

Spatial Planning Policy Consultation Response

Planning Application No.	5/2021/3194
Site:	St Stephens Green Farm Chiswell Green Lane St Albans Hertfordshire
Description of development:	Outline application (access sought) for demolition of existing buildings, and the building of up to 330 discounted affordable homes for Key Workers, including military personnel, the creation of open space and the construction of new accesses
Recommendation:	<u>Refuse</u>
Officer Contact:	Chris Briggs

ADVICE/ COMMENTS

The following advice and comments relate to principle of development, very special circumstances, and housing land supply/ proposed housing mix. It also provides update on relevant case law and appeal decisions.

Principle of Development

Relevant Policy

The proposed development would be located in the Metropolitan Green Belt.

Local Plan (Saved 2009) Policy 1 'Metropolitan Green Belt' states:

"Within the Green Belt, except for development in Green Belt settlements referred to in Policy 2 or in very special circumstances, permission will not be given for development for purposes other than that required for:

- a) mineral extraction;*
- b) agriculture;*
- c) small scale facilities for participatory sport and recreation;*
- d) other uses appropriate to a rural area;*
- e) conversion of existing buildings to appropriate new uses, where this can be achieved without substantial rebuilding works or harm to the character and appearance of the countryside.*

New development within the Green Belt shall integrate with the existing landscape. Siting, design and external appearance are particularly important and additional landscaping will normally be required. Significant harm to the ecological value of the countryside must be avoided."

NPPF states:

“147. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

148. 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.”

PPG Paragraph: 001 Reference ID: 64-001-20190722:

“What factors can be taken into account when considering the potential impact of development on the openness of the Green Belt?”

Assessing the impact of a proposal on the openness of the Green Belt, where it is relevant to do so, requires a judgment based on the circumstances of the case. By way of example, the courts have identified a number of matters which may need to be taken into account in making this assessment. These include, but are not limited to:

- openness is capable of having both spatial and visual aspects – in other words, the visual impact of the proposal may be relevant, as could its volume;*
- the duration of the development, and its remediability – taking into account any provisions to return land to its original state or to an equivalent (or improved) state of openness; and*
- the degree of activity likely to be generated, such as traffic generation”*

Evidence Base and previous Local Plan work

SKM Green Belt Review

The SKM Green Belt Review comprises:

- Part 1: Green Belt Review Purposes Assessment (Prepared for Dacorum Borough Council, St Albans City and District Council and Welwyn Hatfield Borough Council) – November 2013*
- Part 2: Green Belt Review Sites & Boundaries Study – Prepared for St Albans City and District Council only – February 2014*

Part 1: Green Belt Review Purposes Assessment (Prepared for Dacorum Borough Council, St Albans City and District Council and Welwyn Hatfield Borough Council) – November 2013

The site is identified as being part of parcel GB25 in the Green Belt Review Part 1.

GB 25:

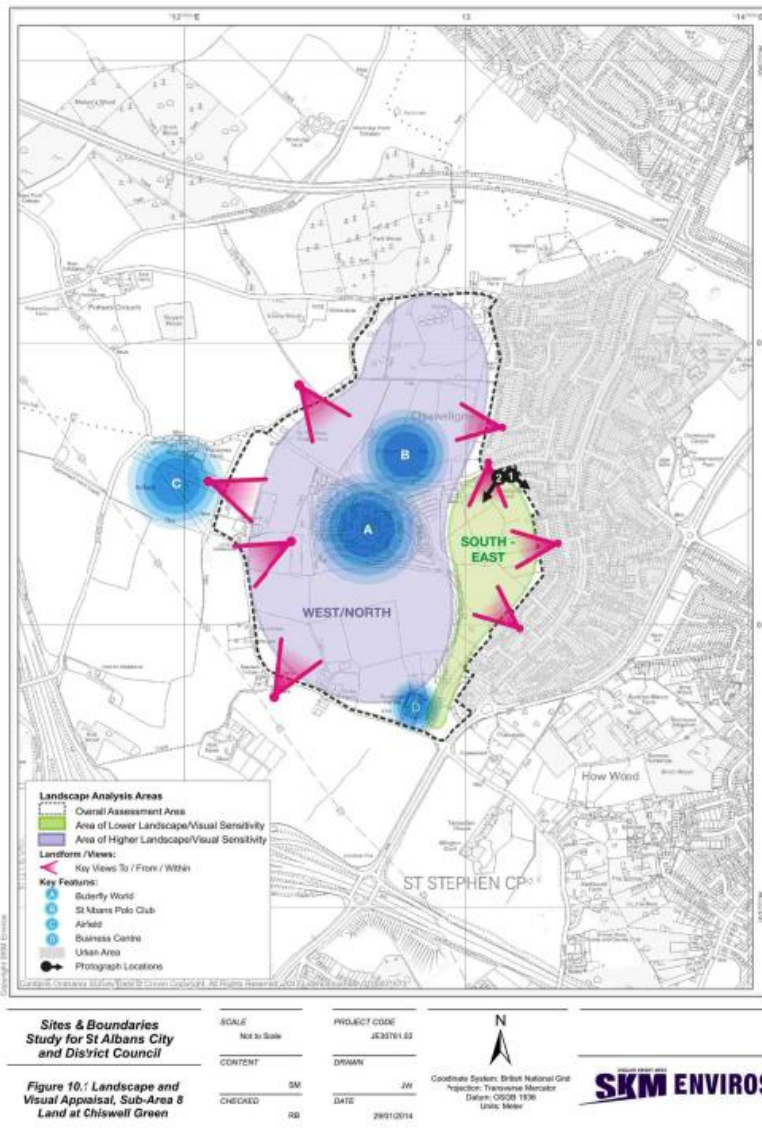
“Significant contribution towards safeguarding the countryside and maintaining the existing settlement pattern (providing gap between St Albans and Chiswell Green). Partial contribution towards preventing merging and preserving setting. Overall the parcel contributes significantly to 2 out of 5 purposes.”

The assessment set out that part of parcel GB 25 should be further assessed. This ‘strategic sub-area’ included the application site as part of the ‘west/north’ part of this sub-area (and is set out diagrammatically further below):

“Enclosed land at Chiswell Green Lane at Chiswell Green is recommended for further assessment as a strategic sub-area (SA-S8). In light of the function of the strategic parcel, the sub-area identified on pasture land at Chiswell Green Lane displays urban fringe characteristics due to its proximity to the settlement edge and Butterfly World along Miriam Road to the west. This development bounds the outer extent of the pasture land and creates a physical barrier to the open countryside. The pasture land also displays greater levels of landscape enclosure due to localised planting along field boundaries. This creates potential to integrate development into the landscape with lower impact on views from the wider countryside and surroundings. At the strategic level, a reduction in the size of the parcel would not significantly compromise the overall role of the Green Belt or compromise the separation of settlements. Assessed in isolation the land makes a limited or no contribution towards all Green Belt purposes.”

