

**ITEM NUMBER: 5**

<b>21/00138/FUL</b>	<b>Construction of 5 dwellinghouses including associated hard and soft landscaping</b>	
<b>Site Address:</b>	<b>38 Rambling Way Potten End Berkhamsted Hertfordshire HP4 2SF</b>	
<b>Applicant/Agent:</b>	<b>S Hayes</b>	<b>Mr David Lomas</b>
<b>Case Officer:</b>	<b>Colin Lecart</b>	
<b>Parish/Ward:</b>	<b>Nettleden With Potten End Parish Council</b>	<b>Ashridge</b>
<b>Referral to Committee:</b>	<b>Contrary view of Parish Council</b>	

**1. RECOMMENDATION**

That planning permission be GRANTED subject to conditions.

**2. SUMMARY**

2.1 The proposal is considered to constitute limited infilling within a village and therefore an appropriate form of development within the Green Belt. Weight has been given to the National Planning Policy Framework (NPPF 2019) and an appeal decision for the site, as well as another local appeal decision. As such, the development would not have a detrimental impact on the openness of the Green Belt.

2.2 The size, layout and density of the development is sympathetic to the overall pattern and layout of development exhibited within the immediate area. Furthermore, only limited views of the proposal would be available from the surrounding area. The development would not have a detrimental impact on the residential amenity of the surrounding properties by way of its separation distances and would offer an acceptable level of residential amenity to future occupants.

2.3 It is noted that past tree coverage has been removed. However, the assessment has taken place on the current conditions of the site. There is adequate space within the site for the implementation for new planting. A Landscape and Ecological Management Plan (LEMP) are to be secured by condition, where details of ecological enhancements will be sought.

**3. SITE DESCRIPTION**

3.1 The application site comprises an irregular-shaped parcel of vacant land which is located to the west of Rambling Way, Potten End. An access gate (non-vehicular) is located to the east of the site and an electricity substation is situated to the south of this access.

3.2 The immediate surrounding area is considered to be predominantly residential in terms of both use and character, with the wider area comprising largely of agricultural land.

**4. PROPOSAL**

4.1 The application seeks planning permission for the construction of 5 dwellinghouses including associated hard and soft landscaping. Three four bedroom dwellings and two five bedroom dwellings are proposed.

## **5. PLANNING HISTORY**

Planning Applications:

19/02925/MFA - Construction of 14 dwellings (7 x 3-bed and 7 x 2-bed dwellings) and associated hard and soft landscaping  
*REF - 16th March 2020*

Appeals:

20/00024/REFU - Construction of 14 dwellings (7 x 3-bed and 7 x 2-bed dwellings) and associated hard and soft landscaping  
*DIS - 14th September 2020*

## **6. CONSTRAINTS**

Special Control for Advertisements: Advert Spec Contr  
CIL Zone: CIL1  
Former Land Use (Risk Zone):  
Green Belt: Policy: CS5  
Parish: Nettleden with Potten End CP  
RAF Halton and Chenies Zone: Red (10.7m)  
Small Village: 1  
Parking Standards: New Zone 3  
EA Source Protection Zone: 3  
Tree Preservation Order: 111, Details of Trees: T1 Oak

## **7. REPRESENTATIONS**

### Consultation responses

7.1 These are reproduced in full at Appendix A.

### Neighbour notification/site notice responses

7.2 These are reproduced in full at Appendix B.

## **8. PLANNING POLICIES**

Main Documents:

National Planning Policy Framework (February 2019)  
Dacorum Borough Core Strategy 2006-2031 (adopted September 2013)  
Dacorum Borough Local Plan 1999-2011 (adopted April 2004)

Relevant Policies:

### Dacorum Core Strategy (2013)

NP1 - Supporting Development  
CS1 - Distribution of Development  
CS5 – The Green Belt  
CS6 – Small Villages within the Green Belt  
CS10 - Quality of Settlement Design  
CS11 - Quality of Neighbourhood Design

CS12 - Quality of Site Design  
CS17 – New Housing  
CS31 – Water Management  
CS32 – Air, Soil and Water Quality  
CS35 – Developer Contributions

#### Dacorum Local Plan (2004)

Policy 18 – The Size of New Dwellings  
Policy 21 – Density of Residential Development  
Policy 51 – Development and Transport Impacts  
Policy 54 – Highway Design  
Policy 99 - Preservation of Trees, Hedgerows and Woodlands  
Policy 129 – Storage and Recycling of Waste on Development Sites  
Saved Appendix 3 – Layout and Design of Residential Areas

#### Supplementary Planning Guidance/Documents:

Parking Standards SPD (2020)  
Affordable Housing Clarification Note (2019).

## **9. CONSIDERATIONS**

### Main Issues

The main issues to consider are:

Whether the proposal constitutes limited infilling within the Green Belt  
The quality of design and impact on visual amenity;  
The impact on residential amenity;  
The impact on highway safety; and  
Car parking provision

### Principle of Development

9.1 Paragraph 145 of the NPPF (2019) states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. However, a number of exceptions to this are listed, one of which being limited infilling in villages.

9.2 The application site is located within a Selected Small Village within the Green Belt where Policy CS6 of the Core Strategy (2013) states that limited infilling with affordable housing for local people will be permitted in selected small villages in the Green Belt, including Potten End and the application site.

9.3 The preamble to Policy CS6 states that infilling is defined as form of development whereby buildings are proposed or constructed within a gap along a clearly identifiable built up frontage or within a group of buildings. The term 'limited' refers to development which does not create more than two extra dwellings. In this context the development does not fill a gap along a clearly identifiable frontage along Rambling Way and the quantum of development proposed exceeds two units.

9.4 With regards to the above, it is noted that a previous development for 14 units on the site was refused under application 19/02925/MFA and an associated appeal was dismissed under decision APP/A1910/W/20/3251407. The inspectors appeal for the previous development is considered to be a material planning consideration when assessing the current proposed development.

9.5 In their decision, the inspector noted that the wording of Policy CS6 was more restrictive than the NPPF. However, as the Core Strategy predated the NPPF (2019), it was considered that more weight should be given to the Framework. As the appeal decision is a material planning consideration, the inspector's approach has been adopted and assessment of whether the proposed development constitutes limited infilling in the context of Paragraph 145 of the NPPF (2019) is carried out in the section below.

9.6 It is also noted that Policy DM39 of the Emerging Local Plan (2020-2038) makes no reference to a specific number of units in terms of infilling. The policy does refer to clearly identifiable spaces within a built up frontage. However, the Emerging Local Plan is not at an advanced stage and so it is considered only limited weight can be afforded to this. Significant weight is given to the Framework.

### **Assessment – Limited Infilling**

9.7 The Framework does not contain a definition of 'limited infilling' and it is a matter of planning judgment whether or not the development proposed can be considered as such.

9.8 When taken into account the less restrictive wording of the Framework, the inspector considered the previous development to constitute infilling as the site is bounded by development along Rambling Way and the Laurels. Therefore, for the purposes of this application, this approach has been adopted and it is considered that the proposed development would represent infill development.

9.9 Whether the development would be limited requires an assessment of both the size of and scale of development and must be determined with regard to the overall aim of Green Belt policy, which is to preserve its openness.

9.10 The previous application was not considered limited by the inspector as relative to the scale of the neighbouring developments the proposal would involve a significantly higher density of development. The previous proposal consisted of a mix of semi-detached and terrace properties with relatively small gardens in an area comprising predominantly detached properties set aside on spacious plots. It was considered that the previous scheme would result in a cramped form of development and therefore out of keeping with the comparatively spacious character of the surrounding area.

9.11 Furthermore, it is noted that five dwellings have been granted on appeal at The Spice Village in Chipperfield under decision APP/A1910/W/19/3231097. From both these decisions it appears that an assessment on what is considered 'limited' has not been attached to a specific number of dwellings, but their resultant impact on character of the surrounding area with regards to its scale and massing.

9.12 The current scheme has now been reduced to comprise 5 detached properties set aside on spacious plots which is more sympathetic to the character and pattern of development found within the surrounding area. It is considered that this combined with what would be limited views of the site from the surrounding area means that the proposed development can be considered limited. The scheme would have a density of approximately 10.4 dwelling per hectare and represent low density, spacious residential development that integrates with the existing built form of this part of the village.

9.13 On the issue of openness, infilling an open gap within the village would reduce openness on a physical level. However, in allowing infilling as an exception, national Green Belt Policy has implicitly taken openness into account. The site is currently open in nature, but it is located within the main built form of the village. While the proposal would fill this gap within the village, it would not result in encroachment into the countryside and would not harm the wider openness of the Green Belt as a whole.

9.14 Due to the above, it is considered that the proposal constitutes limited infilling within the Green Belt. Weight has been given to an appeal decision on site as well as a recent appeal decision in Chipperfield. More weight has been given to the Framework than Policy CS6 with regards to the exception of limited infilling.

### **Impact on the Character and Appearance of the Area**

9.15 Policies CS11 and CS12 of the Core Strategy states that on each site, development should integrate with the streetscape character and not result in a detrimental impact on the character and appearance of the surrounding area

9.16 The nature and location of the site is such that only very limited views of the application site are possible from public vantage points, restricted to those which are available from the access gate situated on Rambling Way. It is unlikely that the development would be visible from this point.

9.17 Glimpsed views of the proposals would be possible from the northernmost part of Rambling Way although these would be experienced from a substantial distance from the new dwellings, with visibility interrupted by the vegetation that is present within the rear amenity area of the dwelling located closest to the corner of the plot. The overall distance of the proposed units from this view means that the immediate open nature of Rambling Way would not be significantly impacted. Furthermore, any views of the properties would be seen in conjunction with the existing built form of developments along Rambling Way and again, at a considerable distance.

9.18 As stated previously, the scheme has now been reduced to allow for large detached dwelling houses set aside on spacious plots akin to surrounding development. As such, the development is sympathetic to the overall pattern and layout of development exhibited within the immediate area.

9.19 No objection has been raised with regards to the specific design of the units. Details of materials to be used will be secured by condition.

9.20 Overall, it is considered that the proposal complies with the relevant criteria of Policies CS11 and CS12.

### **Impact on Residential Amenity**

9.21 The NPPF outlines the importance of planning in securing good standards of amenity for existing and future occupiers of land and buildings. Saved Appendix 3 of the Local Plan and Policy CS12 of the Core Strategy, seek to ensure that new development does not result in detrimental impact upon the neighbouring properties and their amenity space.

9.22 The proposal plans illustrated that the development would provide sufficient separation distances between all of the relevant elevations (front to back and back to back distances) and as such, would be acceptable with regards to the requirements of Saved Appendix 3.

9.33 Furthermore, given their scale and location in relation to surrounding development, the proposals would not result in the loss of sunlight, daylight and privacy to neighbouring occupiers.

9.44 It is noted that a first floor window on the side elevation of number 20, The Laurels would face onto the rear garden of one of the proposed 5 bedroom units. This window would be positioned approximately 16m from the rear elevation of the unit in question at an oblique angle. It is noted there is no back to side distance guidance contained within Saved Appendix 3. However, this distance and angle is considered acceptable with regard to the rear fenestrations of the proposed 5 bedroom unit in question. Furthermore, some level of overlooking into rear gardens is not unexpected within residential areas and it is considered appropriated landscaping could further screen views between these two properties. Details of landscaping will be secured by condition.

9.45 Environmental Health have no objections to the application on noise or air quality grounds.

9.46 The garden depth of the proposed plots all exceed the 11.5m depth required by Saved Appendix 3.

9.47 Thus, it is considered that the proposal complies with the relevant parts of Policy CS12 and Saved Appendix 3 from a residential amenity perspective.

### **Impact on Highway Safety**

9.48 Policy CS12 of the Core Strategy states that on each site development should provide a safe and satisfactory means of access for all users.

9.49 Furthermore, Saved Policy 51 of the Local Plan (2004) states that the acceptability of all development proposals will always be assessed specifically in highway and traffic terms and should have no significant impact upon the nature, capacity and use of the highway network and its ability to accommodate the traffic generated by the development and the environmental and safety implications of the traffic generated by the development.

9.50 The proposed access to the site is off Rambling Way, which is an unclassified local access road with a speed limit of 30mph.

9.51 Hertfordshire Highways were consulted and additional information was requested regarding drainage, visibility splays, swept path analysis for refuse and emergency vehicles, bin collection points and the access.

9.52 Additional details were submitted regarding the above and Hertfordshire Highways were subsequently satisfied with these details. Conditions related to surface water run off and the submission of a construction management plan will be attached to the permission, if this application is granted.

### **Parking**

9.53 The Parking Standards SPD (2020) sets the council's car parking requirements in relation to the proposed developments. The site is located in accessibility zone 3.

9.54 The proposal would comprise three four bedroom properties and two five bedroom properties.

9.55 The four bedroom properties would be served by three car parking spaces overall (two on the front driveway and one within the garage). This would meet the standards set by the SPD. The standards state that for units that are above four bedrooms, provision will be assessed on a case by case basis. In this instance, the five bedroom units would be served by four parking spaces (two on the front drive and two within the double garages). This level of provision is considered acceptable for these units. Furthermore, Rambling Way does not appear to exhibit significant levels of car parking stress.

9.56 Minor amendments have been received which increase the widths and depths of the proposed garages to be compliant with the dimensions set out within the Parking Standards SPD (2020).

### **Other Considerations**

#### **Affordable Housing**

9.57 The council's Affordable Housing Clarification Note (2019) updates the council's policies on affordable housing to align it them with the NPPF (2019).

9.58 The proposed development is under six units within a designated rural area and so no affordable housing contribution is required in accordance with Table 1 of the clarification note.

#### Trees and Landscaping

9.59 Historical aerial imagery indicates that the site once (and recently) benefitted from significant vegetative cover which no longer appears to be present at the site. An Oak tree which is covered by Tree Preservation Order No. 111 is located at the site's southernmost boundary. A number of other existing trees are marked on the proposed site plan

9.60 The trees and woodlands officer was consulted and requested that a number of existing trees on site should be afforded protection during construction works. As such, the submission of a tree survey was requested. This would include details of tree protection measures to be implemented during construction and will be secured by condition.

9.61 While the loss of trees that historically existed on site is unfortunate, it is considered there is enough space within the proposed development to incorporate a level of replacement planting into the development. Indicative planting has been included on the proposed site plan and specific landscaping details will be secured by condition.

#### Ecology

9.62 A Preliminary Ecological Appraisal was submitted in support of the application. Hertfordshire Ecology were consulted and provided detailed comments which are attached to this report.

9.63 Overall, there was no objection to the proposal and conditions recommended relating to a reptile survey and the submission of a Landscape and Ecological Management Plan (LEMP). Overall, it was considered that the site does not support an ecological interest sufficient to reasonably represent a fundamental constraint on development. However, the site was considered to provide a local ecological resource and the loss of this should be compensated and biodiversity net gain provided should the application be approved.

9.64 The Landscape and Ecological Management Plan (LEMP) will be secured by condition and should outline ecological enhancements to the site, with a view to securing biodiversity net gain.

#### Flood Risk and Source Protection Zone

9.65 The site is situated within Flood Zone 1 and as such, is acceptable for residential development in this respect.

9.66 It is noted that the site is located within Source Protection Zone 3. However, on the previous application, The Environment agency had no comment to make on the proposal with respect to this, as it was confirmed that the intention was to connect to the main fould drainage. The agent has confirmed that this position has not changed on this scheme. The applicant would have to engage with the relevant authorities (Thames Water) in proposing to connect to their drainage network.

#### Land Contamination

9.67 The scientific officer was consulted on the application, and conditions relating to the submission of the appropriate environmental risk assessments have been requested. These will be attached to the permission, should the application be granted.

## Community Infrastructure Levy (CIL)

9.68 Policy CS35 requires all developments to make appropriate contributions towards infrastructure required to support the development. These contributions will normally extend only to the payment of CIL where applicable. The Council's Community Infrastructure Levy (CIL) was adopted in February 2015 and came into force on 1 July 2015. The application is CIL liable if it were to be approved and implemented.

### **10. CONCLUSION**

10.1 The proposal is considered to constitute limited infilling within a village and therefore an appropriate form of development within the Green Belt. Weight has been given to the Framework and an appeal decision for the site, as well as another local appeal decision. As such, the development would not have a detrimental impact on the wider openness of the Green Belt.

10.2 The size, layout and density of the, the development is sympathetic to the overall pattern and layout of development exhibited within the immediate area. Furthermore, only limited views of the proposal would be available from the surrounding area. The development would not have a detrimental impact on the residential amenity of the surrounding properties by way of its separation distances and would offer an acceptable level of residential amenity to future occupants.

10.3 There is adequate space within the site for the implementation for new planting. A Landscape and Ecological Management Plan (LEMP) will be secured by condition where details of ecological enhancements will be sought.

### **11. RECOMMENDATION**

11.1 That planning permission be GRANTED subject to the following conditions:

#### **Condition(s) and Reason(s):**

- 1. The development hereby permitted shall begin before the expiration of three years from the date of this permission.**

Reason: To comply with the requirements of Section 91 (1) of the Town and Country Planning Act 1990, as amended by Section 51 (1) of the Planning and Compulsory Purchase Act 2004.

- 2. The development hereby permitted shall be carried out in accordance with the following approved plans/documents:**

**20/43/05E  
20/43/03F  
20/43/01F**

Reason: For the avoidance of doubt and in the interests of proper planning.

- 3. The development hereby permitted shall be constructed in accordance with the brick and tiles material samples specified on the submitted Design and Access Statement.**

Reason: To make sure that the appearance of the building is suitable and that it contributes to the character of the area in accordance with Policies CS11 and CS12 of the Dacorum Borough Core Strategy (2013).



4. **No construction of the superstructure shall take place until full details of both hard and soft landscape works has been submitted to and approved in writing by the Local Planning Authority. These details shall include:**

- o all external hard surfaces within the site;
- o other surfacing materials;
- o means of enclosure;
- o soft landscape works including a planting scheme with the number, size, species and position of trees, plants and shrubs;
- o minor artefacts and structures (e.g. furniture, play equipment, signs, refuse or other storage units, etc.); and
- o retained historic landscape features and proposals for restoration, where relevant.

**The planting must be carried out within one planting season of completing the development.**

**Any tree or shrub which forms part of the approved landscaping scheme which within a period of 5 years from planting fails to become established, becomes seriously damaged or diseased, dies or for any reason is removed shall be replaced in the next planting season by a tree or shrub of a similar species, size and maturity.**

Reason: To improve the appearance of the development and its contribution to biodiversity and the local environment, as required by saved Policy 99 of the Dacorum Borough Local Plan (2004) and Policy CS12 (e) of the Dacorum Borough Council Core Strategy (2013).

5. **No development (excluding ground investigations or archaeological investigations) shall take place until a Landscape and Ecology Management Plan for the enhancement of the site for biodiversity purposes, to include timescales for implementation and future management, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme of enhancements shall be implemented in accordance with the approved details and thereafter so retained.**

**It is advised that this should include a Biodiversity Metric and show how measures to achieve biodiversity net gain can be provided on the site.**

Reason: To identify and ensure the survival and protection of important species and those protected by legislation that could be adversely affected by the development, having regard to Policy CS26 of the Dacorum Borough Core Strategy and Section 15 of the National Planning Policy Framework (2019).

6. **No disturbance of soil, roots or vegetation in respect of the development hereby approved shall take place until a full reptile survey has been undertaken and the details submitted to and approved in writing by the Local Planning Authority. The details shall include measures and programme for reptile mitigation and conservation, including a detailed methodology for the capture and translocation of such. The mitigation and conservation measures shall be implemented in accordance with the approved details and programme to the satisfaction of the Local Planning Authority.**

Reason: To identify and ensure the survival and protection of important species and those protected by legislation that could be adversely affected by the development, having regard

to Policy CS26 of the Dacorum Borough Core Strategy and Section 15 of the National Planning Policy Framework (2019).

7. **No work (including site clearance) in relation to the development hereby approved shall be undertaken until full details setting out how retained trees shall be protected, in accordance with BS5837:2012 (Trees in relation to design, demolition and construction), have been submitted to and approved in writing by the Local Planning Authority. Details shall include:**
- o **A scaled Tree Protection Plan showing the approved development layout and retained trees (surveyed in accordance with BS5837:2012), to include their accurate crown spreads and root protection areas (RPAs).**
  - o **The sequential order of events required for tree protection.**
  - o **The position and specification of tree protection fencing in accordance with BS5837:2012 (as applicable).**
  - o **The position and specification of ground protection in accordance with BS5837:2012 (as applicable).**
  - o **Details of hard surfacing constructed using no-dig techniques where proposed over the RPA of retained trees (as applicable).**
  - o **Details of proposed levels.**
  - o **The position of service routes and drainage (to include soakaways), and means of installation if these encroach through the RPA of retained trees.**
  - o **The position(s) of welfare site cabins and areas for the storage of materials.**
  - o **Tree protection measures during the landscaping stage(s).**
  - o **Details of arboricultural site supervision to include timing and how each site visit shall be recorded.**

**There shall be no excavation, changes in levels, storage of materials or access within the RPA of retained trees unless previously specified and agreed.**

**Arboricultural supervision shall include a pre-commencement site visit prior to any work commencing. The Local Planning Authority shall be informed of this at least three working days prior to it occurring. Arboricultural monitoring reports shall be sent to the Local Planning Authority within five working days of each site visit.**

**The works must then be carried out according to the approved details.**

Reason: In order to ensure that damage does not occur to trees and hedges during building operations in accordance with saved Policy 99 of the Dacorum Borough Local Plan (2004), Policy CS12 of the Dacorum Borough Core Strategy (2013) and Paragraph 170 of the National Planning Policy Framework (2019).

8. **(a) No development approved by this permission shall be commenced prior to the submission to, and agreement of the Local Planning Authority of a written preliminary environmental risk assessment (Phase I) report containing a Conceptual Site Model that indicates sources, pathways and receptors. It should identify the current and past land uses of this site (and adjacent sites) with view to determining the presence of contamination likely to be harmful to human health and the built and natural environment.**
- (b) If the Local Planning Authority is of the opinion that the report which discharges condition (a), above, indicates a reasonable likelihood of harmful contamination then no development approved by this permission shall be commenced until a Site Investigation (Phase II environmental risk assessment) report has been submitted to and approved by the Local Planning Authority which includes:**

- (i) A full identification of the location and concentration of all pollutants on this site and the presence of relevant receptors, and;
- (ii) The results from the application of an appropriate risk assessment methodology.

