

Item: 5e

<b>22/03454/FUL</b>	<b>Construction of a Single Dwelling</b>	
<b>Site Address:</b>	<b>Land at The Willows, Potten End Hill, Water End, Hemel Hempstead</b>	
<b>Applicant/Agent</b>	<b>Mr and Mrs Robins/Mr Seed</b>	
<b>Case Officer:</b>	<b>Robert Freeman</b>	
<b>Parish/Ward:</b>	<b>Great Gaddesden Parish</b>	<b>Watling</b>
<b>Referral to Committee:</b>	<b>The application is referred to the Development Management Committee due to the contrary recommendation of the Parish Council.</b>	

**1. RECOMMENDATION**

- 1.1 That planning permission be **DELEGATED** with a **VIEW TO APPROVAL** subject to a planning obligation under Section 106 of the Town and Country Planning Act 1990 (As Amended) in order to tie the occupation of the proposed dwelling to the applicants and their dependants in perpetuity.

**2. SUMMARY**

- 2.1 The construction of a new dwelling within the Green Belt would comprise inappropriate development and is inherently harmful to the open character and appearance of the Green Belt contrary to the NPPF, Policies CS1, CS2 and CS5 of the Core Strategy.
- 2.2 There are however Very Special Circumstances in this cases which would out-weigh the harm to the Green Belt in this instance including the medical needs of the applicants and a lack of suitable alternative housing solutions within the Borough.

**3. SITE DESCRIPTION**

- 3.1 The application site is located in the Green Belt and to the south west of Willows Lane, a private road extending off Potten End Hill and serving a small number of residential units. The application site extends to some 0.18 acres and is part of a larger agricultural field.
- 3.2 The application sites is bounded by residential development to the north east and north west of the site. The boundary of the Chilterns Area of Outstanding Natural Beauty (AONB) is located on the north western side of Potten End Hill. The Water End Conservation Area extends to include existing properties in Willows Lane. The application site lies beyond both these areas.
- 3.3 The site slopes upwards from the north east to south west.

**4. BACKGROUND**

- 4.1 The applicants approached Sir Mike Penning MP and the Council in 2021 prior to the submission of a request for pre-application advice and following the birth of their daughter, They had been advised that their daughter was suffering from a rare medical condition, Fibrodysplasia Ossificans Progressiva (FOP) and that their home, at the time, would provide an unsuitable environment for her to grow up given her long term diagnosis.
- 4.2 A pre-application request was subsequently submitted in January 2022 requesting that the Council considered the construction of a fully wheelchair accessible dwelling and works to provide a level garden at the application site (22/00185/PREE). This application was

accompanied by a letter from Sir Mike Penning MP endorsing the development and as an exception to Green Belt policy. A search of suitable building plots and premises was undertaken both prior to the submission of the pre-application request and in the immediate aftermath of its submission.

- 4.3 The applicants were invited to register on the Council's Self Build and Custom House-builder Register as a result of this pre-application submission and given an explanation of the family circumstances. They were, following the Council's pre-application response, encouraged to examine the Council's Brownfield Land Register with a view to identify any suitable development opportunities.
- 4.4 In April 2022, the family commenced with a media campaign pleading for people to contact them with potential development sites for wheelchair friendly property, or a plot of land where they can build a bungalow suitable for their daughter's needs. The applicants sold their own property and moved into temporary accommodation (with family) whilst looking for a plot of land upon which to construct a bungalow
- 4.5 A number of enquiries with landowners have been made by the applicants and at the request of the case officer including the pursuit of "live" planning applications for self-build and residential development plots (2 schemes). These were ultimately unsuitable or not expedient to pursue.
- 4.6 The Council was not able to identify any suitable self-build building plots or suitable areas of land for purchase either through its Estates or Housing teams nor any intent, in the immediate future, to provide such plots themselves. This reflects the extent of the Council's land ownership and the prioritisation of affordable housing opportunities through the Council's New Build Housing Programme.
- 4.7 The applicants submitted floor plans for a proposed dwelling in June 2022 and further advice was given with regards to consolidating the footprint of the building whilst delivering the objective of a suitable sized dwelling to meet Lexi's needs. A number of submissions to officers have been critiqued prior to the submission of the application in December 2022.

## **5. PROPOSALS**

- 5.1 The proposals are for a new purpose built three bed, one and a half storey lifetime dwelling and a change in use a small area of land for use as a residential garden. The property would provide purpose built residential accommodation for their daughter and has been designed in consultation with medical professionals including an Occupational Therapist (OT) to ensure that it is suitable for current and future needs.
- 5.2 The dwelling would provide accommodation on a single level for the Robins family. This property would have a footprint of some 282m<sup>2</sup> (internal area of 236m<sup>2</sup>) It includes therapy and treatment space including a hydrology pool and oversized spaces for wheelchair access and circulation.
- 5.3 A first floor carer's annex (31m<sup>2</sup>) has been included within a pitched roof space at the request of the case officer and with a view to reducing the footprint of the property. This carer's accommodation is capable of being independently accessed and includes a kitchen/dining area and covered balcony.
- 5.4 The dwelling would be accessed via a new vehicle crossover at the eastern end of the site onto Willows Lane. Three off-street parking spaces would be provided.

## **6. REPRESENTATIONS**

### Consultation responses

6.1 These are reproduced in full at Appendix A.

### Neighbour notification/site notice responses

6.2 These comments are reproduced in full at Appendix B

## **7. PLANNING POLICIES**

### Main Documents:

National Planning Policy Framework (2021)  
National Planning Policy Guidance  
Dacorum Borough Core Strategy 2006-2031 (adopted September 2013)  
Dacorum Borough Local Plan 1999-2011 (adopted April 2004)

### Relevant Policies:

NP1 - Supporting Development  
CS1 - Distribution of Development  
CS2 – Selection of Development Sites  
CS5 – Green Belt  
CS8 – Sustainable Transport  
CS10 - Quality of Settlement Design  
CS11 - Quality of Neighbourhood Design  
CS12 - Quality of Site Design  
CS13 – Quality of Public Realm  
CS17- New Homes  
CS18 – Mix of Housing  
CS19 – Affordable Homes  
CS24 – The Chilterns Area of Outstanding Natural Beauty  
CS25 – Landscape Character  
CS26 – Green Infrastructure  
CS27 – Quality of the Historic Environment  
CS29 - Sustainable Design and Construction  
CS31 – Water Management  
CS32 – Air, Soil and Water Quality  
Countryside Place Strategy  
CS35 – Infrastructure and Developer Contributions.

### Saved Policies

Policy 13 – Planning Conditions and Planning Obligations  
Policy 18 – Size of New Dwellings  
Policy 51 – Development and Transport Impacts  
Policy 79 – Footpath Network  
Policy 99 – Preservation of Trees, Hedgerows and Woodland  
Appendix 3 – Layout of Residential Development

### Supplementary Planning Guidance/Documents:

Car Parking Standards SPD (November 2020)

Planning Obligations (2011)  
Roads in Hertfordshire, Highway Design Guide 3rd Edition (2011)  
Site Layout and Planning for Daylight and Sunlight: A Guide to Good Practice (2011)

Other Material Considerations

National Disability Strategy (2021)  
Local Housing Need Assessment

## **8 CONSIDERATIONS**

### Policy and Principle

- 8.1 The application site is located within the Green Belt where in accordance with the NPPF and Policy CS5 of the Core Strategy, the construction of new buildings should be considered to comprise inappropriate development.
- 8.2 In accordance with paragraph 147 of the NPPF inappropriate development is, by definition, harmful to the Green Belt and should not be approved unless there are very special circumstances (VSC) to do so. Paragraph 148 of the NPPF goes on to state the “substantial weight” should be given to the protection of the Green Belt and that it should only be considered acceptable if other factors clearly outweigh the harm.
- 8.3 Policies CS11 and CS12 of the Core Strategy expects all new developments to be constructed of a high quality.
- 8.4 Policy CS17 supports the provision of new dwellings as required to meet the housing needs of the Borough and establishes a target for the number of new homes to be constructed within the area.

### Impact on the Green Belt

- 8.5 The fundamental objectives of the Green Belt are to prevent sprawl of development thereby protecting its essential characteristics of openness and permanence as set out within the NPPF. The Green Belt protects neighbouring towns from merging into one another, preserves the setting of such settlements and assists in safeguarding the countryside from encroachment.
- 8.6 There is no dispute, that the introduction of a new building and the associated access within an area of countryside is inappropriate and that this is by definition harmful. In accordance with para.148 of the NPPF ‘substantial’ weight should be given to Green Belt harm. It is necessary also to consider whether the proposals result in any other harm to the Green Belt or any other harm before considering any case for VSC.
- 8.7 The proposed building would be a substantial dwelling constructed with one and a half storeys. Given the scale, height and site coverage of the property and the lack of built form currently on the application site, this would result in a substantial loss of openness thereto. This loss of openness would be both spatial and visual. The property would clearly be visible to those utilising Willows Lane and to a small number of properties fronting Potten End Hill. It would also be visible from the public footpath (Great Gaddesden 057) connecting Potten End Hill to Noake Mill Lane via Willows Lane.
- 8.8 The proposed dwelling would encroach upon the open countryside in this location despite being located adjacent to the highway (Willow Lane) and proposals for the landscaping of the site.

- 8.9 The area of countryside to the south west of the site is not of wider environmental or ecological importance. It comprises poor quality grade 4 agricultural land. There would be no objection to the loss of agricultural land as a result of this scheme.
- 8.10 The proposed dwelling would be viewed in the context of neighbouring built form when viewed from the south west of the application site and this should be viewed favourably. The proposals would not result in the coalescence of any settlements and would not undermine this objective of Green Belt policy.

#### Impact on Heritage Assets

- 8.11 The proposed development would be located to the south of the Water End Conservation Area. The Council is under a legal duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to consider the desirability of preserving or enhancing the character and appearance of that area. It is important to consider the proposals in the context of this duty, the NPPF and Policy CS27 of the Core Strategy. The site is not considered to be of archaeological significance.
- 8.12 The application has been reviewed by the Conservation and Design team who have identified that the proposals would cause harm to the setting of the Conservation Area through the removal of open views from the Conservation Area towards the existing open field. They categorise this harm as 'less than substantial' under the framework set out in the NPPF.
- 8.13 I would suggest that the impact is towards the lower end of the "less than substantial" range given the juxtaposition of properties within and adjacent to the Water End Conservation Area. The property would be similar in scale and appearance to those at the southern margin of the Conservation Area and would not be inherently harmful to the character and appearance of the area in which it is located.
- 8.14 The provision of a suitable home designed to the care needs of Lexi will result in modest public benefits by reducing the potential burden of care on the NHS and the use of their services (therapy pools etc). There would also be a small public benefit to the economy resulting from the construction activities associated with the project. Such benefits would outweigh any harm to the Conservation Area in this case.

#### Impact on Other Landscape Designations

##### *Chilterns Beechwoods Special Area of Conservation*

- 8.15 The planning application is within Zone of Influence of the Chilterns Beechwoods Special Area of Conservation (CBSAC) but is outside the Zone of Exclusion. The Council has a duty under Conservation of Habitats and Species Regulations 2017 (Regulation 63) and Conservation of Habitats and Species (EU exit amendment) Regulations 2019 to protect the CBSAC from harm, including increased recreational pressures.
- 8.16 The Council cannot rule out at this stage that the proposed development given its nature would not increase recreational pressure at the CBSAC and as such should apply a cautionary approach to development within this area. The applicants will be required to enter into a legal agreement to mitigate any harm to the CBSAC in accordance with the adopted Mitigation Strategy.

### *Chilterns Area of Outstanding Natural Beauty (AONB)*

- 8.17 The designated area of the Chilterns AONB extends to the north eastern side of Potten End Hill and to the north of the Leighton Buzzard Road beyond the application site. The proposed dwelling is sensitively sited in the valley and in close proximity to the residential gardens of existing properties on Potten End Hill and the existing access from Potten End Hill (Willows Lane) There would be no significant detrimental impact on the setting of the AONB as a result of this development in accordance with the NPPF and Policy CS24 of the Core Strategy. The Council has been made aware that Natural England are proposing to extend the AONB in this location. At this stage however an extension of the AONB can be afforded limited weight in the consideration of this case. Modest harm might arise if the AONB were to be extended south to include the properties in Potten End Hill and to the south west of the site through the introduction of built form in or adjacent to this location.

### *High Gade Valley Landscape Character Area*

- 8.18 The impact on the High Gade Valley Landscape Character Area is not subject to any national protection and has been considered in the context of Policies CS25 and CS26 of the Core Strategy. The proposed development would result in the introduction of a new building within this landscape; however, this is not considered to be unduly harmful to the appearance thereto. The modest harm caused to the High Gade Valley Landscape is mitigated by the sympathetic appearance of the property and its assimilation into the cluster of dwellings along the river corridor at Water End/Willows Lane. It will be important to ensure that the surroundings of the building are in keeping with its agricultural setting and that native species are used for hedging and tree planting to the perimeter of the site to screen more domestic paraphernalia. The details of a landscaping scheme for the site will be secured by a planning condition.

### Very Special Circumstances (VSC)

- 8.19 The applicants have recognised that the proposals are inappropriate development and have therefore prepared a case of VSC in support of their application. The grounds set out below, whilst not individually comprising VSC, would when combined amount to circumstances which would meet the VSC tests. These VSC include;
- The applicants medical circumstances
  - The supply of new homes and the lack of suitable alternative accommodation
  - The welfare needs of the family
  - Planning policy support for housing to meet the needs of disabled persons
  - Planning policy support for self-build or custom housebuilding.

### *Medical Circumstances - Fibrodysplasia Ossificans Progressiva (FOP)*

- 8.20 Only rarely is it the case that the personal circumstances of the applicants will amount to VSC that might out-weigh the harm to the Green Belt and other harm arising from development therein. The proposed dwelling would, after all, remain long after the personal circumstances of the applicants have ceased to be a material consideration and this needs to be carefully balanced against the immediate need for the dwelling and any lack of suitable alternative property in this case.
- 8.21 The applicant's daughter, has an ultra-rare genetic disease called FOP. This disease effects 1 in 1 million people and has no known cure. FOP is a cruel disease that gradually replaces connective tissue, tendons, ligaments and muscles within the body with extraskeletal bone ultimately rendering the unfortunate carrier paralysed. FOP is exacerbated by

trauma to the body including falls, vaccinations and dental treatment. It is imperative that a safe residential environment is provided for her as she continues to grow. The intention in this application is to provide a lifetime home for their daughter.

- 8.22 The long term diagnosis is that this child will, in time, have severe restrictions in movement and will inevitably become confined to a wheelchair. Her life expectancy will be shortened<sup>1</sup>. Any proposed dwelling for her will therefore need to be fully wheelchair accessible. The requirements for additional circulation space (given the locking of limbs in an extended position) storage needs and the additional facilities for care are exceptional in this case, making it difficult to find appropriate accommodation on the housing market.
- 8.23 The patient is likely to require a full time carer to assist her throughout her life. For this reason, a carer annex has been incorporated within the roof space of the proposed building.