The assessment of purposes is set out in Annex 1.2 of the Review. The extract of this assessment is provided at Appendix 1 of this report.

Part 2: Green Belt Review Sites & Boundaries Study – Prepared for St Albans City and District Council only – February 2014



The site was considered as part of sub area SA-S8: Land at Chiswell Green.

The extract of this assessment is provided at Appendix 1 of this report. This site was identified as being an area of higher landscape sensitivity and was not recommended for further consideration for release from the Green Belt.

“Landscape Character

The landscape has a very open character and development would completely change this. Any changes to this landscape would be very conspicuous. Agricultural intensification is a key contributor to the current character and influences the openness of the landscape. Some of the boundaries still comprise hedgerows with hedgerow trees, but they are frequently very fragmented.

Settlement Form

In light of the function of the strategic parcel, the sub-area identified on pasture land at Chiswell Green Lane displays urban fringe characteristics due to its proximity to the settlement edge and Butterfly World along Miriam Road to the west. This development bounds the outer extent of the pasture land and creates a physical barrier to the open countryside. The pasture land also displays greater levels of landscape enclosure due to localised planting along field boundaries. This creates potential to integrate development into the landscape with lower impact on views from the wider countryside and surroundings.

Views/visual features

The openness of the landscape means development would be conspicuous from the surrounding landscape, with key visual receptors comprising the residents of dispersed properties and users of the small local roads.

Landscape Value

No landscape, cultural heritage or ecological designations.

Overall Evaluation

Higher sensitivity”

Strategic Housing Land Availability Assessment (SHLAA)

The site has not previously been included in the Council SHLAAs from 2009 – 2018.

Call for Sites - 2021

The site has been submitted via the Call for Sites process which ran from January to March 2021. The Call for Sites reference is STS-53-21 under the current HELAA process. It is being assessed for suitability, achievability and availability.

Housing

The proposed development is for up to 330 dwellings which are proposed to be 100% Discounted Affordable Home Ownership.

Housing Land Supply

SADC currently has a housing land supply of 2.2 years from a base date 1 April 2021. It is acknowledged that 2.2 years is substantially below the required 5 years.

Housing and Affordable Housing Need

GL Hearn South West Herts – Local Housing Need Assessment (LHNA) (September 2020). The following table on page 141 of the LHNA sets out the required need for different sized homes.

- Recommendation: The following mix of homes size by tenure is suggested as a strategic mix across the 2020-2036 period. As there are only modest changes at a local authority level this mix can be applied across the HMA and at a local level.**

Size	Market	Affordable Homes to Buy	Affordable Homes to Rent
1-bedroom	5%	25%	30%
2-bedrooms	20%	40%	35%
3-bedrooms	45%	25%	25%
4+-bedrooms	30%	10%	10%
- The mix identified above could inform strategic policies although a flexible approach should be adopted. In applying the mix to individual development sites, regard should be had to the nature of the site and character of the area, and to up-to-date evidence of need as well as the existing mix and turnover of properties at the local level. The Councils should also monitor the mix of housing delivered.
- It will ultimately be for the Council(s) to write into policy the approach which best meets their local circumstance. This could be, for example, a desire for further downsizing or a pragmatic approach to a constrained housing supply both of which would see a greater proportion of smaller homes being built.

The LHNA does not recommend an affordable housing percentage, as it is up to the Council to decide with considering viability. Below sets out the range of affordable housing need.

Table 37: Estimated Annual Level of Affordable/Social Rental Housing Need (2020-2036)

	Dacorum	Hertsmere	St. Albans	Three Rivers	Watford	SW Herts
Current need (divided across 16 year period)	70	71	63	45	101	350
Newly forming households	570	380	486	360	448	2,243
Existing households falling into need	353	133	197	77	163	924
Total Gross Need	993	585	745	483	712	3,517
Supply	630	228	303	133	230	1,523
Net Need	363	356	443	350	482	1,994

Source: Census/CoRe/Projection Modelling and affordability analysis

- 5.99 For authorities with a plan period other than 2020-2036, the current need as stated in the final column of Table 33 should be divided by the number of years in the plan period. This will impact the total gross need, but the other numbers are calculated on a per annum basis so will not change.

Table 42: Estimated Annual Need for Affordable Home Ownership (2020-2036)

	Dacorum	Hertsmere	St. Albans	Three Rivers	Watford	SW Herts
Current need	25	18	34	14	26	118
Newly forming households	410	260	512	259	303	1,743
Existing households falling into need	76	55	103	41	79	355
Total Gross Need	511	333	649	315	408	2,217
Supply	263	186	265	153	156	1,023
Net Need	248	147	385	162	252	1,194

Source: Range of data sources as described

5.143 As per the analysis for affordable homes to buy, for those authorities whose plan period differs from the 2020 to 2036 period, the current need should be divided by the number of years in the plan period being used. This will also impact the calculation of the gross and net need. All the other factors are shown on a per annum basis.

It is noted that all of the affordable housing is described as discount market housing. The majority of the need in the District is for rented affordable accommodation.

Housing Summary

It is clear that there is no 5 year land supply and that substantial weight should be given to the delivery of housing. It also clear that there is a need for affordable housing and self-build plots and substantial weight, should be given to delivery of affordable housing.

Other Relevant Case Law

A review of case law has been undertaken, including recent appeals, in the district, related to Very Special Circumstances. These are in Appendix 2.

Overall Conclusion

It is considered clear that a number of significant harms and significant benefits would result from this proposed development. A recent appeal decision in the District allowing permission for residential development in the Green Belt is also significant. The SKM Green Belt Review considered that overall parcel GB 25 does significantly contribute to safeguarding the countryside and maintaining the existing settlement pattern, in addition to making a partial contribution towards preventing merging and preserving setting. It notes that part of the parcel does have urban characteristics, and part of the south east of the parcel is recommended for further consideration for exclusion from the Green Belt through the Local Plan processes. The application site, however, is clearly indicated as being of higher landscape sensitivity and is indicatively proposed to be retained for landscaping and not for further consideration for release from the Green Belt through the Local Plan processes.