(c) No development approved by this permission (other than that necessary for the discharge of this condition) shall be commenced until a Remediation Method Statement report; if required as a result of (b), above; has been submitted to and approved by the Local Planning Authority.

(d) This site shall not be occupied, or brought into use, until:

(i) All works which form part of the Remediation Method Statement report pursuant to the discharge of condition (c) above have been fully completed and if required a formal agreement is submitted that commits to ongoing monitoring and/or maintenance of the remediation scheme.

(ii) A Remediation Verification Report confirming that the site is suitable for use has been submitted to, and agreed by, the Local Planning Authority.

Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development, in accordance with Core Strategy (2013) Policy CS32.

9. Any contamination, other than that reported by virtue of Condition 8 encountered during the development of this site shall be brought to the attention of the Local Planning Authority as soon as practically possible; a scheme to render this contamination harmless shall be submitted to and agreed by, the Local Planning Authority and subsequently fully implemented prior to the occupation of this site. Works shall be temporarily suspended, unless otherwise agreed in writing during this process because the safe development and secure occupancy of the site lies with the developer.

Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development, in accordance with Core Strategy (2013) Policy CS32.

Informative:

The above conditions are considered to be in line with paragraphs 170 (e) & (f) and 178 and 179 of the NPPF 2019.

10. Prior to the first use of the development hereby permitted arrangement shall be made for surface water to be intercepted and disposed of separately so that it does not discharge onto the highway carriageway.

Reason: To avoid the carriage of extraneous material or surface water onto the highway in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018) and Policy CS31 of the Dacorum Core Strategy (2013)

11. Prior to the commencement of any below ground construction works including the erection of any foundations a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan should consider all phases (excluding demolition) of the development. The construction of the development shall only be carried out in accordance with the approved Construction Management Plan which shall include details of:

- construction vehicle numbers, type and routing;

- traffic management requirements;
- construction and storage compounds (including areas designated for car parking);
- siting and details of wheel washing facilities;
- cleaning of site entrances, site tracks and the adjacent public highway;
- timing of construction activities (to avoid school pick up/drop off times);
- provision of sufficient on-site parking prior to commencement of construction activities;
- post construction restoration/reinstatement of the working areas and temporary access to the public highway;
- construction or demolition hours of operation; and
- dust and noise control measures.

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way, in accordance with Policies 51 and 54 of the Dacorum Borough Local Plan (2004), Policy CS8 of the Dacorum Borough Core Strategy (2013) and Paragraphs 108 and 110 of the National Planning Policy Framework (2019).

- 12. Prior to occupation of the development hereby approved, full details of the layout and siting of Electric Vehicle Charging Points and any associated infrastructure shall be submitted to and approved in writing by the local planning authority. The development shall not be occupied until these measures have been provided and these measures shall thereafter be retained fully in accordance with the approved details.**

Reason: To ensure that adequate provision is made for the charging of electric vehicles in accordance with Policies CS8, CS12 and CS29 of the Dacorum Borough Core Strategy (2013) and the Car Parking Standards Supplementary Planning Document (2020).

#### **Informatives:**

1. Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.
2. Waste Comments  
There are public sewers crossing or close to your development. If you're planning significant work near our sewers, it's important that you minimize the risk of damage. We'll need to check that your development doesn't limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes.  
<https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>.

With regard to SURFACE WATER drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website.

<https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewater-services>

We would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Should the Local Planning Authority be minded to approve the planning application, Thames Water would like the following informative attached to the planning permission: "A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing [trade.effluent@thameswater.co.uk](mailto:trade.effluent@thameswater.co.uk). Application forms should be completed on line via [www.thameswater.co.uk](http://www.thameswater.co.uk). Please refer to the Wholesale; Business customers; Groundwater discharges section.

Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The scale of the proposed development doesn't materially affect the sewer network and as such we have no objection. In the longer term Thames Water, along with other partners, are working on a strategy to reduce groundwater entering the sewer network.

Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The developer should liaise with the LLFA to agree an appropriate sustainable surface water strategy following the sequential approach before considering connection to the public sewer network. The scale of the proposed development doesn't materially affect the sewer network and as such we have no objection. In the longer term Thames Water, along with other partners, are working on a strategy to reduce groundwater entering the sewer network.

Thames Water would advise that with regard to WASTE WATER NETWORK and SEWAGE TREATMENT WORKS infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.

3. It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway.
4. It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence.
5. The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence.

6. Construction standards for works within the highway: All works to be undertaken on the adjoining highway shall be constructed to the satisfaction and specification of the Highway Authority, by an approved contractor, and in accordance with Hertfordshire County Council's publication "Roads in Hertfordshire - Highway Design Guide". Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx> or by telephoning 0300 1234047.
7. Any vegetation clearance should be undertaken outside the nesting bird season (March to August inclusive) to protect breeding birds. If this is not practicable, a search of the area should be made no more than two days in advance of vegetation clearance by a competent Ecologist and if active nests are found, works should stop until nesting activity has ceased.
8. To avoid killing or injuring of hedgehogs it is best practice for any brash piles to be cleared by hand. Any trenches on site should be covered at night or have mammal ramps to ensure that any animals that enter can safely escape - this is particularly important if holes could fill with water.

#### APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments
Parish/Town Council	<p>The Parish Council wish to object to this application. We acknowledge the significant efforts made by the applicant to address the concerns raised in a previous application for the same site but believe that the same underlying issues remain.</p> <p>This application follows a proposal for 14 dwellings on the same site submitted in November 2019 (19/0295/MFA) which was refused by Dacorum BC in March 2020 on the grounds that:</p> <p>'The proposed development fails to meet with the definition of acceptable 'limited infilling' within the designated Small Village, constitutes backland development and is unsympathetic to the surrounding area and incongruent with its prevailing character, which is contrary to Policies CS6, CS11 and CS12 of the Dacorum Borough Core Strategy (2013). Furthermore, no very special circumstances exist to justify a departure from Green Belt policy, which is contrary to the National Planning Policy Framework'.</p> <p>It was appealed in June 2020 and the appeal was dismissed in September 2020 (APP/A1910/W/20/3251407) on the grounds that:</p> <p>'As the site lies between buildings on Rambling Way and The Laurels</p>

the development would be infilling. Whether it would be limited requires an assessment of both the size of the site and scale of development".

'The development proposed ' would result in a cramped form of development that would be out of keeping with the comparatively spacious character of the surrounding area.'

'35% of the houses proposed would be affordable housing. However ""the market houses would not be affordable in accordance with the Framework.'

'It would therefore be inappropriate development in the Green Belt and conflict with paragraph 145 of the Framework and Policy CS6 of the Core Strategy'

'It would also conflict with Policies CS6, CS11 and CS12 of the Core Strategy [which] require amongst other things, that development be sympathetic to its surroundings in terms of local character, design, scale and that it respect the typical density intended in an area'.

The Planning Statement for the current application incorrectly states that there were " no objections from statutory consultees' to the previous application. The Parish Council objected both to the original application and re-submitted those objections to the Planning Inspector.

The Design and Access statement submitted also incorrectly states that the revised proposal 'reflects a growing need for additional houses in this location as identified in the Neighbourhood Plan and Council development strategy'. There is no Neighbourhood Plan covering this site and we contend that the even though substantially revised, the proposed development remains outside the scope of the Dacorum Core Strategy Policy CS6, which defines the types of development permitted in Potten End.

The Planning Statement also suggests that 'given the recent revision of the Standard Methodology in Dec 2020, the Site may form part of a contribution toward the 5yr Housing Land Supply (HLS) which has increased from a planned figure of 320 to 1023 dwellings per annum'. That it 'may' form part of a revised housing land supply is irrelevant; at the time of the application it doesn't, nor is it currently identified in the draft Dacorum Local Plan either as a growth or development zone.

The Inspector determined that any development of this site represents infill (para 6 of the Appeal Decision of 14th September 2020.) 'Limited infilling in villages' is one of the exceptions for new building in the Green

Belt defined in the NPPF (145.e) but what constitutes 'limited infilling' is undefined. Although the Inspector identified conflict between Policy CS6 and the NPPF it was only a matter of weighting, and where the NPPF is silent we contend that the Core Strategy definition of limited infilling should be adopted

'Infilling will only be permitted where it is limited in scale; the housing is affordable and it meets the needs of local people. The term 'limited' refers to development which does not create more than two extra dwellings'. (8.34)

The revised application does not meet this criteria.

The problem around defining 'infilling' in the context of the village layout has been a perennial one, and is clearly something Dacorum Borough Council have sought to address in their revised guidelines in the emergent Local Plan 2020-2038. Policy DM39, which covers the development allowed in Potten End, Wiggington, Flamstead and Chipperfield, states:

Planning permission will be granted for limited infilling within these selected small villages in the Green Belt provided that it meets all of the following criteria:

- i) an 'on the ground' assessment of the site shows that it lies within the envelope of a selected small village;
- ii) the site comprises a gap in an otherwise clearly identifiable built up frontage, or a gap within a group of buildings, and does not include backland development;
- iii) the dwelling(s) must be constructed on a similar building line (formed by the front main walls of existing dwellings) and be of a similar scale, form and proportion to those adjacent;
- iv) the proposed dwellings are in keeping with the size, width, scale, height and spacing of those in the immediate locality of the site; and
- v) there would be no harm to the settlement pattern, grain or morphology of the village (including any open land considered important to the open character of the village or its contribution to the openness of the Green Belt).

It is clear that the proposed development would be flagrantly in breach of several of these criteria. This is not a case where the NPPF and a Local Plan are in disagreement, rather that the Local Plan goes into greater detail about how it defines a NPPF principle. It would be troubling indeed to think the Council could allow a development that contravenes so comprehensively the rules they hope to have in place in the near future.



Policy CS20 identifies rural sites for affordable homes, but notes it will only be permitted if it:

- (a) it meets an identified local need for affordable housing;
- (b) the housing is for people who have a strong local connection with the village or parish through work, residence or family; and
- (c) the scheme is of a scale and design that respects the character, setting and form of the village and surrounding countryside.

The revised application does not conform with items (a) and (b) above.

We are also concerned about the following elements:

' Policy CS12(f): This development does not integrate with the streetscape character of the surrounding roads, particularly in terms the uniform character of the houses and their materials.

' Policy CS12(c): We have concerns that the proximity and topography of the site will mean that neighbours on Rambling Way will suffer significant loss of privacy.

' Policy CS26: We understand that this area has been designated as protected by 'Natural Environment and Rural Communities Act (2006) Section 41 habitats of principal importance' led on by Natural England. Local residents report that it has been home to populations of owls and bats with badgers, foxes and muntjac deer using the land as a safe corridor. Some of the felled trees were fitted with owl boxes which were occupied for several years. Clearly, destroying this green space would fail to conform to supporting biodiversity plans.

Finally we are aware of ongoing sewage capacity problems in the area which have been reported on a number of occasions to Thames Water involving raw sewage being found in residents' gardens. We are concerned that although the Thames Water response to the application acknowledges that there are issues under certain circumstances it doesn't consider that the proposed development will materially affect the sewer network. Until such time as the sewage problem is adequately resolved, any increase in capacity must affect the sewage network.

In summary we would support an identical decision to that made in March 2020.

The proposed development fails to meet with the definition of acceptable 'limited infilling' within the designated Small Village, constitutes backland development and is unsympathetic to the surrounding area and incongruent with its prevailing character, which is contrary to Policies CS6, CS11 and CS12 of the Dacorum Borough

	<p>Core Strategy (2013). Furthermore, no very special circumstances exist to justify a departure from Green Belt policy, which is contrary to the National Planning Policy Framework'.</p>
<p>Environmental And Community Protection (DBC)</p>	<p>Having reviewed the planning application I am able to confirm that there is no objection to the proposed development, but that it will be necessary for the developer to demonstrate that the potential for land contamination to affect the proposed development has been considered and where it is present will be remediated.</p> <p>This is considered necessary because the application site is close to land with a contaminated land use history, brickworks and landfill/refuse, and as such the possibility of ground contamination cannot be ruled out at this stage. This combined with the vulnerability of the proposed residential end use to the presence of any contamination means that the following planning conditions should be included if permission is granted.</p> <p>Contaminated Land Conditions:</p> <p>Condition 1:</p> <p>(a) No development approved by this permission shall be commenced prior to the submission to, and agreement of the Local Planning Authority of a written preliminary environmental risk assessment (Phase I) report containing a Conceptual Site Model that indicates sources, pathways and receptors. It should identify the current and past land uses of this site (and adjacent sites) with view to determining the presence of contamination likely to be harmful to human health and the built and natural environment.</p> <p>(b) If the Local Planning Authority is of the opinion that the report which discharges condition (a), above, indicates a reasonable likelihood of harmful contamination then no development approved by this permission shall be commenced until a Site Investigation (Phase II environmental risk assessment) report has been submitted to and approved by the Local Planning Authority which includes:</p> <p>(i) A full identification of the location and concentration of all pollutants on this site and the presence of relevant receptors, and;</p> <p>(ii) The results from the application of an appropriate risk assessment methodology.</p> <p>(c) No development approved by this permission (other than that necessary for the discharge of this condition) shall be commenced until a Remediation Method Statement report; if required as a result of (b), above; has been submitted to and approved by the Local Planning Authority.</p> <p>(d) This site shall not be occupied, or brought into use, until:</p>

	<p>(i) All works which form part of the Remediation Method Statement report pursuant to the discharge of condition (c) above have been fully completed and if required a formal agreement is submitted that commits to ongoing monitoring and/or maintenance of the remediation scheme.</p> <p>(ii) A Remediation Verification Report confirming that the site is suitable for use has been submitted to, and agreed by, the Local Planning Authority.</p> <p>Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development, in accordance with Core Strategy (2013) Policy CS32.</p> <p>Condition 2: Any contamination, other than that reported by virtue of Condition 1 encountered during the development of this site shall be brought to the attention of the Local Planning Authority as soon as practically possible; a scheme to render this contamination harmless shall be submitted to and agreed by, the Local Planning Authority and subsequently fully implemented prior to the occupation of this site. Works shall be temporarily suspended, unless otherwise agreed in writing during this process because the safe development and secure occupancy of the site lies with the developer.</p> <p>Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development, in accordance with Core Strategy (2013) Policy CS32.</p> <p>Informative: The above conditions are considered to be in line with paragraphs 170 (e) &amp; (f) and 178 and 179 of the NPPF 2019.</p> <p>The Environmental Health Team has a web-page that aims to provide advice to potential developers, which includes a copy of a Planning Advice Note on "Development on Potentially Contaminated Land and/or for a Sensitive Land Use" in use across Hertfordshire and Bedfordshire. This can be found on <a href="http://www.dacorum.gov.uk">www.dacorum.gov.uk</a> by searching for contaminated land and I would be grateful if this fact could be passed on to the developers.</p> <p>08.02.2021:</p> <p>No objections on noise or air quality grounds.</p>
Hertfordshire Ecology	1. There are no historical biological records for this site in the Herts Environmental Records Centre database.

2. Historic maps from the 1890s show nothing on this site until a cottage and scrub appeared in the 1960s. The adjacent old orchard has been lost to housing. Consequently, there is no old intrinsic habitat interest present.

3. The site has survived as an undeveloped plot, formerly part of the curtilage of another property. It had developed a natural successional vegetation of trees, scrub, bramble and some remaining open grassland.

4. A Preliminary Ecological Appraisal has been submitted in support of this application. The 21st Nov survey date is clearly sub-optimal for undertaking detailed ecological survey work although in terms of identifying key habitats likely to be of some notable value it is acceptable in the context of a PEA.

5. The ecology report suggests the site was cleared between 2017 and 2018 and scrub regrowth and saplings date from this time, consisting of a wide range of native tree and scrub species. Presence of woodchip suggests this history is a reasonable assumption. Ruderal vegetation is dominated by bramble. The site value is considered to be at the site level only. Whilst the impact of the proposals will be significant, I do not disagree with this view. Furthermore, the site would not meet Local Wildlife Site criteria.

6. I am less convinced that the site can be regarded as not supporting reptiles or amphibians. Whilst I acknowledge the limitations of the surrounding land uses, the habitats on-site - including log piles - are suitable for both groups and suitable gardens can support species such as slow worms, frogs and toads. However, recent disturbance would not have taken any regard of their presence and could have harmed small local populations. Great crested newts have been recorded from Berkhamsted Common, although records are in excess of 500m away.

7. The site is of little wider value other than for common garden birds and not suitable for roosting bats, although it is likely to be used by foraging bats and in this regard I consider is likely to be more important than the assessment in 5.3.3. No badger setts were observed within the site.

8. The proposals will comprise roads, gardens and new buildings. There is no open space and therefore little or no opportunities for substantial ecological compensation or enhancement. The development is described as removing almost all of the existing vegetation other than some trees and boundary vegetation. Local landscaping around the boundaries and within the site is welcomed but

this is largely insignificant in respect of the impact on the local ecological resource currently present. Compensation is proposed through planting of native flora and shrubs, and proposals for bird and bat boxes, lighting and hedgehog access. Whilst this may be limited, it is supported.

9. The impact is assessed in relation to be plans outlined within Appendix 4 of the PEA; however these are now different from the current proposals as the PEA relates to the previous proposals for 14 houses on the site; the current proposal is for five. Whilst this would reduce the dwelling density and the ecological impact in respect of undeveloped land, the loss of existing biodiversity resource will be similar. The proposed open garden areas cannot be realistically considered as providing adequate or genuine biodiversity compensation or gains as their use, character and management is entirely at the discretion of the future householders and cannot be controlled through any planning agreement.

10. However, it is recommended (PEA, 5.2) that compensation is needed to avoid net loss of biodiversity and to deliver net gain. To inform this it is also recommended that, consistent with the aims of NPPF, a Biodiversity Impact Calculation is provided to assess the measurable ecological losses and any gains associated with the development. This approach to achieving Biodiversity Net Gain (BNG) is also outlined within the 2019 Environment Bill, although this is not yet law and is not, therefore, a mandatory planning requirement. If it is not provided the LPA has no legal justification to refuse an application on these grounds. Nevertheless, I strongly support this approach and advise that the NE Biodiversity Metric V2 is used to inform this process. Any compensation requirements can be provided on and / or offsite, possibly through a financial contribution if necessary, as stated in the PEA.

12. Recommendations 6.3 include provision of bat and bird boxes within the site and / or on the new buildings, and I support this. Measures to reduce the effects of external lighting are also outlined (6.3.1.1) and I support these. Vegetation clearance should be undertaken outside of the bird nesting season, and hedgehog passes should be created within or beneath any new fencing.

13. On the ecological information available to me, I have no reason to be believe that the site supports an ecological interest sufficient to reasonably represent a fundamental constraint on development. However, the site clearly provides a local ecological resource within the village and its effective loss should be compensated and net gain provided if the application is approved, consistent with existing Government expectations.

14. Whilst it is not yet a mandatory requirement, the provision of BNG is now an expectation of such development where there is a clear loss of biodiversity and I advise that DBC encourage this approach, informed by the NE Biodiversity Metric V2, as recommended. Without this, the LPA will not be able to assess whether the claims made by the applicant in providing BNG can be achieved, although the LPA is not in a position to refuse an application if this is not provided.

15. I also consider that the potential for reptiles (and amphibians which can use reptile refugia) should be assessed as a precautionary measure and secured as a Condition of approval.

16. The existing recommendations for biodiversity (detailed planting proposals etc bird and bat boxes etc.) should be incorporated within a Landscape and Ecology Management Plan secured by a Condition of approval. I advise that this should therefore also include a Biodiversity Metric and show how measures to achieve BNG can be provided on and or offsite.

17. On the basis of the above, I have no objections to the proposals and advise it can be determined accordingly. If this application is approved, I advise the following Conditions are attached:

17.1 A reptile survey is undertaken at an optimum time of year (optimum summer months following best practice) to assess whether reptiles are present and using the development site, and if so advice and measures taken to avoid harming the population;

17.2 A Landscape and Ecology Management Plan (LEMP) is produced to the satisfaction of the LPA. This will demonstrate the landscaping and ecological measures recommended to enhance biodiversity on-site. It is strongly recommended this also includes a Biodiversity Metric and measures needed sufficient to secure BNG, as outlined within the application and comments above.

18. The following Informatives should be attached to any permission:

To protect birds: "Any vegetation clearance should be undertaken outside the nesting bird season (March to August inclusive) to protect breeding birds. If this is not practicable, a search of the area should be made no more than two days in advance of vegetation clearance by a competent Ecologist and if active nests are found, works should stop until nesting activity has ceased."

To protect mammals: "To avoid killing or injuring of hedgehogs it is best

	<p>practice for any brush piles to be cleared by hand. Any trenches on site should be covered at night or have mammal ramps to ensure that any animals that enter can safely escape - this is particularly important if holes could fill with water."</p>
Trees & Woodlands	<p>The information submitted indicates there are trees within the development site which maybe detrimentally affected by the proposal. In order to ensure they are afforded appropriate protection I require the applicant to submit further information in the form of a Tree Survey, as described in BS 5837:2012 Trees in relation to design, demolition and construction. The survey should recommend suitable construction methods to minimise impact of the development to all adjacent trees where parts of the tree encroach into construction.</p>
Thames Water	<p>Waste Comments</p> <p>There are public sewers crossing or close to your development. If you're planning significant work near our sewers, it's important that you minimize the risk of damage. We'll need to check that your development doesn't limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes. <a href="https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes">https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes</a>.</p> <p>With regard to SURFACE WATER drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website. <a href="https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewater-services">https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewater-services</a></p> <p>We would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Should the Local Planning Authority be minded to approve the planning application, Thames Water would like the following informative attached to the planning permission: "A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We</p>

	<p>would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing <a href="mailto:trade.effluent@thameswater.co.uk">trade.effluent@thameswater.co.uk</a> . Application forms should be completed on line via <a href="http://www.thameswater.co.uk">www.thameswater.co.uk</a>. Please refer to the Wholesale; Business customers; Groundwater discharges section.</p> <p>Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The scale of the proposed development doesn't materially affect the sewer network and as such we have no objection. In the longer term Thames Water, along with other partners, are working on a strategy to reduce groundwater entering the sewer network.</p> <p>Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The developer should liaise with the LLFA to agree an appropriate sustainable surface water strategy following the sequential approach before considering connection to the public sewer network. The scale of the proposed development doesn't materially affect the sewer network and as such we have no objection. In the longer term Thames Water, along with other partners, are working on a strategy to reduce groundwater entering the sewer network.</p> <p>Thames Water would advise that with regard to WASTE WATER NETWORK and SEWAGE TREATMENT WORKS infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.</p> <p>Water Comments  With regard to water supply, this comes within the area covered by the Affinity Water Company. For your information the address to write to is - Affinity Water Company The Hub, Tamblin Way, Hatfield, Herts, AL10 9EZ - Tel - 0845 782 3333.</p>
Hertfordshire Highways (HCC)	<p>The proposals are for the construction of 5 dwellinghouses including associated hard and soft landscaping at 38 Rambling Way, Potten End, Berkhamsted. The proposals include a new access road and associated parking. This response is for more information regarding a few concerns  HCC Highways has regarding the access and how refuse/emergency vehicles can enter and</p>



manoeuvre on site. The first concern is that of the access. Both the planning statement and design and access statement do not state whether the access is new or is utilising the existing second access from 38 Rambling Way. Therefore, HCC Highway would like this clarified as from drawing 20/43/01E it appears to use the existing access.