#### *The Supply of New Homes/Alternative Homes*

- 8.24 The Council is not currently able to demonstrate a 5 year housing land supply, but this does not evoke the tilted balance at paragraph 11 of the NPPF given the designation of the site within the Green Belt. Although this does not generate a requirement to apply a tilted balance to the consideration of housing proposals, it has reduced the availability of ready development opportunities in the area from which the applicants may benefit. The delivery of a new dwelling and its contribution towards the housing land supply may, in such circumstances weigh in favour of the proposals; particularly where it is providing for a specific identified housing need such as that of disabled people.
- 8.25 The application is accompanied by an assessment of an OT from the NHS that sets out some of the applicant's medical requirements and recommendations in respect of accommodation. It is evident from the OT report that the applicants require a large single storey property with oversized circulation spaces as well as one designed with specific adaptations (for example hoists and soft furnishings) This results in a larger footprint to the proposed building than is typical for a three bed property.
- 8.26 The property also includes spaces beneficial to the long term health of Lexi including a hydrotherapy pool and wellness area which would significantly reduce the burden of travel to such facilities elsewhere.
- 8.27 The previous family home was visited by both the OT and the case officer during the early consideration of the proposals and this property was clearly incapable of adaption to meet the needs of Lexi. Amongst matters the floor of the property was very uneven and the staircase was both steep and narrow. This triggered a search for alternative housing solutions as set out within the background to this report.
- 8.28 The applicants search for alternative accommodation is restricted in geographical spread to the immediate environs of Hemel Hempstead and within catchment of the Gade Valley primary school given the need to access support services and their network of supporting family and friends. Although a number of objections have been received in relation to the extent of the search for alternative accommodation, this approach is considered to be reasonable in the circumstances and given the extent of care necessary both now and in the immediate future.
- 8.29 The applicants have been searching for alternative accommodation for over 18 months. There are a limited number of bungalows available within the local housing market as

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<sup>1</sup> The average life expectancy for an FOP patient is currently 50 years

reflected in submitted supporting statement. Those within the urban context are often expensive and would require works that would either be prohibitive given the physical dimensions of these site, impractical or unviable. It is also considered that the extension of these properties might be difficult to secure planning permission given the implications for neighbouring properties and the appearance of the area in which they would be located.

- 8.30 A number of local representations have been critical of the discounting of properties on cost grounds and without a direct comparison to the costs of the construction of a new building unit. An estimate cost for the new dwelling has subsequently been provided by a quantity surveyor that demonstrates that it is deliverable at a price that is approximately 30% lower than alternative schemes within the Borough and without any associated shortfalls in terms of the accommodation provided.
- 8.31 Providing a suitable long term dwelling for the applicant's daughter provides some unique and difficult challenges for the family that can only be addressed, in the case officer's opinion, by the construction of a new home within the Green Belt. This is considered to weigh in favour of the development.

*Personal circumstances and the best interests of children*

- 8.32 The need to safeguard and promote the welfare of children is a material planning consideration which must be afforded significant weight in the determination of this case. This duty extends not only to the health and well-being of the applicants daughter, whose medical needs are established above but also to the needs of the applicant's son, There are a number of appeal cases for which this is a determinant factor and although these tend to relate to the provision of gypsy and traveller accommodation, there is no reason whilst this may not be applicable to other family circumstances.
- 8.33 It is set out in the supporting information that most medical professionals can see the benefits that the construction of a bespoke dwelling can have in relation to the welfare of the applicant's daughter and her overall quality of life. As set out in the representations of support, their son, attends the local primary school at Gade Valley where he is receiving support from the educational support team. The applicant's son will clearly benefit from a settled home and on-going schooling in his current educational setting. An Education, Health and Care Plan (ECHP) is already being processed by the school for the applicants daughter due to her specific and rare needs, with additional support from outside agencies.
- 8.34 It is considered that the needs of the family children are best met by forming close relationships between the school, the family and medical professionals and as such it is reasonable for the family to be accommodated in relative close proximity to the educational setting. It is important that the family stay within the catchment of the school for continuity of care. I afford such matters significant weight in this decision.

*Housing for Disabled Persons*

- 8.35 The applicant's daughter is recognised as a disabled person under the Equality Act 2010, the Disability Discrimination Act 1995 and the Children Act 1989.
- 8.36 The NPPF encourages local planning authorities to support the provision of a sufficient amount and variety of land to meet the needs of groups with specific housing requirements. The size, type and tenure of such housing should be assessed and reflected in planning policies in accordance with paragraph 62 thereto.
- 8.37 The current Core Strategy does not provide a separate housing target for disabled accommodation under Policy CS17 but recognises that housing for those with special



needs should be provided in accordance with Policy CS18 thereto. This builds on the acknowledgement in the former Dacorum Borough Local Plan 1991-2011 that “many households in Hertfordshire have difficulty finding suitable affordable accommodation such as (a) households with physical disabilities and special needs” The emerging Single Local Plan is likely to identify housing needs for specific groups of the population with evidence in the Local Housing Needs Assessment (LHNA) of a need for wheelchair accessible homes.

- 8.38 This housing need is not currently being addressed. It is acknowledged that there is a lack of wheelchair accessible homes being delivered within the Borough and therefore I consider that the need to construct an accessible home for the applicants and the contribution that such a home would make to address the need for disabled homes can be afforded moderate weight in support of the proposed development.

#### *Need for Self Build or Custom Build Housing*

- 8.39 The Council maintains a register of individuals and community groups that are seeking to acquire land to build a home in accordance with The Self-Build and Custom Housebuilding Act 2015 (The Self Build Register) This register helps the Council to understand the demand for self-build or custom build housing with a view to incorporating such plans in our strategic planning functions
- 8.40 There are two duties within the Act which are concerned with increasing the availability of land for self –build and custom housebuilding. These duties are a ‘duty to grant planning permission’ and a ‘duty of register’. The government attaches great importance to the provision of self-build and custom housebuilding as part of the overall supply of homes.
- 8.41 The ‘duty to grant planning permission’ extends solely to the grant of enough suitable serviced plots of land to meet the demand for self-build and custom housebuilding in the area. Although this does not over-ride the general presumption against new buildings within the Green Belt, there is evidence that a failure to meet the demand on the register has the potential to increase the weight attributable to self-build and custom housebuilding schemes in the planning balance or as a contribution towards VSC. Whilst the Council is currently meeting this duty, though only fractionally, it is likely to struggle to meet this duty in the short to medium term. Given a lack of Self Build housing schemes, the delivery of a home for someone on The Self Build Register is a contributing factor which weighs heavily in favour of the grant of planning permission on the basis of VSC.

#### Layout and Design

- 8.42 The application site is located to the east and south east of a number of single and one and a half storey dwellings and the proposal has been developed to reflect the type of dwelling and characteristics of these units. The proposed dwelling is considered to be appropriate in terms of its design, bulk, scale, height, site coverage and use of materials in accordance with Policies CS11 and CS12 of the Core Strategy. The scheme has undergone a number of amendments since it was initially considered at the pre-application stage and with a view to rationalising the footprint to the proposed dwelling to those required to meet the care needs of Lexi both now and for the duration of her life.
- 8.43 One major change to the scheme was the introduction of a pitched roof to the proposed building within which an annex could be accommodated with independent access. The case officer recognises the need to provide accommodation for a carer for Lexi within the scheme and considers that given the aesthetic improvements of providing a pitched roof to the property that an annex could be accommodated within the resulting roof space without detriment on the character and appearance of the area and without undermining the care objectives set out by the OT.

### Residential Amenity

- 8.44 The application site is located to the south west of the White House, Willows Lane and to the south east of Hedgerows, Willows Lane and this section considers the impact of the proposals on each of these dwellings.

#### *The White House*

- 8.45 The White House comprises a chalet bungalow whose principle elevation faces onto Willows Lane. This property currently enjoys unencumbered views across the application site and although there is no right to a view, the proposals need to be considered in respect of visual intrusion and outlook.
- 8.46 The proposed dwelling would be located over 23m from The White House and at an angle to this property. Given its limited height and juxtaposition, it is not considered to result in any significant loss of amenity to this property in terms of losses in either daylight or sunlight or through visual intrusion. The property is not considered to be detrimental to the privacy of this property with the impact of the proposed development mitigated by the provision of new boundary hedgerows.

#### *Hedgerows*

- 8.47 The dwelling 'Hedgerows' is located to the north west of the application property with its ground floor largely obscured by a large boundary hedgerow and trees along its south eastern boundary. These landscape features would be retained throughout the development of the site. The new property would have a flank elevation some 15m from the main elevation of this property.
- 8.48 The proposed dwelling is not considered to result in any loss of daylight or sunlight to this property. There would be no windows within the flank elevation to the development and accordingly there would be no loss of privacy for the occupants of this property.

#### *Other Dwellings*

- 8.49 The proposed development is not considered to be harmful to the residential amenities of any other properties in Potten End Hill or Willows Lane.

### Access and Parking

- 8.50 The application site would be accessible from Willows Lane via a new vehicular crossover. This access has been considered by the County Council in their capacity as highway authority and is considered to be acceptable to serve the proposed development. The proposals would not result in any negative impact on the safe and efficient use of the highway network in accordance with Policies CS8 and CS12 of the Core Strategy and the Car Parking Standards SPD (2020)
- 8.51 The application site is located within Accessibility Zone 3 in the Parking Standards SPD (2020) In accordance with the Parking Standards SPD (2020) 3 off street parking spaces would be provided for the dwelling(s). The infrastructure for the charging of EV is incorporated within the scheme including the provision of an EV charging point affixed to the property.

### Landscaping and Ecological Improvements

- 8.52 The application site is not ecologically sensitive and does not appear to be used by any protected species. Opportunities for biodiversity gains are limited given the scale and nature of the proposals however the introduction of high quality native planting through a landscaping planning condition should ensure that some moderate ecological benefits are secured as a result of this development. Such measures would be appropriate in accordance with Policies CS12, CS26 and CS29 of the Core Strategy.

#### Flood Risk and Drainage

- 8.53 The application site is located within Flood Zone 1 (Low Risk) on the Environment Agencies Flood Risk Maps for Planning and as such has not been subject to any Flood Risk Assessment. A drainage strategy for the site has not been prepared although based on the responses received from Thames Water and the information submitted a sustainable drainage solution should be feasible on the site in accordance with Policy CS31 of the Core Strategy.

#### Other Material Planning Considerations

##### *Contamination*

- 8.54 The Environmental Health team have suggested a number of informatives are attached to the application advising the applicants of an appropriate course of action in the event that they discover contaminative materials at the site. Such an approach would be consistent with the requirements at Policies CS31 and CS32 of the Core Strategy.

##### *Sustainability*

- 8.55 Sustainable building design and construction is an essential part of the Council's response to the challenges of climate change, natural resource depletion, habitat loss and wider environmental and social issues. All new development is expected to comply with the highest standards of sustainable design and construction in accordance with Policies CS29, CS31 and CS32 of the Core Strategy.
- 8.56 A Sustainability Checklist has been submitted with the application identifying how the proposed development would meet the individual requirements under Policy CS29 of the Core Strategy. This statement advises that the building is designed to meet requirements for energy and water conservation in the Building Regulations. It will also provide a sensitive approach to the provision of landscaping including the provision of permeable hard standing areas and significant tree planting/soft landscaping of the site and its boundaries. This forms an acceptable basis on which to grant planning permission.

#### Representations

- 8.57 The neighbouring parties contend that if VSC do exist to justify the construction of a dwelling at this site, then any proposed building should be constructed to provide the minimum floor area necessary to undertake care. They surmise that the extent of accommodation being provided is excessive and unjustified by the accompanying medical statements with a particular focus on the hydrotherapy and wellness area and the provision of accommodation for a carer's accommodation at first floor level. In doing so they refer to the conclusions in planning appeal decision APP/Y3616/C/21/3272739<sup>2</sup>

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<sup>2</sup> <https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3272739>

- 8.58 It is considered that the extent of accommodation should indeed be limited in the interests of the Green Belt and the proposal has been carefully designed and refined to ensure that this remains the case. Whilst noting the conclusions in the above appeal, the circumstances in this case are different and the medical needs are extraordinary. The accommodation provided is justified on the basis of the care benefits that are provided to the applicant and having regard to the commentary of medical professionals in this case. Whilst it is accepted that the hydrotherapy pool might not be “essential”, there are considerable medical benefits to regular use of this facility which would be difficult to achieve without significant travel, disruption and burden to the NHS.
- 8.59 The property has been specifically design with a pitched roof in the interests of the appearance of the development and visual amenities of the area and as such the removal of the carer’s accommodation would result in no substantial improvement in the open character and appearance of the site. Its inclusion within the roof space of the scheme is considered to strike an appropriate balance between the medical needs of Lexi and the visual amenity of the area. It will also provide good quality accommodation for any live in carer.
- 8.60 The neighbours are also concerned with regards to the intentions of the land owner of this site to undertake additional development upon land surrounding the application site. They are concerned that the development would set a precedent for additional development. It is not appropriate for the local authority to speculate on such matters nor should this prejudice the consideration of the application before members. The site is located within the Green Belt where there is a strong presumption against inappropriate development and any application would need to be judged on its own merits.
- 8.61 The applicant’s medical circumstances are extremely rare and are unlikely to be replicated.

#### Infrastructure

- 8.62 All new developments are expected to contribute towards the cost of on-site, local and strategic infrastructure in accordance with Policy CS35 of the Core Strategy. The Council adopted a Community Infrastructure Levy (CIL) in 2015 with the objective of collecting proportionate sums of money towards the cost of infrastructure. The construction of a new dwelling is liable for charge in accordance with the adopted Charging Schedule. The applicants are expected to submit a claim for an exemption from CIL as self-builders.

#### Conditions

- 8.63 The application is considered to be acceptable subject to the imposition of a number of planning conditions.
- 8.64 Given the sensitive location of the development, it is considered that further details as to the materials to be used in the construction of the dwelling should be provided together with details of any landscaping of the site. These details should be provided prior to the construction of any works above slab level of the building.
- 8.65 Further details of any sustainability measures incorporated within the scheme, including details of EV charging infrastructure should be provided prior to the occupation of the dwelling.
- 8.66 To ensure the protection of the Green Belt from additional residential development, it would be prudent to removed permitted development rights for the further extension of the property without the requirement to secure planning permission.

## Legal Agreement

- 8.67 A legal agreement under Section 106 of the Town and Country Planning Act 1990 (As Amended) is considered necessary to restrict the occupation of the proposed dwelling to the applicants daughter, her parents and siblings, her partner and any direct dependants thereto together with anyone employed to provide medical care or support (the carer) to her. This agreement acknowledges that there are very special circumstances that justify this otherwise inappropriate form of development in the Green Belt and that such an agreement is necessary, relevant and reasonable to this case.
- 8.68 The applicants should also enter into a legal agreement to comply with the requirements of the Chilterns Beechwoods Special Area of Conservation Mitigation Strategy and to address the concerns of Natural England in relation to their obligations under the Habitat Regulations.

## **9. CONCLUSION**

- 9.1 The relevant policy test in this case is whether these VSC outlined above clearly outweigh the harm to the Green Belt and any other harm identified within this report.
- 9.2 Officers have identified harm to the Green Belt as a result of the developments inappropriateness and as a result of a loss of openness in this location. It is clear that such harm should be given substantial weight in accordance with the NPPF. There is also a small level of harm to the setting of the Water End Conservation Area which has been classified as “less than substantial” under the NPPF.
- 9.3 The VSC in this case are set out in paragraph 8.19 of this report and include the applicant’s personal circumstances, the rarity of their daughter’s medical condition, the lack of suitable accommodation and the welfare of the family. The weight to be applied to these VSC is a matter of planning judgement.
- 9.4 Significant weight has been attached to the need for the accommodation and a lack of suitable alternatives. Proportionate weight has also been applied to the requirements for the Council to provide an appropriate supply of homes, homes for people with special needs and homes for those seeking to self-build under national and local planning policies and in accordance with associated legislation.
- 9.5 The difficult challenges for the family can only be addressed, in the case officer’s opinion, by the construction of a new home within the Green Belt. The weight applied to the VSC in this instance clearly outweigh the harm to the Green Belt and other harm identified in this case.

## **10. RECOMMENDATION.**

- 10.1 That planning permission be **DELEGATED** with a **VIEW TO APPROVAL** subject to the completion of a planning obligation under Section 106 of the Town and Country Planning Act 1990 (As Amended) and the conditions below:
- 10.2 That the following Heads of Terms are included within the legal agreement
- The restriction of occupancy to the Robins family and a carer
  - A contribution of £913.88 is secured towards Strategic Access Management and Monitoring of the Chilterns Beechwoods SAC
  - A contribution of £4,251.71 is secured towards Suitable Alternative Natural Greenspace as an alternative to use of the Chilterns Beechwoods SAC

**Conditions:**

- 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:**

**EB/WL-01 (Location and Block Plan)  
EB/WL-02 (Proposed Ground Floor Plan)  
EB/WL-03 (Proposed First Floor Plan and Carers Annex)  
EB/WL-04 (Proposed Elevations)  
EB/WL-05 (Internal Room Floor Areas)  
Design and Access Statement  
Sustainability Checklist**

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

- 3. No development shall commence until details of the finished slab level, eaves and ridge heights to the proposed building have been provided in relation to existing site levels and those of neighbouring development.**

Reason: To ensure that the dwelling has an appropriate relationship with neighbouring properties in accordance with Policies CS11 and CS12 of the Core Strategy.