It is also clear that there is no 5 year land supply and that substantial weight should be given to the delivery of housing. It also clear that there is a need for affordable housing and substantial weight should be given to delivery of affordable housing. It is noted that all of the affordable housing is described as discount market housing. The majority of the need is for in the District rented affordable accommodation

This note is focussed on key policy evidence and issues but recognises that considerable other evidence is relevant. In totality it is considered that this recommendation is to refuse.

Appendix 1

Part 1: Green Belt Review Purposes Assessment (Prepared for Dacorum Borough Council, St Albans City and District Council and Welwyn Hatfield Borough Council) – November 2013

Green Belt Review Purposes Assessment – Parcel Assessment Sheets for St Albans City and District Council

GB25 –Green Belt Land to West of Chiswell Green	
<p>Description The parcel is located to the west of Chiswell Green and extends to the south to Bricket Wood. The boundary to the north follows the M10 and to the west follows the M1. It is 522ha in size and forms an undulating chalk plateau with a number of gently sloping dry valleys.</p>	
<p>Land use Mix of arable and pastoral farmland.</p>	

View to south from A414 / B4630 towards Chiswell Green showing narrow local gap to settlement



Southwest edge of Chiswell Green displays greater sense of enclosure and proximity to urban edge



Principal Function / Summary

Significant contribution towards safeguarding the countryside and maintaining the existing settlement pattern (providing gap between St Albans and Chiswell Green). Partial contribution towards preventing merging and preserving setting. Overall the parcel contributes significantly to 2 out of 5 purposes.

GB25 – Green Belt Purposes Assessment		Contribution
To check the unrestricted sprawl of large built-up areas		LIMITED / NO
The parcel is located away from large built-up areas of London, Luton and Dunstable and Stevenage. It does not form a connection with a wider network of parcels to restrict sprawl.		
To prevent neighbouring towns from merging		PARTIAL
The parcel contributes to the strategic gap between St Albans and Watford. It is well maintained (relatively free of development) but contains the M25 and M1. The parcel is visible from the M1. There is no ribbon development although Butterfly World represents built development in the Green Belt. However, given the relationship between the parcel and the gap between Bricket Wood and Watford / Abbots Langley any reduction in openness would compromise the separation of settlements in physical and visual terms.		
To assist in safeguarding the countryside from encroachment		SIGNIFICANT
The parcel displays typical rural and countryside characteristics in a mixture of arable and pasture medium sized fields bound by hedgerows and hedgerow trees. Ancient woodland and the coniferous plantation at Park Wood are located in the north. The M25, M1 and M10 represent the key urban influences which are highly audible intrusive. Settlement boundaries are generally strong. However Butterfly World represents development in the Green Belt to the west of Chiswell Green which interrupts the connection of land at the urban edge to the surrounding countryside. Land between this development and Chiswell Green displays higher levels of localised landscape enclosure. Levels of openness are generally high but subject to variation.		
To preserve the setting and special character of historic towns		PARTIAL
The parcel contains Potters Crouch Conservation Area. The Green Belt provides historic setting and views to and from the open countryside. However given the scale of the historic place contribution is partial.		
To maintain existing settlement pattern		SIGNIFICANT
The parcel contributes (with GB24B & GB29) to the primary local gap separating St Albans and Chiswell Green (2 nd). This gap is narrow at 0.2km. It is well maintained (relatively free of development) and contains the M10 / A414. However landscape features and planting conceal the main road from settlements. There is limited visibility of the gap from the A414 however is evident from the Watford Road (B4630). The parcel also helps contribute (with GB26) to the secondary local gap between Chiswell Green and Bricket Wood (2 nd). This gap is 1.1km. Given the scale of both gaps, any reduction would compromise the separation of settlements in physical and visual terms, as well as overall visual openness.		
Level of Openness and Countryside Character		
Existence of built development The level of built development is low at 0.4%. Butterfly World and the M1, and M25 represent the main built features in the parcel.		
Visual Openness Wooded horizons are common to the north limiting views to the middle distance. Whilst to the east, the west built edge of Chiswell Green is prominent and outward views are interrupted.		
Countryside Character The historic agricultural land use pattern and countryside character is intact in some parts of the parcel but in others has been interrupted by the network of roads and junctions and built development including Butterfly World.		

GB25 – Next Steps

Enclosed land at Chiswell Green Lane at Chiswell Green is recommended for further assessment as a strategic sub-area (SA-S8). In light of the function of the strategic parcel, the sub-area identified on pasture land at Chiswell Green Lane displays urban fringe characteristics due to its proximity to the settlement edge and Butterfly World along Miriam Road to the west. This development bounds the outer extent of the pasture land and creates a physical barrier to the open countryside. The pasture land also displays greater levels of landscape enclosure due to localised planting along field boundaries. This creates potential to integrate development into the landscape with lower impact on views from the wider countryside and surroundings. At the strategic level, a reduction in the size of the parcel would not significantly compromise the overall role of the Green Belt or compromise the separation of settlements. Assessed in isolation the land makes a limited or no contribution towards all Green Belt purposes.



10. S8: Land at Chiswell Green

10.1. Context and Contribution towards Green Belt Purposes

- 10.1.1. The sub-area comprises land at Chiswell Green Lane at Chiswell Green (within Strategic ParcelGB25).
- 10.1.2. The sub-area lies within the St Stephen's Plateau landscape character area (Hertfordshire Landscape Character Assessment, Hertfordshire County Council, 2000-2005). The published landscape character assessment evaluates the condition and strength of character, and provides an overall objective for each landscape character area.
- 10.1.3. This comprises an undulating or gently sloping plateau. Land use is predominantly arable crops in an open field pattern, although smaller, pastoral fields are found in places, including within the sub-area. There are larger areas of woodland to the north (including ancient woodland), which create a sense of enclosure. The settlement pattern is dispersed, typically comprising individual farmsteads and houses. This pattern is connected by narrow winding lanes. Urban fringe influences are prominent, particularly motorway infrastructure and built edge of settlements. At a local level, Butterfly World forms a distinctive feature to the west of Chiswell Green. The condition of the landscape and strength of character is described as "moderate" and "weak" respectively. The overall objective for this landscape character area is to "improve and reinforce".

Review of Part 1 Study Green Belt purposes / Justification of identification of sub-area

- 10.1.4. Strategic Parcel GB25 significantly contributes towards 2 of the 5 Green Belt purposes: it safeguards the countryside and maintains the existing settlement pattern (providing a gap between St Albans and Chiswell Green). It also makes a partial contribution towards preventing merging and preserving setting. However, the sub-area identified on pasture land at Chiswell Green Lane displays particular urban fringe characteristics due to its proximity to the settlement edge and Butterfly World along Miriam Road to the west. This development bounds the outer extent of the pasture land and creates a physical barrier to the open countryside. The pasture land also displays greater levels of landscape enclosure due to localised planting along field boundaries. This creates potential to integrate development into the landscape with lower impact on views from the wider countryside and surroundings. At the strategic level, a reduction in the size of the parcel would not significantly compromise the overall role of the Green Belt or compromise the separation of settlements. Assessed in isolation the land makes a limited or no contribution towards all Green Belt purposes.