HCC Highways would like to see the following to fully assess the impact of the site on the surrounding highway network;

1. Location of drainage for the site

A plan of where drainage will be to ensure surface water drainage can be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

2. Drawings of Visibility Splays:

Drawing of visibility splay measuring 2.4 x 22 metres should be provided to each side of the access where it meets the highway and such splays shall thereafter be maintained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway. These plans will help HCC Highways evaluate the impact the new or existing access will have on the Highway network.

3. Diagrams Illustrating swept path analysis for refuse and emergency vehicles:

HCC Highways would like to see scaled plans of swept paths to investigate that;

i) Refuse and emergency vehicles are able to enter the site, manoeuvre around the site, and leave the site in a forward gear. This is to ensure suitable, safe and satisfactory planning and development of the site in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

4. HCC Highways would like to see the bin collection location for each property to ensure on-site bin-refuse store is within 30m of each dwelling and within 25m of the kerbside/bin collection point.

5. Drawings illustrating the measurements of the access to ensure that

	<p>it is in line with guidance within Hertfordshire's Highway Design Guide. It is understood that some of these requests have been stated within the previous application for 14 dwellings on this site. However, this is a new site of different scale and therefore new drawings specific to this site are required.</p> <p>Once these drawings have been presented to HCC Highway, then we will be able to fully assess the impact of the site on the surrounding highway network.</p>
Hertfordshire Highways (HCC)	<p>Notice is given under article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that the Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission subject to the following conditions:</p> <p>1) Prior to the first use of the development hereby permitted arrangement shall be made for surface water to be intercepted and disposed of separately so that it does not discharge onto the highway carriageway. Reason: To avoid the carriage of extraneous material or surface water onto the highway in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).</p> <p>2) No development shall commence until a Construction Management Plan (or Construction Method Statement) has 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 Plan. The Construction Management Plan / Statement shall include details of:</p> <ul style="list-style-type: none"> <li>a. Construction vehicle numbers, type, routing;</li> <li>b. Access arrangements to the site;</li> <li>c. Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);</li> <li>d. Siting and details of wheel washing facilities;</li> <li>e. Cleaning of site entrances, site tracks and the adjacent public highway;</li> <li>f. Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times;</li> <li>g. Provision of sufficient on-site parking prior to commencement of</li> </ul>

construction activities;

h. where works cannot be contained wholly 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.

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policies 5, 12, 17 and 22 of Hertfordshire's Local Transport Plan (adopted 2018).

Highway Informatives

HCC as Highway Authority recommends inclusion of the following Advisory Note (AN) / highway informative to ensure that any works within the highway are carried out in accordance with the provisions of the Highway Act 1980:

AN 1) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence.

Further information is available via the website

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

AN 2) Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

AN 3) Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website [https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements.aspx](https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx) or by telephoning 0300 1234047.

AN 4) Construction standards for works within the highway: All works to be undertaken on the adjoining highway shall be constructed to the satisfaction and specification of the Highway Authority, by an approved contractor, and in accordance with Hertfordshire County Council's publication "Roads in Hertfordshire - Highway Design Guide". Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx> or by telephoning 0300 1234047.

**Comment**

The proposal is for the construction of 5 dwellinghouses including associated hard and soft landscaping at 38 Rambling Way, Potten End, Berkhamsted. The proposals include a new access route and associated parking. Rambling Way is a 30 mph unclassified local access route that is maintained at public expense. HCC previously commented on this application requesting more information for HCC to be able to make an informed decision. I am happy after speaking to the LPA planning officer that relevant information requested has been provided and other information is set within conditions.

#### Access arrangements

From the newly proposed drawings it can clearly be seen that the 5 new dwellings will be accessed via the existing second dropped kerb that currently serves number 38. This will leave 38 with one dropped kerb. The second dropped kerb will be used to access a private route that accesses parking for the 5 dwellings. Drawing number 20/43/07 illustrates that a large fire appliance can manoeuvre on site in order to exit and enter the site in forward gear. The existing access is just above the 3.1 metres required to allow access for a fire appliance in case of an emergency. Drawing 20/43/06 illustrates that the access has good visibility either side in relation to the surrounding highway network which HCC deems as acceptable.

#### Drainage

The proposed new driveway and private route would need to make adequate provision for drainage on site to ensure that surface water does not discharge onto the highway. Surface water from the new route would need to be collected and disposed of on site. HCC requested this be illustrated but from discussions, condition 1 above has been included to ensure that the site has appropriate drainage.

#### Refuse & Waste Collection

Provision has made for an on-site bin-refuse store within 30m of each dwelling and within 25m of the kerbside/bin collection point. The collection method must be confirmed as acceptable by DBC waste management.

#### Emergency Vehicle Access

The proposed dwellings are within the recommended emergency vehicle access of 45 metres from the private route to all parts of the buildings. This is in accordance with the guidance in 'MfS', 'Roads in Hertfordshire; A Design Guide' and 'Building Regulations 2010: Fire Safety Approved Document B Vol 1 - Dwellinghouses'.

#### Conclusion

	I am happy that the queries requested from HCC has been addressed within the amended application. HCC has no objections or further comments on highway grounds to the proposed development, subject to the inclusion of the above highway informatives and conditions.
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## APPENDIX B: NEIGHBOUR RESPONSES

### Number of Neighbour Comments

Neighbour Consultations	Contributors	Neutral	Objections	Support
27	20	0	20	0

### Neighbour Responses

Address	Comments
Lilydale Browns Spring Potten End Berkhamsted  Hertfordshire HP4 2SQ	The sewage / waste water from this proposed development will flow into the small pumping station at the bottom of Browns Spring. This pump station and the village sewer network in general already lack the capacity to deal with the current volume of flow during high rainfall and regularly results in raw sewage flooding into private gardens. Thames Water are aware of this but it currently remains unresolved. Adding further houses to the system will certainly exacerbate the problem and should be avoided until the Sewer Network has the capacity to satisfactorily service the villages existing houses
7 Homefield Potten End Berkhamsted Hertfordshire HP4 2QX	I don't believe any real thought has been given, by the applicant, to nearby residents. Of course a development of this size will impact them negatively. If allowed to go ahead I believe this development would have a negative impact on nearby residents and their everyday lives. Far too many dwellings squeezed in to a small area. Very little thought given to these residents by the applicant.
24 The Laurels Potten End Berkhamsted Hertfordshire HP4 2SP	I write to object to the proposed development of the land adjacent to 38 Rambling Way, Potten End for five dwellings (21/00138/FUL) on the following grounds. I provide further information under the appropriate headings below: 1. General 2. Up to Date Planning Policy 3. Green Belt 4. Residential / Visual Amenity 5. Trees  1. General It should be noted that while the application forms and plans suggest the application is for five dwellings, paragraph 1.2 of the supporting planning statement clearly states that the document supports an

application for six dwellings on the site. Paragraph 3.1 then reverts to five dwellings; while the forms and plans will take precedence, the discrepancy should be noted and amended.

The applicant references an Appeal Court Judgement, which in turn references other judgements, to which I respond below:

· Hook v SoSHCLG [2020] EWCA Civ 486 (paragraph 7)

o References confirming that the question of Green Belt openness and the degree of harm resulting from development are matters of planning judgement to be exercised by the decision maker is a well-established principle

o Provided that planning judgement is exercised in a reasonable and logical manner there is no recourse to the Courts if the applicant simply dislikes the balanced and reasoned planning judgement of the decision maker

o The fact that a site might support development in the Green Belt and remain open is not contested; however, it is a question of appropriateness, scale and the ratio of built form to site area. The proposal represents the backland development of five dwellings on an area of 0.48 hectares and not a 300sqm visitors centre in a 250-hectare woodland for example; therefore, the proposal would completely urbanise the site

o It should be noted that in his judgement of this case Lord Justice Lindblom upheld the decision of the Planning Inspector who dismissed the application for a single dwelling on grounds of inappropriateness in the Green Belt

## 2. Up to Date Planning Policy

In the previous appeal decision APP/A1910/W/20/3251407, the Inspector concluded that Policy CS6 was out of date and as such the decision to refuse permission gave significant weight to the protection afforded to the Green Belt in the National Planning Policy Framework (2019). In another recent appeal decision APP/A1910/W/19/3241643, see Appendix B, that challenged the Council's five-year housing land supply, the Inspector concluded that the proposed delivery of two dwellings did not constitute a significant boost to housing delivery and gave the argument only limited weight. The appeal was dismissed due to the harm to the Green Belt and the lack of very special circumstances necessary to justify the development.

In the event that the adopted Local Plan is considered to be out of date paragraph 11 of the National Planning Policy Framework (2019) (NPPF) comes in to force suggesting that permission should be granted provided the proposal is not in conflict with the NPPF. Footnote 6 to paragraph 11 of the NPPF specifically refers to the Green Belt being one area where the presumption in favour of sustainable development is unlikely to apply, even where councils are not able to demonstrate a five-year housing land supply, unless the benefits of a proposal significantly outweigh the harm. There is no evidence that the benefits of the proposal (the delivery of five dwellings) would significantly outweigh the harm in this instance and the protection afforded to the Green Belt by both the national and local planning policies should prevail. The recent appeal APP/A1910/W/19/3241643, see Appendix B, confirms this position, as does a further appeal

decision APP/M1595/W/19/3242356, see Appendix C, where the Inspector concluded that the delivery of 116 dwellings on the edge of an Essex village in the Metropolitan Green Belt, despite a recognised undersupply of housing in recent years, the provision of 5% more affordable housing than required by policy and the sustainability of the location, still warranted a refusal due to the harm to the Green Belt.

The applicant highlights that The Dacorum Local Plan Emerging Strategy for Growth (2020-2038) is at an early stage and can only be given very limited weight in the decision-making process. It is useful to note, however, that while the council is considering some Green Belt releases, the village of Potten End and the application site continue to be included in the Green Belt and covered by Emerging Policy DM39. While the emerging policy can be given only very limited weight it demonstrates that the council believes that the importance of the open spaces within Potten End continue to justify the protection offered by the Green Belt. The applicant acknowledges that the application site has not been allocated in the emerging Local Plan but still maintains that it may form part of the five-year housing land supply, without illustrating a mechanism for this assertion. The delivery of five additional dwellings would not represent a significant contribution sufficient to outweigh the harm to the Green Belt of inappropriate development or the impact on its openness. Indeed, the provision of greater numbers as evidenced by the previous appeal decision did not justify such harm so the reduced benefit must equally not outweigh the loss.

### 3. Green Belt

The application site is located within the Green Belt. The 2020 Green Belt and Rural Area Background Topic Paper, which supports the emerging Local Plan, acknowledges that successive Local Plans applied a level of restraint on sites within Potten End and other villages in the Green Belt. The topic paper determines that it remains unsuitable to deliver growth in such locations and indicates that larger scale more appropriate sites have been identified around the main urban areas of Dacorum to address the need for additional housing land. The Green Belt and Rural Area Background Topic Paper (2020, paragraph 8.27) also emphasises the fact that it is "... not uncommon to find extensive gaps between built-up frontages or within a group of buildings. These features all help contribute to the general openness of the Green Belt..."

The designation of the application site within the Green Belt serves to safeguard the countryside, preserving the setting and character of historic towns and maintaining settlement patterns as well as making a partial contribution to preventing the merging of existing settlements. The Green Belt parcel in which the site is located is already in the second most built up tier, identified in the 2013 Green Belt Review and as such can ill afford to allow inappropriate development of the nature proposed that would further reduce its openness, contrary to national policy.

The purpose of the Green Belt designation is not simply to fix the outer limits of settlement but to ensure that the openness of the village



continues to contribute to the wider openness of the Green Belt. The development of the application site would reduce the openness of the Green Belt through inappropriate development, which by definition is harmful and should be resisted except in very special circumstances, which have not been demonstrated by the Applicant.

Local Plan (2004) Policy 1 sets out the overall sustainability aims of the plan, which includes a commitment "to conserve and enhance the countryside, in particular by maintaining the Green Belt and the landscape of the Chilterns Area of Outstanding Natural Beauty..." The aim of Policy 1 of maintaining the Green Belt is wholly in accordance with the NPPF and should be given full weight when determining the application.

Core Strategy (2013) Policy CS5 states that within the Green Belt small-scale development will be permitted in accordance with national policy; 'building for uses defined as appropriate.' The proposed development is not one considered appropriate in the Green Belt, as demonstrated below, and by definition will cause harm, contrary to the aims of the NPPF and Policy CS5, and should be refused.

The village of Potten End is identified under Core Strategy (2013) Policy CS6 as a Selected Small Village in the Green Belt, where the following development will be permitted; however, the proposal fails to meet any of the criteria listed:

- The replacement of existing buildings
- Limited infilling with affordable housing for local people
- Conversion of houses into flats
- House extensions
- Development for uses closely related to agriculture, forestry and open-air recreation, which cannot be reasonably accommodated elsewhere
- Local facilities to meet the needs of the village

The proposal fails to comply with Policy CS6 and the supporting text (paragraph 8.34 of the Core Strategy 2013), which defines 'infilling' as a form of development whereby dwellings are proposed or "...constructed within a gap along a clearly identifiable built-up frontage or within a group of buildings. The term does not include backland development, either in the form of plot amalgamation or tandem development. "Infilling will only be permitted where it is limited in scale, the housing is affordable and it meets the needs of local people." The proposed development is not for 100% affordable housing and would be positioned to the rear of numerous dwellings, at odds with the existing built form and therefore considered to be 'backland' rather than 'infill' development and should be resisted in accordance with Policy CS6. The term 'limited' in Policy CS6 is also defined in the supporting text (paragraph 8.34 of the Core Strategy 2013) and "...refers to development which does not create more than two extra dwellings." The proposed development is for the construction of five dwellings and therefore not classed as 'limited' and should be refused.

In the previous appeal decision on this site APP/A1910/W/20/3251407, see Appendix B, the Inspector found that Policy CS6 was out of date and gave greater weight to the NPPF. The Inspector went on to

conclude that the proposal was inappropriate development as defined by the NPPF and this remains the case with the current application 21/00138/FUL. While accepting that the site might accommodate development deemed to be appropriate in the Green Belt the Inspector concluded that the residential development of the site for open market housing was inappropriate and therefore harmful. The reduction in numbers from 14 to five dwellings has not changed the fact that the proposal fails to meet with the criteria set in the NPPF for appropriate development in the Green Belt and as such should be refused.

Paragraph 133 of the NPPF states that "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 their permanence." The proposed development of five new dwellings would reduce the openness of the Green Belt, contrary to the fundamental aims and essential characteristics of the Green Belt and should be resisted.

Paragraphs 145 and 146 of the NPPF make provision for appropriate development in the Green Belt and the applicant contends that the proposed development would meet one or more of these criterion with regards limited infilling; however, this is not the case and for ease of reference, the criteria for appropriate development in the Green Belt are reviewed below along with commentary in bold text as to whether they apply to the current application:

#### Paragraph 145

- buildings for agriculture and forestry - The application is for market housing and not for agricultural or forestry workers
- the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it - The application is for residential development and not to facilitate outdoor sport or recreation
- the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building - The proposal represents five new dwellings not the extension or alteration of an existing building
- the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces - The proposal is not proposing a replacement dwelling but five new dwellings
- limited infilling in villages - The previous Inspector concluded that the development of the site could be considered infill development; however, the planning judgement was whether it could be considered to be limited. The Inspector also made it clear that any decision must have regard to the overall aim of Green Belt policy, which is to preserve its openness. While there is no definition of 'limited infill' it is generally accepted that the term means the introduction of up to two dwellings in an otherwise built frontage rather than the provision of a cul-de-sac of five dwellings to the rear of existing properties, as is currently proposed. The supporting text to Policy CS6 in paragraph 8.34, although out of date, as outlined above, clearly states that limited infilling is defined as the provision of up to two affordable houses in an otherwise built up frontage. Backland development, plot amalgamation or tandem development, similar to that proposed, is explicitly excluded

from the definition. The proposal represents non-affordable backland development of five dwellings, which is explicitly excluded from the definition of limited infilling in paragraph 8.34 of the Core Strategy. The Dacorum Local Plan Emerging Strategy for Growth (2020-2038) is currently undergoing public consultation and while very early in the process and only afforded very limited weight, it illustrates the council's direction of travel in policy terms. The emerging Local Plan continues to designate Potten End as a 'Small Village within the Green Belt' and emerging Policy DM39 allows limited Infilling in the village but specifically seeks to exclude backland development of the nature currently proposed. Paragraphs 19.18 to 19.21 of the emerging Local Plan define limited infill sites as being within a settlement boundary, a clearly identifiable space between a built frontage, with a similar building line that would not result in the loss of a gap or open space considered important to the settlement's character; these points are reiterated in emerging Policy DM39. The reference to a limited infill site being a clearly identifiable space between a built frontage in the emerging plan continues to preclude the application site as it would constitute backland development

- limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites) - The proposal is for a full market housing and therefore does not comply with the NPPF or the out of date requirement for 100% affordable required by Policy CS6 of the Core Strategy.

- limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would: The proposal does not represent previously developed land; indeed, the site has recently been cleared of woodland with a significant impact on bio-diversity that made a positive contribution to the Green Belt and character of the area. Further clearance work was undertaken on 4 February 2021, just as the area had started to regenerate itself, and again become a haven for wildlife.

- not have a greater impact on the openness of the Green Belt than the existing development; or - The development but its very nature will introduce five new dwellings in the Green Belt and will inevitably result in its reduced openness in conflict with paragraph 133 of the NPPF.

- not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority - The proposal represents substantial harm to the openness of the Green Belt, does not represent previously development land nor would it contribute to an identified need for affordable housing.

Paragraph 146

- mineral extraction - Not applicable
- engineering operations - Not applicable
- local transport infrastructure which can demonstrate a requirement for a Green Belt location - Not applicable

- the re-use of buildings provided that the buildings are of permanent and substantial construction - Not applicable
- material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds) - Not applicable
- development brought forward under a Community Right to Build Order or Neighbourhood Development Order - Not applicable

The proposal has been shown to be inappropriate development as defined by paragraphs 145 and 146 of the NPPF. In accordance with paragraph 143 of the NPPF "inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances." No evidence has been put forward to demonstrate that there are very special circumstances in this instance that would justify the harm the development would cause to the Green Belt and as such it should be refused. References to the five-year housing land supply and increased in the annual requirement of new dwellings does not justify the release of this land from the Green Belt, as is evidenced by the previous appeal decisions and the Council's decision not to release it as part of the current emerging Local Plan and Green Belt and Rural Area Background Topic Paper (2020).

Quite apart from the scheme's impact on the Green Belt the proposed development has other fundamental flaws that warrant its refusal, which are outlined below:

#### 4. Residential and Visual Amenity

The residential amenity of existing and future residents would be poor as a result of the development proposed. Number 38 Rambling Way's amenity will be negatively affected by the introduction of the access road close to the boundary along with the associated noise and light disturbance created by traffic entering and exiting the site.

The proposal will also introduce vehicle noise and residential activity to the rear of the properties along The Laurels and Rambling Way, which has the potential to cause noise and light disturbance that would negatively affect the residents' amenity and enjoyment of their dwellinghouses.

Footpath Nettleden with Potten End 002 runs to the west of the application site meaning that the site forms an important part of the feeling of openness when traversing the footpath, emphasising the importance of the open space to the character of the village and the enjoyment of those utilising the public highway network.

#### 5. Trees

The application site has previously been cleared of a number of trees, which provided valuable habitat and visual amenity contrary to the desire expressed in Schedule 14 of the Environment Bill for development to produce a net increase in biodiversity. Just as the area started to regenerate itself and again become a haven for wildlife, clearance work started again on 4 February 2021.

#### Conclusion

In summary the proposal represents inappropriate development that

	<p>will harm the Green Belt, contrary to local and national policy, as well as failing to comply with adopted and emerging limited infilling in Green Belt Villages policies and as such should be refused.</p>
<p>Mistral 6 Rambling Way Potten End Berkhamsted Hertfordshire HP4 2SE</p>	<p>Rambling Way already suffers from increased volume of traffic, this will only add to the problem and increase danger. Grass verges are maintained by local residents and existing traffic, without any additional, is already damaging them.</p> <p>An electrical transformer which feeds numerous houses with overhead cables is situated right by the advertised entrance to the new estate, it is not mentioned on the planning both for existence and possible change.</p> <p>Both the proposed new road and houses clearly overlook existing properties at the relevant end of Rambling Way adding to loss of privacy and increased noise levels.</p> <p>It would also appear that natural vegetation which was destroyed in anticipation of the first application being granted has once again been hacked back destroying a natural sound barrier to existing properties.</p>
<p>Autumn Tints 4 Rambling Way Potten End Berkhamsted Hertfordshire HP4 2SE</p>	<p>The application states that this new housing estate will result in little overlooking and have no impact on outlook, however this is absolutely not the case. The application also uses an old picture of my home before it was renovated and therefore the impact on outlook is inaccurately assessed.</p> <p>This proposal will completely change the outlook from our kitchen/diner and two of the upstairs bedrooms which were all designed with large windows in order to take maximum advantage of the beautiful outlook onto trees and hedgerow. If this proposal went ahead we would instead be looking out onto 5 double-storey houses. Our view in the morning will be of a housing estate. It is not correct to claim that this proposal has no impact on outlook as it will vastly change the outlook for us and we'll also have a road at the bottom of our garden which will undoubtedly create noise. Also, we currently have privacy in our front bedrooms but would instead be overlooked by windows facing us.</p>
<p>The Paddocks Rambling Way Potten End Berkhamsted Hertfordshire HP4 2SE</p>	<p>I wish to strongly object to this application for the construction of 5 houses on Green Belt land within Potten End. The following submission builds on my objection to the previous application, 9/02925/MFA, for this site which was refused and then dismissed at appeal APP/A1910/W/20/3251407.</p> <p>The 2020 Green Belt and Rural Area Background Topic Paper, which supports the emerging Local Plan, acknowledges that successive Local Plans applied a level of restraint on sites within Potten End and other villages in the Green Belt. The topic paper determines that it remains unsuitable to deliver growth in such locations and indicates that larger scale more appropriate sites have been identified around the main urban areas of Dacorum to address the need for additional housing land. The Green Belt and Rural Area Background Topic Paper (2020, paragraph 8.27) also emphasises the fact that it is "... not uncommon to find extensive gaps between built-up frontages or within a group of buildings. These features all help contribute to the general openness of the Green Belt..."</p>

The designation of the application site within the Green Belt serves to safeguard the countryside, preserving the setting and character of historic villages and maintaining settlement patterns as well as making a partial contribution to preventing the merging of existing settlements. The Green Belt parcel in which the site is located is already in the second most built up tier, identified in the 2013 Green Belt Review, and as such can ill afford to allow inappropriate development of the nature proposed that would further reduce its openness, contrary to national policy. The purpose of the Green Belt designation is not simply to fix the outer limits of settlement but to ensure that the openness of the village continues to contribute to the wider openness of the Green Belt. The development of the application site would reduce the openness of the Green Belt through inappropriate development, which by definition is harmful and should be resisted except in very special circumstances, which have not been demonstrated by the appellant.