- 4. No development above slab level shall commence until samples of the materials to be used on the external surfaces of the development have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.**

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).

- 5. No development above slab level shall commence until full details of hard and soft landscaping shall have been submitted to and approved in writing by the local planning authority. These details shall include:**

- all external hard surfaces within the site,
- all means of enclosure to the site
- all exterior lighting of the site
- soft landscaping works including a planting scheme with the number, size, species and position of trees, plants and shrubs and
- minor artefacts and structures including bin storage and any garden storage.

**All planting shall be completed within one planting season of the completing of 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

- 6. No development above slab level shall commence until full details of the sustainability measures to be incorporated in the development have been submitted and approved in writing by the local planning authority. The development shall not be occupied until the sustainability measures have been provided in accordance with the approved details.**

Reason: To ensure the sustainable development of the site in accordance with the aims of Policies CS28 and CS29 of the Dacorum Borough Core Strategy (2013), the Sustainable Development Advice Note (2016) and Paragraphs 154 and 157 of the National Planning Policy Framework (2021).

- 7. The development hereby approved shall not be occupied until full details of facilities for the Charging of Electric Vehicles have been submitted to and approved in writing by the local planning authority. The dwelling shall not be occupied until the charging facilities have been provided in accordance with the approved details.**

Reason: In the interests of sustainable transport and in accordance with Policies CS8 and CS12 of the Core Strategy and the Car Parking Standards SPD (2020)

- 8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 1995 (As Amended) or any revisions thereto there shall be no development falling within the following schedules to the specified units without the express planning permission of the local planning authority**

**Schedule 2 Part 1 Classes A, B, C, D, E and F  
Schedule 2 Part 2 Class A**

Reason To ensure the adequate protection of the Green Belt in accordance with Policy CS5 of the Core Strategy.

## **INFORMATIVE**

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.

### Highway Informative

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 County Council website at:

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

**Obstruction of highway:** 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 County Council website at:

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

**Debris and deposits on the highway:** It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made up carriageway, or any or other debris on a highway to the interruption of any highway user. 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 and use thereafter are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway.

Further information is available by telephoning 0300 1234047.

The Public Right of Way(s) should remain unobstructed by vehicles, machinery, materials, tools and any other aspects of the construction during works. Safe passage past the site should be maintained at all times for the public using this route. The condition of the route should not deteriorate as a result of these works. Any adverse effects to the surface from traffic, machinery or materials (especially overspills of cement & concrete) should be made good by the applicant to the satisfaction of the Highway Authority. No materials shall be stored or left on the Highway including Highway verges. If the above conditions cannot reasonably be achieved, then a Temporary Traffic Regulation Order (TTRO) would be required to close the affected route and divert users for any periods necessary to allow works to proceed, for which a fee would be payable to Hertfordshire County Council. Further information is available via the County Council or by contacting Rights of Way, Hertfordshire County Council on 0300 123 4047.

### Contamination

In the event that contamination is found at any time when carrying out the approved development it must be reported in writing immediately to the Local Planning Authority with all works temporarily suspended until a remediation method statement has been agreed. This is because the safe development and secure occupancy of the site lies with the developer.

Materials or conditions that may be encountered at the site and which could indicate the presence of contamination include, but are not limited to:

Soils that are malodorous, for example a fuel odour or solvent-type odour, discoloured soils, soils containing man-made objects such as paint cans, oil/chemical drums, vehicle or machinery parts etc., or fragments of asbestos or potentially asbestos containing materials. If any other material is encountered that causes doubt, or which is significantly different from the expected ground conditions advice should be sought.

### Working Hours Informative

Contractors and sub-contractors must have regard to BS 5228-2:2009 "Code of Practice for Noise Control on Construction and Open Sites" and the Control of Pollution Act 1974. As a guideline, the



following hours for noisy works and/or deliveries should be observed: Monday to Friday, 7.30am to 5:30pm, Saturday, 8am to 1pm, Sunday and bank holidays - no noisy work allowed.

Where permission is sought for works to be carried out outside the hours stated, applications in writing must be made with at least seven days' notice to Environmental and Community Protection Team [ecp@dacorum.gov.uk](mailto:ecp@dacorum.gov.uk) or The Forum, Marlowes, Hemel Hempstead, HP1 1DN. Local residents that may be affected by the work shall also be notified in writing, after approval is received from the LPA or Environmental Health.

#### Construction Dust Informative

Dust from operations on the site should be minimised by spraying with water or by carrying out of other such works that may be necessary to suppress dust. Visual monitoring of dust is to be carried out continuously and Best Practical Means (BPM) should be used at all times. The applicant is advised to consider the control of dust and emissions from construction and demolition Best Practice Guidance, produced in partnership by the Greater London Authority and London Councils.

#### Waste Management Informative

Under no circumstances should waste produced from construction work be incinerated on site. This includes but is not limited to pallet stretch wrap, used bulk bags, building materials, product of demolition and so on. Suitable waste management should be in place to reduce, reuse, recover or recycle waste product on site, or dispose of appropriately.

#### Air Quality Informative.

As an authority we are looking for all development to support sustainable travel and air quality improvements as required by the NPPF. We are looking to minimise the cumulative impact on local air quality that ongoing development has, rather than looking at significance. This is also being encouraged by DEFRA.

#### Invasive and Injurious Weeds – Informative

Weeds such as Japanese Knotweed, Giant Hogweed and Ragwort are having a detrimental impact on our environment and may injure livestock. Land owners must not plant or otherwise cause to grow in the wild any plant listed on schedule 9 of the Wildlife and Countryside Act 1981. Developers and land owners should therefore undertake an invasive weeds survey before development commences and take the steps necessary to avoid weed spread. Further advice can be obtained from the Environment Agency website at <https://www.gov.uk/japanese-knotweed-giant-hogweed-and-other-invasive-plantsrelevant>

### **APPENDIX A: CONSULTEE RESPONSES**

<b>Consultee</b>	<b>Comments</b>
Great Gaddesden Parish Council	<p>The Parish Council has the deepest sympathy for the applicants and recognises that considerable weight must be afforded Lexi Robins medical condition. The Council convened a special meeting to consider the proposal with the applicants, their advisor, and members of the community on 13<sup>th</sup> December 2022.</p> <p>Everyone, including the applicants, agree that the proposal constitutes inappropriate development which will irrevocably harm</p>

the Green Belt, and the issue is therefore whether the applicants have made a sufficiently strong case for there to be Very Special Circumstances to justify the development and override this harm.

The Parish Council has seen no evidence of whether the applicants existing property is capable of conversion, nor of the location considerations which determined the radius of the search either for a property that might be converted or as the location of a new build; understanding these considerations would help significantly in assessing whether there is a need to build on the Green Belt.

The Design and Access Statement asserts that there are a number of planning appeal decisions where the needs of children are given significant weight but only one has been quoted and one of the critical considerations in that judgement are the factors determining the very limited options available to that applicant given their location considerations; the Parish Council is unable to make the same determination in this application.

The Parish Council also understands that the applicants will be submitting a financial statement to Dacorum BC to support their assertion that the economics of a new build are a significant factor in needing to build on this site, as opposed to converting an existing property; this information is not available to the Parish Council and is only relevant as a factor in determining the appropriateness of building on the Green Belt if the location considerations determine that there is no reasonable alternative.

All the local residents who spoke at the meeting on the 13th December objected to the proposal. There is significant local concern at the erosion of the Green Belt, particularly given the long-term plans for the development of Hemel Garden Communities on the Green Belt to the east and southeast of the site of the proposed build. Although the applicants have proposed a Unilateral Undertaking to limit the occupancy of the dwelling to the applicants and those associated with Lexis care it is not clear how this would work in practice; does it mean for example that in due course the family would bear the cost of re-establishing the Green Belt and if so how could this be ensured?

At the Parish Council meeting, parishioners submitted evidence of the availability of properties that might be suitable for development. It is reported that the owners of a nearby house which was recently for sale were not approached by the applicants, and that there are a significant number of properties on the market that prima facie appear suitable for conversion it was claimed that there are currently 11 four-bedroom bungalows for sale on rightmove within 5 miles of Water End Rd, and 51 within ten miles. The Parish Council doesn't wish to suggest that the applicants have not already undertaken an extensive search, or to underestimate Lexis highly specialised needs both now and as she gets older and the cost of conversion to meet those needs, but on the evidence provided to the Council it is not convinced that there are not reasonable alternatives to building on the Green Belt.

	<p>The Parish Council cannot stress too strongly its support for the Robins family in their search for a suitable home in which they can provide Lexi with the support she needs. But on the evidence available to it and bearing in mind the considerable local opposition the Parish Council does not believe that the case for Very Special Circumstances has been made and therefore cannot support this proposal.</p>
<p>Natural England</p>	<p><b>OBJECTION - FURTHER INFORMATION REQUIRED TO DETERMINE IMPACTS ON DESIGNATED SITES - DEVELOPMENT WITHIN 12.6 KILOMETRES OF CHILTERN BEECHWOODS SPECIAL AREA OF CONSERVATION (SAC)</b></p> <p>Between 500 metres to 12.6km from Chilterns Beechwoods SAC, a Habitats Regulations Assessment is required to determine Likely Significant Effect. Mitigation measures will be necessary to rule out adverse effects on integrity</p> <p>.</p> <p>Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation</p> <p>.</p> <p>Please re-consult Natural England once this information has been obtained.</p> <p>When there is sufficient scientific uncertainty about the likely effects of the planning application under consideration, the precautionary principle is applied to fully protect the qualifying features of the European Site designated under the Habitats Directive.</p> <p>Footprint Ecology carried out research in 2021 on the impacts of recreational and urban growth at Chilterns Beechwoods Special Area of Conservation (SAC), in particular Ashridge Commons and Woods Site of Special Scientific Interest (SSSI). Due to this new evidence, Natural England recognises that new housing within 12.6km of the internationally designated Chilterns Beechwoods SAC can be expected to result in an increase in recreation pressure.</p> <p>The 12.6km zone proposed within the evidence base carried out by Footprint Ecology represents the core area around Ashridge Commons and Woods SSSI where increases in the number of residential properties will require Habitats Regulations Assessment. Mitigation measures will be necessary to rule out adverse effects on the integrity of the SAC from the cumulative impacts of development.</p> <p>In addition Footprint Ecology identified that an exclusion zone of within 500m of the SAC boundary was necessary as evidence indicates that mitigation measures are unlikely to protect the integrity of the SAC.</p> <p>Impacts to the SAC as a result of increasing recreation pressure are varied and have long been a concern. The report identified several ways in which public access and disturbance can have an impact upon the conservation interest of the site, these included:</p> <ul style="list-style-type: none"> <li>• Damage: encompassing trampling and vegetation wear, soil compaction and erosion;</li> </ul>

- Contamination: including nutrient enrichment (e.g. dog fouling), litter, invasive species;
- Fire: increased incidence and risk of fire; and
- Other: all other impacts, including harvesting and activities associated with site management.

In light of the new evidence relating to the recreation impact zone of influence, planning authorities must apply the requirements of Regulation 61 of The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019, to housing development within 12.6km of the SAC boundary. The authority must decide whether a particular proposal, alone or in combination with other plans or projects, would be likely to have a significant effect on the SAC.

Natural England are working alongside all the involved parties in order to achieve a Strategic Solution that brings benefits to both the SAC and the local area to deliver high quality mitigation. Once the strategy has been formalised all net new dwellings within the 500m - 12.6km zone of influence will be expected to pay financial contributions towards the formal strategy. In the Interim we are looking for bespoke mitigation to avoid adverse impacts upon the SAC from recreational disturbance.

Consequently, it is Natural England's view that the planning authority will not be able to ascertain that this proposed development as it is currently submitted would not adversely affect the integrity of the SAC. In combination with other plans and projects, the development would be likely to contribute to a deterioration of the quality of the habitat by reason of increased access to the site including access for general recreation and dog-walking. There being alternative solutions to the proposal and there being no imperative reasons of overriding public interest to allow the proposal, despite a negative assessment, the proposal will not pass the tests of Regulation 62.

#### Protected Landscapes – Chilterns AONB

The proposed development is located within a proposed area of search which Natural England is considering as a possible boundary variation to the Chilterns Area of Outstanding Natural Beauty (AONB). Although the assessment process does not confer any additional planning protection, the impact of the proposal on the natural beauty of this area may be a material consideration in the determination of the development proposal. Natural England considers the Chilterns to be a valued landscape in line with paragraph 174 of the National Planning Policy Framework (NPPF).

Furthermore, paragraph 176 of the NPPF states that development in the settings of AONBs should be sensitively located and designed to avoid or minimise impacts on the designated areas. An assessment of the landscape and visual impacts of the proposal on this area should therefore be undertaken, with opportunities taken to avoid or minimise impacts on the landscape and secure enhancement opportunities. Any development should reflect or enhance the intrinsic character and natural beauty of the area and be in line with relevant development plan policies.

	<p>An extension to an existing AONB is formally designated once a variation Order, made by Natural England, is confirmed by the Defra Secretary of State. Following the issue of the designation order by Natural England, but prior to confirmation by the Secretary of State, any area that is subject to a variation Order would carry great weight as a material consideration in planning decisions.</p>
<p>Hertfordshire County Council – Highways Section.</p>	<p>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</p> <p>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.</p> <p>Further information is available via the County Council website at: <a href="https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx">https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx</a> or by telephoning 0300 1234047.</p> <p>AN 2) Obstruction of highway: 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.</p> <p>Further information is available via the County Council website at: <a href="https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx">https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx</a> or by telephoning 0300 1234047.</p> <p>AN 3) Debris and deposits on the highway: It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made up carriageway, or any or other debris on a highway to the interruption of any highway user. 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 and use thereafter are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway.</p> <p>Further information is available by telephoning 0300 1234047.</p> <p>AN 4) The Public Right of Way(s) should remain unobstructed by vehicles, machinery, materials, tools and any other aspects of the construction during works. Safe passage past the site should be</p>

maintained at all times for the public using this route. The condition of the route should not deteriorate as a result of these works. Any adverse effects to the surface from traffic, machinery or materials (especially overflows of cement & concrete) should be made good by the applicant to the satisfaction of the Highway Authority. No materials shall be stored or left on the Highway including Highway verges. If the above conditions cannot reasonably be achieved, then a Temporary Traffic Regulation Order (TTRO) would be required to close the affected route and divert users for any periods necessary to allow works to proceed, for which a fee would be payable to Hertfordshire County Council. Further information is available via the County Council website at

<https://www.hertfordshire.gov.uk/services/recycling-waste-and-environment/countryside-access/rightsof-way/rights-of-way.aspx> or by contacting Rights of Way, Hertfordshire County Council on 0300 123 4047.

#### Comments

The proposal is for the change of use of land to residential and construction of dwellinghouse, associated amenity space and parking at The Willows, Potten End Hill, Water End. Potten End Hill is 60 mph classified C local distributor route that is highway maintainable at public expense. The dwelling will be located along Willows lane which is not part of the adopted highway network and is a private route.

#### Highway Matters

The proposal is to create a new access onto Willows lane. As this is not part of the adopted highway network, no highway agreement is needed. However, we would recommend that any access be built to standards stipulated in HCC Highways design guide to ensure consistency. Parking is a matter for the local planning authority and therefore any parking arrangements must be agreed by them.

#### Drainage

The proposed new driveways 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 driveway would need to be collected and disposed of on site.