Planning History

- 10.1.5. There are no extant planning permissions or outstanding applications related to Land at Chiswell Green. However land within the sub-area has been subject to promotional activities from potential developers.

10.2. Constraints

- 10.2.1. A summary of environmental, historic and other constraints within the sub-area area is set out below.



Summary of environmental and historic features

10.2.2. There are no environmental or historic constraints in relation to the sub-area.

Other potential constraints / features

10.2.3. There are no other constraints or features in relation to the sub-area.

10.3. Sustainable Patterns of Development

10.3.1. Sustainable patterns of development relate to how well the sub-area is integrated with existing urban areas. A summary of accessibility to local services and facilities including town and local centres, public transport, schools and public open space is set out below. Distances are approximate and have been measured as the direct and shortest distance between the edge of the sub-area and local service / facility.

Settlement role, size and function

10.3.2. The sub-area lies on the west edge of Chiswell Green, which is designated as a Specified Settlement (SS.2) within the St Albans City and District Council Plan.

Proximity to town centre, and local centres

10.3.3. The sub-area is situated on the west edge of Chiswell Green. Chiswell Green Local Centre is located to 200m to the east. How Wood Local Centre (LC24) is 1km to the southeast.

Public transport accessibility

10.3.4. Railway stations at How Wood and Park Street are located within 1.5km of the sub-area. A London Midland service passes through these stations offering direct connections to St Albans Abbey and Watford Junction. From Watford Junction, further connections are available to London.

10.3.5. Two bus routes run in close proximity to the site. Bus route 724 passes along Watford Road, 200m to the east of the site, providing a service to Harlow, Heathrow Airport, Hertford, Welwyn Garden City, St Albans, Hatfield and Watford. Bus route 321 also passes along Watford Road, providing connections to Watford, St Albans, Harpenden and Luton.

Proximity to schools

10.3.6. Killigrew Primary School lies within 800m to the northeast. Other primary schools are located at How Wood and Park Street. There are no secondary schools in Chiswell Green. Marlborough School is located 1.6km to the north in St Albans.

Proximity to public open space

- 10.3.7. How Wood woodland lies 600m to the southeast and Greenwood Park 600m to the northeast. Further towards St Albans lies Butt Field View open space (1.4km to the northeast), Holyrood Crescent open space (1.6km to the northeast) and Nether Way open space (1.4km to the north).

10.4. Landscape Appraisal and Sensitivity

- 10.4.1. A landscape appraisal of the sub-area has been undertaken to take account of landform, land cover, cultural dimensions, levels of enclosure and visual attributes. Each is discussed below.

Landform

- 10.4.2. The land form slopes gently to the south, falling from around Chiswell Green Lane (approximately 105m above Ordnance Datum (AOD)) towards the southern part of Noke Lane (approximately 85m AOD).

Land cover and land use

- 10.4.3. The sub-area primarily comprises agricultural land uses with a combination of arable crops, in a large, open field pattern and pasture. Pasture is enclosed in a smaller field pattern but frequently in a very regular form using post and rail fences. Agricultural land quality is typically Grade 3 although the eastern edge of the sub-area is shown as being urban (it is likely that the Grade 3 quality will extend to this land). There are occasional woodlands and groups of trees, particularly close to the edge of Chiswell Green. Butterfly World comprises a distinctive and unique feature in the landscape. St Albans Polo Club lies in the northern part of the sub-area and has influenced local landscape character and pattern. The sub-area also includes several dispersed residential properties, e.g. those along Chiswell Green Lane and Noke Lane. Noke Lane Business Centre also lies in the southern part of the sub-area.
- 10.4.4. Key ecological features comprise the remnant hedgerows and hedgerow trees, together with the areas of woodland. There are no ecological designations within the sub-area. Butterfly World represents a unique local feature and the gardens are designed to promote biodiversity.

Built and cultural heritage aspects

- 10.4.5. Key cultural and built elements in the sub-area comprise the dispersed properties and the remnant field pattern. In addition, Butterfly World also forms both a visitor attraction and educational resource. There are no known designated heritage assets within the sub-area.

Levels of enclosure

- 10.4.6. Enclosure is provided by a combination of landform and vegetation. The gradual slope of the landform limits the enclosure it provides, but this is augmented by the artificial landform that surrounds and encloses Butterfly World. Vegetation provides enclosure to a varying degree. To the north, east and south-east (excluding Butterfly World) the field pattern is medium to large, which combined with the poor/declining hedgerow pattern

gives rise to quite an open landscape, with views across the agricultural landscape. The bunding surrounding Butterfly World creates considerable local enclosure; in time, the young planting on these landforms will reinforce this. The area between Chiswell Green and Butterfly World includes small woodlands, copses and hedgerows, which (together with the made landforms around Butterfly World), provide a greater sense of enclosure. The existing settlement edge of Chiswell Green has a linear form and residential properties are clearly visible.