Local Plan (2004) Policy 1 sets out the overall sustainability aims of the plan, which includes a commitment "to conserve and enhance the countryside, in particular by maintaining the Green Belt and the landscape of the Chilterns Area of Outstanding Natural Beauty..." The aim of Policy 1 of maintaining the Green Belt is wholly in accordance with the NPPF and should be given full weight when determining the application.

Core Strategy (2013) Policy CS5 states that within the Green Belt small-scale development will be permitted in accordance with national policy; 'building for uses defined as appropriate.' The proposed development is not appropriate in the Green Belt, and by definition will cause harm, contrary to the aims of the NPPF and Policy CS5, and should be refused.

The village of Potten End is identified under Core Strategy (2013) Policy CS6 as a Selected Small Village in the Green Belt, where development meeting only a small range of criteria will be permitted. However, this proposal fails to meet any of those criteria.

The proposal fails to comply with Policy CS6 and the supporting text (paragraph 8.34 of the Core Strategy 2013), which defines 'infilling' as a form of development whereby dwellings are proposed or "...constructed within a gap along a clearly identifiable built-up frontage or within a group of buildings. The term does not include backland development, either in the form of plot amalgamation or tandem development. "Infilling will only be permitted where it is limited in scale; the housing is affordable and it meets the needs of local people." The proposed development is not for 100% affordable housing and would be positioned to the rear of numerous dwellings, at odds with the existing built form and therefore considered to be 'backland' rather than 'infill' development and should be resisted in accordance with Policy CS6. The term 'limited' in Policy CS6 is also defined in the supporting text (paragraph 8.34 of the Core Strategy 2013) and "...refers to development which does not create more than two extra dwellings." The proposed development is for the construction of five dwellings and therefore not classed as 'limited' and should be refused.

The residential amenity of existing and future residents would be poor

	<p>as a result of the development proposed. The amenity of properties in Rambling Way bordering the northern boundary will be negatively impacted by the introduction of the access road close to that boundary. There would be noise and light disturbance associated with traffic entering and exiting the site. There would also be a loss of privacy with the proposed new housing looking directly down on these homes.</p> <p>Footpath Nettleden with Potten End 002 runs to the west of the application site meaning that the site forms an important part of the feeling of openness when traversing the footpath; emphasising the importance of the open space to the character of the village and the enjoyment of those utilising the public footpath network.</p> <p>The application site has previously been a haven for wildlife until a wholesale clearance of a number of trees preceded the previous application, contrary to the desire expressed in Schedule 14 of the Environment Bill for development to produce a net increase in biodiversity. Just as the area started to regenerate itself, and again become a haven for wildlife, clearance work started again on 4 February 2021.</p> <p>In summary the proposal represents inappropriate development that will harm the Green Belt, is contrary to local and national policy, harms the residential and visual amenity of the area as well as failing to comply with adopted and emerging limited infilling in Green Belt Villages policies and as such should be refused without delay.</p>
<p>Pantiles 2 Rambling Way Potten End Berkhamsted Hertfordshire HP4 2SE</p>	<p>If the proposed development is allowed to proceed my home in Rambling Way will be overlooked by the windows of numerous houses resulting in a loss of privacy. These houses will look directly down onto my garden, patio and rear of my property.</p> <p>The proposed access road is directly behind the rear boundaries of mine and my neighbour's gardens which will inevitably result in increased pollution, noise and light pollution due to traffic movements.</p> <p>As part of the Green Belt the site has for many years been both a barrier to urban spread and a haven for wildlife. Providing both a habitat for a wide range of species to live and a corridor for others to pass through. Furthermore Potten End's status as a small village with the Dacorum Plan prohibits Green Belt development except in special circumstances and the proposed housing fits none of those circumstances. It is most certainly not limited infilling and must be refused to preserve this section of green belt. Members of the public</p>

	<p>using the footpath along the western boundary of the site can currently enjoy the openness provided by the site but development would permanently remove this amenity.</p> <p>I therefore request that this application is refused for these reasons.</p>
<p>St Gennys 1 Rambling Way Potten End Berkhamsted Hertfordshire HP4 2SE</p>	<p>If the proposed development is allowed to proceed my home in Rambling Way will be overlooked by the front windows of house No 3 resulting in a loss of privacy. This house will look directly down onto my garden, patio and rear bedroom windows. Until the recent wholesale clearance of trees on this site there was a pleasant rural outlook from my property.</p> <p>The proposed access road is directly behind the rear boundaries of mine and my neighbour's gardens which will inevitably result in increased pollution, noise and light pollution due to traffic movements.</p> <p>As part of the Green Belt the site has for many years been both a barrier to urban spread and a haven for wildlife. Providing both a habitat for a wide range of species to live and a corridor for others to pass through. Furthermore Potten End's status as a small village with the Dacorum Plan prohibits Green Belt development except in special circumstances and the proposed housing fits none of those circumstances. It is most certainly not limited infilling and must be refused to preserve this section of green belt. Members of the public using the footpath along the western boundary of the site can currently enjoy the openness provided by the site but development would permanently remove this amenity.</p> <p>I therefore request that this application is refused for these reasons.</p>
<p>Hillcrest Rambling Way Potten End Berkhamsted Hertfordshire HP4 2SE</p>	<p>My wife and I would like to add our support to Mr Bullock's detailed objection to this proposed development.</p> <p>The proposed construction is immediately behind our house and, in our view, should be denied for the reasons set out in both Mr Bullock's objection and our previous submission in respect of the earlier development application in November 2019.</p> <p>The piece of land in question was once an orchard which offered sanctuary to various forms of wildlife, while enhancing Potten End as a village and the lives of the people in the local neighbourhood. As such, it added to the peace and tranquility of this quintessential Green Belt area and formed an integral part of the village.</p> <p>The proposed development is the latest in a series of proposals</p>



	<p>designed to exploit the perceived commercial value of the location without any concern for the interests of the neighbours or the village. If permitted, it would amount to the squeezing in of as many houses as the planning authorities would allow with little thought to the consequences in respect of access and damage to the local environment.</p>
<p>Orchard House Rambling Way Potten End Berkhamsted Hertfordshire HP4 2SE</p>	<p>The proposed five large properties are entirely unsuitable for the location in question for a myriad of reasons.</p> <p>a) These five huge houses offer no privacy as they will ALL be North facing, looking directly into the back of all the rooms of our home. It is particularly offensive as this doesn't even offer them a view except that which is of our bedrooms bathrooms and sitting rooms. Because the height of the buildings is so high, there would be no privacy anywhere in the house, or in fact the garden. This is equally as true for each /all of the other ten chalet bungalows along Rambling way.</p> <p>b) The design of the houses is totally out of character with this part of the village in that they are large modern buildings with tiny gardens, over shadowing a whole row of low profile chalet bungalows. The density of the five homes is Incongruous with the surrounding housing.</p> <p>c) We feel the design of the buildings is not in keeping with the village. They are all so tall, with high roof lines , which one would question was appropriate in this narrow plot, for it would block the benefit of daylight into our South facing gardens, for most of the year except high summer. The sunshine which we, and all the bungalows along Rambling way, have benefitted from for more than 70years.</p> <p>d) The access appears to be down the side of the bungalow on Rambling way, which would mean access for everything from services, builders and most importantly emergency services would be difficult if not dangerous. It is hard to imagine a fire engine gaining access.</p> <p>e)Potten end is GREEN BELT, and is a quiet village. The subsequent noise level and disruption of so many new residents, ie., families would change this to something akin to a housing estate.</p> <p>f)The extra traffic that would automatically come with large houses would be intolerable. The roads at present are in a dire state, which the council are obviously struggling to maintain. The road outside our house for instance is appalling and has been for the 13 years we have lived here. (See photo below) No doubt, The extra traffic would be large four wheel drive vehicles and at least one if not more than two per household. ¿</p> <p>g) we have genuine concerns that there could be potential drainage issues, as currently all rain etc drains into the soil and water table, but once there is a road with tarmac and drives that are tarmac, this could all drain into our garden causing serious bog issues.</p> <p>f) currently there is a desperate need for social housing, this proposed</p>

	<p>development is the exact opposite, addressing non of the criteria for new homes the government's relaxation of the planning rules was designed to encourage.</p> <p>Conclusion  Finally, It was noted several years ago, when the applicant cleared the area before applying for planning permission the first time, that they took down many lovely trees, which may have, had the council been made aware of, had TPO's applied to them. These trees screened the backs of all our homes along Rambling way, and would take many decades to recreate the same level of maturity of screening . There doesn't seem to be provision for replanting the same height of trees or adequate screening on the plans, due to lack of space.</p> <p>It is difficult to see how the access to the said development without the demolition of the existing bungalow on Rambling way, could be a safe and reasonable proposal.</p> <p>If this application were realistic and sensitive, it would take into consideration the proportions of the proposed buildings. For instance if it were for two bungalows, including low roof lines, and very importantly facing each other, with no windows down the sides of the houses, it would be far more appropriate, and be less of an intrusion on other residents. They are in fact being build in the back garden of an existing single bungalow, and built behind an entire row of chalet bungalows. This suggestion would at least give the homes a decent garden in keeping with the village and area. Any future prospective purchasers would be buying into a known quantity.</p> <p>This is GREEN BELT, and the proposed development is that of an small housing estate being squeezed as infill into a back garden.</p> <p>Though apparently not relevant, It goes without saying that adversely affect our property prices .</p> <p>Regards  Anne &amp; John Day</p> <p>Sent from my iPad</p>
<p>Thimbles  Rambling Way  Potten End  Berkhamsted  Hertfordshire  HP4 2SE</p>	<p>Dear Mr Lecart,</p> <p>Letter of objection in respect of 21/00138/FUL - Construction of five dwellinghouses including associated hard and soft landscaping at 38 Rambling Way Potten End Berkhamsted Hertfordshire HP4 2SF</p> <p>In relation to the above development, as a local resident and adjoining neighbour to the proposed development I wish to object to the proposals (21/00138/FUL) for the reasons stated within this letter. The grounds for objection are on the following points that are expanded upon further below:</p> <ul style="list-style-type: none"> <li>- Principle of development</li> <li>- Up to Date Planning Policy</li> <li>- Green Belt</li> </ul>

- Residential design, overlooking and visual amenity
- Trees, landscape and ecology

#### Principle of development

Previous applications have been refused permission both historically and most recently under reference 19/02925/MFA, which was further dismissed at appeal APP/A1910/W/20/3251407. The grounds for refusal given by Dacorum under the most recent planning application were that;

The proposed development fails to meet with the definition of acceptable 'limited infilling' within the designated Small Village, constitutes backland development and is unsympathetic to the surrounding area and incongruent with its prevailing character, which is contrary to Policies CS6, CS11 and CS12 of the Dacorum Borough Core Strategy (2013). Furthermore, no very special circumstances exist to justify a departure from Green Belt policy, which is contrary to the National Planning Policy Framework.

It should be noted that the local planning authority decided that development of this section of Green Belt land failed to be defined as 'limited infilling' and constituted backland development. This application does not alter either of the aspects, thereby these principle grounds for refusal have not altered and should apply equally to this application.

In the previous appeal decision APP/A1910/W/20/3251407 the inspector discusses the nature of the term 'limited' in the context of limited infilling, noting that the NPPF does not contain a definition and that this is a matter of planning judgement (discussed later). The inspector comments on application of the term limited in this context, stating that it;

'requires an assessment of both the size of the site and scale of development and must be determined with regard to the overall aim of Green Belt policy, which is to preserve its openness' (paragraph 6, appeal APP/A1910/W/20/3251407)

It worth noting that in response to this and the applicants suggestion that the inspector had construed and accepted that the principle of development on this site in this location constituted limited infilling, that the NPPF defines a major development for housing as;

'development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more' (Definition of Major Development, NPPF, p 68)

Therefore any site that is considered a major development under the NPPF, cannot at the same time be deemed to be limited infilling. The size of the site has been defined as 0.5ha as in the original planning statement for the same site under reference 19/02925/MFA, subsequent efforts to claim the size is 0.48ha in this latest application can only be disingenuous in an attempt to underplay the significance of site as defined by the NPPF. Altering the boundary between this site and No 38 Rambling Way to try and avoid this threshold, further supports the fact that this proposal constitutes backland development.

The inspector further references that the decision of whether

development comprises of 'limited infilling' is a matter of planning judgement. In R (Tate) v. Northumberland County Council [2018] EWCA Civ 1519 the Court of Appeal again confirmed [37] that "the question of whether a particular proposed development is to be regarded as 'limited infilling' in a village for the purposes of the policy in paragraph 89 of the NPPF will always be essentially a question of fact and planning judgment for the planning decision-maker. There is no definition of 'infilling' or 'limited infilling' in the NPPF, nor any guidance there, to assist that exercise of planning judgment. It is left to the decision-maker to form a view, in the light of the specific facts". This judgment also remains applicable under NPPF2 [145]. This further supports that the decision maker should form a view in this respect and Dacorum, by their decision in the previous refusal for planning on this site stated that [development] 'fails to meet with the definition of acceptable 'limited infilling' within the designated Small Village, constitutes backland development'

#### Up to Date Planning Policy

In the previous appeal decision APP/A1910/W/20/3251407, the Inspector concluded that Policy CS6 could only be afforded limited weight, giving significant weight to the protection afforded to the Green Belt in the National Planning Policy Framework (2019). In another recent appeal decision APP/A1910/W/19/3241643, that challenged the Council's five-year housing land supply, the Inspector concluded that the proposed delivery of two dwellings did not constitute a significant boost to housing delivery, giving this argument only limited weight. The appeal was dismissed due to the harm to the Green Belt and the lack of very special circumstances necessary to justify the development.

In the event that the adopted Local Plan is considered to be out of date paragraph 11 of the National Planning Policy Framework (2019) (NPPF) comes in to force suggesting that permission should be granted provided the proposal is not in conflict with the NPPF. Footnote 6 to paragraph 11 of the NPPF specifically refers to the Green Belt being one area where the presumption in favour of sustainable development is unlikely to apply, even where councils are not able to demonstrate a five-year housing land supply, unless the benefits of a proposal significantly outweigh the harm.

There is no evidence that the benefits of the proposal (the delivery of five dwellings) would significantly outweigh the harm in this instance and the protection afforded to the Green Belt by both the national and local planning policies should prevail. The recent appeal APP/A1910/W/19/3241643 confirms this position, as does a further appeal decision APP/M1595/W/19/3242356, where the Inspector concluded that the delivery of 116 dwellings on the edge of an Essex village in the Metropolitan Green Belt, despite an acknowledged undersupply of housing in recent years, the provision of 5% more affordable housing than required by policy and the sustainability of the location, still warranted a refusal due to the harm to the Green Belt.

The applicant highlights that The Dacorum Local Plan Emerging Strategy for Growth (2020-2038) whilst at an early stage can be given very limited weight in the decision-making process. It is useful to note 2 specific points of reference within this emerging plan.

1. That while the council is considering some Green Belt releases the village of Potten End and the application site continue to be included in the Green Belt and covered by Emerging Policy DM39. While the emerging policy can be given only very limited weight it demonstrates that the council believes that the importance of the open spaces within Potten End continue to justify the protection offered by the Green Belt

2. In respect of the definition of limited infilling, Policy DM39 Limited Infilling in Selected Small Villages in the Green Belt, clarifies the decision makers approach to and how they interpret these terms within the NPPF. Here the term limited requires that the site must be located in a clearly identifiable space between a built frontage. Furthermore, the proposed dwelling(s) should be constructed on a similar building line (formed by the front main walls of existing dwellings) and be of a similar scale, form and proportion to those adjacent.

Whilst the status of this emerging plan is of limited weight, both the existing Policy CS6 and the emerging Policy DM39, both define what the local planning authorities interpretation of limited infilling constitutes in the context of the NPPF use. The applicants' proposals do not meet either of these definitions.

#### Green Belt

The application site is located within the Green Belt. The 2020 Green Belt and Rural Area Background Topic Paper, which supports the emerging Local Plan, acknowledges that successive Local Plans applied a level of restraint on sites within Potten End and other villages in the Green Belt. The topic paper determines that it remains unsuitable to deliver growth in such locations and indicates that larger scale more appropriate sites have been identified around the main urban areas of Dacorum to address the need for additional housing land. The Green Belt and Rural Area Background Topic Paper (2020, paragraph 8.27) also emphasises the fact that it is "... not uncommon to find extensive gaps between built-up frontages or within a group of buildings. These features all help contribute to the general openness of the Green Belt..."

The designation of the application site within the Green Belt serves to safeguard the countryside, preserving the setting and character of historic towns and maintaining settlement patterns as well as making a partial contribution to preventing the merging of existing settlements. The Green Belt parcel in which the site is located is already in the second most built up tier, identified in the 2013 Green Belt Review, and as such can ill afford to allow inappropriate development of the nature proposed that would further reduce its openness, contrary to national policy.

The purpose of the Green Belt designation is not simply to fix the outer limits of settlement but to ensure that the openness of the village continues to contribute to the wider openness of the Green Belt. The development of the application site would reduce the openness of the Green Belt through inappropriate development, which by definition is harmful and should be resisted except in very special circumstances,

which have not been demonstrated by the appellant.

Local Plan (2004) Policy 1 sets out the overall sustainability aims of the plan, which includes a commitment "to conserve and enhance the countryside, in particular by maintaining the Green Belt and the landscape of the Chilterns Area of Outstanding Natural Beauty..." The aim of Policy 1 of maintaining the Green Belt is wholly in accordance with the NPPF and should be given full weight when determining the application.

Core Strategy (2013) Policy CS5 states that within the Green Belt small-scale development will be permitted in accordance with national policy; 'building for uses defined as appropriate.' The proposed development is not one considered appropriate in the Green Belt, as demonstrated below, and by definition will cause harm, contrary to the aims of the NPPF and Policy CS5, and should be refused.

The village of Potten End is identified under Core Strategy (2013) Policy CS6 as a Selected Small Village in the Green Belt, where the following development will be permitted; however, the proposal fails to meet any of the criteria listed:

- The replacement of existing buildings
- Limited infilling with affordable housing for local people
- Conversion of houses into flats
- House extensions
- Development for uses closely related to agriculture, forestry and open-air recreation, which cannot be reasonably accommodated elsewhere
- Local facilities to meet the needs of the village

In the previous appeal decision on this site APP/A1910/W/20/3251407, the Inspector found that Policy CS6 was out of date and gave greater weight to the NPPF. The Inspector went on to conclude that the proposal was inappropriate development as defined by the NPPF and this remains the case with the current application 21/00138/FUL.

Paragraph 133 of the NPPF states that "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 their permanence." The proposed development of five new dwellings would reduce the openness of the Green Belt, contrary to the fundamental aims and essential characteristics of the Green Belt and should be resisted.

The proposal has been shown to be inappropriate development as defined by paragraphs 145 and 146 of the NPPF and in accordance with paragraph 143 of the NPPF "inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances." No evidence has been put forward to demonstrate that there are very special circumstances in this instance that would justify the harm the development would cause to the Green Belt and as such it should be refused. References to the five-year housing land supply and increased in the annual requirement of new dwellings does not justify the release of this land from the Green Belt, as is evidenced by the previous appeal decisions and the Council's

decision not to release it as part of the current emerging Local Plan and Green Belt and Rural Area Background Topic Paper (2020).

Quite apart from the scheme's impact on the Green Belt the proposed development has flaws as discussed below.

#### Residential design, overlooking and visual amenity

The proposed site sits on higher ground above the properties on Rambling Way, elevating its position and influence over these. It is at this point on the brow of the hill where the current design orientates the fifth home 90 degrees from the others and places it within very close proximity to the sites northern boundary. Here windows are placed in the northern gable end, at both ground and first floor levels. It is unclear as to which rooms this are from as the plans and elevations do not coordinate. However the fact remains that the positioning of this unit in particular and the lack of any discernable boundary treatment or landscape buffer would render the impact and encroachment on my property to the north unacceptable.

The residential amenity of existing and future residents would be poor and negatively impacted as a result of the development proposed. Access is proposed through the main driveway approach to Number 38 Rambling Way, reinforcing the case that this constitutes backland development, and its amenity will be negatively impacted by the introduction of an access road so close to the boundary along with the associated noise and light disturbance created by traffic entering and exiting the site.

The proposal will also introduce vehicle noise and residential activity to the rear of the properties along The Laurels and Rambling Way, which has the potential to cause noise and light disturbance that would negatively impact the residents' amenity and enjoyment of their dwellings.

Footpath Nettleden with Potten End 002 runs to the west of the application site meaning that the site forms an important part of the feeling of openness when traversing the footpath; emphasising the importance of the open space to the character of the village and the enjoyment of those utilising the public highway network.