#### Refuse / Waste Collection

Provision would need to be made for an on-site bin-refuse store within 30m of the 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 dwelling is within the recommended emergency vehicle access of 45 metres from the highway to all parts of the

	<p>buildings. This is in accordance with the guidance in 'MfS', 'Roads in Hertfordshire; A Design Guide' and 'Building Regulations 2022.</p> <p>Conclusion</p> <p>HCC has no objections or further comments on highway grounds to the proposed development, subject to the inclusion of the above highway informatives.</p>
<p>Conservation and Design</p>	<p>The application site comprises part of an open field, it lies within the Green Belt and is adjacent to the boundary of the Water End Conservation Area. The conservation area boundary runs south from Potten End Hill along Willows Lane.</p> <p>Solar panels that were built upon the site (without consent and just in front of the application site; the boundary then turns to the east (between White House and Stinford Cottage) to meet up with the Leighton Buzzard Road before returning to the north back to Water End. The existing open field, divided from Willows Lane by a post and rail fence, affords open views out of the Conservation Area and makes a positive contribution towards the setting of this southern part of the Water End Conservation Area.</p> <p>The application proposes change of use of land to residential and the construction of a dwelling on a proposed new plot to the south of Hedgerows and opposite White House.</p> <p>Conservation previously raised concerns over the impact the solar panels that were built upon the site (without consent and subsequently refused) would have upon the setting of the Water End Conservation Area due to their location, scale and appearance within this pasture field.</p> <p>NPPF paragraph. 200 states: Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.</p> <p>The Conservation team take the view that the proposed new dwelling will result in harm to the significance of the Conservation Area (a designated heritage asset) through development within its setting. The level of harm is deemed to be 'less than substantial' and NPPF paragraph 202 states that: Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.</p> <p>It is recommended the decision maker weighs the less than substantial harm identified against any public benefits identified.</p>
<p>Environmental Health</p>	<p><u>Contamination</u></p> <p>The proposed development is a proposal on a site that does not</p>

appear to have a potentially contaminative land use history. It will, however, involve significant ground works and is for a change in land use and so the following informatives are recommended.

#### Contaminated Land Informative 1:

In the event that contamination is found at any time when carrying out the approved development it must be reported in writing immediately to the Local Planning Authority with all works temporarily suspended until a remediation method statement has been agreed. This is because the safe development and secure occupancy of the site lies with the developer.

#### Contaminated Land Informative 2:

Materials or conditions that may be encountered at the site and which could indicate the presence of contamination include, but are not limited to:

Soils that are malodorous, for example a fuel odour or solvent-type odour, discoloured soils, soils containing man-made objects such as paint cans, oil/chemical drums, vehicle or machinery parts etc., or fragments of asbestos or potentially asbestos containing materials. If any other material is encountered that causes doubt, or which is significantly different from the expected ground conditions advice should be sought.

#### Noise, Odour and Pollution

Environmental Health would have no objections or concerns re noise, odour or air quality. However I would recommend the application is subject to informatives for waste management, construction working hours with Best Practical Means for dust, air quality and Invasive and Injurious Weeds which we respectfully request to be included in the decision notice.

#### Working Hours Informative

Contractors and sub-contractors must have regard to BS 5228-2:2009 "Code of Practice for Noise Control on Construction and Open Sites" and the Control of Pollution Act 1974.

As a guideline, the following hours for noisy works and/or deliveries should be observed: Monday to Friday, 7.30am to 5:30pm, Saturday, 8am to 1pm, Sunday and bank holidays - no noisy work allowed.

Where permission is sought for works to be carried out outside the hours stated, applications in writing must be made with at least seven days' notice to Environmental and Community Protection Team [ecp@dacorum.gov.uk](mailto:ecp@dacorum.gov.uk) or The Forum, Marlowes, Hemel Hempstead, HP1 1DN. Local residents that may be affected by the work shall also be notified in writing, after approval is received from



the LPA or Environmental Health.

Works audible at the site boundary outside these hours may result in the service of a Notice restricting the hours as above. Breach of the notice may result in prosecution and an unlimited fine and/or six months imprisonment.

#### Construction Dust Informative

Dust from operations on the site should be minimised by spraying with water or by carrying out of other such works that may be necessary to suppress dust. Visual monitoring of dust is to be carried out continuously and Best Practical Means (BPM) should be used at all times. The applicant is advised to consider the control of dust and emissions from construction and demolition Best Practice Guidance, produced in partnership by the Greater London Authority and London Councils.

#### Waste Management Informative

Under no circumstances should waste produced from construction work be incinerated on site. This includes but is not limited to pallet stretch wrap, used bulk bags, building materials, product of demolition and so on. Suitable waste management should be in place to reduce, reuse, recover or recycle waste product on site, or dispose of appropriately.

#### Air Quality Informative.

As an authority we are looking for all development to support sustainable travel and air quality improvements as required by the NPPF. We are looking to minimise the cumulative impact on local air quality that ongoing development has, rather than looking at significance. This is also being encouraged by DEFRA.

As a result as part of the planning application I would recommend that the applicant be asked to propose what measures they can take as part of this new development, to support sustainable travel and air quality improvements. These measures may be conditioned through the planning consent if the proposals are acceptable.

A key theme of the NPPF is that developments should enable future occupiers to make “green” vehicle choices and (paragraph 35) “incorporates facilities for charging plug-in and other ultra-low emission vehicles”. Therefore an electric vehicle recharging provision rate of 1 vehicle charging point per 10 spaces (unallocated parking) is expected. To prepare for increased demand in future years, appropriate cable provision should be included in the scheme design and development, in agreement with the local authority.

Please note that with regard to EV charging for residential units with dedicated parking, we are not talking about physical charging points in all units but the capacity to install one. The cost of installing appropriate trunking/ducting and a dedicated fuse at the point of

	<p>build is miniscule, compared to the cost of retrofitting an EV charging unit after the fact, without the relevant base work in place.</p> <p>In addition, mitigation in regards to NOx emissions should be addressed in that all gas fired boilers to meet a minimum standard of 40 mg NOx/Kwh or consideration of alternative heat sources.</p> <p>Invasive and Injurious Weeds - Informative</p> <p>Weeds such as Japanese Knotweed, Giant Hogweed and Ragwort are having a detrimental impact on our environment and may injure livestock. Land owners must not plant or otherwise cause to grow in the wild any plant listed on schedule 9 of the Wildlife and Countryside Act 1981. Developers and land owners should therefore undertake an invasive weeds survey before development commences and take the steps necessary to avoid weed spread. Further advice can be obtained from the Environment Agency website at <a href="https://www.gov.uk/japanese-knotweed-giant-hogweed-and-other-invasive-plantsrelevant">https://www.gov.uk/japanese-knotweed-giant-hogweed-and-other-invasive-plantsrelevant</a></p>
Thames Water	<p>WASTE COMMENTS:</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. Management of surface water from new developments should follow guidance under sections 167 &amp; 168 in the National Planning Policy Framework. 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://www.thameswater.co.uk/developers/larger-scale-developments/planning-your-development/working-near-our-pipes">https://www.thameswater.co.uk/developers/larger-scale-developments/planning-your-development/working-near-our-pipes</a></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.</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.</p>

	<p>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 <a href="mailto:trade.effluent@thameswater.co.uk">trade.effluent@thameswater.co.uk</a></p> <p>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 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><b>WATER COMMENTS:</b></p> <p>The applicant is advised that their development boundary falls within a Source Protection Zone for groundwater abstraction. These zones may be at particular risk from polluting activities on or below the land surface. To prevent pollution, the Environment Agency and Thames Water (or other local water undertaker) will use a tiered, risk-based approach to regulate activities that may impact groundwater resources. The applicant is encouraged to read the Environment Agency's approach to groundwater protection (available at <a href="https://www.gov.uk/government/publications/groundwater-protection-position-statements">https://www.gov.uk/government/publications/groundwater-protection-position-statements</a>) and may wish to discuss the implication for their development with a suitably qualified environmental consultant.</p> <p>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> <p>On the basis of information provided, Thames Water would advise that with regard to water network and water treatment infrastructure capacity, we would not have any objection to the above planning application. Thames Water recommends the following informative be attached to this planning permission. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.</p>
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**APPENDIX B – NEIGHBOUR RESPONSES**

**OBJECTIONS**

Address	Comments
Ashburton, Potten End Hill	We OBJECT to the application. Our main concern with the proposed development relates to the principle of development in the Green

Belt. Development in the Green Belt is inappropriate by definition. This would harm the openness and the purpose of the Green Belt. In our opinion, the very special circumstances in this application do not set aside that harm.

The proposed development is on stunning Green Belt open pastureland, away from other residential properties. The development is located in an open field in the picturesque Parish of Great Gaddesden (much of that in an AONB), surrounded by open views of the valley and countryside; the Water End Conservation Area; and within the High Gade Valley Landscape Area 123.

The Council's planning records show one previous planning application at the site - which was retrospective. In our opinion, the owners of the field acted in an inconsiderate and underhand way by not seeking planning permission first before the development on the Green Belt. A neighbour informed us that the owners simply dismissed their concerns and went ahead with the development anyway. This was for solar panels and is detailed below.

#### Planning Reference

20/00189/RET: Retention of change of use from pasture to two rows of solar panels.

Dacorum Borough Council refused due to:

1. The panels by reason of their location and scale would significantly harm the current and lawful openness of a substantial area of land within the Green Belt through the resultant encroachment of the countryside, failing to meet the expectations and contrary to the National Planning Policy Framework's (2019) Paragraphs 133, 134(c) and 146, representing inappropriate development and Policy CS5 (Green Belt) of the Dacorum Core Strategy (2013). The submitted very special circumstances put forward to justify this renewable energy project do not outweigh the harm by reason of this inappropriate development with reference to the expectations of Paragraph 147 of the National Planning Policy Framework.

2. The application site as shown by the submitted Site Location Plan is identified as pasture land. The use of this land for either agricultural or equestrian pasture purposes is currently wholly compatible with keeping the land open in the Green Belt in accordance with the National Planning Policy Framework's to 'Protecting Green Belt land' by safeguarding the countryside from encroachment.

The change of use of the part of the application site shown for the solar panels, when considered in conjunction with the change of use of the remainder of the application site, would result in the loss of openness of the Green Belt through the encroachment of the countryside. This would be contrary to Paragraph 134 (c) of the National Planning Policy Framework and Policy CS5 of Dacorum Core Strategy with the associated loss of the pasture land which maintains the openness of the Green Belt. The submitted very special circumstances do not outweigh the harm to the openness of the Green Belt, as referred to by Reason 1.

3. The panels by reason of their location and scale would be harmful to the setting of the Water End Conservation Area contrary to Policy CS27 of Dacorum Core Strategy (2013) and, saved Policy 120 of Dacorum Local Plan (2004).

We understand that RVN Willows Properties Ltd (company 14164202) has been registered by the owners of the field recently. With the knowledge of the previous illegal development and of the Newco, we are concerned about the intention of the owners of the field, and curious to know if their company is for purchasing back this proposed house in the future, or for future planned development on their Green Belt land, if this planning application is accepted.

Mike Penning MP wrote to Malcolm Livesey regarding this development on 20th October 2022 and stated 'As a Member of Parliament, I do not have any role in the formal planning process, whereas I will make a submission on a major project (such as the Luton Airport expansion)' Therefore, we believe his letter to the DBC planning officer in Appendix 12 of the Design and Access Statement should be ignored in this planning process.

#### PLANNING OBJECTION

The application site lies outside of any existing settlement, within the designated Green Belt as defined on the Proposals Maps of the adopted Local Plan. The National Planning Policy Framework (NPPF) at Paragraph 149 advises that construction of new buildings is inappropriate development in the Green Belt

Consistent with the NPPF, Policy CS5 of the Dacorum Core Strategy (CS) outlines that the Council will apply national Green Belt policy to protect the openness and character of the Green Belt, local distinctiveness and the physical separation of settlements.

Policy CS1 of the CS directs new housing development to the main towns, with Hemel Hempstead being the focus for new homes and the market towns and large villages accommodating new development for housing. It outlines that the rural character of the borough will be conserved. Development that supports the vitality and viability of local communities, causes no damage to the existing character of a village and/or surrounding area and is compatible with policies protecting and enhancing the Green Belt, Rural Area and Chilterns Area of Outstanding Natural Beauty will be supported.

There is no dispute that the proposed new dwelling involves inappropriate development, which is by definition, harmful to the Green Belt. This is also accepted by the Applicant. Subsequently the proposed development conflicts with Policies CS5 and CS1 of the Dacorum CS and the NPPF.

#### Openness of the Green Belt

Paragraph 133 of the NPPF makes it clear that the Government attaches great importance to Green Belt and the protection of its

essential characteristics. The NPPF defines one of the essential characteristics of the Green Belt to be its openness. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belt are their openness and their permanence. There is not a formal definition of openness but, in the context of the Green Belt, it is generally held to refer to an absence of development. Openness has both a spatial (physical) dimension, and a visual aspect.

Harm by way of a loss of openness, both in terms of the visual component of openness and the spatial loss of an open site to development attracts substantial weight. The existing site is free of any form of development and it is therefore open. The introduction of a new house on this site will result in a substantial loss of that openness. Spatially, the proposed development would result in a significant reduction in existing openness simply by the introduction of a new dwelling.

Visually, the effect of the development would be visible from a number of surrounding vantage points. To the north of the site, the proposed development would be less visible as a result of the adjacent built forms of the houses along Willows Lane. However, to the south and to the west, the land is open and the open and undeveloped countryside extends beyond the site. In addition, a public footpath traverses along Willows Lane which goes past the application site and into the open field where the development is proposed. Therefore, the loss of visual openness as a result of the development will be high.

In conclusion, the overall harm to the openness of the Green Belt will be substantial. Encroachment and other Green Belt purposes. Paragraph 138 of the NPPF sets out the five purposes which the Green Belt serves. Criteria c) is: to assist in safeguarding the countryside from encroachment.

The proposed development would introduce a built form of development on the site which will replace the open countryside and encroachment would thereby be incurred, which would lead to substantial harm and conflict with Paragraph 134(c) of the NPPF.

#### Summary of Green Belt harm

The proposed development would incur definitional harm as inappropriate development and would impact further on the openness and the purposes of the Green Belt through encroachment.

Of note, planning application reference 20/00189/RET at the site for the Retention of the Solar Panels was refused due to the proposal being inappropriate in the Green Belt and its impact on the openness of the Green Belt through the encroachment of the countryside. The Case Officer report outlines that:

'There would be a very significant negative effect upon the openness of this tract of green belt through the resultant encroachment of this

part of the countryside, conflicting with the expectations of Para 134 (c).

This would be due to the panels location and scale in an otherwise unbroken tract of land with a substantial spatial impact'.

The proposed development for a new dwelling would have more impact to the openness and the purposes of the Green Belt than the solar panels as the proposed house would be substantial and larger than the refused solar panels in terms of height, width, and overall scale.

#### Landscape Character Area

The site is located in the High Gade Valley Landscape Character Area which is defined by:

- steep valley slopes;
- long views along the open alley;
- traces of downland scrub and woodland;
- clustered settlement along watercourse;
- wet woodlands and grazing meadow;
- sweeping arable fields;
- floodplain and wetland vegetation;
- ancient settlement; and
- ornamental nurseries and associated planting.

The strategy and guidelines for managing change in this area includes to:

'Ensure that the surroundings of converted and new buildings are designed and maintained to be in keeping with their agricultural surroundings by ensuring that 'Garden' details are to be screened from view where possible and native species are used for hedging and tree planting to the perimeter'; and

Proposals to change agricultural land to other uses such as golf course should be very carefully examined and should only be permitted where they do not undermine the distinctive character of the landscape'.

The intrusion of the proposed substantial dwelling into what is an open and undeveloped field would fail to consider and strengthen the character and appearance of this area and would have a negative impact on the High Gade Valley Landscape Character Area and would introduce built form into the open and undeveloped countryside.

#### Heritage

The Site is located adjacent to the Water End Conservation Area, which is a designated heritage asset. The Council's website outlines that; 'Conservation Areas are those of 'special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance'. Generally, it is the appearance of the area, rather than individual buildings, that justifies the designation'.

