be constructed. We feel that the inclusion of the access track in this report is misleading and should not be included, as an access track either requires planning permission or is a planning breach. Neither of these have any relevance to temporary use or an Article 4. As we do not believe an enforcement investigation has been launched in regard to the access track then we do not see this as a planning breach. It is fair to say that many of the concerns in the area are considered planning breaches and therefore would not be solved by an Article 4 being placed on the land.

It should also be noted that ROW 47 has a large concreted section, which as this is part of the ROW rather than a track which can barely be seen from the right of way has more of an impact to people's visual enjoyment of the area as illustrated in photo 33.

Linked to this, no mention is made of the permission granted to erect 2 poly tunnels and an agricultural building although the application is included in the 'Relevant Planning History' paragraph. The location of which is adjacent to the ROW mentioned in the report. We believe this will have a far greater impact on the ability of people using this ROW to enjoy this route and the surrounding views. Construction of the foundations for these structures has already commenced and these can be seen from the public ROW as demonstrated in the included photos 27 and 28

Statements made regarding the detrimental impact to the view from the public right of way 44 fail to take into account the density of the hedge along the majority of the boundary with the field in question as shown in photos 25 and 26 which illustrate how little of the field is able to be viewed. In fact there is a much greater visual impact from ROW 39 as this looks out across the field as shown in photo 11. Although the white structure in the image is a planning breach and is under investigation the poly tunnels would be immediately adjacent on the right hand side from this view and would have a much greater detrimental impact on people's enjoyment of the landscape. It is sad that this was not taken into consideration when planning permission was granted. Additionally this photo also demonstrates how plots 3 and 6 should be treated separately as they cannot be seen from the surrounding areas or public rights of way.

We also believe that a large part of people's enjoyment being affected when using the public ROW 44 is due to the condition of the path. Photos 22, 23 and 37 show the current conditions of this route which we have found difficult to navigate ourselves.

The concern raised regarding the sub-division of the land makes references to the 'medium to large-sized open fields with hedge or tree boundaries' in the immediate vicinity of the field. However upon closer inspection there are large amounts of subdivision occurring within the area. Photos 10, 32, 34 and 35 provide examples of different nearby fields which have been subdivided into smaller plots. Maps 1-4 also

highlight the sub-division. Most of the sub-division is also seen on ordinance survey maps and therefore is easily verified by the planning department. We are also disappointed to see that subsequent to the previous Article 4 being removed there was no investigation given to any of the surrounding sub-divided land. As Philip Stanley stated in his report 'the objection provided visual evidence of a significant amount of field sub-division in the immediate area,' and yet no action or investigation was taken on this land. However, an Article 4 has been replaced on our land for sub-division where we have not divided further than the original boundary which we were granted planning permission for.

Given the large amount of sub-division in the immediate vicinity and the possibility of temporary use being multiplied on all of these sites we are confused as to why they have not been included in the Article 4 as at least 2 of the fields are immediately adjacent to the land subjected to an Article 4. It is particularly disheartening, especially knowing that the planning enforcement department had been aware of the area since July 2019 and a further report from Cora Watson in September 2019 highlighted these issues. This appears to show a bias to large land owners over small land owners.

We would concur that action needs to be taken to deal with the abuse of permitted development which is currently taking place on what has been identified as plot 1. However we do not feel that we need to be subjected to this Article 4 as we believe we have proven ourselves through constant communication to the council that we have no intention to subdivide or to multiply our temporary use rights other than our basic permitted development rights.

The report written by Olivia Stapleford has clearly been copied in many parts from the original Article 4 placed on the area by Philip Stanley, including some errors. This document strikes us as misleading in multiple ways as it leads you to believe information that is not true. We are alarmed that a person with such authority as the Assistant Team Leader in Planning Enforcement would make mistakes on basic details such as the number of gates, entrances and types of fencing. It seems prudent that this report is redone to reflect the true state of the field in question.