#### Trees, landscape and ecology

The application site has previously been cleared of a number of trees, which provided valuable habitat and visual amenity contrary to the desire expressed in Schedule 14 of the Environment Bill for development to produce a net increase in biodiversity. Just as the area started to regenerate itself, and again become a haven for wildlife, clearance work started again on 4 February 2021.

There has been no detailed assessment of the local habitats, flora and fauna. Given the semi-rural nature of the village and the proximity to protected woodland there are many species of wildlife that are present within the vicinity. Evidence of Muntjac deer and Gliss Gliss amongst

	<p>others can regularly been seen. A recent bat emergence survey required at an adjoining property identified that bats were using paths to the woodland around the western edge of the site for roosting and feeding.</p> <p>The impact of the proposals and by the accompanying reports own admission (despite it being prepared for the previous application), identifies that 'the proposed development will result in the removal of the majority of onsite vegetation and result in a loss of overall biodiversity'. Biodiversity net gain is referenced strongly in terms of national planning policy and development decision taking according to the NPPF 2018. The environmental test of sustainable development requires planning policy and planning decisions to help to 'improve biodiversity' (paragraph 8c). References to biodiversity net gain elsewhere in the NPPF (such as paragraph 175d) suggest that the delivery of biodiversity net gain should facilitate sustainable development and should be given considerable weight to this proposals given its location and position within the green belt.</p> <p>Conclusion</p> <p>The applicant's proposals do not provide sufficient evidence or justification for appropriate development in this location and would result in harm to the Green Belt, contrary to both local and national policy. The proposals do not comply with adopted and emerging definitions for limited infilling in Green Belt Villages policies and as such should be refused.</p> <p>Should you have any queries regarding this letter, please do not hesitate to contact me.</p> <p>Yours sincerely,</p> <p>Glyn Mutton Potten End Resident</p>
<p>3 Kiln Close Potten End Berkhamsted Hertfordshire HP4 2PX</p>	<p>3 Kiln Close</p> <p>Potten End</p> <p>Berkhamsted</p> <p>Herts</p> <p>HP4 2PX</p> <p>9th February 2021</p> <p>FAO: Colin Lecart</p> <p>Reference: 21/00138/FUL</p>



Dear Mr. Lecart,

I am responding to the planning application for 5 dwellings on the land adjacent to 38 Rambling way, reference above, like the previous application in 2019, I am objecting to this second application too.

I would firstly point out that on the front page of the document titled,

Design and Access Statement, it states: Construction of 6 dwellings, it is 5 dwellings!

as it states In para. 1.1, construction of 5 dwellings comprised of 4 and 5 bed detached units

Also, in 1.4 of this document, it makes reference to-

Proposed site plan.

Proposed 3 Bed home. This is not consistent

Proposed 4/5 Bed home.

This new proposal does not take into account the comments from the 2019 application, in spite of the fact this second application defends it has. In the first place the building density still exceeds the Potten End existing build density, which is low per acre. The 5 dwellings are most certainly not in keeping with the current buildings in Potten End and most certainly will not be in keeping with either the existing detached houses, in Hempstead Lane that will be to the rear of this development or with the single storey bungalows that this new development will be overlooking.

This is because, the 4 bed and 5 bed units will be two storeys which will

appear large overpowering and certainly not in keeping with the bungalows in front of the development. Furthermore, both the houses in Hempstead lane and the bungalows will have their privacy and view compromised.

By the time this development is completed this entire strip of land together with the houses to the rear and bungalows to the front, will, by any standards have the look of being cramped and overdeveloped.

The number of vehicles, that will be residential on the development, has to be a minimum of two per household, (minimum ten residential vehicles), quite possibly three in the two five bedroom houses, this will be a total of 6 vehicles in the five beds and six in the four beds. (totalling twelve) The site Plan shows provision for a total of 17 car parking spaces, seven of those allotted spaces, are indicated as in the garages.

Some one has taken leave of their senses if they think for one moment seven of the allotted spaces of the residents cars are always going to be in their respective garages, In particular, the four beds with single garages will no doubt be filled with bikes etc. and so too will be at least half of the double garages in the two five beds. Therefore at least five possibly seven, of the allocated spaces in garages will not be available. Therefore, realistically there will only be twelve spaces, possibly only ten for vehicle parking, for the residence and visitors.

Therefore, any visitor will then be forced into parking in the access road, clearly blocking any other vehicle access in and out. Not to mention any requirement for emergency vehicles, or recycling vehicles and deliveries. These vehicles requiring parking that cannot use the residents driveway, will then find themselves parking in Rambling way, or along the front of the bungalows access road. This situation worsens at week ends and at bank holidays.

More parking facilities must be provided to prevent over spill parking in the access road and/or Rambling way and surrounding areas.

With at least ten more vehicles requiring access to Water End Road, has consideration been given to even more vehicles exiting from Rambling way which has very poor visibility to see oncoming traffic. Consideration too, must be given to pedestrians, as there is only one narrow pavement on this road. This is used by mothers and children alike particularly at school times.

As I live at 3 Kiln Close, the five bedroom house at plot 5, will be overlooking my property and my neighbours at number 4 Kiln Close, I/we have purchased these properties as they offered privacy by not being overlooked. This situation will now be compromised considerably with the addition of plot five as it will be looking directly at and into the two houses in Kiln Close.

This privacy and not being overlooked that I have referred to, is certainly something the residence in the bungalows currently enjoy, this facility will certainly be removed from them too, if this development goes ahead.

I would urge the council to refuse this application on the grounds of over developing the area,

within Potten End, by exceeding the build density, also not in keeping with the current properties in Potten End, in particular the houses that will be to the rear of the development or the bungalows that will be in front of the new builds, grossly insufficient parking facilities/provision. Increased traffic onto Water End Road, that could affect pedestrians.

	<p>My final comment would be if this development takes place in this form or another, where would construction personnel and their vehicles be parked during construction and will there be adequate control of heavy lorries delivering material. Also can construction times be limited so as not to disturb local residence, I.e. no working after 6pm week days and not after 12am Saturdays and no working Sundays.</p> <p>Yours sincerely</p> <p>Richard Tassell</p>
<p>4 Kiln Close Potten End Berkhamsted Hertfordshire HP4 2PX</p>	<p>A full copy of this letter has also been sent via email.</p> <p>We are writing to express our OBJECTION to the above planning application for 5 dwellings on the Potten End Dell, adjacent to 38 Rambling Way, Potten End.</p> <p>Within the new proposal, the applicant refers again and again to their rejected proposal from 2019 in what seems an attempt to demonstrate that they have listened to the objections and altered their plans accordingly. In fact, it does no such thing and is still completely out of keeping and, as with their previous application, they are trying to cram too high a density of properties into a relatively small enclosed, woodland area.</p> <p>We strongly object to this application based on the following reasons:</p> <p>* Over-crowding of the proposed site The proposed development would be over-bearing and out-of-scale for this plot of land. Within the Council's 'Adopted Core Strategy' document, Potten End is identified as a 'fourth tier' small village in a Green Belt and Rural area of Dacorum and Section 1.16 of that Strategy details that 'significant environmental constraints' apply to Potten End and that development should be limited to help to sustain the village. Cramping 5 large, two-storey dwellings into this relatively small wooded area would be in direct contravention to this Council Strategy.</p> <p>Potten End has a low density of dwellings per acre. This proposed development is cramped and contrived in its layout and the design of the proposed properties are distinctly at odds with the context of the surrounding area.</p> <p>As detailed in the applicant's 'Planning Statement' the proposed development would create a density of 11 dwellings per hectare and the applicant is trying to compare this with the average for the village.</p>

However, this is not a true comparison as the average considers properties such as the terraced ones on The Front or The Back and ones closer to the village centre. The houses directly surrounding this site and in the surrounding areas of Water End Road have much lower dwellings per hectare figures. Cramming 5 large detached houses on to a relatively small area, with their subsequent small gardens and small property footprints compared to house size, demonstrates it is out of character with the surrounding area and an inappropriate development.

\* Policy CS6 - Selected Small Villages in the Green Belt

As detailed in DBC's Policy CS6, infilling will only be permitted where it is limited in scale. As 'limited' refers to no more than two extra dwellings, we believe the proposed development is in direct contravention to your Policy CS6.

This proposed development does not fit any of the criteria of what is potentially permitted in a Fourth Tier village according to the CS6 Policy, as it is not:

a) the replacement of existing buildings; (b) limited infilling with affordable housing for local people; (c) conversion of houses into flats; (d) house extensions; (e) development for uses closely related to agriculture, forestry and open air recreation, which cannot reasonably be accommodated elsewhere; and (f) local facilities to meet the needs of the village

Also within the same policy, any developments within Fourth Tier villages such as Potten End must 'i. be sympathetic to its surroundings, including the adjoining countryside, in terms of local character, design, scale, landscaping and visual impact; and ii. retain and protect features essential to the character and appearance of the village'. The proposed dwellings do not meet these conditions as they would significantly alter the fabric of the area and amount to serious 'cramming' in what is a low density surrounding area. The proposed development does not respect local context and the applicant is simply trying to cram as many houses as possible on to a relatively small site.

The Council's design philosophy (Policies CS9, CS10, CS11 and CS12) state developments should be of a good design and what 'fits' within the surrounding area. Whilst the applicant has attempted to make the proposed dwellings fit in with the surrounding dwellings by making them larger in size than the previous application, there is not the sufficient area in the proposed development to fit 5 large two-storey detached houses with access and adequate garden areas. There is little or no gapping between the dwellings and all will be built on small plots compared with the large plots typically enjoyed by the surrounding properties in Laurel Close, Rambling Way and Kiln Close. The properties that this development will overlook in Rambling Way are mainly bungalows and so the proposed 2-storey homes are not in keeping with surrounding properties.

The proposed development would be built on Green Belt land which will result in the loss of a valued area of wooded space which is in keeping with our leafy village. It is acknowledged that development on Green

Belt is on occasions required but that there should not be 'inappropriate development'. We see no valid reasons in this new application that should negate one of the main reasons the previous application was rejected: 'no very special circumstances exist to justify a departure from the Green Belt policy, which is contrary to the National Planning Policy Framework'. The current land is free of development and thus any development on the site would have a detrimental effect on the openness of the Green Belt.

\* Overlooking & loss of privacy

The proposed 5-bedroom, two-storey house in Plot 5 will directly overlook our house and garden resulting in a loss of privacy. When we purchased our house, a key feature was the privacy and that we were not overlooked, this would be taken away from us if the development is permitted to go ahead which is not fair or acceptable to us.

The applicant has failed to show in any drawings the proximity of that final 5 bedroom, two-storey house to any of the surrounding properties, including ours.

This proposal will completely change our privacy from our kitchen/diner, our garden and our two main bedrooms. Like many modern homes, our kitchen has glass bi-fold doors and our master bedroom has patio doors and a Juliet balcony; these were fitted due to the privacy we enjoy and to take advantage of the wonderful woodland view. This proposed housing development would result in the 5 bedroom, two-storey, house on Plot 5 having direct sight into our kitchen, bedroom(s) and garden.

There is not only our property to consider with this loss of privacy but also properties along both Rambling Way (next to Water End Road) and Laurel Close as this development will overlook their properties and gardens also.

I believe the applicant must understand the impact of loss of privacy as we note that in the proposed layout of the site, there are no proposals to build any of the properties facing or close to the applicants address at 38 Rambling Way.

I believe that should some amount of development be permitted on this site, all properties should be one-storey bungalows to prevent the over-looking & loss of privacy and also to fit in with other properties in Rambling Way.

\* Planning Statement Inconsistencies

In 1.2 of the Planning Statement it states to be in support of a 'planning application for the construction of 6 dwellinghouses'. However, is the application not for 5 dwellings?

In 3.2 of the Planning Statement it states 'Plots 1 to 3 will be 4-bedroom properties. All will be two storeys, with garages except plots 1 and 2'. However, the 'Proposed Site Plan' in the same document goes on to show all 4 bedroom properties with garages, making these very large overall buildings for the property footprints.

\* Landscaping

Although plans for landscaping to try to hide this over-development have been submitted, there are no regulations in place to ensure that this would be carried out and that the future owners of the proposed dwellings do not alter / remove the landscaping. This could leave all surrounding properties over-looked with a further loss of privacy.

The proposal allows very little space for landscaping and we believe that it would lead to gross overdevelopment of the site. The proposed development would not result in a benefit in environmental and landscape terms, to the contrary it would lead to the loss of valuable wooded space.

Guidance within the Councils Strategy shows that as a minimum 1 tree should be planted per dwelling, however the Landscaping Plans show no plans for planting new trees. This again demonstrates that the reason for this is that there is very little space for landscaping due to the overdevelopment of the site.

**\* Access & Highway Safety**

Access into the proposed development appears to be insufficient for the potential number of vehicles that will require access to the proposed development. When you also take into consideration refuse trucks, emergency services vehicles and delivery vans, we do not see how the access road, which is nothing more than an existing alleyway, can handle that volume of traffic. We also have serious concerns that the plot size and orientation will not easily accommodate cars in the layout proposed.

**\* Previous Application**

Throughout the Planning Statement, the applicant is trying to portray this new application as some wonderful improvement on their previous application. We feel this is a tactic as initially submitting a vastly over-developed application of 14 dwellings does not mean that simply reducing the number is an improvement. All the applicant has done is reduce the number of dwellings and vastly increase the size of those dwellings instead. Replacing one 'bad' application with another does not give the village or us surrounding residents relief or comfort.

The previous application was rejected based on the following reasons and we do not believe the new application has negated these reasons in any way:

- The proposed development fails to meet with the definition of acceptable 'limited infilling' within the designated Small Village, constitutes backland development and is unsympathetic to the surrounding area and incongruent with its prevailing character, which is contrary to Policies CS6, CS11 and CS12 of the Dacorum Borough Core Strategy (2013).

- II. The Inspector found that the proposal was inappropriate development in the Green Belt as it was deemed to "result in a cramped form of development that would be out of keeping with the comparatively spacious character of the surrounding area. The appeal proposal does not, therefore, amount to limited infilling as identified in paragraph 145 e) of the NPPF".

- III. Furthermore, no very special circumstances exist to justify a

	<p>departure from the Green Belt policy, which is contrary to the National Planning Policy Framework"  Campaign Group  I also feel I should inform you that several residents within Potten End, including our household, have expressed their intention to create a Campaign group and petition against this development in its current form should the current application not be rejected.</p> <p>We believe the proposed development contravenes the Council's Adopted Core Strategy for Potten End as it is to the detriment of the quality, character and amenity value of the area, as outlined in the points above.</p> <p>In conclusion we would also like to request that, should the application be approved, the council consider using its powers to enforce controlled hours of operation and other restrictions that might make the duration of the works more bearable. The proposed site of development is very small and contained, with no road frontage, so we would ask that consideration be made about how and where construction vehicles and staff would gain access to the site for unloading and parking without causing a highway hazard or inconveniencing neighbours.</p> <p>We would be grateful if the council would take our objections into consideration when deciding this application. We would welcome the opportunity to meet with a representative of the planning department at our home to illustrate our objections at first hand.</p>
<p>22 The Laurels  Potten End  Berkhamsted  Hertfordshire  HP4 2SP</p>	<p>22 The Laurels  Potten End  Berkhamsted  Hertfordshire  HP4 2SP  Mr Colin Lecart  Dacorum Borough Council  The Forum  Marlowes  Hemel Hempstead  Hertfordshire  HP1 1DN</p> <p>6th February 2021</p> <p>Dear Mr Lecart,</p> <p>RE: 21/00138/FUL - Construction of five dwellinghouses including associated hard and soft landscaping at 38 Rambling Way Potten End Berkhamsted Hertfordshire HP4 2SF - Objection</p> <p>I write to object to the proposed development of the land adjacent 38 Rambling Way Potten End for five dwellings (21/00138/FUL) on the following grounds. I provide further information under the appropriate headings below:</p> <p>General</p>



Up to Date Planning Policy  
Green Belt  
Residential / Visual Amenity  
Trees

The following builds on my objection letter, dated 10th December 2019 and appeal statement, in respect of the previous application 9/02925/MFA, which was refused and dismissed at appeal APP/A1910/W/20/3251407, Appendix A.

General

It should be noted that while the application forms and plans suggest the application is for five dwellings, paragraph 1.2 of the supporting planning statement clearly states that the document supports an application for six dwellings on the site. Paragraph 3.1 then reverts to five dwellings; while the forms and plans will take precedence, the discrepancy should be noted and amended.

The applicant references an Appeal Court Judgement, which in turn references other judgements; to which I respond below:

Hook v SoSHCLG [2020] EWCA Civ 486 (paragraph 7)

References confirming that the question of Green Belt openness and the degree of harm resulting from development are matters of planning judgement to be exercised by the decision maker is a well-established principle

Provided that planning judgement is exercised in a reasonable and logical manner there is no recourse to the Courts if the applicant simply dislikes the balanced and reasoned planning judgement of the decision maker

The fact that a site might support development in the Green Belt and remain open is not contested; however, it is a question of appropriateness, scale and the ratio of built form to site area. The proposal represents the backland development of five dwellings on an area of 0.48 hectares and not a 300sqm visitors centre in a 250-hectare woodland for example; therefore, the proposal would completely urbanise the site

It should be noted that in his judgement of this case Lord Justice Lindblom upheld the decision of the Planning Inspector who dismissed the application for a single dwelling on grounds of inappropriateness in the Green Belt

Up to Date Planning Policy

In the previous appeal decision APP/A1910/W/20/3251407, the Inspector concluded that Policy CS6 was out of date and as such the decision to refuse permission gave significant weight to the protection afforded to the Green Belt in the National Planning Policy Framework (2019) In another recent appeal decision APP/A1910/W/19/3241643, see Appendix B, that challenged the Council's five-year housing land supply, the Inspector concluded that the proposed delivery of two dwellings did not constitute a significant boost to housing delivery and gave the argument only limited weight. The appeal was dismissed due to the harm to the Green Belt and the lack of very special circumstances necessary to justify the development.

In the event that the adopted Local Plan is considered to be out of date paragraph 11 of the National Planning Policy Framework (2019) (NPPF) comes in to force suggesting that permission should be granted provided the proposal is not in conflict with the NPPF. Footnote 6 to paragraph 11 of the NPPF specifically refers to the Green Belt being one area where the presumption in favour of sustainable development is unlikely to apply, even where councils are not able to demonstrate a five-year housing land supply, unless the benefits of a proposal significantly outweigh the harm. There is no evidence that the benefits of the proposal (the delivery of five dwellings) would significantly outweigh the harm in this instance and the protection afforded to the Green Belt by both the national and local planning policies should prevail. The recent appeal APP/A1910/W/19/3241643, see Appendix B, confirms this position, as does a further appeal decision APP/M1595/W/19/3242356, see Appendix C, where the Inspector concluded that the delivery of 116 dwellings on the edge of an Essex village in the Metropolitan Green Belt, despite a recognised undersupply of housing in recent years, the provision of 5% more affordable housing than required by policy and the sustainability of the location, still warranted a refusal due to the harm to the Green Belt.

The applicant highlights that The Dacorum Local Plan Emerging Strategy for Growth (2020-2038) is at an early stage and can only be given very limited weight in the decision-making process. It is useful to note; however, that while the council is considering some Green Belt releases the village of Potten End and the application site continue to be included in the Green Belt and covered by Emerging Policy DM39. While the emerging policy can be given only very limited weight it demonstrates that the council believes that the importance of the open spaces within Potten End continue to justify the protection offered by the Green Belt. The applicant acknowledges that the application site has not been allocated in the emerging Local Plan but still maintains that it may form part of the five-year housing land supply, without illustrating a mechanism for this assertion. The delivery of five additional dwellings would not represent a significant contribution sufficient to outweigh the harm to the Green Belt of inappropriate development or the impact on its openness. Indeed, the provision of greater numbers as evidenced by the previous appeal decision did not justify such harm so the reduced benefit must equally not outweigh the loss.

#### Green Belt

The application site is located within the Green Belt. The 2020 Green Belt and Rural Area Background Topic Paper, which supports the emerging Local Plan, acknowledges that successive Local Plans applied a level of restraint on sites within Potten End and other villages in the Green Belt. The topic paper determines that it remains unsuitable to deliver growth in such locations and indicates that larger scale more appropriate sites have been identified around the main urban areas of Dacorum to address the need for additional housing land. The Green Belt and Rural Area Background Topic Paper (2020, paragraph 8.27) also emphasises the fact that it is "... not uncommon to find extensive gaps between built-up frontages or within a group of buildings. These features all help contribute to the general openness of the Green Belt..."

The designation of the application site within the Green Belt serves to

safeguard the countryside, preserving the setting and character of historic towns and maintaining settlement patterns as well as making a partial contribution to preventing the merging of existing settlements. The Green Belt parcel in which the site is located is already in the second most built up tier, identified in the 2013 Green Belt Review, and as such can ill afford to allow inappropriate development of the nature proposed that would further reduce its openness, contrary to national policy.

The purpose of the Green Belt designation is not simply to fix the outer limits of settlement but to ensure that the openness of the village continues to contribute to the wider openness of the Green Belt. The development of the application site would reduce the openness of the Green Belt through inappropriate development, which by definition is harmful and should be resisted except in very special circumstances, which have not been demonstrated by the appellant.

Local Plan (2004) Policy 1 sets out the overall sustainability aims of the plan, which includes a commitment "to conserve and enhance the countryside, in particular by maintaining the Green Belt and the landscape of the Chilterns Area of Outstanding Natural Beauty..." The aim of Policy 1 of maintaining the Green Belt is wholly in accordance with the NPPF and should be given full weight when determining the application.

Core Strategy (2013) Policy CS5 states that within the Green Belt small-scale development will be permitted in accordance with national policy; 'building for uses defined as appropriate.' The proposed development is not one considered appropriate in the Green Belt, as demonstrated below, and by definition will cause harm, contrary to the aims of the NPPF and Policy CS5, and should be refused.