Visual attributes

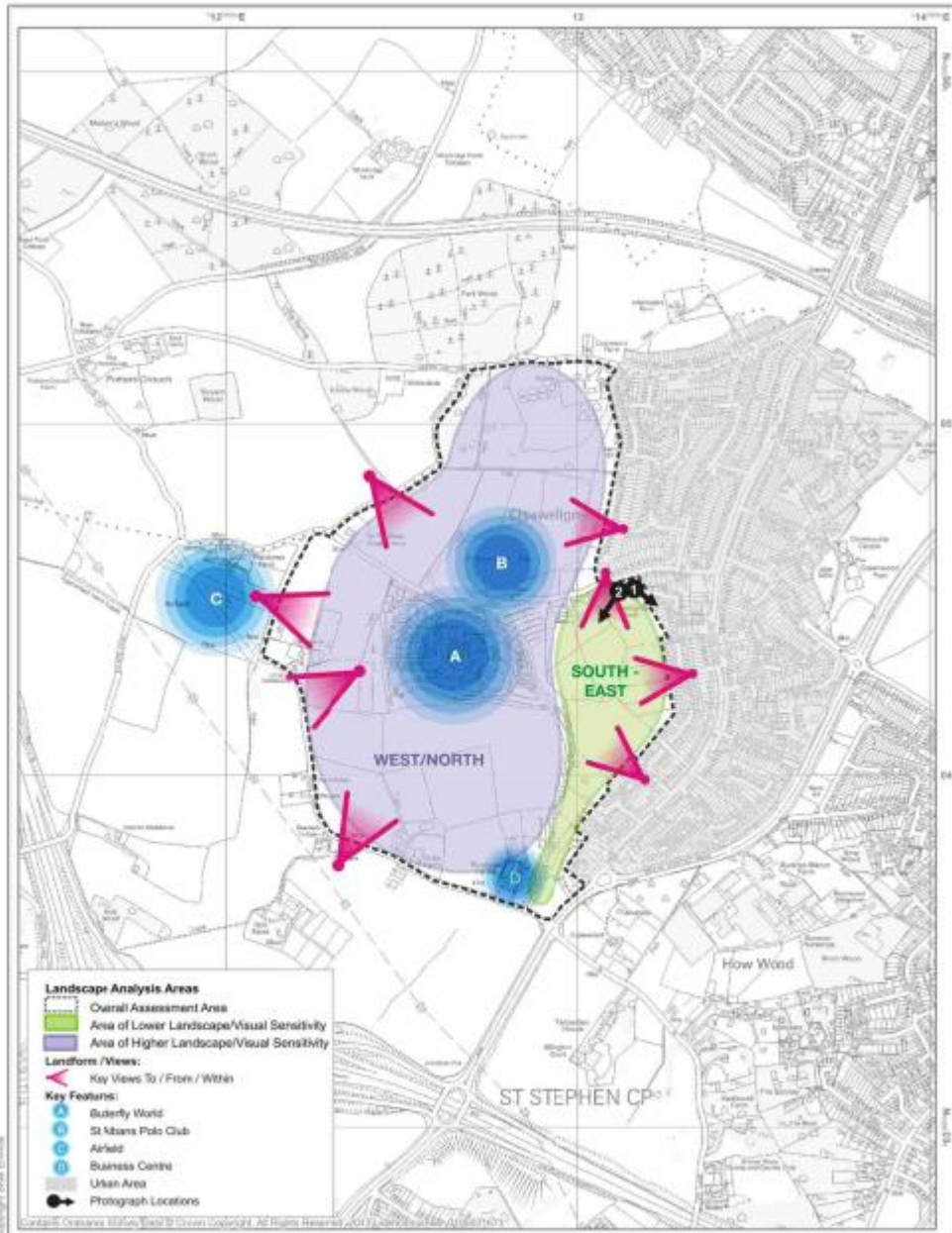
- 10.4.7. Roads are frequently lined by tall hedges (although in places these are fragmented), which restricts views. Towards the western part of the sub-area, the open views over the agricultural landscape are notable. Views are much shorter in distance within the eastern part of the sub-area (between Butterfly World and Chiswell Green) due to a combination of local landform and vegetation.
- 10.4.8. Key visual sensitivities are likely to be localised and primarily associated with the adjacent residential edge of Chiswell Green.

Landscape sensitivity

- 10.4.9. This section considers the sensitivity of the landscape and the visual effects associated with potential development within the sub-area on landscape character.
- 10.4.10. This strategic sub-area lies on the western edge of Chiswell Green. The surrounding urban edges are quite well defined, although vegetation along or near properties results in some transition from rural to urban. While much of land within the sub-area is in agricultural use, the strength of character has been eroded by the loss of field boundaries, poor condition and introduction of new features, e.g. Butterfly World.
- 10.4.11. The nature of the landform and landscape pattern creates a distinctly different feel in different parts of the sub-area; with land to the east being more enclosed and land to the west being much more open and larger in scale. To the east of Butterfly World (and the associated access) a sense of enclosure provided by small areas of woodland, remnant hedgerows and local landform gives rise to a smaller scale landscape. However, further west, the landform together with poor condition of field boundaries results in an open landscape that blends into the wider countryside.
- 10.4.12. Key landscape features that make a valuable contribution are the small areas of woodland to the west of Chiswell Green and remaining hedgerows. The eastern part of the sub-area is of lower sensitivity due to its relationship with the adjacent urban edge, the loss of field pattern and its isolation from surrounding countryside by Butterfly World. The land in the western part of the sub-area is more sensitive due to its relative openness and visual connection with the wider countryside.
- 10.4.13. Consideration of the sensitivity of the sub-area (and specific parts within it) in relation to potential residential development, as informed by landscape character, settlement form, views and landscape value, is set out in the table below.
- 10.4.14. Key findings from the landscape and visual appraisal are illustrated in Figure 10.1. This is supported by annotated photographs set out in Figure 10.2.



Element	Part of Sub-Area	
	East	West
Landscape character	<p>Built development would affect openness of landscape character. However, the landform and vegetation provide enclosure, and would help contain and provide a framework for development.</p> <p>The land to the east of the access road to Butterfly World has more connection with the countryside to the west, but is separated from this by the road and this will increase as the young planting matures.</p> <p>Changes in the landscape have resulted in the loss of traditional boundaries and replacement with wooden post and rail fences. The remnant hedgerows and small areas of woodland comprise key features that help to maintain a sense of enclosure.</p>	<p>The landscape has a very open character and development would completely change this. Any changes to this landscape would be very conspicuous.</p> <p>Agricultural intensification is a key contributor to the current character and influences the openness of the landscape. Some of the boundaries still comprise hedgerows with hedgerow trees, but they are frequently very fragmented.</p>
Settlement form	Development would be adjacent to the western edge of Chiswell Green and to the east of Butterfly World (and associated access).	This area is separate from the edge of the settlement and relates more to the wider countryside.
Views/visual features	Key potential visual effects of new development would be at a local level. Notable effects would be in relation to residents on the western edge of Chiswell Green and dispersed properties within this part of the sub-area.	The openness of the landscape means development would be conspicuous from the surrounding landscape, with key visual receptors comprising the residents of dispersed properties and users of the small local roads.
Landscape value	No landscape, cultural heritage or ecological designations.	No landscape, cultural heritage or ecological designations.
Overall evaluation	Lower sensitivity	Higher sensitivity