Policy CS27 of the CS states that all development will favour the conservation of heritage assets. The integrity, setting and

distinctiveness of designated and undesignated heritage assets will be protected, conserved and is appropriately enhanced. It continues to outline that development will positively conserve and enhance the appearance and character of conservation areas. In our opinion, the significance of this part of the Water End Conservation Area is derived from the small cluster of properties set amongst the agricultural fields. The agricultural fields to the south of the southern edge of the Conservation Area makes a positive contribution to the setting of the Water End Conservation Area.

Although there is no statutory requirement to consider the setting of conservation area, Paragraph 200 of the NPPF states that harm to a designated heritage asset, including arising from development within its setting, requires clear and convincing justification. This is reflected in Policy CS27 of the CS.

The Site is immediately to the south of the Water End Conservation Area and will have an impact on the setting of the Conservation Area. The development of a new dwelling in this open countryside setting will introduce built development into the green gap and diminish Water End Conservation Area's setting. As such there would be harm to the setting of the Water End Conservation Area.

Therefore, the proposed development will have a negative effect on the setting of the Water End Conservation Area and would cause 'less than substantial harm' to this part of the conversation area. In line with Paragraph 202 of the NPPF, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Subsequently, the Applicant should be demonstrating the public benefits of the proposal and outline that the harm would be more than outweighed by these, which has not been addressed within the submission.

#### Sustainability

The application site is located within a semi-rural area, some distance from Hemel Hempstead or Potten End which are the closest town and village retrospectively to the site, where there are amenities and facilities. The roads that lead to these locations are undesignated roads and Potten End Road has no pavement along it. In terms of public transport, there are bus stops along Leighton Buzzard Road, however this is some distance from the site. For travel further afield, the nearest railway station will be at Hemel Hempstead.

Therefore, it is concluded that the site is only accessible by private vehicle. It is in an unsuitable and isolated location, as it would fail to provide satisfactory access to services and facilities by means other than the private motor car.



#### Amount of Accommodation Provided

The proposed dwelling would include a three-bedroom property, with a living area; car port; treatment and wellness room which would include a hydro pool; and first floor accommodation to provide an annexe for a live in carer who would include a separate kitchen and living room, bathroom and bedroom. The first-floor accommodation would be accessed via a separate access from the proposed porch and would be fully self-contained. Additionally at first floor there would be an office / storage area. The supporting information provides numerous supporting medical letters from health professionals. This includes a letter from the Royal National Orthopaedic Hospital which outlines that:

Lexi's parents are looking to rebuild and modify their home to provide a safe environment for her. This will hopefully reduce the potential for injury, and thereby lessen the impact of disease progression on her. It could mean that by the time drug treatments do become available that her condition has not progressed too far and she can still benefit from them.

Dr Murtuza A Khan outlines the following provisions required for their bespoke housing request:

- No stairs;
- Wheelchair access at all points to and inside the house
- Larger doors and entrances
- safe wet room to eliminate bathroom slippage
- soft/padded floors
- Size enough utility room to safely store medicine and required apparatus E.g. wheelchair in future years.

An email from Rachel Calter: Speciality Community Public Health Nurse - Health Visitor outlines that 'It is my professional opinion that it is in Lexi's best interest to have a home all one level due to her individual needs'.

The Hertfordshire Community NHS Trust have provided a letter which also lists Lexi's requirements. These include:

- Dropped kerb/parking hardstanding
- Parking area and access should be well lit and surface should be firm, even and smooth;
- a covered parking space with covered access to main door may be of benefit during transferred for example during icy weather;
- accessible step free approach to main access doors;
- 1500 x 1500mm platform to turns and doors
- where plot is not level a ramp with a gradient of 1:15 is recommended;
- main access doors to have 900mm, clear opening and a level threshold;
- large hallway with clear turning circle of 1900mm
- step free access/levels floors around property;
- internal doorways should be wheelchair accessible with min 900mm clear opening;
- turning space of 1900, clear of any obstruction in Lexi's bedroom,

bathroom and communal/family areas;

- Lexi's bedroom, bathroom and family rooms to be accessed from large hallway instead of via corridors or passage ways; and
- where a corridor is a necessity best practice is 120mm min wide to accommodate 90-degree wheelchair turns into a doorway.
- Lexi will benefit from her own bedrooms; and
- Lexi may benefit from having her own large wet room or bathrooms.

The proposed dwelling would include a treatment and wellness room which would include a hydro pool together with a first floor to include a separate annexe for a live in carer and office. These are not specified as required by the medical health professionals referenced above and would therefore exceed the amount of accommodation required. Whilst it is appreciated that at Paragraph 19.34 of the Design and Access Statement (DAS), the Applicant's daughter would benefit greatly from hydrotherapy and at Paragraph 19.36 of the DAS the requirement for a hydrotherapy pool has resulted in an almost insurmountable challenge in terms of finding a suitable site. However, from the information provided by there is a lack of overall specific medical evidence that has been provided outlining that a hydrology pool and wellness area is an essential requirement for the family.

Additionally, the proposals include a separate unit of accommodation for a live in carer, which again is in excess of what is essentially required and outlined by the medical health professionals.

A recent appeal decision reference, APP/Y3615/C/21/3272739 for extensions in the Green Belt where the case relied on the very special circumstances of the appellant, was dismissed at appeal. Paragraph 53 however outlines that:

'I also heard that it is unusual for live in carers to have their own accommodation. Under care regulations they need only have their own bedroom and would expect to share the family bathroom'.

The proposed development provides for a fully contained unit of accommodation, including a kitchen, sitting area, bathroom and bedroom all at first floor and accessed via its own separate door. Similarly to the appeal, there is no evidence to demonstrate that a live in carer is a requirement and indeed that a separate form of accommodation is required.

From the information provided by the medical health professions, it is understood that the Applicant requires a single storey property with wheelchair access. It is considered that the amount of accommodation proposed in the dwelling far exceeds what is essentially required for the Applicant and there is no convincing evidence that the entire amount of development proposed is an essential requirement for looking after their daughter and coping with her ongoing medical conditions, however desirable that may be.

It is our opinion, any development that is inappropriate in the Green Belt which causes additional harm to the openness and the purposes

of the Green Belt, should be demonstrated to be the absolute minimum that is required to avoid any further unnecessary harm. In this instance, the proposed development would appear to far exceed the minimum development required and therefore as a result, this consideration should be given limited weight.

#### Alternative Site Search

The Applicant outlines that they have searched for alternative sites to the application site, which has not been successful. The DAS lists a number of things the Applicant has undertaken which includes a Market Housing Search, being placed on the Self Build Register, Enquires with Dacorum Council, media campaigns and market housing searches. The DAS concludes that: 'the Applicant has gone to extraordinary lengths to try and identify a site other than that which is the subject of this application. However, a combination of low supply, high demand the exceptional modifications that any existing property would need to undergo have all led to their attempts being fruitless'.

Paragraph 19.48 of the DAS lists a number of estate agents that the Applicant has registered with.

At Paragraph 19.49 of the DAS, the Applicant outlines that: 'the nature of the proposed project and the related construction costs and the current properties available on the market has resulted in those being viewed being unsuitable'.

The Applicant outlines at paragraph 19.50 of the DAS that the applicant has provided a 'snapshot' of a number of the 'on market' properties that have viewed and the reasons why they were considered unsuitable for the proposed project. For example, the Applicant outlines that No. 44 Crouchfield was extremely expensive, with offers over £700k and the remodelling required would be between £300k and £500k. Whilst the cost of some of the properties may be too high for the Applicant, no supporting financial information has been provided by the Applicant to evidence their financial situation with details of their income, mortgage and other limitations and to demonstrate that this property is not achievable.

Additionally, the Applicant's information does not provide information about the cost of the site, other than at Paragraph 19.59 of the DAS that: 'the application site provides a readily available opportunity at a nominal cost'. However, using PSA which is an online Self Build Cost Calculator, estimates the cost of a new dwelling of a similar size to that proposed to be approximately between £785,941.68-£1,008,237.50 depending on if the property is a 3 or 4 bedroom dwelling. This however does not include the cost of a treatment and wellness room with a hydro pool, which could be considerably more.

This argument is also relevant to the Self Build Plots, which the Applicant outlines that the plots will be listed at over £600k.

Furthermore, at paragraph 19.51 of the DAS the Application outlines that 'none of these properties have been subject to a planning

assessment. Achieving planning permission is never guaranteed, and any applications required to enable the necessary works to be undertaken would have resulted in uncertainty, further costs and delay'.

The Applicant would appear to have sold their property and are depending on this proposed development to gain planning permission. Purchasing an existing house and waiting for planning permission to extend or to rebuild, would be no different to this planning application. Indeed, if the property was within a built-up area, it is likely to have more certainty and less delay given the site would be previously developed and contains an existing house, unlike this undeveloped open countryside site.

There are numerous properties within a 10-mile radius of the application site that are available on Right Move www site. They include existing houses which are at a price that is lower than £700,000 and potentially could provide an opportunity for the Applicant to either adapt the existing house; or demolish the house and rebuild, in line with the requirements of their daughter.

As stated at Paragraph 19.60 of the DAS, the undeveloped nature of the application site dictates that the dwelling can be purpose built from the ground up, without the need for adaptations to be made to an existing property or for any to be made to the proposed property in the future. However, a potential plot of land in an existing urban area would provide the same opportunity as the application site, albeit it would not be an undeveloped piece of land in the Green Belt. The information provided to support this application, does not provide sufficient justification and detail why existing properties have been dismissed.

For example, a bungalow in Kings Langley, approximately 6 miles from the application site, is for sale for £550,000 with planning permission granted for a 4 x bedroom house. Whilst that planning permission may not offer the accommodation that the Applicant requires, the principle of the demolition of the property and erection of a new dwelling has been established.

Additionally, a further bungalow is listed on Rightmove in Hemel Hempstead which Rightmove mentions as a Redevelopment potential with a wide plot. Whilst it is appreciated that this property went onto the market in November 2022 after the application was submitted to the Council, it demonstrates that it is another previously developed site that could offer what the Applicant requires within a built-up area and not using undeveloped Green Belt land. Furthermore, in Northchurch there is a further bungalow that is on the market for £575,000 and outlines that the property offers an 'excellent chance for a buyer to purchase a blank canvas with an abundance of potential to extend, removed or perhaps even replace totally STNO'.

These few examples of properties mentioned above provide a snapshot of what is available on the market at the moment within approximately a 6-mile radius of the site. It is unclear why these

properties are unsuitable for the Applicant which do provide an opportunity to extend or replace with another property on previously developed land and which would not harm the Green Belt.

Furthermore, a property has been on the market in Willows Walk recently and whilst this has now been sold subject to contract, at no time has the Applicant approached the owner or made an offer to purchase the dwelling. Whilst it is appreciated that it had a price of £1,500,000, no financial information has been provided by the Applicant to demonstrate that this is outside their limitations.

In conclusion, it is considered that whilst it is appreciated that the Applicant has looked into other sites and options, it has not been fully evidenced that their search has been unfruitful.

There are existing properties on the market within a 6-mile radius of the application site that have the potential to be able to meet the requirements of the Applicant. Additionally, no financial information has been provided by the Applicant to support their claim that the cost of some of the properties and the cost to remodel those houses would be too expensive compared to the cost of purchasing the application site and building a new home of the size proposed with the facilities within it.

The Appeal Decision - An appeal decision has been provided by Applicant at Glebe Fields, Field 2 Glebe Lane for a 'unique, innovative, sustainable designed single-family dwelling of 330sqm, which exceed the latest energy performance standards and fits in eloquently within its rural setting.

The 4-bedroom house with surrounding restored and enhanced landscaping will be wheelchair housing standard compliant to offer the power and his facility quality of life, whilst dealing with a chronic debilitating illness when the equestrian use is changed to residential use'.

That appeal was allowed, and planning permission granted. The Applicant considers that this is comparable to this proposal, which relied heavily on the very special circumstances of the Appellant.

The appeal site however comprised of a stable with associated hardstanding and grassed area, as mentioned at Paragraph 6 of that appeal decision. It would therefore appear that the appeal site was indeed a previously developed site, unlike the application site which is an undeveloped agricultural field. Although it is appreciated that the Inspector did find that the proposal was inappropriate development.

Determining whether very special circumstances exist depends on evaluating the balance between planning factors. It falls to the decision maker to decide what the very special circumstances are in that case and if they outweigh the harm to the Green Belt. The weight to be given to a particular factor will be very much a matter of degree and planning judgement and something for the decision taker to consider.

Whilst the Applicant has provided an appeal decision which outlines where the Inspector has taken the personal circumstances of the Appellant into consideration, there are also many appeal decisions that consider the personal circumstances of the Appellant do not set aside the harm to the Green Belt.

For example, appeal reference APP/Y3615/C/21/3272739, outlines at Paragraph 61 that;

'However, I am not satisfied that the extensions are essential requirement for looking after their son and coping with his ongoing medical conditions, however desirable that may be. There are a number of letters from various NHS consultants but these refer to matters not directly related with the need for the extensions.....There is a lack of overall specific medical evidence to demonstrate the son needs his own suite of rooms, or a gym/physio or even the type of equipment he needs. There is no overriding medical assessment or timescale for when his care may change and timescale for when a live in carer would be needed, other than references to 'sometime in the future. Hence at the moment there is no substantive evidenced justification for the extensions, and in particular the carer's wing, which the appellants consider to be the most important.'

Paragraph 68 outlines that:

'On the other side of the balance are the appellant's personal circumstances. I am sympathetic to the applicant's desire to care for their disabled son at home and future proof it with the provision of live in carer's accommodation. However, in my view there is inadequate medical or other justification to demonstrate that the dwelling could not have been internally modified or reconfigured; or that the extensions were expressly needed for their son's care; to that they had to be designed and of the size they are' or that smaller extensions were not possible. For these reasons I give limited weight to the appellants' person circumstance.'

Paragraph 69 continues to outline:

'I therefore find the other considerations advanced in this case do not clearly outweigh the totality of the harm o have identified to the Green Belt, the AONB and the character and appearance of the dwelling. Consequently, the very special circumstances necessary to justify the development do not exist'.

Therefore, it is clear from this appeal that it is a matter of judgement the considerations that are put forward, but for the considerations to be considered to warrant the very special circumstances required to set aside the harm, it must be demonstrated that there is no other option and all other avenues have been exhausted; and that the size of the proposed development and the provision of ancillary accommodation such as a treatment area and wellness room with a hydro pool and carers accommodation are a necessity and the proposed development provides the minimum amount of development that is necessary.

In this instance, as mentioned above, we are not satisfied that the Applicant has justified and evidenced the need for this amount of

development and that there are no alternative locations within a 6-mile radius of the application site that could satisfy the Applicant's needs but result in no harm to the Green Belt or other material harm. Furthermore, no financial information has been provided to support the claims that some of the properties are too expensive.

#### Housing Need

The Applicant outlines that Dacorum Borough Council do not have a 5-year housing land supply and the proposed dwelling would contribute to their housing need. Paragraph 11 of the NPPF outlines that for decision taking this means approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date granting permission unless, the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed.

This includes those sites that are on land designated as Green Belt. Therefore, the tilted balance is not engaged as the site is in the Green Belt.

This is supported by the Written Ministerial Statement of December 2015 indicates that unmet need is unlikely to clearly outweigh the harm to Green Belt and any other harm so as to establish very special circumstances. Additionally, given that the development is for only one dwelling, this would not significantly boost the housing supply for Dacorum Borough Council. Therefore, this material consideration provides only very limited weight.

#### Planning agreement

The Applicant considers that given the unique circumstances of the case, should planning permission be granted, this should be subject to the provision of a Unilateral Undertaking which would limit the occupancy of the dwelling to the Applicant's family and those parties with a direct care responsibility to their daughter's condition.

However, the development would be physically present for the indefinite future continuing to cause harm to the Green Belt, the Water End Conservation Area and the High Gade Valley Landscape Character Area. The imposition of a unilateral undertaking would not reduce the harm to the Green Belt or these other harms that have been identified and would not reduce the impact if the family decide not to live in this location anymore.

#### Planning Balance and Conclusion

The development represents inappropriate development in the Green Belt, which is harmful by definition. There is also further substantial harm to the openness of the Green Belt and the purposes of the Green Belt through encroachment into the countryside. In appropriate development should not be approved except in very special circumstances, which will not exist unless the harm to the Green Belt by reason of inappropriateness and any other harm, is clearly outweighed by other considerations.