The village of Potten End is identified under Core Strategy (2013) Policy CS6 as a Selected Small Village in the Green Belt, where the following development will be permitted; however, the proposal fails to meet any of the criteria listed:

The replacement of existing buildings

Limited infilling with affordable housing for local people

Conversion of houses into flats

House extensions

Development for uses closely related to agriculture, forestry and open-air recreation, which cannot be reasonably accommodated elsewhere

Local facilities to meet the needs of the village

The proposal fails to comply with Policy CS6 and the supporting text (paragraph 8.34 of the Core Strategy 2013), which defines 'infilling' as a form of development whereby dwellings are proposed or "...constructed within a gap along a clearly identifiable built-up frontage or within a group of buildings. The term does not include backland development, either in the form of plot amalgamation or tandem development. "Infilling will only be permitted where it is limited in scale; the housing is affordable and it meets the needs of local people." The proposed development is not for 100% affordable housing and would be positioned to the rear of numerous dwellings, at odds with the existing built form and therefore considered to be 'backland' rather than 'infill' development and should be resisted in accordance with Policy CS6. The term 'limited' in Policy CS6 is also defined in the supporting text (paragraph 8.34 of the Core Strategy 2013) and "...refers to

development which does not create more than two extra dwellings." The proposed development is for the construction of five dwellings and therefore not classed as 'limited' and should be refused.

In the previous appeal decision on this site APP/A1910/W/20/3251407, see Appendix B, the Inspector found that Policy CS6 was out of date and gave greater weight to the NPPF. The Inspector went on to conclude that the proposal was inappropriate development as defined by the NPPF and this remains the case with the current application 21/00138/FUL. While accepting that the site might accommodate development deemed to be appropriate in the Green Belt the Inspector concluded that the residential development of the site for open market housing was inappropriate and therefore harmful. The reduction in numbers from 14 to five dwellings has not changed the fact that the proposal fails to meet with the criteria set in the NPPF for appropriate development in the Green Belt and as such should be refused.

Paragraph 133 of the NPPF states that "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 their permanence." The proposed development of five new dwellings would reduce the openness of the Green Belt, contrary to the fundamental aims and essential characteristics of the Green Belt and should be resisted.

Paragraphs 145 and 146 of the NPPF make provision for appropriate development in the Green Belt and the applicant contends that the proposed development would meet one or more of these criterion with regards limited infilling; however, this is not the case and for ease of reference, the criteria for appropriate development in the Green Belt are reviewed below along with commentary in bold text as to whether they apply to the current application:

Paragraph 145

buildings for agriculture and forestry - The application is for market housing and not for agricultural or forestry workers

the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it - The application is for residential development and not to facilitate outdoor sport or recreation

the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building - The proposal represents five new dwellings not the extension or alteration of an existing building

the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces - The proposal is not proposing a replacement dwelling but five new dwellings

limited infilling in villages - The previous Inspector concluded that the development of the site could be considered infill development; however, the planning judgement was whether it could be considered to be limited. The Inspector also made it clear that any decision must have regard to the overall aim of Green Belt policy, which is to preserve its openness. While there is no definition of 'limited infill' it is generally accepted that the term means the introduction of up to two dwellings in an otherwise built frontage rather than the provision of a cul-de-sac of five dwellings to the rear of existing properties, as is currently proposed. The supporting text to Policy CS6 in paragraph 8.34,

although out of date, as outlined above, clearly states that limited infilling is defined as the provision of up to two affordable houses in an otherwise built up frontage. Backland development, plot amalgamation or tandem development, similar to that proposed, is explicitly excluded from the definition. The proposal represents non-affordable backland development of five dwellings, which is explicitly excluded from the definition of limited infilling in paragraph 8.34 of the Core Strategy. The Dacorum Local Plan Emerging Strategy for Growth (2020-2038) is currently undergoing public consultation and while very early in the process and only afforded very limited weight, it illustrates the council's direction of travel in policy terms. The emerging Local Plan continues to designate Potten End as a 'Small Village within the Green Belt' and emerging Policy DM39 allows limited Infilling in the village but specifically seeks to exclude backland development of the nature currently proposed. Paragraphs 19.18 to 19.21 of the emerging Local Plan define limited infill sites as being within a settlement boundary, a clearly identifiable space between a built frontage, with a similar building line that would not result in the loss of a gap or open space considered important to the settlement's character; these points are reiterated in emerging Policy DM39. The reference to a limited infill site being a clearly identifiable space between a built frontage in the emerging plan continues to preclude the application site as it would constitute backland development

limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites) - The proposal is for a full market housing and therefore does not comply with the NPPF or the out of date requirement for 100% affordable required by Policy CS6 of the Core Strategy.

limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would: The proposal does not represent previously developed land; indeed, the site has recently been cleared of woodland with a significant impact on bio-diversity that made a positive contribution to the Green Belt and character of the area. Further clearance work was undertaken on 4 February 2021, just as the area had started to regenerate itself, and again become a haven for wildlife

not have a greater impact on the openness of the Green Belt than the existing development; or - The development but its very nature will introduce five new dwellings in the Green Belt and will inevitably result in its reduced openness in conflict with paragraph 133 of the NPPF

not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority - The proposal represents substantial harm to the openness of the Green Belt, does not represent previously development land nor would it contribute to an identified need for affordable housing.

Paragraph 146

mineral extraction - Not applicable

engineering operations - Not applicable

local transport infrastructure which can demonstrate a requirement for a Green Belt location - Not applicable

the re-use of buildings provided that the buildings are of permanent and substantial construction - Not applicable

material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds) - Not applicable

development brought forward under a Community Right to Build Order or Neighbourhood Development Order - Not applicable

The proposal has been shown to be inappropriate development as defined by paragraphs 145 and 146 of the NPPF and in accordance with paragraph 143 of the NPPF "inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances." No evidence has been put forward to demonstrate that there are very special circumstances in this instance that would justify the harm the development would cause to the Green Belt and as such it should be refused. References to the five-year housing land supply and increased in the annual requirement of new dwellings does not justify the release of this land from the Green Belt, as is evidenced by the previous appeal decisions and the Council's decision not to release it as part of the current emerging Local Plan and Green Belt and Rural Area Background Topic Paper (2020).

Quite apart from the scheme's impact on the Green Belt the proposed development has other fundamental flaws that warrant its refusal, which are outlined below:

**Residential and Visual Amenity**

The residential amenity of existing and future residents would be poor as a result of the development proposed. Number 38 Rambling Way's amenity will be negatively impacted by the introduction of the access road close to the boundary along with the associated noise and light disturbance created by traffic entering and exiting the site.

The proposal will also introduce vehicle noise and residential activity to the rear of the properties along The Laurels and Rambling Way, which has the potential to cause noise and light disturbance that would negatively impact the residents' amenity and enjoyment of their dwellinghouses.

Footpath Nettleden with Potten End 002 runs to the west of the application site meaning that the site forms an important part of the feeling of openness when traversing the footpath; emphasising the importance of the open space to the character of the village and the enjoyment of those utilising the public highway network.

**Trees**

The application site has previously been cleared of a number of trees, which provided valuable habitat and visual amenity contrary to the desire expressed in Schedule 14 of the Environment Bill for development to produce a net increase in biodiversity. Just as the area started to regenerate itself, and again become a haven for wildlife, clearance work started again on 4 February 2021.

In summary the proposal represents inappropriate development that will harm the Green Belt, contrary to local and national policy, as well as failing to comply with adopted and emerging limited infilling in Green Belt Villages policies and as such should be refused without delay.

I trust the above is clear and respectfully request that the application be refused for the reasons outlined above. If you have any queries

	<p>regarding this letter, please do not hesitate to contact me. Yours sincerely,</p> <p>Gordon Bullock</p>
<p>20 The Laurels Potten End Berkhamsted Hertfordshire HP4 2SP</p>	<p>20 The Laurels Potten End Berkhamsted Hertfordshire HP4 2SP Mr Colin Lecart Dacorum Borough Council The Forum Marlowes Hemel Hempstead Hertfordshire HP1 1DN 8 February 8, 2021</p> <p>Dear Mr Lecart,</p> <p>RE: 21/00138/FUL - Construction of five dwellinghouses including associated hard and soft landscaping at 38 Rambling Way Potten End Berkhamsted Hertfordshire HP4 2SF - Objection</p> <p>I write to object to the proposed development of the land adjacent 38 Rambling Way Potten End for five dwellings (21/00138/FUL) on the following grounds. I provide further information under the appropriate headings below:</p> <ul style="list-style-type: none"> <li>· General</li> <li>· Up to Date Planning Policy</li> <li>· Green Belt</li> <li>· Residential / Visual Amenity</li> <li>· Trees</li> </ul> <p>The following builds on my objection letter, dated 10 December 2019 and appeal statement, in respect of the previous application 9/02925/MFA, which was refused and dismissed at appeal APP/A1910/W/20/3251407, Appendix A.</p> <p>General</p> <p>It should be noted that while the application forms and plans suggest the application is for five dwellings, paragraph 1.2 of the supporting planning statement clearly states that the document supports an application for six dwellings on the site. Paragraph 3.1 then reverts to five dwellings; while the forms and plans will take precedence, the discrepancy should be noted and amended.</p> <p>The applicant references an Appeal Court Judgement, which in turn references other judgements; to which I respond below:</p>

- Hook v SoSHCLG [2020] EWCA Civ 486 (paragraph 7)
  - o References confirming that the question of Green Belt openness and the degree of harm resulting from development are matters of planning judgement to be exercised by the decision maker is a well-established principle
  - o Provided that planning judgement is exercised in a reasonable and logical manner there is no recourse to the Courts if the applicant simply dislikes the balanced and reasoned planning judgement of the decision maker
  - o The fact that a site might support development in the Green Belt and remain open is not contested; however, it is a question of appropriateness, scale and the ratio of built form to site area. The proposal represents the backland development of five dwellings on an area of 0.48 hectares and not a 300sqm visitors centre in a 250-hectare woodland for example; therefore, the proposal would completely urbanise the site
  - o It should be noted that in his judgement of this case Lord Justice Lindblom upheld the decision of the Planning Inspector who dismissed the application for a single dwelling on grounds of inappropriateness in the Green Belt

#### Up to Date Planning Policy

In the previous appeal decision APP/A1910/W/20/3251407, the Inspector concluded that Policy CS6 was out of date and as such the decision to refuse permission gave significant weight to the protection afforded to the Green Belt in the National Planning Policy Framework (2019) In another recent appeal decision APP/A1910/W/19/3241643, see Appendix B, that challenged the Council's five-year housing land supply, the Inspector concluded that the proposed delivery of two dwellings did not constitute a significant boost to housing delivery and gave the argument only limited weight. The appeal was dismissed due to the harm to the Green Belt and the lack of very special circumstances necessary to justify the development.

In the event that the adopted Local Plan is considered to be out of date paragraph 11 of the National Planning Policy Framework (2019) (NPPF) comes in to force suggesting that permission should be granted provided the proposal is not in conflict with the NPPF. Footnote 6 to paragraph 11 of the NPPF specifically refers to the Green Belt being one area where the presumption in favour of sustainable development is unlikely to apply, even where councils are not able to demonstrate a five-year housing land supply, unless the benefits of a proposal significantly outweigh the harm. There is no evidence that the benefits of the proposal (the delivery of five dwellings) would significantly outweigh the harm in this instance and the protection afforded to the Green Belt by both the national and local planning policies should prevail. The recent appeal APP/A1910/W/19/3241643, see Appendix B, confirms this position, as does a further appeal decision APP/M1595/W/19/3242356, see Appendix C, where the Inspector concluded that the delivery of 116 dwellings on the edge of an Essex village in the Metropolitan Green Belt, despite a recognised undersupply of housing in recent years, the provision of 5% more affordable housing than required by policy and the sustainability of the location, still warranted a refusal due to the harm to the Green Belt.



The applicant highlights that The Dacorum Local Plan Emerging Strategy for Growth (2020-2038) is at an early stage and can only be given very limited weight in the decision-making process. It is useful to note; however, that while the council is considering some Green Belt releases the village of Potten End and the application site continue to be included in the Green Belt and covered by Emerging Policy DM39. While the emerging policy can be given only very limited weight it demonstrates that the council believes that the importance of the open spaces within Potten End continue to justify the protection offered by the Green Belt. The applicant acknowledges that the application site has not been allocated in the emerging Local Plan but still maintains that it may form part of the five-year housing land supply, without illustrating a mechanism for this assertion. The delivery of five additional dwellings would not represent a significant contribution sufficient to outweigh the harm to the Green Belt of inappropriate development or the impact on its openness. Indeed, the provision of greater numbers as evidenced by the previous appeal decision did not justify such harm so the reduced benefit must equally not outweigh the loss.

#### Green Belt

The application site is located within the Green Belt. The 2020 Green Belt and Rural Area Background Topic Paper, which supports the emerging Local Plan, acknowledges that successive Local Plans applied a level of restraint on sites within Potten End and other villages in the Green Belt. The topic paper determines that it remains unsuitable to deliver growth in such locations and indicates that larger scale more appropriate sites have been identified around the main urban areas of Dacorum to address the need for additional housing land. The Green Belt and Rural Area Background Topic Paper (2020, paragraph 8.27) also emphasises the fact that it is "... not uncommon to find extensive gaps between built-up frontages or within a group of buildings. These features all help contribute to the general openness of the Green Belt..."

The designation of the application site within the Green Belt serves to safeguard the countryside, preserving the setting and character of historic towns and maintaining settlement patterns as well as making a partial contribution to preventing the merging of existing settlements. The Green Belt parcel in which the site is located is already in the second most built up tier, identified in the 2013 Green Belt Review, and as such can ill afford to allow inappropriate development of the nature proposed that would further reduce its openness, contrary to national policy.

The purpose of the Green Belt designation is not simply to fix the outer limits of settlement but to ensure that the openness of the village continues to contribute to the wider openness of the Green Belt. The development of the application site would reduce the openness of the Green Belt through inappropriate development, which by definition is harmful and should be resisted except in very special circumstances, which have not been demonstrated by the appellant.

Local Plan (2004) Policy 1 sets out the overall sustainability aims of the plan, which includes a commitment "to conserve and enhance the countryside, in particular by maintaining the Green Belt and the landscape of the Chilterns Area of Outstanding Natural Beauty..." The aim of Policy 1 of maintaining the Green Belt is wholly in accordance with the NPPF and should be given full weight when determining the application.

Core Strategy (2013) Policy CS5 states that within the Green Belt small-scale development will be permitted in accordance with national policy; 'building for uses defined as appropriate.' The proposed development is not one considered appropriate in the Green Belt, as demonstrated below, and by definition will cause harm, contrary to the aims of the NPPF and Policy CS5, and should be refused.

The village of Potten End is identified under Core Strategy (2013) Policy CS6 as a Selected Small Village in the Green Belt, where the following development will be permitted; however, the proposal fails to meet any of the criteria listed:

- The replacement of existing buildings
- Limited infilling with affordable housing for local people
- Conversion of houses into flats
- House extensions
- Development for uses closely related to agriculture, forestry and open-air recreation, which cannot be reasonably accommodated elsewhere
- Local facilities to meet the needs of the village

The proposal fails to comply with Policy CS6 and the supporting text (paragraph 8.34 of the Core Strategy 2013), which defines 'infilling' as a form of development whereby dwellings are proposed or "...constructed within a gap along a clearly identifiable built-up frontage or within a group of buildings. The term does not include backland development, either in the form of plot amalgamation or tandem development. "Infilling will only be permitted where it is limited in scale; the housing is affordable and it meets the needs of local people." The proposed development is not for 100% affordable housing and would be positioned to the rear of numerous dwellings, at odds with the existing built form and therefore considered to be 'backland' rather than 'infill' development and should be resisted in accordance with Policy CS6. The term 'limited' in Policy CS6 is also defined in the supporting text (paragraph 8.34 of the Core Strategy 2013) and "...refers to development which does not create more than two extra dwellings." The proposed development is for the construction of five dwellings and therefore not classed as 'limited' and should be refused.

In the previous appeal decision on this site APP/A1910/W/20/3251407, see Appendix B, the Inspector found that Policy CS6 was out of date and gave greater weight to the NPPF. The Inspector went on to conclude that the proposal was inappropriate development as defined by the NPPF and this remains the case with the current application 21/00138/FUL. While accepting that the site might accommodate development deemed to be appropriate in the Green Belt the Inspector concluded that the residential development of the site for open market

housing was inappropriate and therefore harmful. The reduction in numbers from 14 to five dwellings has not changed the fact that the proposal fails to meet with the criteria set in the NPPF for appropriate development in the Green Belt and as such should be refused.

Paragraph 133 of the NPPF states that "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 their permanence." The proposed development of five new dwellings would reduce the openness of the Green Belt, contrary to the fundamental aims and essential characteristics of the Green Belt and should be resisted.

Paragraphs 145 and 146 of the NPPF make provision for appropriate development in the Green Belt and the applicant contends that the proposed development would meet one or more of these criterion with regards limited infilling; however, this is not the case and for ease of reference, the criteria for appropriate development in the Green Belt are reviewed below along with commentary in bold text as to whether they apply to the current application:

#### Paragraph 145

- buildings for agriculture and forestry - The application is for market housing and not for agricultural or forestry workers
- the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it - The application is for residential development and not to facilitate outdoor sport or recreation
- the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building - The proposal represents five new dwellings not the extension or alteration of an existing building
- the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces - The proposal is not proposing a replacement dwelling but five new dwellings
- limited infilling in villages - The previous Inspector concluded that the development of the site could be considered infill development; however, the planning judgement was whether it could be considered to be limited. The Inspector also made it clear that any decision must have regard to the overall aim of Green Belt policy, which is to preserve its openness. While there is no definition of 'limited infill' it is generally accepted that the term means the introduction of up to two dwellings in an otherwise built frontage rather than the provision of a cul-de-sac of five dwellings to the rear of existing properties, as is currently proposed. The supporting text to Policy CS6 in paragraph 8.34, although out of date, as outlined above, clearly states that limited infilling is defined as the provision of up to two affordable houses in an otherwise built up frontage. Backland development, plot amalgamation

or tandem development, similar to that proposed, is explicitly excluded from the definition. The proposal represents non-affordable backland development of five dwellings, which is explicitly excluded from the definition of limited infilling in paragraph 8.34 of the Core Strategy. The Dacorum Local Plan Emerging Strategy for Growth (2020-2038) is currently undergoing public consultation and while very early in the process and only afforded very limited weight, it illustrates the council's direction of travel in policy terms. The emerging Local Plan continues to designate Potten End as a 'Small Village within the Green Belt' and emerging Policy DM39 allows limited Infilling in the village but specifically seeks to exclude backland development of the nature currently proposed. Paragraphs 19.18 to 19.21 of the emerging Local Plan define limited infill sites as being within a settlement boundary, a clearly identifiable space between a built frontage, with a similar building line that would not result in the loss of a gap or open space considered important to the settlement's character; these points are reiterated in emerging Policy DM39. The reference to a limited infill site being a clearly identifiable space between a built frontage in the emerging plan continues to preclude the application site as it would constitute backland development

- limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites) - The proposal is for a full market housing and therefore does not comply with the NPPF or the out of date requirement for 100% affordable required by Policy CS6 of the Core Strategy.

- limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would: The proposal does not represent previously developed land; indeed, the site has recently been cleared of woodland with a significant impact on bio-diversity that made a positive contribution to the Green Belt and character of the area. Further clearance work was undertaken on 4 February 2021, just as the area had started to regenerate itself, and again become a haven for wildlife

- not have a greater impact on the openness of the Green Belt than the existing development; or - The development by its very nature will introduce five new dwellings in the Green Belt and will inevitably result in its reduced openness in conflict with paragraph 133 of the NPPF

- not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority - The proposal represents substantial harm to the openness of the Green Belt, does not represent previously development land nor would it contribute to an identified need for affordable housing.

Paragraph 146

- mineral extraction - Not applicable

- engineering operations - Not applicable
- local transport infrastructure which can demonstrate a requirement for a Green Belt location - Not applicable
- the re-use of buildings provided that the buildings are of permanent and substantial construction - Not applicable
- material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds) - Not applicable
- development brought forward under a Community Right to Build Order or Neighbourhood Development Order - Not applicable

The proposal has been shown to be inappropriate development as defined by paragraphs 145 and 146 of the NPPF and in accordance with paragraph 143 of the NPPF "inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances." No evidence has been put forward to demonstrate that there are very special circumstances in this instance that would justify the harm the development would cause to the Green Belt and as such it should be refused. References to the five-year housing land supply and increased in the annual requirement of new dwellings does not justify the release of this land from the Green Belt, as is evidenced by the previous appeal decisions and the Council's decision not to release it as part of the current emerging Local Plan and Green Belt and Rural Area Background Topic Paper (2020).

Quite apart from the scheme's impact on the Green Belt the proposed development has other fundamental flaws that warrant its refusal, which are outlined below:

#### Residential and Visual Amenity

The residential amenity of existing and future residents would be poor as a result of the development proposed. Number 38 Rambling Way's amenity will be negatively impacted by the introduction of the access road close to the boundary along with the associated noise and light disturbance created by traffic entering and exiting the site.

The proposal will also introduce vehicle noise and residential activity to the rear of the properties along The Laurels and Rambling Way, which has the potential to cause noise and light disturbance that would negatively impact the residents' amenity and enjoyment of their dwellinghouses.

Footpath Nettleden with Potten End 002 runs to the west of the application site meaning that the site forms an important part of the feeling of openness when traversing the footpath; emphasising the importance of the open space to the character of the village and the enjoyment of those utilising the public highway network.