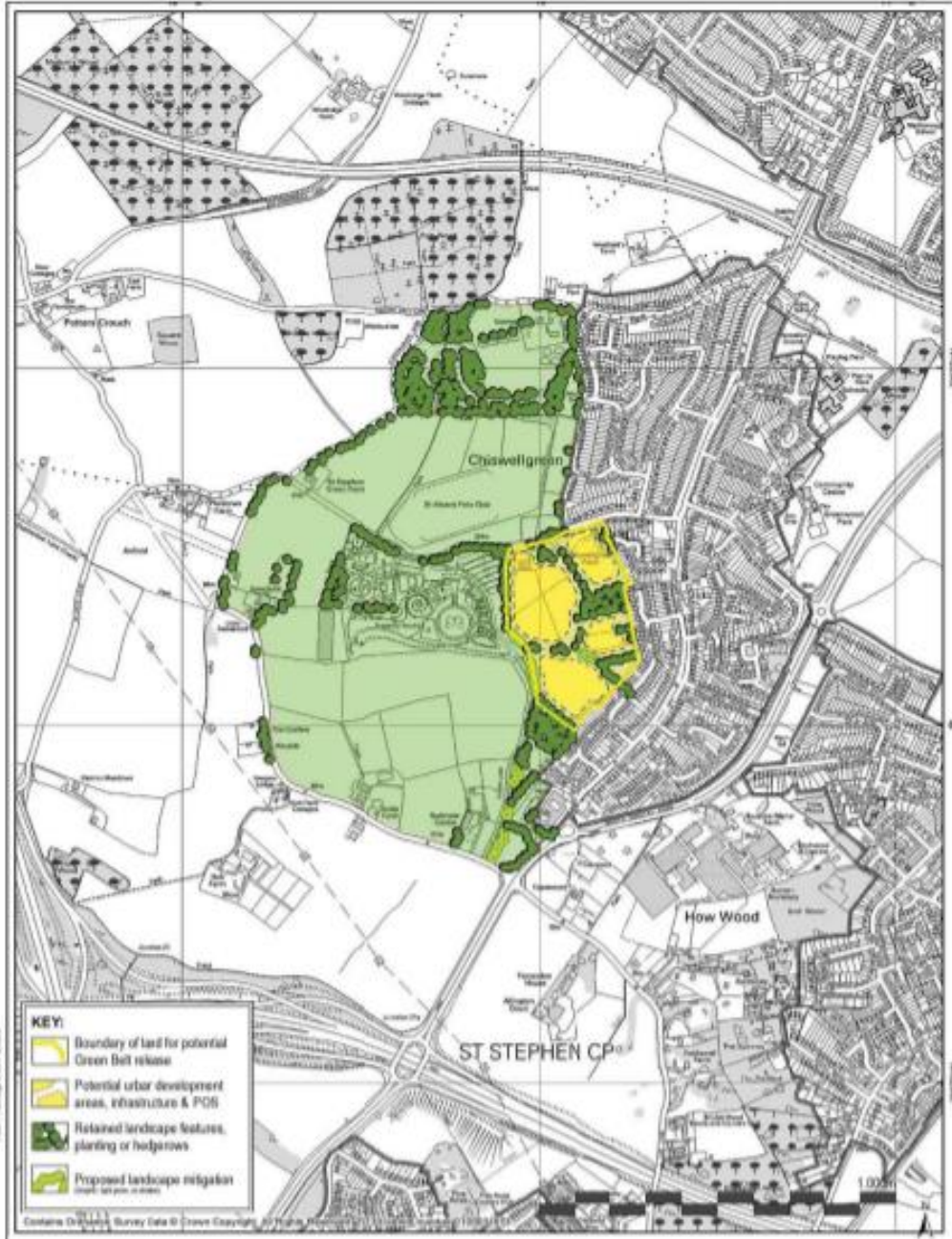
**Sites & Boundaries
Study for St Albans City
and District Council**

**Figure 10.1: Landscape and
Visual Appraisal, Sub-Area 8
Land at Chiswell Green**

SCALE	PROJECT CODE
Not to Scale	JE30761.02
CONTENT	DRAWN
SM	JW
CHECKED	DATE
RB	29/11/2014

N
Coordinate System: British National Grid
Projection: Transverse Mercator
Datum: OSGB 1936
Units: Metre

SKM ENVIROS



**Sites and boundary study
for St Albans City and
District Council**

PROJECT: J30761 STAGE: 2
DATE: Nov 2013 Rev: Jan14/003
SCALE: Indicative

FIGURE 10.3 Indicative layout
Site 8 Land at Chiswell Green



Appendix 2

Roundhouse Farm, Land Off Bullen Green Lane, Colney Heath – Appeal - 2021

Paragraph 12 -13:

“The parties agree that the site is not a valued landscape under the Framework paragraph 170 definition and that no other landscape designations are applicable to the appeal site. The Hertfordshire Landscape Strategy, 2005 notes the site is located within the Mimms Hall Valley, where the landscape character is described, amongst other things, as being strongly influenced by the major transport routes and the surrounding settlement which give it an urban-edge rather than rural character.

13. The A1 and railway line do not have any visual impact on the appeal site.

From what I saw on the site visits, the character of the area is a mix of edge of settlement and countryside. Walking along the footpaths which traverse the site, the experience is one of being on the edge of a settlement rather than a wholly rural context. Whilst the open countryside to the south and east is clearly visible, the surrounding residential properties either facing the site or their rear gardens and associated boundary treatment is also clearly visible. These range in scale and form from bungalows fronting Fellowes Lane, glimpsed views of the 3 storey dwellings within Admiral Close and Hall Gardens and the rear elevations and gardens of properties along Roestock Gardens. Bullens Green Lane and Fellowes Lane serve to enclose the appeal site and provide a degree of containment from the wider countryside and beyond. My judgement leads me to conclude that the site strongly resonates with this urban edge definition provided by the 2005 Landscape Strategy.

14. Turning to consider the area beyond the appeal site itself, the sense of countryside prevails via the public footpath network and road network. These public footpaths continue within Bullens Green Wood and further beyond the appeal site at Tollgate Farm. Contrary to the views expressed by the Council, my experience of the views to the appeal site within Bullens Green Wood are of glimpse views of the appeal site. From the south and in the wider landscape context, the appeal site appears against the backdrop of the existing dwellings as a relatively self contained parcel of land on the edge of the settlement. These longer distance views of the appeal site reinforce the urban edge definition.”

Safeguarding the countryside from encroachment:

“24. It was generally agreed that the impact of the appeal proposal would be limited in terms of the impact on the wider integrity of the Green Belt. This is a view that I share. In terms of the impact of the development on the purpose of safeguarding the countryside from encroachment, my attention has been drawn to a number of background evidence documents including Green Belt studies. These include a report prepared by SKM Consultants in 2013 which included an assessment of Green Belt in both WHBC, SADC and Dacorum Borough Council. Here, the appeal site is assessed as part of parcel 34, a 419ha parcel of land. Reflective of the size and scale of the parcel of land, the report sets out a number of key characteristics of the land. With reference to the gap between Hatfield and London Colney, preventing the merger of St Albans and Hatfield, and preserving the setting of London Colney, Sleafshyde and Tyttenhanger Park, the report states that the parcel makes a significant contribution towards safeguarding the countryside and settlement pattern and gaps between settlements. These characteristics bear little or no relationship to the appeal site, and given the sheer size and scale of the land identified within the report when compared to the appeal site, I place only very limited correlation between the conclusions

drawn here in relation to the function of the land or assessment of its function relative to the purposes of the Green Belt when compared to the appeal site.