Any harm caused to the Green Belt must be given substantial weight. Great weight must also be given to the harm that is caused to the Water End Conservation Area and to the High Gade Landscape Character Area. Therefore, it has been identified that there are planning objections to the proposals.

The Applicant advances the argument that the proposals will provide for their personal circumstances and the needs of their child. We are sympathetic to the Applicant's desire to care for their daughter and provide live in carer's accommodation and the provision of a treatment and wellness room. However, in our view, there is inadequate medical justification to demonstrate that the extent of the proposed accommodation is essential for the Applicant's daughter.

It is our opinion that the proposed development is in excess of the minimum requirements and a smaller house would be possible to meet their requirements. Additionally, there are a number of other properties and land that is available within a short distance of the application site that could potentially be adapted or indeed demolished and rebuilt, to provide for the Applicant. We are not satisfied that the Applicant has evidenced sufficiently and robustly that there are no alternative locations that could satisfy the Applicant's requirements and result in no harm to the Green Belt.

Furthermore, there is also a lack of financial information that has been provided to justify the reference to the Applicant's limited financial situation. Therefore, it is considered that only limited weight can be given to the Applicant's personal circumstances.

We therefore find that the considerations that have been put forward by the Applicant do not clearly outweigh the totality of the harm that has been identified to the Green Belt, including to its openness and the purposes, the Water End Conservation Area and the High Gade Landscape Character Area.

It is therefore considered that very special circumstances do not exist to justify this inappropriate development and the application should therefore be refused.

#### ADDITIONAL COMMENT

Hope Newport's (IFOPA) unfair comments about the objectors having significant disrespect of medical professionals and the critical need for all aspects of the proposed development are unfounded. Is a family services manager a health professional? We understand that the organisation is for support and research; are they medical specialists?

Health professionals have not commented about the necessity for such a significant development in the DAS.

We understand the want for the ideal property in the perfect location with the terrible consequences of FOP, and are wholeheartedly sad about the predicament of the Robins family and wish them the very best for the future.



	<p>The proposed development would be detrimental to the health and well-being of others. We would like to point out that our sensitive and kind hearted brother, who lives in Hemel Hempstead and attends our house a few days each week, whilst we are not at work to care for him, has benefited from the immediate openness of the countryside to help his mental and physical health problems of schizophrenia, epilepsy and tachycardia for the last 16 years. We have absolute respect for his medical professionals and their recommendations. If that openness is gone due to the proposed development then that will be detrimental to his well-being. He loves the wildlife and fields whilst we walk in our garden and along the path next to the proposed development.</p> <p>As to the proposed development, our godson has stage 4 Neuroblastoma. This was diagnosed 5 years ago at 12 years old, and now he is wheelchair bound due to the tumours and treatments. His family have not moved, but have a ground floor bedroom as an extension, and adapted the house including a wet / shower room on the ground floor to meet his medical needs. They live in a semi-detached house.</p>
<p>The Bungalow, Potten End Hill</p>	<p>Whilst we offer our sympathy for the family and the needs of their daughter Lexi. Having carefully reflected upon the plans submitted and the supporting documentation, we have decided to oppose the build for the reasons highlighted below –</p> <p>Building on Green Belt Land - Sites of Special Scientific Interest - Chilterns Beechwoods Special Area of Conservation area.</p> <p>The proposed property would be built in green belt land, which falls under the zone of influence as part of the ongoing strategy to protect Ashridge Estate. We understand that this forms part of the Sites of Special Scientific Interest project as part of the Chilterns Beechwoods Special Area of Conservation and as such, it is protected by International Law.</p> <p>There are a number of large-scale housing developments being proposed within Dacorum and the surrounding areas. Building a single property on already exhausted valuable green belt land on is not sustainable, ecologically or economically sound.</p> <p>Once we build on green belt land, it is irrevocable with significant repercussions to the wider Water End Conservation Area and to the High Gade Landscape Character Area.</p> <p>Our concern is that with the change of use of the land, further planning permission will be sought for other properties to be built on the land. Whilst this is speculative, it remains a significant concern of ours. With the above in mind, we feel this point needs to be given considerable weight when reviewing this application.</p> <p>Scale of build</p> <p>Having reviewed the information provided by the medical health professions, we can see that the family requires a single storey</p>

	<p>property with wheelchair access. This differs significantly from what the proposed application. We feel that that the proposed development is in excess of the minimum requirements and a smaller house would be possible to meet their requirements.</p> <p>Adapting an existing dwelling</p> <p>There are a number of other properties and land for sale within a short distance of Willows Lane that could potentially be adapted to suit the needs of the family that doesn't involve building within a Green Belt area.</p> <p>However, there has been weight applied to the affordability of this proposal and why other existing properties have been discounted. Supplementary information has not been provided to sufficiently evidence that a robust and extensive property or land search has been conducted prior to the application to build on green belt land. Further clarity on this point should be considered when reviewing the application.</p>
Czechers, Potten End Hill	<p>I object to the proposed development.</p> <p>With the Planning, Design and Access Statement, Para' 2,3 and Para' 7.1 states the site is located within the Green Belt in its entirety. The site is also situated adjacent to the Waters End Conservation Area.</p> <p>Para' 3,2 states, A request for pre-application advice was submitted to the LPA on 20/01/2022 in respect of the proposed construction of a bungalow, this has now grown into a 4 bedroom house.</p> <p>The LPA replied to the Pre Application request reinforcing what the applicants themselves have said that. The development would constitute inappropriate development within the Green Belt and as such, very special circumstances (VSC) would need to be demonstrated.</p> <p>Para' 5.8 states, The design of the property has been led by a team of medical professionals including Lexi's Occupational Therapist (OT) to ensure that the dwelling would be completely suitable to meet Lexi's current and future needs. However, the medical report say a single story building, not one of 2 floors, neither does it say a live-in carer is required.</p> <p>Para' 7,4 states, At the national level, paragraph 149 of the NPPF states that LPAs should regard the construction of new buildings as inappropriate in the Green Belt, except for in a limited number of exceptions. It is again fully acknowledged that the proposed development does not meet with any of the exceptions listed and would therefore constitute inappropriate development within the Green Belt.</p> <p>Para' 7,5 states, Paragraph 147 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved. I agree.</p>

The Robin's family are also on record as saying that they would not seek Green Belt Land.

I could list many more points from the PD&A statement but feel that is enough.

I object on the following grounds:

1) Change of use of land. I understand this is Green Belt land and subsequently should remain so.

2) The application suggests that the applicants have sought other alternative sites and their searches have been unfruitful. I don't agree with this. A simple search on [www.rightmove](http://www.rightmove) and other search sites within a 10 mile radius reveal several locations, some of which already have outlying planning consent for such a development to be made. I made a quick search and found building land within 1 kilometre of the proposed site, there are many others.

3) I suspect that this application to 'change the use of land to residential' is the thin edge of the wedge. I suspect that the owners of this land may have other agendas and once a change of use is granted, then it could open the floodgates for other developments on that land. That would be a disaster for this local area! The owners of the site seem to have some form with circumventing planning rules, as with the erection of Solar panels, which required enforcement action. I also note that The Robin's will make a Unilateral Undertaking that only the family will use this house. I would suspect that that, is unenforceable.

4) The proposed property would be built in green belt land, which falls under the zone of influence as part of the ongoing strategy to protect Ashridge Estate, which borders this site. I understand that this site forms part of the Sites of Special Scientific Interest project as part of the Chilterns Beechwoods Special Area of Conservation and as such, it is protected by Law.

5) I reiterate my statement above, that the house is larger than recommended by the professionals.

6) Some mention was made at the local Parish Council meeting, that this application may be more of an affordability issue, should that be the case, it would be wrong in my view to grant the application. And that may be why other land and properties have not been pursued, even so the estimated cost of building a 4 bedroom house, could be around £1.1m plus land plus the extras required.

7) I have yet to see an Environmental Impact Statement produced, neither has Natural England seen one.

8) Furthermore, I do not believe that the case for Very Special Circumstances has been made and therefore like the Parish Council. This is another reason I cannot support this proposal.

9) This would constitute inappropriate development within the Green Belt. Once we build on green belt land, it is irrevocable with

	<p>significant repercussions to the wider Water End Conservation Area and to the High Gade Landscape Character Area. There is no going back.</p>
<p>Gatherrley, Potten End Hill</p>	<p>We wish to object to this application. We have children ourselves and completely understand the applicants' wish to create the safest possible environment for their daughter to enhance her life quality and longevity.</p> <p>However, it is the case that building a large, detached house, on Green Belt pastureland, is not the only way forward. We are concerned that this application came about not because of the applicants' needs, who discovered the plot and thought this would perfectly meet their needs, but on the landowners' direct invitation instead:</p> <p>The landowners have already tried to bring about a change to the use of this Green Belt land in the relatively brief period they have resided here, unsuccessfully. We feel that should this application be granted because of the "special circumstances" clause, it will inadvertently or not, open the floodgates for additional building in the field, demolishing for good what once was cherished Green Belt used and enjoyed by many happy walkers and families, pets, and a great variety of rural wildlife.</p> <p>The proposed house will be costly to construct, and the land expensive, but for the generosity of the Patel family. It is appropriate that the sum paid, or the agreement entered into with the Patels, as to the possible future payment for the land should be disclosed - whether the land is paid for now, or in the future, it still forms part of the project cost, and the relative affordability of alternative options. The prohibitive cost of alternatives has been sighted in the application.</p> <p>We note that the applicants have not approached us in relation to the sale of our house, which has been for sale since March 2022 until December 2022, rendering their suggestion they "tried everything" questionable. Our house is some one hundred yards away from the proposed development site.</p> <p>The house adaptations needed in the proposal can be made to most houses. Certainly, to our own, which already has planning permission in place for alterations.</p> <p>We walk frequently about the Water End area and have not seen a public notice of the planning application posted.</p>
<p>Littlehill, Noake Mill Lane</p>	<p>This proposal is inappropriate development (1) and the applicant has not demonstrated very special circumstances at least in terms of length of search (2).</p> <p>1. This is beautiful, unspoilt pasture land which is even more impressive because of its sheer size. The development would not just affect local residents but also walkers (there is a public footpath along the whole length of the field continuing from Willows Lane</p>

	<p>towards Hemel Hempstead) who all enjoy the view of the field.</p> <p>The proposal might only relate to a corner of the field but it would be as good as cutting a whole chunk out of it as the section behind the house would become invisible from the road.</p> <p>Furthermore, this proposal is a luxurious facility (carer accommodation, swimming pool, wellness area) and provides far more than what was advised by medical professionals. To provide a safe environment for their daughter, the applicant could adapt and/or extend their current home or even build on brown field, none of which would cause harm to the Green Belt like this proposed house or even a less ambitious proposal would. It might even be easier to find a more suitable site if the proposal was less ambitious/more in tune with medical advice. Also, considering that daily use of the pool is also recommended, the family might consider finding a house near Stanmore to be closer to the local hydrotherapy center for when Lexi is finally accepted.</p> <p>2. The applicant talks of "tireless search" of "extraordinary length" but this actually only spans over a few months (self-build register dated February 2022 and earliest property viewing dated May 2022). In our particular case, it took us two whole years of active search to find the property we are now living in!!</p>
Meadowview, Noake Mill Lane	<p>This proposal is an inappropriate development due to this area being beautiful green belt land which is well used by local residents, walkers and wildlife moving through to the adjoining fields.</p> <p>If planning and a change of use is granted (even for one dwelling) this would give free rein for the whole of the area being opened to development. Once this green belt land has been spoilt there is no going back or undoing it.</p> <p>I do not feel that the search for a suitable dwelling has been explored fully and thoroughly. There are many other options out there that would be suitable to meet the suggested medical needs of the family without taking up green belt land and opening the field to unwanted builds.</p> <p>Local residents have strived to pay a higher premium to live near such an area of natural beauty. The status of 'green belt' should mean exactly that, with the assurance that areas such as this are protected from any development big or small, now or in the future</p> <p><b>ADDITIONAL COMMENTS</b></p> <p><b>PLANNING DEPT - DBC - PLEASE NOTE!!</b>  On Wednesday the 25th of January in the Houses of Parliament during Prime Ministers Question Time, Sir Mike Penning the MP for our local area asked Prime Minister Rishi Sunak this question:</p> <p>"Can the prime minister assure me that we will not be pushed into the green belt any more than we already have been and that we can protect the Chilterns in my constituency?"</p>

	<p>Prime Minister Rishi Sunak gave his positive assurances in reply. In part of his reply he said: "this government will always protect our precious green spaces. The recent changes in our planning reforms will ensure that we can protect the green belt everywhere. His (Mike Pennings) local community and others will benefit from those protections as we keep our local areas beautiful."</p> <p>After the event, MP Sir Mike Penning said: "I am pleased that the prime minister backed protection of the green belt. He is right, it is precious. People move to Hemel Hempstead because of access to green spaces and the proximity of the beautiful Chilterns. It is a fine balance, we desperately need new homes, but we cannot just keep building on green belt land."</p> <p>This is further strong testimony that this application must be declined &amp; this development must be rejected in its entirety and should definitely NOT be allowed to continue in any shape or form on this green belt land.</p>
Hedgerows,	<p>The main concern with the proposed development relates to the principle of the development in the Green Belt and that it is inappropriate development in the Green Belt by definition and there is additional harm to the openness and the purposes of the Green Belt. We consider that the very special circumstances put forward do not set aside the harm identified.</p> <p>The Applicant advances the argument that the proposals will provide for their personal circumstances and the needs of their child. We are sympathetic to the Applicant's desire to care for their daughter and the provision of a treatment and wellness room. However, accommodation suitable for Lexi could be either built or modified at a location that is not Green Belt. I note that the Applicant has taken steps to do this and has determined it is not cost effective. This implies that the issue here is money. Green Belt land once built upon is lost as such is irreplaceable. The Applicant on the other hand has choices as to location, size of the property and or to raise more money.</p>
Little Oaks, Potten End Hill.	<p>I object to this proposal for change of use and the construction of a dwelling on the above site. This is a green belt field and if this was to be given would open up future developments on the same field. Before we would know it a green belt field would be covered in properties. I find it very hard to believe that they cannot find land elsewhere that is not on green belt land to develop on or an existing property that can be developed to cater for their needs.</p> <p>They said that they had tried all options of obtaining land or an existing property to convert and the Patels were the only ones to offer this piece of land. It is now very suspicious that the Patels have now opened up a company dealing in real estate.</p> <p>As said before we would, if not careful have a complete housing development on a green belt field</p>

The White House,  
Potten End Hill

The main concern with the proposed development relates to the principle of the development in the Green Belt and that it is inappropriate development in the Green Belt by definition and there is additional harm to the openness and the purposes of the Green Belt. We consider that the very special circumstances put forward do not set aside the harm identified.

#### SITE AND SURROUNDINGS

The application site comprises of an undeveloped parcel of agricultural field extending to 0.18 acres located to the west of Willows Lane. The site is defined by a hedgerow along the northern boundary and a wooden fence along the eastern boundary, which forms the boundary with Willows Lane. The site is accessed via Willows Lane, which is a private road and provides access to a small number of properties. Willows Lane has a public right of way along it which enters the field where the application site is located. The site is in a semi-rural location and set away from residential properties.

The site is also located in the Water End Conservation Area and within the High Gade Valley Landscape Area 123. It is however not adjacent to a Listed Building. The site is also not within the Chilterns Area of Outstanding Natural Beauty (AONB), although Potten End Hill forms the edge of the Chilterns AONB.

The Council's planning records for the site show only one planning application at the site, which was for solar panels and is detailed below.

Planning Reference 20/00189/RET: Retention of change of use from pasture to two rows of solar panels.

Refused due to:

1. The panels by reason of their location and scale would significantly harm the current and lawful openness of a substantial area of land within the Green Belt through the resultant encroachment of the countryside, failing to meet the expectations and contrary to the National Planning Policy Framework's (2019) Paragraphs 133, 134(c) and 146, representing inappropriate development and Policy CS5 (Green Belt) of the Dacorum Core Strategy (2013).