#### Trees

The application site has previously been cleared of a number of trees, which provided valuable habitat and visual amenity contrary to the desire expressed in Schedule 14 of the Environment Bill for development to produce a net increase in biodiversity. Just as the area

	<p>started to regenerate itself, and again become a haven for wildlife, clearance work started again on 4 February 2021.</p> <p>In summary the proposal represents inappropriate development that will harm the Green Belt, contrary to local and national policy, as well as failing to comply with adopted and emerging limited infilling in Green Belt Villages policies and as such should be refused without delay.</p> <p>I trust the above is clear and respectfully request that the application be refused for the reasons outlined above. If you have any queries regarding this letter, please do not hesitate to contact me.</p> <p>Yours sincerely,</p> <p>Mrs Julie Griffiths</p>
<p>18 The Laurels Potten End Berkhamsted Hertfordshire HP4 2SP</p>	<p>We have sent more detailed objection via email.</p> <p>I write to object to the proposed development of the land adjacent 38 Rambling Way Potten End for five dwellings (21/00138/FUL) on the following grounds. I provide further information under the appropriate headings below:</p> <ul style="list-style-type: none"> <li>o General</li> <li>o Up to Date Planning Policy</li> <li>o Green Belt</li> <li>o Residential / Visual Amenity</li> <li>o Trees</li> </ul> <p>The following builds on my objection letter, from December 2019 and appeal statement, in respect of the previous application 9/02925/MFA, which was refused and dismissed at appeal APP/A1910/W/20/3251407, Appendix A.</p> <p>RE: 21/00138/FUL - Construction of five dwellinghouses including associated hard and soft landscaping at 38 Rambling Way Potten End</p> <p>Berkhamsted Hertfordshire HP4 2SF - Objection General</p> <p>It should be noted that while the application forms and plans suggest the application is for five dwellings, paragraph 1.2 of the supporting planning statement clearly states that the document supports an application for six dwellings on the site. Paragraph 3.1 then reverts to five dwellings; while the forms and plans will take precedence, the discrepancy should be noted and amended. The applicant references an Appeal Court Judgement, which in turn references other judgements; to which I respond below:</p> <ul style="list-style-type: none"> <li>o Hook v SoSHCLG [2020] EWCA Civ 486 (paragraph 7)</li> <li>o References confirming that the question of Green Belt openness and the degree of harm resulting from development are matters of planning judgement to be exercised by the</li> </ul>

decision maker is a well-established principle

- o Provided that planning judgement is exercised in a reasonable and logical manner there is no recourse to the Courts if the applicant simply dislikes the balanced and reasoned planning judgement of the decision maker
- o The fact that a site might support development in the Green Belt and remain open is not contested; however, it is a question of appropriateness, scale and the ratio of built form to site area. The proposal represents the backland development of five dwellings on an area of 0.48 hectares and not a 300sqm visitors centre in a 250-hectare woodland for example; therefore, the proposal would completely urbanise the site
- o It should be noted that in his judgement of this case Lord Justice Lindblom upheld the decision of the Planning Inspector who dismissed the application for a single dwelling on grounds of inappropriateness in the Green Belt

Up to Date Planning Policy

In the previous appeal decision APP/A1910/W/20/3251407, the Inspector concluded that Policy CS6 was out of date and as such the decision to refuse permission gave significant weight to the protection afforded to the Green Belt in the National Planning Policy Framework (2019) In another recent appeal decision APP/A1910/W/19/3241643, see Appendix B, that challenged the Council's five-year housing land supply, the Inspector concluded that the proposed delivery of two dwellings did not constitute a significant boost to housing delivery and gave the argument only limited weight. The appeal was dismissed due to the harm to the Green Belt and the lack of very special circumstances necessary to justify the development.

In the event that the adopted Local Plan is considered to be out of date paragraph 11 of the National Planning Policy Framework (2019) (NPPF) comes in to force suggesting that permission should be granted provided the proposal is not in conflict with the NPPF. Footnote 6 to paragraph 11 of the NPPF specifically refers to the Green Belt being one area where the presumption in favour of sustainable development is unlikely to apply, even where councils are not able to demonstrate a five-year housing land supply, unless the benefits of a

RE: 21/00138/FUL - Construction of five dwellinghouses including associated hard and soft landscaping at 38 Rambling Way Potten End

Berkhamsted Hertfordshire HP4 2SF - Objection

proposal significantly outweigh the harm. There is no evidence that the benefits of the proposal (the delivery of five dwellings) would significantly outweigh the harm in this instance and the protection afforded to the Green Belt by both the national and local planning policies should prevail. The recent appeal APP/A1910/W/

19/3241643, see Appendix B, confirms this position, as does a further appeal decision APP/M1595/W/19/3242356, see Appendix C, where the Inspector concluded that the delivery of 116 dwellings on the edge of an Essex village in the Metropolitan Green Belt, despite a recognised undersupply of housing in recent years, the provision of 5% more affordable housing than required by policy and the sustainability of the location, still warranted a refusal due to the harm to the Green Belt.

The applicant highlights that The Dacorum Local Plan Emerging Strategy for Growth (2020-2038) is at an early stage and can only be given very limited weight in the decision-making process. It is useful to note; however, that while the council is considering some Green Belt releases the village of Potten End and the application site continue to be included in the Green Belt and covered by Emerging Policy DM39. While the emerging policy can be given only very limited weight it demonstrates that the council believes that the importance of the open spaces within Potten End continue to justify the protection offered by the Green Belt.

The applicant acknowledges that the application site has not been allocated in the emerging Local Plan but still maintains that it may form part of the five-year housing land supply, without illustrating a mechanism for this assertion. The delivery of five additional dwellings would not represent a significant contribution sufficient to outweigh the harm to the Green Belt of inappropriate development or the impact on its openness. Indeed, the provision of greater numbers as evidenced by the previous appeal decision did not justify such harm so the reduced benefit must equally not outweigh the loss.

Green Belt

The application site is located within the Green Belt. The 2020 Green Belt and Rural Area Background Topic Paper, which supports the emerging Local Plan, acknowledges that successive Local Plans applied a level of restraint on sites within Potten End and other villages in the Green Belt. The topic paper determines that it remains unsuitable to deliver growth in such locations and indicates that larger scale more appropriate sites have been identified around the main urban areas of Dacorum to address the need for additional housing land. The Green Belt and Rural Area Background Topic Paper (2020, paragraph 8.27) also emphasises the fact that it is "... not uncommon to find extensive gaps between built-up frontages or within a group of buildings. These features all help contribute to the general openness of the Green Belt..."

The designation of the application site within the Green Belt serves to safeguard the countryside, preserving the setting and character of historic towns and maintaining settlement patterns as well as making a partial contribution to preventing the merging of existing settlements. The Green Belt parcel in which the site is



located is already in the second most built up tier, identified in the 2013 Green Belt Review, and as such can ill afford to allow inappropriate development of the nature proposed that would further reduce its openness, contrary to national policy.

The purpose of the Green Belt designation is not simply to fix the outer limits of settlement but to ensure that the openness of the village continues to contribute to the wider openness of the Green Belt. The development of the application site would reduce the openness of the Green Belt through inappropriate development, which by definition is harmful and should be resisted except in very special circumstances, which have not been demonstrated by the appellant.

RE: 21/00138/FUL - Construction of five dwellinghouses including associated hard and soft landscaping at 38 Rambling Way Potten End

Berkhamsted Hertfordshire HP4 2SF - Objection

Local Plan (2004) Policy 1 sets out the overall sustainability aims of the plan, which includes a commitment "to conserve and enhance the countryside, in particular by maintaining the Green Belt and the landscape of the Chilterns Area of Outstanding Natural Beauty..." The aim of Policy 1 of maintaining the Green Belt is wholly in accordance with the NPPF and should be given full weight when determining the application.

Core Strategy (2013) Policy CS5 states that within the Green Belt small-scale development will be permitted in accordance with national policy; 'building for uses defined as appropriate.' The proposed development is not one considered appropriate in the Green Belt, as demonstrated below, and by definition will cause harm, contrary to the aims of the NPPF and Policy CS5, and should be refused.

The village of Potten End is identified under Core Strategy (2013) Policy CS6 as a Selected Small Village in the Green Belt, where the following development will be permitted; however, the proposal fails to meet any of the criteria listed:

- o The replacement of existing buildings
- o Limited infilling with affordable housing for local people
- o Conversion of houses into flats
- o House extensions
- o Development for uses closely related to agriculture, forestry and open-air recreation, which cannot be reasonably accommodated elsewhere
- o Local facilities to meet the needs of the village

The proposal fails to comply with Policy CS6 and the supporting text (paragraph 8.34 of the Core Strategy 2013), which defines 'infilling' as a form of development whereby dwellings are proposed or "...constructed within a gap along a clearly identifiable built-up frontage or within a group of buildings. The term does not include backland development, either in the form of plot amalgamation or tandem development. "Infilling will

only be permitted where it is limited in scale; the housing is affordable and it meets the needs of local people."

The proposed development is not for 100% affordable housing and would be positioned to the rear of numerous dwellings, at odds with the existing built form and therefore considered to be 'backland' rather than 'infill' development and should be resisted in accordance with Policy CS6. The term 'limited' in Policy CS6 is also defined in the supporting text (paragraph 8.34 of the Core Strategy 2013) and "...refers to development which does not create more than two extra dwellings." The proposed development is for the construction of five dwellings and therefore not classed as 'limited' and should be refused.

In the previous appeal decision on this site APP/A1910/W/20/3251407, see Appendix B, the Inspector found that Policy CS6 was out of date and gave greater weight to the NPPF. The Inspector went on to conclude that the proposal was inappropriate development as defined by the NPPF and this remains the case with the current application 21/00138/FUL. While accepting that the site might accommodate development deemed to be appropriate in the Green Belt the Inspector concluded that the residential development of the site for open market housing was inappropriate and therefore harmful. The reduction in numbers from 14 to five dwellings has not changed the fact that the proposal fails to meet with the criteria set in the NPPF for appropriate development in the Green Belt and as such should be refused.

RE: 21/00138/FUL - Construction of five dwellinghouses including associated hard and soft landscaping at 38 Rambling Way Potten End

Berkhamsted Hertfordshire HP4 2SF - Objection

Paragraph 133 of the NPPF states that "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 their permanence." The proposed development of five new dwellings would reduce the openness of the Green Belt, contrary to the fundamental aims and essential characteristics of the Green Belt and should be resisted.

Paragraphs 145 and 146 of the NPPF make provision for appropriate development in the Green Belt and the applicant contends that the proposed development would meet one or more of these criterion with regards limited infilling; however, this is not the case and for ease of reference, the criteria for appropriate development in the Green Belt are reviewed below along with commentary in bold text as to whether they apply to the current application:

Paragraph 145

- o buildings for agriculture and forestry - The application is for market housing and not for agricultural or forestry workers
- o the provision of appropriate facilities (in connection with the existing

use of land or a change of use)  
for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it - The application is for residential development and not to facilitate outdoor sport or recreation  
o the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building - The proposal represents five new dwellings not the extension or alteration of an existing building  
o the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces - The proposal is not proposing a replacement dwelling but five new dwellings  
o limited infilling in villages - The previous Inspector concluded that the development of the site could be considered infill development; however, the planning judgement was whether it could be considered to be limited. The Inspector also made it clear that any decision must have regard to the overall aim of Green Belt policy, which is to preserve its openness. While there is no definition of 'limited infill' it is generally accepted that the term means the introduction of up to two dwellings in an otherwise built frontage rather than the provision of a cul-de-sac of five dwellings to the rear of existing properties, as is currently proposed. The supporting text to Policy CS6 in paragraph 8.34, although out of date, as outlined above, clearly states that limited infilling is defined as the provision of up to two affordable houses in an otherwise built up frontage. Backland development, plot amalgamation or tandem development, similar to that proposed, is explicitly excluded from the definition. The proposal represents nonaffordable backland development of five dwellings, which is explicitly excluded from the

RE: 21/00138/FUL - Construction of five dwellinghouses including associated hard and soft landscaping at 38 Rambling Way Potten End

Berkhamsted Hertfordshire HP4 2SF - Objection  
definition of limited infilling in paragraph 8.34 of the Core Strategy. The Dacorum Local Plan Emerging Strategy for Growth (2020-2038) is currently undergoing public consultation and while very early in the process and only afforded very limited weight, it illustrates the council's direction of travel in policy terms. The emerging Local Plan continues to designate Potten End as a 'Small Village within the Green Belt' and emerging Policy

DM39 allows limited Infilling in the village but specifically seeks to exclude backland development of the nature currently proposed. Paragraphs 19.18 to 19.21 of the emerging Local Plan define limited infill sites as being within a settlement boundary, a clearly identifiable space between a built frontage, with a similar building line that would not result in the loss of a gap or open space considered important to the settlement's character; these points are reiterated in emerging Policy DM39.

The reference to a limited infill site being a clearly identifiable space between a built frontage in the emerging plan continues to preclude the application site as it would constitute backland development

- o limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites) - The proposal is for a full market housing and therefore does not comply with the NPPF or the out of date requirement for 100% affordable required by Policy CS6 of the Core Strategy.
- o limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would: The proposal does not represent previously developed land; indeed, the site has recently been cleared of woodland with a significant impact on bio-diversity that made a positive contribution to the Green Belt and character of the area. Further clearance work was undertaken on 4 February 2021, just as the area had started to regenerate itself, and again become a haven for wildlife
- o not have a greater impact on the openness of the Green Belt than the existing development; or - The development but its very nature will introduce five new dwellings in the Green Belt and will inevitably result in its reduced openness in conflict with paragraph 133 of the NPPF
- o not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority - The proposal represents substantial harm to the openness of the Green Belt, does not represent previously development land nor would it contribute to an identified need for affordable housing.

Paragraph 146

- o mineral extraction - Not applicable
- o engineering operations - Not applicable
- o local transport infrastructure which can demonstrate a requirement for a Green Belt location - Not

applicable  
RE: 21/00138/FUL - Construction of five dwellinghouses including associated hard and soft landscaping at 38 Rambling Way Potten End

Berkhamsted Hertfordshire HP4 2SF - Objection

- o the re-use of buildings provided that the buildings are of permanent and substantial construction -
- Not applicable
- o material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds) - Not applicable
- o development brought forward under a Community Right to Build Order or Neighbourhood Development Order - Not applicable

The proposal has been shown to be inappropriate development as defined by paragraphs 145 and 146 of the NPPF and in accordance with paragraph 143 of the NPPF "inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances." No evidence has been put forward to demonstrate that there are very special circumstances in this instance that would justify the harm the development would cause to the Green Belt and as such it should be refused.

References to the five-year housing land supply and increased in the annual requirement of new dwellings does not justify the release of this land from the Green Belt, as is evidenced by the previous appeal decisions and the Council's decision not to release it as part of the current emerging Local Plan and Green Belt and Rural Area Background Topic Paper (2020).

Quite apart from the scheme's impact on the Green Belt the proposed development has other fundamental flaws that warrant its refusal, which are outlined below:

Residential and Visual Amenity

The residential amenity of existing and future residents would be poor as a result of the development proposed. Number 38 Rambling Way's amenity will be negatively impacted by the introduction of the access road close to the boundary along with the associated noise and light disturbance created by traffic entering and exiting the site.

For us at number 18 The Laurels, (the red brick house seen clearly in Photo 5 page 19 of the Ecology report ) we will be overlooked and also will overlook the development. The new proposal suggests point 2.4 that there is a site boundary of thick and mature hedge and tree foliage, This is not the case as is evidenced by the photograph.

The proposal will also introduce vehicle noise and residential activity to the rear of the properties along The Laurels and Rambling Way, which has the potential to cause noise and light disturbance that would negatively impact the residents' amenity and enjoyment of their dwellinghouses.

	<p>Footpath Nettleden with Potten End 002 runs to the west of the application site meaning that the site forms an important part of the feeling of openness when traversing the footpath; emphasising the importance of the open space to the character of the village and the enjoyment of those utilising the footpath.</p> <p>Trees RE: 21/00138/FUL - Construction of five dwellinghouses including associated hard and soft landscaping at 38 Rambling Way Potten End</p> <p>Berkhamsted Hertfordshire HP4 2SF - Objection The application site has previously been cleared of a number of trees, which provided valuable habitat and visual amenity contrary to the desire expressed in Schedule 14 of the Environment Bill for development to produce a net increase in biodiversity. Just as the area started to regenerate itself, and again become a haven for wildlife, clearance work started again on 4 February 2021.</p> <p>In summary the proposal represents inappropriate development that will harm the Green Belt, contrary to local and national policy, as well as failing to comply with adopted and emerging limited infilling in Green Belt Villages policies. I trust the above is clear and respectfully request that the application be refused for the reasons outlined. If you have any queries regarding this letter, please do not hesitate to contact me.</p>
<p>16 The Laurels Potten End Berkhamsted Hertfordshire HP4 2SP</p>	<p>A letter has been received in objection of the proposed development. The letter replicates comments made by many of the other objections recieved and focuses on the below issues:</p> <ul style="list-style-type: none"> <li>- Up to date planning policy</li> <li>- Green Belt</li> <li>- Residential/Visual Amenity</li> <li>- Trees</li> </ul>
<p>14 The Laurels Potten End Berkhamsted Hertfordshire HP4 2SP</p>	<p>We write to object to the proposed development of the land adjacent 38 Rambling Way Potten End for five dwellings (21/00138/FUL) on the following grounds. We provide further information under the appropriate headings below:</p> <ul style="list-style-type: none"> <li>- General</li> <li>- Up to Date Planning Policy</li> <li>- Green Belt</li> <li>- Residential / Visual Amenity</li> <li>- Trees</li> </ul> <p>The following builds on our objection letters, of December 2019 and appeal statements, in respect of the previous application 9/02925/MFA, which was refused and dismissed at appeal APP/A1910/W/20/3251407, Appendix A.</p> <p>It should be noted that while the application forms and plans suggest the application is for five dwellings, paragraph 1.2 of the supporting planning statement clearly states that the document supports an application for six dwellings on the site. Paragraph 3.1 then reverts to</p>

five dwellings; while the forms and plans will take precedence, the discrepancy should be noted and amended.

The applicant references an Appeal Court Judgement, which in turn references other judgements; to which I respond below:

- Hook v SoSHCLG [2020] EWCA Civ 486 (paragraph 7)

o References confirming that the question of Green Belt openness and the degree of harm resulting from development are matters of planning judgement to be exercised by the decision maker is a well-established principle

o Provided that planning judgement is exercised in a reasonable and logical manner there is no recourse to the Courts if the applicant simply dislikes the balanced and reasoned planning judgement of the decision maker

o The fact that a site might support development in the Green Belt and remain open is not contested; however, it is a question of appropriateness, scale and the ratio of built form to site area. The proposal represents the backland development of five dwellings on an area of 0.48 hectares and not a 300sqm visitors centre in a 250-hectare woodland for example; therefore, the proposal would completely urbanise the site

o It should be noted that in his judgement of this case Lord Justice Lindblom upheld the decision of the Planning Inspector who dismissed the application for a single dwelling on grounds of inappropriateness in the Green Belt

Up to Date Planning Policy

In the previous appeal decision APP/A1910/W/20/3251407, the Inspector concluded that Policy CS6 was out of date and as such the decision to refuse permission gave significant weight to the protection afforded to the Green Belt in the National Planning Policy Framework (2019) In another recent appeal decision APP/A1910/W/19/3241643, see Appendix B, that challenged the Council's five-year housing land supply, the Inspector concluded that the proposed delivery of two dwellings did not constitute a significant boost to housing delivery and gave the argument only limited weight. The appeal was dismissed due to the harm to the Green Belt and the lack of very special circumstances necessary to justify the development.

In the event that the adopted Local Plan is considered to be out of date paragraph 11 of the National Planning Policy Framework (2019) (NPPF) comes in to force suggesting that permission should be granted provided the proposal is not in conflict with the NPPF. Footnote 6 to paragraph 11 of the NPPF specifically refers to the Green Belt being one area where the presumption in favour of sustainable development is unlikely to apply, even where councils are not able to demonstrate a five-year housing land supply, unless the benefits of a proposal significantly outweigh the harm. There is no evidence that the benefits of the proposal (the delivery of five dwellings) would significantly outweigh the harm in this instance and the protection afforded to the Green Belt by both the national and local planning policies should prevail. The recent appeal APP/A1910/W/19/3241643, see Appendix B, confirms this position, as does a further appeal decision APP/M1595/W/19/3242356, see Appendix C, where the Inspector concluded that the delivery of 116 dwellings on the edge of an Essex village in the Metropolitan Green Belt, despite a recognised undersupply of housing in recent years, the provision of 5% more affordable housing than required by policy and the sustainability of the

location, still warranted a refusal due to the harm to the Green Belt.

The applicant highlights that The Dacorum Local Plan Emerging Strategy for Growth (2020-2038) is at an early stage and can only be given very limited weight in the decision-making process. It is useful to note; however, that while the council is considering some Green Belt releases the village of Potten End and the application site continue to be included in the Green Belt and covered by Emerging Policy DM39. While the emerging policy can be given only very limited weight it demonstrates that the council believes that the importance of the open spaces within Potten End continue to justify the protection offered by the Green Belt. The applicant acknowledges that the application site has not been allocated in the emerging Local Plan but still maintains that it may form part of the five-year housing land supply, without illustrating a mechanism for this assertion. The delivery of five additional dwellings would not represent a significant contribution sufficient to outweigh the harm to the Green Belt of inappropriate development or the impact on its openness. Indeed, the provision of greater numbers as evidenced by the previous appeal decision did not justify such harm so the reduced benefit must equally not outweigh the loss.

#### Green Belt

The application site is located within the Green Belt. The 2020 Green Belt and Rural Area Background Topic Paper, which supports the emerging Local Plan, acknowledges that successive Local Plans applied a level of restraint on sites within Potten End and other villages in the Green Belt. The topic paper determines that it remains unsuitable to deliver growth in such locations and indicates that larger scale more appropriate sites have been identified around the main urban areas of Dacorum to address the need for additional housing land. The Green Belt and Rural Area Background Topic Paper (2020, paragraph 8.27) also emphasises the fact that it is "... not uncommon to find extensive gaps between built-up frontages or within a group of buildings. These features all help contribute to the general openness of the Green Belt..."

The designation of the application site within the Green Belt serves to safeguard the countryside, preserving the setting and character of historic towns and maintaining settlement patterns as well as making a partial contribution to preventing the merging of existing settlements. The Green Belt parcel in which the site is located is already in the second most built up tier, identified in the 2013 Green Belt Review, and as such can ill afford to allow inappropriate development of the nature proposed that would further reduce its openness, contrary to national policy.

The purpose of the Green Belt designation is not simply to fix the outer limits of settlement but to ensure that the openness of the village continues to contribute to the wider openness of the Green Belt. The development of the application site would reduce the openness of the Green Belt through inappropriate development, which by definition is harmful and should be resisted except in very special circumstances, which have not been demonstrated by the appellant.

Local Plan (2004) Policy 1 sets out the overall sustainability aims of the plan, which includes a commitment "to conserve and enhance the countryside, in particular by maintaining the Green Belt and the landscape of the Chilterns Area of Outstanding Natural Beauty..." The



aim of Policy 1 of maintaining the Green Belt is wholly in accordance with the NPPF and should be given full weight when determining the application.

Core Strategy (2013) Policy CS5 states that within the Green Belt small-scale development will be permitted in accordance with national policy; 'building for uses defined as appropriate.' The proposed development is not one considered appropriate in the Green Belt, as demonstrated below, and by definition will cause harm, contrary to the aims of the NPPF and Policy CS5, and should be refused.