25. The most recent Green Belt Assessment which was prepared in relation to the WHBC Local Plan review is noted as a Stage 3 review and was prepared by LUC in March 2019. Only the part of the appeal site which falls within Welwyn Hatfield forms part of the assessment, and is included within the much wider site area known as parcel 54. The report notes that whilst residential development is visible across much of the parcel, the parcel as a whole makes a significant contribution to the safeguarding of the countryside from encroachment. The report notes that the impact of the release of the parcel as a whole from the Green Belt would be moderate-high, however the impact on the integrity of the wider Green Belt would be limited. Again, I place only limited weight on the findings of this report relative to the appeal site as the assessment and conclusions drawn relate specifically to parcel 54 as a whole which includes a much wider area and excludes part of the appeal site in any event.

26. I have already set out in my assessment of character and appearance above that the appeal site has an urban edge/ edge of settlement character. I have made a clear distinction between the appeal site and its separation from the countryside beyond to the south and east of the appeal site. In this way, the appeal site is influenced by the surrounding residential development. As a result of these locational characteristics and influences, the consequences of the development at the appeal site would mean that the proposals would have only a localised effect on the Green Belt. The broad thrust of, function and purpose of the Green Belt in this location would remain and there would be no significant encroachment into the countryside. I therefore conclude that the appeal proposal would not result in harm in term of the encroachment of the Green Belt in this location. This is a neutral factor which weighs neither in favour nor against the appeal proposals.”

Compton Parish Council v Guildford Borough Council – 2020

“70. "Exceptional circumstances" is a less demanding test than the development control test for permitting inappropriate development in the Green Belt, which requires "very special circumstances."

Peel Investments V SoS [September 2020] (Appeal)

Paragraph 65:

“I agree with Sir Duncan Ouseley's observations in Paul Newman New Homes that a policy is not out-of-date simply because it is in a time-expired plan and that, if the Framework had intended to treat as out-of-date all saved but time-expired policies, it would not have used the phrase "out-of-date" but rather the language of time-expired policies or policies in a time-expired plan.”

Paragraph 68:

“With regard to the second ground of appeal, I do not accept the appellant's submission that a plan without strategic housing policies is automatically out-of-date for the purposes of paragraph 11d so as to engage the tilted balance.”

Paragraph 11 & the Tilted Balance: Monkhill Ltd v SoSCLG [2019] EWHC 1993 (Admin)

“1) The presumption in favour of sustainable development in paragraph 11 does not displace s.38(6) of the 2004 Act. A planning application or appeal should be determined in

accordance with the relevant policies of the development plan unless material considerations indicate otherwise;

2) Subject to s.38(6), where a proposal accords with an up-to-date development plan, taken as a whole, then, unless other material considerations indicate otherwise planning permission should be granted without delay (paragraph 11(c));

3) Where a proposal does not accord with an up-to-date development plan, taken as a whole, planning permission should be refused unless material considerations indicate otherwise (see also paragraph 12);

4) Where there are no relevant development plan policies, planning permission should be granted unless either limb (i) or limb (ii) is satisfied;

5) Where there are relevant development plan policies, but the most important or determining the application are out-of-date, planning permission should be granted(subject to section 38(6)) unless either limb (i) or limb (ii) is satisfied;

6) Because paragraph 11(d) states that planning permission should be granted unless the requirements of either alternative is met, it follows that if either limb (i) or limb (ii) is satisfied, the presumption in favour of sustainable development ceases to apply. The application of each limb is essentially a matter of planning judgment for the decision-maker;

7) Where more than one "Footnote 6" policy is engaged, limb (i) is satisfied, and the presumption in favour of sustainable development overcome, where the individual or cumulative application of those policies produces a clear reason for refusal;

8) The object of expressing limbs (i) and (ii) as two alternative means by which the presumption in favour of granting permission is overcome (or disapplied) is that the tilted balance in limb (ii) may not be relied upon to support the grant of permission where a proposal should be refused permission by the application of one or more "Footnote 6" policies. In this way paragraph 11(d) prioritises the application of "Footnote 6" policies for the protection of the relevant "areas or assets of particular importance";

9) It follows that where limb (i) is engaged, it should generally be applied first before going on to consider whether limb (ii) should be applied;

10) Under limb (i) the test is whether the application of one or more "Footnote 6 policies" provides a clear reason for refusing planning permission. The mere fact that such a policy is engaged is insufficient to satisfy limb (i). Whether or not limb (i) is met depends upon the outcome of applying the relevant "Footnote 6" policies (addressing the issue on paragraph 14 of NPPF 2012 which was left open in R (Watermead Parish Council) v Aylesbury District Council [2018] PTSR 43 at [45] and subsequently resolved in East Staffordshire at [22(2)];

11) Limb (i) is applied by taking into account only those factors which fall within the ambit of the relevant "Footnote 6" policy. Development plan policies and other policies of the NPPF are not to be taken into account in the application of limb (i) (see Footnote 6). (I note that this is a narrower approach than under the corresponding limb in paragraph 14 of the NPPF 2012 - see eg. Lord Gill in Hopkins at [85]);

12) The application of some "Footnote 6" policies (e.g. Green Belt) requires all relevant planning considerations to be weighed in the balance. In those cases because the out come of that assessment determines whether planning should be granted or refused, there is no justification for applying limb (ii) in addition to limb (i). The same applies where the application of a legal code for the protection of a particular area or asset determines the

outcome of a planning application (see, for example, the Habitats Regulations in relation to European protected sites);

13) In other cases under limb (ii), the relevant "Footnote 6 policy" may not require all relevant considerations to be taken into account. For example, paragraph 196 of the NPPF requires the decision-maker to weigh only "the less than substantial harm" to a heritage asset against the "public benefits" of the proposal. Where the application of such a policy provides a clear reason for refusing planning permission, it is still necessary for the decision-maker to have regard to all other relevant considerations before determining the application or appeal (s. 70(2) of the 1990 Act and s. 38(6) of the 2004 Act). But that exercise must be carried out without applying the tilted balance in limb (ii), because the presumption in favour of granting permission has already been disapplied by the outcome of applying limb (i). That is the consequence of the decision-making structure laid down in paragraph 11(d) of the NPPF;

14) There remains the situation where the application of limb (i) to a policy of the kind referred to in (13) does not provide a clear reason for refusal. The presumption in favour of sustainable development will not so far have been disapplied under limb (i) and it remains necessary to strike an overall planning balance (applying also s.38(6)). Because the presumption in favour of granting planning permission still remains in play, it is relevant, indeed necessary, to apply the alternative means of overcoming that presumption, namely limb (ii). This is one situation where the applicant for permission is entitled to rely upon the "tilted balance";

15) The other situation where the applicant has the benefit of the "tilted" balance is where no "Footnote 6" policies are engaged and therefore the decision-maker proceeds directly to limb (ii).