The submitted very special circumstances put forward to justify this renewable energy project do not outweigh the harm by reason of this inappropriate development with reference to the expectations of Paragraph 147 of the National Planning Policy Framework.

2. The application site as shown by the submitted Site Location Plan is identified as pasture land. The use of this land for either agricultural or equestrian pasture purposes is currently wholly compatible with keeping the land open in the Green Belt in accordance with the National Planning Policy Framework's to 'Protecting Green Belt land' by safeguarding the countryside from

encroachment. The change of use of the part of the application site shown for the solar panels, when considered in conjunction with the change of use of the remainder of the application site, would result in the loss of openness of the Green Belt through the encroachment of the countryside. This would be contrary to Paragraph 134 (c) of the National Planning Policy Framework and Policy CS5 of Dacorum Core Strategy with the associated loss of the pasture land which maintains the openness of the Green Belt. The submitted very special circumstances do not outweigh the harm to the openness of the Green Belt, as referred to by Reason 1.

3. The panels by reason of their location and scale would be harmful to the setting of the Water End Conservation Area contrary to Policy CS27 of Dacorum Core Strategy (2013) and, saved Policy 120 of Dacorum Local Plan (2004).

#### PROPOSAL

Planning permission is sought for the change of use of the land to residential and the construction of a dwellinghouse, associated amenity space and parking. The proposed dwelling would be over two floors and at first floor will provide a self-contained carers accommodation, which would be above where the applicant would reside. Access to the site would be gained via Willows Lane and there would be the provision of on-site car parking on the site.

#### PLANNING OBJECTION

The application site lies outside of any existing settlement, within the designated Green Belt as defined on the Proposals Maps of the adopted Local Plan. The National Planning Policy Framework (NPPF) at Paragraph 149 advises that construction of new buildings is inappropriate development in the Green Belt. There are exceptions which are listed, although the proposed development does not meet any of those. Inappropriate development is by definition, harmful to the Green Belt, and should not be approved except in very special circumstances.

Consistent with the NPPF, Policy CS5 of the Dacorum Core Strategy (CS) outlines that the Council will apply national Green Belt policy to protect the openness and character of the Green Belt, local distinctiveness and the physical separation of settlements.

Policy CS1 of the CS directs new housing development to the main towns, with Hemel Hempstead being the focus for new homes and the market towns and large villages accommodating new development for housing. It outlines that the rural character of the borough will be conserved. Development that supports the vitality and viability of local communities, causes no damage to the existing character of a village and/or surrounding area and is compatible with policies protecting and enhancing the Green Belt, Rural Area and Chilterns Area of Outstanding Natural Beauty will be supported.

There is no dispute that the proposed new dwelling involves inappropriate development, which is by definition, harmful to the



Green Belt. This is also accepted by the Applicant. Subsequently the proposed development conflicts with Policies CS5 and CS1 of the Dacorum CS and the NPPF. Openness of the Green Belt

Paragraph 133 of the NPPF makes it clear that the Government attaches great importance to Green Belt and the protection of its essential characteristics. The NPPF defines one of the essential characteristics of the Green Belt to be its openness. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belt are their openness and their permanence.

There is not a formal definition of openness but, in the context of the Green Belt, it is generally held to refer to an absence of development. Openness has both a spatial (physical) dimension, and a visual aspect. Harm by way of a loss of openness, both in terms of the visual component of openness and the spatial loss of an open site to development attracts substantial weight. The existing site is free of any form of development and it is therefore open. The introduction of a new house on this site will result in a substantial loss of that openness.

Spatially, the proposed development would result in a significant reduction in existing openness simply by the introduction of a new dwelling. Visually, the effect of the development would be visible from a number of surrounding vantage points.

To the north of the site, the proposed development would be less visible as a result of the adjacent built forms of the houses along Willows Lane. However, to the south and to the west, the land is open and the open and undeveloped countryside extends beyond the site. In addition, a public footpath traverses along Willows Lane which goes past the application site and into the open field where the development is proposed. Therefore, the loss of visual openness as a result of the development will be high.

In conclusion, the overall harm to the openness of the Green Belt will be substantial. Encroachment and other Green Belt purposes.

Paragraph 138 of the NPPF sets out the five purposes which the Green Belt serves. Criteria c) is: to assist in safeguarding the countryside from encroachment.

The proposed development would introduce a built form of development on the site which will replace the open countryside and encroachment would thereby be incurred, which would lead to substantial harm and conflict with Paragraph 134(c) of the NPPF.

#### Summary of Green Belt harm

The proposed development would incur definitional harm as inappropriate development and would impact further on the openness and the purposes of the Green Belt through encroachment. Of note, planning application reference 20/00189/RET at the site for the Retention of the Solar Panels was refused due to the proposal being inappropriate in the Green Belt

and its impact on the openness of the Green Belt through the encroachment of the countryside.

The Case Officer report outlines that:

'There would be a very significant negative effect upon the openness of this tract of green belt through the resultant encroachment of this part of the countryside, conflicting with the expectations of Para 134 (c). This would be due to the panels location and scale in an otherwise unbroken tract of land with a substantial spatial impact'.

The proposed development for a new dwelling would have more impact to the openness and the purposes of the Green Belt than the solar panels as the proposed house would be substantial and larger than the refused solar panels in terms of height, width, and overall scale.

#### Landscape Character Area

The site is located in the High Gade Valley Landscape Character Area which is defined by:

- steep valley slopes;
- long views along the open alley;
- traces of downland scrub and woodland;
- clustered settlement along watercourse;
- wet woodlands and grazing meadow;
- sweeping arable fields;
- floodplain and wetland vegetation;
- ancient settlement; and
- ornamental nurseries and associated planting.

The strategy and guidelines for managing change in this area includes to:

'Ensure that the surroundings of converted and new buildings are designed and maintained to be in keeping with their agricultural surroundings by ensuring that 'Garden' details are to be screened from view where possible and native species are used for hedging and tree planting to the perimeter'; and Proposals to change agricultural land to other uses such as golf course should be very carefully examined and should only be permitted where they do not undermine the distinctive character of the landscape'.

The intrusion of the proposed substantial dwelling into what is an open and undeveloped field would fail to consider and strengthen the character and appearance of this area and would have a negative impact on the High Gade Valley Landscape Character Area and would introduce built form into the open and undeveloped countryside.

#### Heritage

The Site is located adjacent to the Water End Conservation Area, which is a designated heritage asset. The Council's website outlines that; 'Conservation Areas are those of 'special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance'. Generally, it is the appearance of the area, rather than individual buildings, that justifies the designation'.

Policy CS27 of the CS states that all development will favour the conservation of heritage assets. The integrity, setting and distinctiveness of designated and undesignated heritage assets will be protected, conserved and is appropriately enhanced. It continues to outline that development will positively conserve and enhance the appearance and character of conservation areas.

In my opinion, the significance of this part of the Water End Conservation Area is derived from the small cluster of properties set amongst the agricultural fields. The agricultural fields to the south of the southern edge of the Conservation Area makes a positive contribution to the setting of the Water End Conservation Area.

Although there is no statutory requirement to consider the setting of conservation area, Paragraph 200 of the NPPF states that harm to a designated heritage asset, including arising from development within its setting, requires clear and convincing justification. This is reflected in Policy CS27 of the CS. The Site is immediately to the south of the Water End Conservation Area and will have an impact on the setting of the Conservation Area. The development of a new dwelling in this open countryside setting will introduce built development into the green gap and diminish Water End Conservation Area's setting. As such there would be harm to the setting of the Water End Conservation Area.

Therefore, the proposed development will have a negative effect on the setting of the Water End Conservation Area and would cause 'less than substantial harm' to this part of the conservation area.

In line with Paragraph 202 of the NPPF, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Subsequently, the Applicant should be demonstrating the public benefits of the proposal and outline that the harm would be more than outweighed by these, which has not been addressed within the submission.

#### Sustainability

The application site is located within a semi-rural area, some distance from Hemel Hempstead or Potten End which are the closest town and village retrospectively to the site, where there are amenities and facilities. The roads that lead to these locations are undesignated roads and Potten End Hill has no pavement along it. In terms of public transport, there are bus stops along Leighton Buzzard Road, however these are some distance from the site. For travel further afield, the nearest railway station will be at Hemel Hempstead.

Therefore, it is concluded that the site is only accessible by private vehicle. It is in an unsuitable and isolated location, as it would fail to

provide satisfactory access to services and facilities by means other than the private motor car.

#### Very Special Circumstances

Substantial weight is attached to any harm to the Green Belt by reason of inappropriateness. Paragraph 148 of the NPPF outlines that: When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal is clearly outweighed by other considerations.

In addressing this subject, the Courts have made clear that a particular mathematical exercise is not required. Rather a single exercise of judgment is necessary. It is widely acknowledged that the definition of very special circumstances do not in themselves have to be rare or uncommon.

A case of very special circumstances has been put forward by the applicant. In this instance, the case rests on the applicant's personal / medical circumstances which are crucial to their case and the need for the development. Details of their daughter's needs have been provided in the Applicant's submission and supporting information.

#### Amount of Accommodation Provided

The proposed dwelling would include a three-bedroom property, with a living area; car port; treatment and wellness room which would include a hydro pool; and first floor accommodation to provide an annexe for a live in carer who would include a separate kitchen and living room, bathroom and bedroom. The first-floor accommodation would be accessed via a separate access from the proposed porch and would be fully self-contained. Additionally at first floor there would be an office / storage area.

The supporting information provides numerous supporting medical letters from health professionals.

This includes a letter from the Royal National Orthopaedic Hospital which outlines that:

XXX parents are looking to rebuild and modify their home to provide a safe environment for her. This will hopefully reduce the potential for injury, and thereby lessen the impact of disease progression on her. It could mean that by the time drug treatments do become available that her condition has not progressed too far and she can still benefit from them.

Dr Murtuza A Khan outlines the following provisions required for their bespoke housing request:

- No stairs;
- Wheelchair access at all points to and inside the house
- Larger doors and entrances
- safe wet room to eliminate bathroom slippage
- soft/padded floors

- Size enough utility room to safely store medicine and required apparatus E.g. wheelchair in future years.

An email from Rachel Calter: Speciality Community Public Health Nurse – Health Visitor outlines that

‘It is my professional opinion that it is in XXXX best interest to have a home all one level due to her individual needs’.

The Hertfordshire Community NHS Trust have provided a letter which also lists Lexi’s requirements.

These include:

- Dropped kerb/parking hardstanding
- Parking area and access should be well lit and surface should be firm, even and smooth;
- a covered parking space with covered access to main door may be of benefit during transferred for example during icy weather;
- accessible step free approach to main access doors;
- 1500 x 1500mm platform to turns and doors
- where plot is not level a ramp with a gradient of 1:15 is recommended;
- main access doors to have 900mm, clear opening and a level threshold;
- large hallway with clear turning circle of 1900mm
- step free access/levels floors around property;
- internal doorways should be wheelchair accessible with min 900mm clear opening;
- turning space of 1900, clear of any obstruction in Lexi’s bedroom, bathroom and communal/family areas;
- Lexi’s bedroom, bathroom and family rooms to be accessed from large hallway instead of via corridors or passage ways; and
- where a corridor is a necessity best practice is 120mm min wide to accommodate 90-degree wheelchair turns into a doorway.
- Lexi will benefit from her own bedrooms; and
- Lexi may benefit from having her own large wet room or bathrooms.

The proposed dwelling would include a treatment and wellness room which would include a hydro pool together with a first floor to include a separate annexe for a live in carer and office. These are not specified as required by the medical health professionals referenced above and would therefore exceed the amount of accommodation required. Whilst it is appreciated that at Paragraph 19.34 of the Design and Access Statement (DAS), the Applicant’s daughter would benefit greatly from hydrotherapy and at Paragraph 19.36 of the DAS the requirement for a hydrotherapy pool has resulted in an almost insurmountable challenge in terms of finding a suitable site.

However, from the information provided there is a lack of overall specific medical evidence that has been provided outlining that a hydrology pool and wellness area is an essential requirement for the family. Additionally, the proposals include a separate unit of accommodation for a live-in carer, which again is in excess of what is

essentially required and outlined by the medical health professionals.

A recent appeal decision reference, APP/Y3615/C/21/3272739 for extensions in the Green Belt where the case relied on the very special circumstances of the appellant, was dismissed at appeal. That appeal decision is included at Appendix 1 of my comments.

Paragraph 53 however outlines that:

'I also heard that it is unusual for live in carers to have their own accommodation. Under care regulations they need only have their own bedroom and would expect to share the family bathroom'.

The proposed development provides for a fully contained unit of accommodation, including a kitchen, sitting area, bathroom and bedroom all at first floor and accessed via its own separate door. Similarly, to the appeal, there is no evidence to demonstrate that a live-in carer is a requirement and indeed that a separate form of accommodation is required.

From the information provided by the medical health professions, it is understood that the Applicant requires a single storey property with wheelchair access. It is considered that the amount of accommodation proposed in the dwelling far exceeds what is essentially required for the Applicant and there is no convincing evidence that the entire amount of development proposed is an essential requirement for looking after their daughter and coping with her ongoing medical conditions, however desirable that may be.

It is our opinion, any development that is inappropriate in the Green Belt which causes additional harm to the openness and the purposes of the Green Belt, should be demonstrated to be the absolute minimum that is required to avoid any further unnecessary harm. In this instance, the proposed development would appear to far exceed the minimum development required and therefore as a result, this consideration should be given limited weight.

#### Alternative Site Search

The Applicant outlines that they have searched for alternative sites to the application site, which has not been successful. The DAS lists a number of things the Applicant has undertaken which includes a Market Housing Search, being placed on the Self Build Register, Enquires with Dacorum Council, media campaigns and market housing searches. The DAS concludes that: 'the Applicant has gone to extraordinary lengths to try and identify a site other than that which is the subject of this application.

However, a combination of low supply, high demand the exceptional modifications that any existing property would need to undergo have all led to their attempts being fruitless'.

Paragraph 19.48 of the DAS lists a number of estate agents that the Applicant has registered with. At Paragraph 19.49 of the DAS, the Applicant outlines that: 'the nature of the proposed project and the related construction costs and the current properties available on the market has resulted in those being viewed being unsuitable'.

The Applicant outlines at paragraph 19.50 of the DAS that the applicant has provided a 'snapshot' of a number of the 'on market' properties that have viewed and the reasons why they were considered unsuitable for the proposed project.

For example, the Applicant outlines that No. 44 Crouchfield was extremely expensive, with offers over £700k and the remodelling required would be between £300k and £500k.

Whilst the cost of some of the properties may be too high for the Applicant, no supporting financial information has been provided by the Applicant to evidence their financial situation with details of their income, mortgage and other limitations and to demonstrate that this property is not achievable.

Additionally, the Applicant's information does not provide information about the cost of the site, other than at Paragraph 19.59 of the DAS that: 'the application site provides a readily available opportunity at a nominal cost'. However, using PSA which is an online Self Build Cost Calculator, estimates the cost of a new dwelling of a similar size to that proposed to be approximately between £785,941.68-£1,008,237.50 depending on if the property is a 3 or 4 bedroom dwelling. This however does not include the cost of a treatment and wellness room with a hydro pool, which could be considerably more.

The results of the PSA are attached as Appendix 2 (to this statement)

This argument is also relevant to the Self Build Plots, which the Applicant outlines that the plots will be listed at over £600k.

Furthermore, at paragraph 19.51 of the DAS the Application outlines that 'none of these properties have been subject to a planning assessment. Achieving planning permission is never guaranteed, and any applications required to enable the necessary works to be undertaken would have resulted in uncertainty, further costs and delay'.

The Applicant would appear to have sold their property and are depending on this proposed development to gain planning permission. Purchasing an existing house and waiting for planning permission to extend or to rebuild, would be no different to this planning application. Indeed, if the property was within a built-up area, it is likely to have more certainty and less delay given the site would be previously developed and contains an existing house, unlike this undeveloped open countryside site.