The village of Potten End is identified under Core Strategy (2013) Policy CS6 as a Selected Small Village in the Green Belt, where the following development will be permitted; however, the proposal fails to meet any of the criteria listed:

- The replacement of existing buildings
- Limited infilling with affordable housing for local people
- Conversion of houses into flats
- House extensions
- Development for uses closely related to agriculture, forestry and open-air recreation, which cannot be reasonably accommodated elsewhere
- Local facilities to meet the needs of the village

The proposal fails to comply with Policy CS6 and the supporting text (paragraph 8.34 of the Core Strategy 2013), which defines 'infilling' as a form of development whereby dwellings are proposed or "...constructed within a gap along a clearly identifiable built-up frontage or within a group of buildings. The term does not include backland development, either in the form of plot amalgamation or tandem development. "Infilling will only be permitted where it is limited in scale; the housing is affordable and it meets the needs of local people." The proposed development is not for 100% affordable housing and would be positioned to the rear of numerous dwellings, at odds with the existing built form and therefore considered to be 'backland' rather than 'infill' development and should be resisted in accordance with Policy CS6. The term 'limited' in Policy CS6 is also defined in the supporting text (paragraph 8.34 of the Core Strategy 2013) and "...refers to development which does not create more than two extra dwellings." The proposed development is for the construction of five dwellings and therefore not classed as 'limited' and should be refused.

In the previous appeal decision on this site APP/A1910/W/20/3251407, see Appendix B, the Inspector found that Policy CS6 was out of date and gave greater weight to the NPPF. The Inspector went on to conclude that the proposal was inappropriate development as defined by the NPPF and this remains the case with the current application 21/00138/FUL. While accepting that the site might accommodate development deemed to be appropriate in the Green Belt the Inspector concluded that the residential development of the site for open market housing was inappropriate and therefore harmful. The reduction in numbers from 14 to five dwellings has not changed the fact that the proposal fails to meet with the criteria set in the NPPF for appropriate development in the Green Belt and as such should be refused.

Paragraph 133 of the NPPF states that "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 their permanence." The proposed development of five new dwellings would reduce the openness of the Green Belt, contrary to the

fundamental aims and essential characteristics of the Green Belt and should be resisted.

Paragraphs 145 and 146 of the NPPF make provision for appropriate development in the Green Belt and the applicant contends that the proposed development would meet one or more of these criterion with regards limited infilling; however, this is not the case and for ease of reference, the criteria for appropriate development in the Green Belt are reviewed below along with commentary in bold text as to whether they apply to the current application:

Paragraph 145

- buildings for agriculture and forestry - The application is for market housing and not for agricultural or forestry workers

- the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it - The application is for residential development and not to facilitate outdoor sport or recreation

- the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building - The proposal represents five new dwellings not the extension or alteration of an existing building

- the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces - The proposal is not proposing a replacement dwelling but five new dwellings

- limited infilling in villages - The previous Inspector concluded that the development of the site could be considered infill development; however, the planning judgement was whether it could be considered to be limited. The Inspector also made it clear that any decision must have regard to the overall aim of Green Belt policy, which is to preserve its openness. While there is no definition of 'limited infill' it is generally accepted that the term means the introduction of up to two dwellings in an otherwise built frontage rather than the provision of a cul-de-sac of five dwellings to the rear of existing properties, as is currently proposed. The supporting text to Policy CS6 in paragraph 8.34, although out of date, as outlined above, clearly states that limited infilling is defined as the provision of up to two affordable houses in an otherwise built up frontage. Backland development, plot amalgamation or tandem development, similar to that proposed, is explicitly excluded from the definition. The proposal represents non-affordable backland development of five dwellings, which is explicitly excluded from the definition of limited infilling in paragraph 8.34 of the Core Strategy. The Dacorum Local Plan Emerging Strategy for Growth (2020-2038) is currently undergoing public consultation and while very early in the process and only afforded very limited weight, it illustrates the council's direction of travel in policy terms. The emerging Local Plan continues to designate Potten End as a 'Small Village within the Green Belt' and emerging Policy DM39 allows limited Infilling in the village but specifically seeks to exclude backland development of the nature currently proposed. Paragraphs 19.18 to 19.21 of the emerging Local Plan define limited infill sites as being within a settlement boundary, a clearly identifiable space between a built frontage, with a similar building line that would not result in the loss of a gap or open space considered important to the settlement's character; these points are reiterated in emerging Policy DM39. The reference to a limited infill site

being a clearly identifiable space between a built frontage in the emerging plan continues to preclude the application site as it would constitute backland development

- limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites) - The proposal is for a full market housing and therefore does not comply with the NPPF or the out of date requirement for 100% affordable required by Policy CS6 of the Core Strategy.

- limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would: The proposal does not represent previously developed land; indeed, the site has recently been cleared of woodland with a significant impact on bio-diversity that made a positive contribution to the Green Belt and character of the area. Further clearance work was undertaken on 4 February 2021, just as the area had started to regenerate itself, and again become a haven for wildlife

- not have a greater impact on the openness of the Green Belt than the existing development; or - The development but its very nature will introduce five new dwellings in the Green Belt and will inevitably result in its reduced openness in conflict with paragraph 133 of the NPPF

- not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority - The proposal represents substantial harm to the openness of the Green Belt, does not represent previously development land nor would it contribute to an identified need for affordable housing.

Paragraph 146

- mineral extraction - Not applicable

- engineering operations - Not applicable

- local transport infrastructure which can demonstrate a requirement for a Green Belt location - Not applicable

- the re-use of buildings provided that the buildings are of permanent and substantial construction - Not applicable

- material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds) - Not applicable

- development brought forward under a Community Right to Build Order or Neighbourhood Development Order - Not applicable

The proposal has been shown to be inappropriate development as defined by paragraphs 145 and 146 of the NPPF and in accordance with paragraph 143 of the NPPF "inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances." No evidence has been put forward to demonstrate that there are very special circumstances in this instance that would justify the harm the development would cause to the Green Belt and as such it should be refused. References to the five-year housing land supply and increased in the annual requirement of new dwellings does not justify the release of this land from the Green Belt, as is evidenced by the previous appeal decisions and the Council's decision not to release it as part of the current emerging Local Plan and Green Belt and Rural Area Background Topic Paper (2020). Quite apart from the scheme's impact on the Green Belt the proposed development

	<p>has other fundamental flaws that warrant its refusal, which are outlined below:</p> <p><b>Residential and Visual Amenity</b>  The residential amenity of existing and future residents would be poor as a result of the development proposed. Number 38 Rambling Way's amenity will be negatively impacted by the introduction of the access road close to the boundary along with the associated noise and light disturbance created by traffic entering and exiting the site.  The proposal will also introduce vehicle noise and residential activity to the rear of the properties along The Laurels and Rambling Way, which has the potential to cause noise and light disturbance that would negatively impact the residents' amenity and enjoyment of their dwellings.</p> <p>Footpath Nettleden with Potten End 002 runs to the west of the application site meaning that the site forms an important part of the feeling of openness when traversing the footpath; emphasising the importance of the open space to the character of the village and the enjoyment of those utilising the public highway network.</p> <p><b>Trees</b>  The application site has previously been cleared of a number of trees, which provided valuable habitat and visual amenity contrary to the desire expressed in Schedule 14 of the Environment Bill for development to produce a net increase in biodiversity. Just as the area started to regenerate itself, and again become a haven for wildlife, clearance work started again on 4 February 2021.  In summary the proposal represents inappropriate development that will harm the Green Belt, contrary to local and national policy, as well as failing to comply with adopted and emerging limited infilling in Green Belt Villages policies and as such should be refused without delay.  Mr and Mrs D Jenkins  Mr and Mrs A Hynes</p>
<p>12 The Laurels  Potten End  Berkhamsted  Hertfordshire  HP4 2SP</p>	<p>I write to object to the proposed development of the land adjacent 38 Rambling Way Potten End for five dwellings (21/00138/FUL) on the following grounds. I provide further information under the appropriate headings below:</p> <ul style="list-style-type: none"> <li>o General</li> <li>o Up to Date Planning Policy</li> <li>o Green Belt</li> <li>o Residential / Visual Amenity</li> <li>o Trees</li> </ul> <p>The following builds on my objection letter, dated 5th December 2019 and appeal statement, in respect of the previous application 9/02925/MFA, which was refused and dismissed at appeal APP/A1910/W/20/3251407, Appendix A.</p> <p><b>General</b>  It should be noted that while the application forms and plans suggest the application is for five dwellings, paragraph 1.2 of the supporting planning statement clearly states that the document supports an</p>

application for six dwellings on the site. Paragraph 3.1 then reverts to five dwellings; while the forms and plans will take precedence, the discrepancy should be noted and amended.

The applicant references an Appeal Court Judgement, which in turn references other judgements; to which I respond below:

- o Hook v SoSHCLG [2020] EWCA Civ 486 (paragraph 7)
- o References confirming that the question of Green Belt openness and the degree of harm resulting from development are matters of planning judgement to be exercised by the decision maker is a well-established principle
- o Provided that planning judgement is exercised in a reasonable and logical manner there is no recourse to the Courts if the applicant simply dislikes the balanced and reasoned planning judgement of the decision maker
- o The fact that a site might support development in the Green Belt and remain open is not contested; however, it is a question of appropriateness, scale and the ratio of built form to site area. The proposal represents the backland development of five dwellings on an area of 0.48 hectares and not a 300sqm visitors centre in a 250-hectare woodland for example; therefore, the proposal would completely urbanise the site
- o It should be noted that in his judgement of this case Lord Justice Lindblom upheld the decision of the Planning Inspector who dismissed the application for a single dwelling on grounds of inappropriateness in the Green Belt

#### Up to Date Planning Policy

In the previous appeal decision APP/A1910/W/20/3251407, the Inspector concluded that Policy CS6 was out of date and as such the decision to refuse permission gave significant weight to the protection afforded to the Green Belt in the National Planning Policy Framework (2019) In another recent appeal decision APP/A1910/W/19/3241643, see Appendix B, that challenged the Council's five-year housing land supply, the Inspector concluded that the proposed delivery of two dwellings did not constitute a significant boost to housing delivery and gave the argument only limited weight. The appeal was dismissed due to the harm to the Green Belt and the lack of very special circumstances necessary to justify the development.

In the event that the adopted Local Plan is considered to be out of date paragraph 11 of the National Planning Policy Framework (2019) (NPPF) comes in to force suggesting that permission should be granted provided the proposal is not in conflict with the NPPF. Footnote 6 to

paragraph 11 of the NPPF specifically refers to the Green Belt being one area where the presumption in favour of sustainable development is unlikely to apply, even where councils are not able to demonstrate a five-year housing land supply, unless the benefits of a proposal significantly outweigh the harm. There is no evidence that the benefits of the proposal (the delivery of five dwellings) would significantly outweigh the harm in this instance and the protection afforded to the Green Belt by both the national and local planning policies should prevail. The recent appeal APP/A1910/W/19/3241643, see Appendix B, confirms this position, as does a further appeal decision APP/M1595/W/19/3242356, see Appendix C, where the Inspector concluded that the delivery of 116 dwellings on the edge of an Essex village in the Metropolitan Green Belt, despite a recognised undersupply of housing in recent years, the provision of 5% more affordable housing than required by policy and the sustainability of the location, still warranted a refusal due to the harm to the Green Belt.

The applicant highlights that The Dacorum Local Plan Emerging Strategy for Growth (2020-2038) is at an early stage and can only be given very limited weight in the decision-making process. It is useful to note; however, that while the council is considering some Green Belt releases the village of Potten End and the application site continue to be included in the Green Belt and covered by Emerging Policy DM39. While the emerging policy can be given only very limited weight it demonstrates that the council believes that the importance of the open spaces within Potten End continue to justify the protection offered by the Green Belt. The applicant acknowledges that the application site has not been allocated in the emerging Local Plan but still maintains that it may form part of the five-year housing land supply, without illustrating a mechanism for this assertion. The delivery of five additional dwellings would not represent a significant contribution sufficient to outweigh the harm to the Green Belt of inappropriate development or the impact on its openness. Indeed, the provision of greater numbers as evidenced by the previous appeal decision did not justify such harm so the reduced benefit must equally not outweigh the loss.

#### Green Belt

The application site is located within the Green Belt. The 2020 Green Belt and Rural Area Background Topic Paper, which supports the emerging Local Plan, acknowledges that successive Local Plans applied a level of restraint on sites within Potten End and other villages in the Green Belt. The topic paper determines that it remains unsuitable to deliver growth in such locations and indicates that larger scale more

appropriate sites have been identified around the main urban areas of Dacorum to address the need for additional housing land. The Green Belt and Rural Area Background Topic Paper (2020, paragraph 8.27) also emphasises the fact that it is "... not uncommon to find extensive gaps between built-up frontages or within a group of buildings. These features all help contribute to the general openness of the Green Belt..."

The designation of the application site within the Green Belt serves to safeguard the countryside, preserving the setting and character of historic towns and maintaining settlement patterns as well as making a partial contribution to preventing the merging of existing settlements. The Green Belt parcel in which the site is located is already in the second most built up tier, identified in the 2013 Green Belt Review, and as such can ill afford to allow inappropriate development of the nature proposed that would further reduce its openness, contrary to national policy.

The purpose of the Green Belt designation is not simply to fix the outer limits of settlement but to ensure that the openness of the village continues to contribute to the wider openness of the Green Belt. The development of the application site would reduce the openness of the Green Belt through inappropriate development, which by definition is harmful and should be resisted except in very special circumstances, which have not been demonstrated by the appellant.

Local Plan (2004) Policy 1 sets out the overall sustainability aims of the plan, which includes a commitment "to conserve and enhance the countryside, in particular by maintaining the Green Belt and the landscape of the Chilterns Area of Outstanding Natural Beauty..." The aim of Policy 1 of maintaining the Green Belt is wholly in accordance with the NPPF and should be given full weight when determining the application.

Core Strategy (2013) Policy CS5 states that within the Green Belt small-scale development will be permitted in accordance with national policy; 'building for uses defined as appropriate.' The proposed development is not one considered appropriate in the Green Belt, as demonstrated below, and by definition will cause harm, contrary to the aims of the NPPF and Policy CS5, and should be refused.

The village of Potten End is identified under Core Strategy (2013) Policy CS6 as a Selected Small Village in the Green Belt, where the following development will be permitted; however, the proposal fails to meet any of the criteria listed:

- o The replacement of existing buildings
- o Limited infilling with affordable housing for local people

- o Conversion of houses into flats
- o House extensions
- o Development for uses closely related to agriculture, forestry and open-air recreation, which cannot be reasonably accommodated elsewhere
- o Local facilities to meet the needs of the village

The proposal fails to comply with Policy CS6 and the supporting text (paragraph 8.34 of the Core Strategy 2013), which defines 'infilling' as a form of development whereby dwellings are proposed or "...constructed within a gap along a clearly identifiable built-up frontage or within a group of buildings. The term does not include backland development, either in the form of plot amalgamation or tandem development. "Infilling will only be permitted where it is limited in scale; the housing is affordable and it meets the needs of local people." The proposed development is not for 100% affordable housing and would be positioned to the rear of numerous dwellings, at odds with the existing built form and therefore considered to be 'backland' rather than 'infill' development and should be resisted in accordance with Policy CS6. The term 'limited' in Policy CS6 is also defined in the supporting text (paragraph 8.34 of the Core Strategy 2013) and "...refers to development which does not create more than two extra dwellings." The proposed development is for the construction of five dwellings and therefore not classed as 'limited' and should be refused.

In the previous appeal decision on this site APP/A1910/W/20/3251407, see Appendix B, the Inspector found that Policy CS6 was out of date and gave greater weight to the NPPF. The Inspector went on to conclude that the proposal was inappropriate development as defined by the NPPF and this remains the case with the current application 21/00138/FUL. While accepting that the site might accommodate development deemed to be appropriate in the Green Belt the Inspector concluded that the residential development of the site for open market housing was inappropriate and therefore harmful. The reduction in numbers from 14 to five dwellings has not changed the fact that the proposal fails to meet with the criteria set in the NPPF for appropriate development in the Green Belt and as such should be refused.

Paragraph 133 of the NPPF states that "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 their permanence." The proposed development of five new dwellings would reduce the openness of the Green Belt, contrary to the fundamental aims and essential characteristics of the Green Belt and should be resisted.



Paragraphs 145 and 146 of the NPPF make provision for appropriate development in the Green Belt and the applicant contends that the proposed development would meet one or more of these criterion with regards limited infilling; however, this is not the case and for ease of reference, the criteria for appropriate development in the Green Belt are reviewed below along with commentary in bold text as to whether they apply to the current application:

Paragraph 145

o buildings for agriculture and forestry - The application is for market housing and not for agricultural or forestry workers

o the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it - The application is for residential development and not to facilitate outdoor sport or recreation

o the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building - The proposal represents five new dwellings not the extension or alteration of an existing building

o the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces - The proposal is not proposing a replacement dwelling but five new dwellings

o limited infilling in villages - The previous Inspector concluded that the development of the site could be considered infill development; however, the planning judgement was whether it could be considered to be limited. The Inspector also made it clear that any decision must have regard to the overall aim of Green Belt policy, which is to preserve its openness. While there is no definition of 'limited infill' it is generally accepted that the term means the introduction of up to two dwellings in an otherwise built frontage rather than the provision of a cul-de-sac of five dwellings to the rear of existing properties, as is currently proposed. The supporting text to Policy CS6 in paragraph 8.34, although out of date, as outlined above, clearly states that limited infilling is defined as the provision of up to two affordable houses in an otherwise built up frontage. Backland development, plot amalgamation or tandem development, similar to that proposed, is explicitly excluded from the definition. The

proposal represents non-affordable backland development of five dwellings, which is explicitly excluded from the definition of limited infilling in paragraph 8.34 of the Core Strategy. The Dacorum Local Plan Emerging Strategy for Growth (2020-2038) is currently undergoing public consultation and while very early in the process and only afforded very limited weight, it illustrates the council's direction of travel in policy terms. The emerging Local Plan continues to designate Potten End as a 'Small Village within the Green Belt' and emerging Policy DM39 allows limited Infilling in the village but specifically seeks to exclude backland development of the nature currently proposed. Paragraphs 19.18 to 19.21 of the emerging Local Plan define limited infill sites as being within a settlement boundary, a clearly identifiable space between a built frontage, with a similar building line that would not result in the loss of a gap or open space considered important to the settlement's character; these points are reiterated in emerging Policy DM39. The reference to a limited infill site being a clearly identifiable space between a built frontage in the emerging plan continues to preclude the application site as it would constitute backland development o limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites) - The proposal is for a full market housing and therefore does not comply with the NPPF or the out of date requirement for 100% affordable required by Policy CS6 of the Core Strategy.

- o limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would: The proposal does not represent previously developed land; indeed, the site has recently been cleared of woodland with a significant impact on bio-diversity that made a positive contribution to the Green Belt and character of the area. Further clearance work was undertaken on 4 February 2021, just as the area had started to regenerate itself, and again become a haven for wildlife
- o not have a greater impact on the openness of the Green Belt than the existing development; or -

The development but its very nature will introduce five new dwellings in the Green Belt and will inevitably result in its reduced openness in conflict with paragraph 133 of the NPPF

- o not cause substantial harm to the openness of the Green Belt, where the development would re-use

previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority - The proposal represents substantial harm to the openness of the Green Belt, does not represent previously development land nor would it contribute to an identified need for affordable housing.

Paragraph 146

o mineral extraction - Not applicable

o engineering operations - Not applicable

o local transport infrastructure which can demonstrate a requirement for a Green Belt location - Not applicable

o the re-use of buildings provided that the buildings are of permanent and substantial construction -

Not applicable

o material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds) - Not applicable

o development brought forward under a Community Right to Build Order or Neighbourhood

Development Order - Not applicable

The proposal has been shown to be inappropriate development as defined by paragraphs 145 and 146 of

the NPPF and in accordance with paragraph 143 of the NPPF "inappropriate development is, by definition,

harmful to the Green Belt and should not be approved except in very special circumstances." No evidence

has been put forward to demonstrate that there are very special circumstances in this instance that would

justify the harm the development would cause to the Green Belt and as such it should be refused.

References to the five-year housing land supply and increased in the annual requirement of new dwellings

does not justify the release of this land from the Green Belt, as is evidenced by the previous appeal

decisions and the Council's decision not to release it as part of the current emerging Local Plan and Green

Belt and Rural Area Background Topic Paper (2020).

Quite apart from the scheme's impact on the Green Belt the proposed development has other fundamental

flaws that warrant its refusal, which are outlined below:

Residential and Visual Amenity

The residential amenity of existing and future residents would be poor as a result of the development

proposed. Number 38 Rambling Way's amenity will be negatively impacted by the introduction of the

access road close to the boundary along with the associated noise and light disturbance created by traffic

entering and exiting the site.

The proposal will also introduce vehicle noise and residential activity to

	<p>the rear of the properties along The Laurels and Rambling Way, which has the potential to cause noise and light disturbance that would negatively impact the residents' amenity and enjoyment of their dwellinghouses.</p> <p>Footpath Nettleden with Potten End 002 runs to the west of the application site meaning that the site forms an important part of the feeling of openness when traversing the footpath; emphasising the importance of the open space to the character of the village and the enjoyment of those utilising the public highway network.</p> <p><b>Trees</b> The application site has previously been cleared of a number of trees, which provided valuable habitat and visual amenity contrary to the desire expressed in Schedule 14 of the Environment Bill for development to produce a net increase in biodiversity. Just as the area started to regenerate itself, and again become a haven for wildlife, clearance work started again on 4 February 2021.</p> <p>In summary the proposal represents inappropriate development that will harm the Green Belt, contrary to local and national policy, as well as failing to comply with adopted and emerging limited infilling in Green Belt Villages policies and as such should be refused without delay.</p> <p>I trust the above is clear and respectfully request that the application be refused for the reasons outlined above. If you have any queries regarding this letter, please do not hesitate to contact me.</p>
<p>The Coppice Browns Spring Potten End Berkhamsted</p> <p>Hertfordshire HP4 2SQ</p>	<p>The sewage system in Potten End consists of a pumping station which is already failing. Any more flow on this already stretched resource is unwelcome.</p> <p>If these new houses are to be added onto the existing system then Thames water need to upgrade the pumping station, which will never happen.</p> <p>I would prefer if any new properties were serviced by septic tank. Some of us are currently dealing with overflowing sewage and Thames water are aware of the problem.</p>