From our own search for properties and land, there are numerous properties within a 10-mile radius of the application site that are available on Right Move www site. Some of which have been included at Appendix 3 (to this comment). They include existing houses which are at a price that is lower than £700,000 and potentially could provide an opportunity for the Applicant to either adapt the existing house; or demolish the house and rebuild, in line

with the requirements of their daughter.  
Included within those listed in Appendix 3, are some plots of land, which have the potential to also meet the Applicant's requirements.

As stated at Paragraph 19.60 of the DAS, the undeveloped nature of the application site dictates that the dwelling can be purpose built from the ground up, without the need for adaptations to be made to an existing property or for any to be made to the proposed property in the future. However, a potential plot of land in an existing urban area would provide the same opportunity as the application site, albeit it would not be an undeveloped piece of land in the Green Belt. The information provided to support this application, does not provide sufficient justification and detail why existing properties have been dismissed.

For example, a bungalow in Kings Langley, approximately 6 miles from the application site, is for sale for £550,000 with planning permission granted for a 4 x bedroom house. Whilst that planning permission may not offer the accommodation that the Applicant requires, the principle of the demolition of the property and erection of a new dwelling has been established. That property is referenced below.

Property in Kings Langley on Rightmove

Additionally, a further bungalow is listed on Rightmove in Hemel Hempstead which Rightmove mentions as a Redevelopment potential with a wide plot. Whilst it is appreciated that this property went onto the market in November 2022 after the application was submitted to the Council, it demonstrates that it is another previously developed site that could offer what the Applicant requires within a built-up area and not using undeveloped Green Belt land.

Property in Hemel Hempstead on Rightmove

Furthermore, in Northchurch there is a further bungalow that is on the market for £575,000 and outlines that the property offers an 'excellent chance for a buyer to purchase a blank canvas with an abundance of potential to extend, removed or perhaps even replace totally STNO'.

Property in Northchurch on Rightmove

These few examples of properties mentioned above provide a snapshot of what is available on the market at the moment within approximately a 6-mile radius of the site. It is unclear why these properties are unsuitable for the Applicant which do provide an opportunity to extend or replace with another property on previously developed land and which would not harm the Green Belt.

Furthermore, a property has been on the market in Willows Lane recently and whilst this has now been sold subject to contract, at no time has the Applicant approached the owner or made an offer to purchase the dwelling. This property was available for purchase, with full planning permission in place to undertake significant alterations, from March 2022 and hence was openly available during the



applicant's search. Whilst it is appreciated that it had a price of £1,500,000, no financial information has been provided by the Applicant to demonstrate that this is outside their limitations.

Furthermore, the Applicant has not considered all parts of the agricultural field in which the application site is located and which is owned by Dr Patel and his family. To the south of the site there is a farm building which was previously used as a heliport. This is a previously developed site with a building located on it. It is considered that a dwelling in this location, could potentially have less harm to the openness and purposes of the Green Belt, than the dwelling proposed. This option has not been fully explored within the details provided.

In conclusion, it is considered that whilst it is appreciated that the Applicant has looked into other sites and options, it has not been fully evidenced that their search has been unfruitful. There are existing properties on the market within a 6-mile radius of the application site that have the potential to be able to meet the requirements of the Applicant. Additionally, no financial information has been provided by the Applicant to support their claim that the cost of some of the properties and the cost to remodel those houses would be too expensive compared to the cost of purchasing the application site and building a new home of the size proposed with the facilities within it.

#### The Appeal Decision

An appeal decision has been provided by Applicant at Glebe Fields, Field 2 Glebe Lane for a 'unique, innovative, sustainable designed single-family dwelling of 330sqm, which exceed the latest energy performance standards and fits in eloquently within its rural setting. The 4-bedroom house with surrounding restored and enhanced landscaping will be wheelchair housing standard compliant to offer the power and his facility quality of life, whilst dealing with a chronic debilitating illness when the equestrian use is changed to residential use'.

That appeal was allowed, and planning permission granted. The Applicant considers that this is comparable to this proposal, which relied heavily on the very special circumstances of the Appellant.

The appeal site however comprised of a stable with associated hardstanding and grassed area, as mentioned at Paragraph 6 of that appeal decision. It would therefore appear that the appeal site was indeed a previously developed site, unlike the application site which is an undeveloped agricultural field. Although it is appreciated that the Inspector did find that the proposal was inappropriate development. Determining whether very special circumstances exist depends on evaluating the balance between planning factors. It falls to the decision maker to decide what the very special circumstances are in that case and if they outweigh the harm to the Green Belt. The weight to be given to a particular factor will be very much a matter of degree and planning judgement and something for the decision taker to consider.

Whilst the Applicant has provided an appeal decision which outlines where the Inspector has taken the personal circumstances of the Appellant into consideration, there are also many appeal decisions that consider the personal circumstances of the Appellant do not set aside the harm to the Green Belt.

For example, appeal reference APP/Y3615/C/21/3272739, included at Appendix 1 outlines at Paragraph 61 that;

'However, I am not satisfied that the extensions are essential requirement for looking after their son and coping with his ongoing medical conditions, however desirable that may be. There are a number of letters from various NHS consultants but these refer to matters not directly related with the need for the extensions.....There is a lack of overall specific medical evidence to demonstrate the son needs his own suite of rooms, or a gym/physio or even the type of equipment he needs. There is no overriding medical assessment or timescale for when his care may change and timescale for when alive in career would be needed, other than references to 'sometime in the future. Hence at the moment there is no substantive evidenced justification for the extensions, and in particular the carer's wing, which the appellants consider to be the most important.'

Paragraph 68 outlines that:

'On the other side of the balance are the appellant's personal circumstances. I am sympathetic to the applicant's desire to care for their disabled son at home and future proof it with the provision of live in carer's accommodation. However, in my view there is inadequate medical or other justification to demonstrate that the dwelling could not have been internally modified or reconfigured; or that the extensions were expressly needed for their son's care; to that they had to be designed and of the size they are' or that smaller extensions were not possible. For these reasons I give limited weight to the appellants' person circumstance.'

Paragraph 69 continues to outline:

'I therefore find the other considerations advanced in this case do not clearly outweigh the totality of the harm identified to the Green Belt, the AONB and the character and appearance of the dwelling. Consequently, the very special circumstances necessary to justify the development do not exist'.

Therefore, it is clear from this appeal that it is a matter of judgement the considerations that are put forward, but for the considerations to be considered to warrant the very special circumstances required to set aside the harm, it must be demonstrated that there is no other option and all other avenues have been exhausted; and that the size of the proposed development and the provision of ancillary accommodation such as a treatment area and wellness room with a hydro pool and carers accommodation are a necessity and the proposed development provides the minimum amount of development that is necessary.

In this instance, as mentioned above, we are not satisfied that the Applicant has justified and evidenced the need for this amount of

development and that there are no alternative locations within a 6-mile radius of the application site that could satisfy the Applicant's needs but result in no harm to the Green Belt or other material harm.

Furthermore, no financial information has been provided to support the claims that some of the properties are too expensive.

#### Housing Need

The Applicant outlines that Dacorum Borough Council do not have a 5-year housing land supply and the proposed dwelling would contribute to their housing need. Paragraph 11 of the NPPF outlines that for decision taking this means approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, granting permission unless, the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed. This includes those sites that are on land designated as Green Belt.

Therefore, the tilted balance is not engaged as the site is in the Green Belt. This is supported by the Written Ministerial Statement of December 2015 indicates that unmet need is unlikely to clearly outweigh the harm to Green Belt and any other harm so as to establish very special circumstances. Additionally, given that the development is for only one dwelling, this would not significantly boost the housing supply for Dacorum Borough Council. Therefore, this material consideration provides only very limited weight.

#### Planning agreement

The Applicant considers that given the unique circumstances of the case, should planning permission be granted, this should be subject to the provision of a Unilateral Undertaking which would limit the occupancy of the dwelling to the Applicant's family and those parties with a direct care responsibility to their daughter's condition.

However, the development would be physically present for the indefinite future continuing to cause harm to the Green Belt, the Water End Conservation Area and the High Gade Valley Landscape Character Area. The imposition of a unilateral undertaking would not reduce the harm to the Green Belt or these other harms that have been identified and would not reduce the impact if the family decide not to live in this location anymore.

#### Planning Balance and Conclusion

The development represents inappropriate development in the Green Belt, which is harmful by definition. There is also further substantial harm to the openness of the Green Belt and the purposes of the Green Belt through encroachment into the countryside. Inappropriate development should not be approved except in very special circumstances, which will not exist unless the harm to the Green Belt by reason of inappropriateness and any other harm, is clearly outweighed by other considerations.

Any harm caused to the Green Belt must be given substantial

	<p>weight. Great weight must also be given to the harm that is caused to the Water End Conservation Area and to the High Gade Landscape Character Area. Therefore, it has been identified that there are planning objections to the proposals. The Applicant advances the argument that the proposals will provide for their personal circumstances and the needs of their child. We are sympathetic to the Applicant's desire to care for their daughter and provide live in carer's accommodation and the provision of a treatment and wellness room.</p> <p>However, in our view, there is inadequate medical justification to demonstrate that the extent of the proposed accommodation is essential for the Applicant's daughter. It is our opinion that the proposed development is in excess of the minimum requirements and a smaller house would be possible to meet their requirements.</p> <p>Additionally, there are a number of other properties and land that is available within a short distance of the application site that could potentially be adapted or indeed demolished and rebuilt, to provide for the Applicant. We are not satisfied that the Applicant has evidenced sufficiently and robustly that there are no alternative locations that could satisfy the Applicant's requirements and result in no harm to the Green Belt. Furthermore, there is also a lack of financial information that has been provided to justify the reference to the Applicant's limited financial situation. Therefore, it is considered that only limited weight can be given to the Applicant's personal circumstances.</p> <p>We therefore find that the considerations that have been put forward by the Applicant do not clearly outweigh the totality of the harm that has been identified to the Green Belt, including to its openness and the purposes, the Water End Conservation Area and the High Gade Landscape Character Area.</p> <p>It is therefore considered that very special circumstances do not exist to justify this inappropriate development and the application should therefore be refused.</p>
<p>180 Marleigh Avenue, Cambridge</p>	<p>I wish to Object.</p> <p>The immediate area adjacent to the proposed development site is the family home that for 25 years I grew up in. During that time I had the opportunity to live in an area of Green Belt land that the proposed development will, by admission of the applicants, be materially harmed.</p> <p>Whilst I have sympathy for the applicants' very special circumstances, I feel their needs can easily be met by numerous existing properties that can be acquired and re-developed to meet their needs. Specifically, a bungalow with wheelchair access and in close proximity to the specialist services they require, such as a hydrotherapy pool in Stanmore. The proposed development site is further from these services in Stanmore than the previous family home in Kings Langley.</p>

	<p>During my time, growing up as a child in the family home, The White House, Willows Lane, my father died due the wicked and tragic disease of Cystic Fibrosis, which is an equally tragic issue to those faced by the applicant's family.</p> <p>Any material changes to the immediate Green Belt land, as per the proposed development, will irreparably damage future generations of not only my, but also future families, that wish to live in areas like Willows Lane where the belief is that the unspoilt and open nature of the Green Belt is perceived to be protected, through Planning Process and precedent.</p> <p>Since my father's death, my mother has strived to maintain the family home to both protect the very special memories we have and also to maintain a legacy for my lost and departed father's immediate family. The proposed development will have a material impact on both. I'd highlight that many of the supporters of this application do not/have not lived in the parish and perhaps are not even aware of the immediate surroundings unlike myself. I lived there for 25 years and still consider the White House to be my family home.</p> <p>To that end the applicants proposed location still hold precious very special circumstantial memories for me that, if the application is approved, will be forever lost. In the same way that this area of Green Belt, once developed will also be irretrievably lost.</p> <p>When considering the applicant needs, for a 3 bedroom bungalow that can be modified for wheelchair access and in close proximity to Stanmore, I find it untenable that the proposed site, creating material harm to the Green Belt is the only option available. I understand that there are approx.. 100 properties for sale, in the immediate area that could meet their needs.</p> <p>I urge the respective planning authorities to refuse this application, linked to change of use for this Green Belt land, to protect and maintain the local environment for this and future generations</p>
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**SUPPORTING COMMENTS**

<b>Address</b>	<b>Comments</b>
Gade Valley Junior Mixed Infants School	<p>We as a school are aware that this house is designed for Lexis needs but we are extremely mindful of Ronnie's needs too, he is currently in our Reception class and will of course be living at the property. We are currently working with Ronnie in his transitional period to understand his role as a big brother to someone with such a rare condition. It has been suggested Ronnie will start to work with carers organisations to learn how to cope with Lexi and the impact her illness will have on the both of them. As a school we are the recommended location for Lexi to join and her EHCP application is already being processed due to her specific and rare needs, with additional support from outside agencies.</p> <p>She will require a 1-2-1 at all times at school and as Ronnie already attends our Reception we are already doing everything we can to</p>

	<p>safeguard both children and support the parents through the children's school years. Hours of effort have been put into both children's school plans and I would not recommend moving them out the area and attending another school. We will offer the best care for these children in this unique situation hence why this location of land is the most suitable for this family. They can drive to school from Willows Lane to Gade Valley. Anything further away would not only compromise their care due to others lack of understanding and experience but also create great upset and disturbance for the Robins family, particularly Ronnie. As a school we highly recommend this build and the stability it is able to offer to both children</p>
<p>International FOP Association (IFOPA)</p>	<p>Please take this as conclusive when I say that there is no greater authority, globally, to be able to advise on the FOP condition or the severe impact it has on the communities and families.</p> <p>I have reviewed the Robins family plans in detail and we, as the IFOPA, are in full support of the critical need for all aspects of the proposed dwelling. Not only are we in full support of the plans, we are very concerned with some of the objection comments relating to the medical condition and what others deem 'best' or 'necessary' for an FOP patient. Not only is much of this grossly inaccurate and misunderstood, it demonstrates a significant disrespect to the medical professionals that have backed this bespoke dwelling.</p> <p>We are in full support of the medical professionals who are qualified, hold the attributes and spend countless hours, days and weeks best understanding this rare and cruel disease that affects the FOP community.</p> <p>If any of the 'objectors' wish to learn more about the FOP condition in order to correct their knowledge on this, then we can be contacted to discuss.</p> <p>If any of comments are coming from qualified medical professionals, then not only would we love to educate you further relating to the FOP condition, but we would also like to engage you in our 'Pursuit of a Cure' programme in order to find a way of combating this disease. Again, we are welcome to be contacted.</p> <p>We fully back every detail of the current proposed design, recognise each aspect as necessary and are in full approval of the application.</p>
<p>Royal National Orthopaedic Hospital</p>	<p>I am the UK specialist for the majority of patients with Fibrodysplasia Ossificans Progressiva (FOP). I have worked with the Robins family since Lexi's diagnosis last year. I agree with the OTs specific measurements of the house and, although I understand why they need to be on the small side, I believe this house would make a significant difference to Lexi's future welfare and capabilities. The chronic and progressive condition Lexi has means that her body needs protecting, and Mrs Robins has covered every need for her child for now and in the future within this floorplan. I hope this house is approved as it will make a big difference to Lexi needs. This house build for my patient therefore has my full support.</p>

	Professor Keen
22 The Avenue, Flitwick	I was a senior reporter for the Gazette last year and have worked with the Robins family throughout their diagnosis of Lexi and fundraising efforts for FOP. After the family called asking me to help them we tried to feature their land search in many articles including a front page spread pleading for land or a house to convert for their daughter and her needs. I believe they have tried everything possible to secure space for this bespoke build for Lexi and I hope this application is granted as I have witnessed them trying everything else.
4 Victoria Gardens	Lexis condition was the first case of FOP I had encountered in 37 years as a paediatrician at Portland children's hospital, London. The family have worked very hard to do everything for their daughter and I support the care they are aiming to achieve from this house build. Daily Hydrotherapy is the best prevention and treatment currently for Lexi and being able to do this every day at home will make a big difference to her mobility. Please move forward and approve this special build for this one in two million condition, it is very important  Dr Khan