40. Applicants for planning permission may object that under this analysis of paragraph 11(d), the availability of the tilted balance is asymmetric. Where a proposal fails the test in limb (i), the tilted balance in limb (ii) is not applied at all. In other words, the tilted balance in limb (ii) may only be applied where the proposal either passes the test in limb (i) (and there still remain other considerations to be taken into account), or where limb (i) is not engaged at all. This analysis is wholly unobjectionable as a matter of law. It is simply the ineluctable consequence of the Secretary of State's policy expressed through the language and structure of paragraph 11(d).

...

43. Any suggestion that because limb (ii) falls to be applied where a development passes limb (i), it follows that limb (ii) should also be applied where a proposal fails limb (i) involves false logic. It has nothing to do with the way in which paragraph 11(d) of the NPPF 2018 has been structured and drafted"

Wavedon Properties Ltd v SoS [June 2019]

Paragraph 56:

"...It needs to be remembered, in accordance with the principles of interpretation set out above, that this is a policy designed to shape and direct the exercise of planning judgment. It is neither a rule nor a tick box instruction. The language does not warrant the conclusion that it requires every one of the most important policies to be up-of-date before the tilted balance is not to be engaged. In my view the plain words of the policy clearly require that having established which are the policies most important for determining the application, and having

examined each of them in relation to the question of whether or not they are out of date applying the current Framework and the approach set out in the Bloor case, an overall judgment must be formed as to whether or not taken as a whole these policies are to be regarded as out-of-date for the purpose of the decision. This approach is also consistent with the Framework's emphasis (consonant with the statutory framework) that the decision-taking process should be plan-led, and the question of consistency with the development plan is to be determined against the policies of the development plan taken as a whole. A similar holistic approach to the consideration of whether the most important policies in relation to the decision are out-of-date is consistent with the purpose of the policy to put up-to-date plans and plan-led decision-taking at the heart of the development control process. The application of the tilted balance in cases where only one policy of several of those most important for the decision was out-of-date and, several others were up-to-date and did not support the grant of consent, would be inconsistent with that purpose."

Paul Newman v SoS CLG [2019] (Admin)

"32. I start by construing paragraph 11d in its context in the Framework, as a document on its own. The phrase "where there are no relevant development plan policies" is quite clear. Where one or more relevant development plan policies exist, that trigger for the application of the "tilted balance" cannot be applied. One relevant development plan policy is sufficient to prevent it. Although that policy may exist in a time-expired plan as a saved policy, it is a development plan policy. This trigger contains no requirement that the policy be up to date rather than out of date. "Relevant" can only mean relevant to determining the application. There is, however, no adjective qualifying the degree of relevance it should have for that purpose, for example that it should be decisive or of high importance. "Relevance" connotes no more than some real role in the determination of the application. A fanciful connection would not suffice, and a policy of wholly tangential significance may be "irrelevant". There is also no requirement in this first trigger that the one or more relevant development plan policies should comprise one or more development plan policies important for determining the application, let alone that they should constitute a body of policy or policies sufficient for determining the acceptability of the application in principle."

"34. In my judgment, the key part of the second trigger, the phrase "where the policies which are most important for determining the application are out-of-date", is reasonably clear. A policy is not out of date simply because it is in a time-expired plan; that is the point which the Inspector appears to have been addressing in DL27, though it appears not to have been an issue before her. I agree with what Dove J said in Wavendon Properties in this respect. It is the correct interpretation. If the 2018 Framework had intended to treat as out of date all saved but time-expired policies, it would not have used the phrase "out-of-date", which has different or wider connotations, and would have used instead the language of time-expired policies or policies in a time-expired plan. The Inspector's comment in DL27 is apposite in that context. Although the earlier jurisprudence in Bloor Homes and Hopkins Homes related to that same phrase in the 2012 Framework, I see no reason to discount it here where its role is not materially different."

35. I also agree with the analysis of the phraseology of the second trigger as a whole in Wavendon Properties. The first task is to identify the basket of policies from the development plan which constitute those most important for determining the application. The second task is to decide whether that basket, viewed overall, is out of date; the fact that one or more of the policies in the basket might themselves be out of date would be relevant to but not necessarily determinative of whether the basket of most important policies was itself overall out of date. This second trigger contains no requirement that the up to date basket of the

most important policies in the development plan for determining the application should itself also constitute a body of policies sufficient for the determination of the acceptability of the application in principle.

36. I do not consider that the plural "policies" means that a single up to date policy, even if plainly by itself the most important for determining the application, cannot suffice to block the second trigger; the plural encompasses the singular, as is a commonplace construction. Otherwise even an up to date, self-contained, site and development specific policy, the crucial policy, the sole survivor, could lead to the application of the "tilted balance" and to the grant of permission unless the provisos in (i) and (ii) applied. The alternative construction focuses unduly on what is mere linguistic awkwardness, accepted for convenience. The plural "policies" avoids the somewhat legalistic "policy or policies", with "is or are" to follow, at the price of the slightly awkward language seen in DL 26, last sentence. On the basis of her interpretation of GP.35, and on that interpretation of the second trigger, the Inspector's conclusion that the "tilted balance" did not apply is correct."

Very special circumstances (VSC)

Suffolk Coastal DC v Hopkins Homes Ltd: 2017 UKSC 37

"61. There is nothing in the statute which enables the Secretary of State to create such a fiction, nor to distort what would otherwise be the ordinary consideration of the policies in the statutory development plan; nor is there anything in the NPPF which suggests an intention to do so. Such an approach seems particularly inappropriate as applied to fundamental policies like those in relation to the Green Belt or Areas of Outstanding Natural Beauty. No-one would naturally describe a recently approved Green Belt policy in a local plan as "out of date", merely because the housing policies in another part of the plan fail to meet the NPPF objectives. Nor does it serve any purpose to do so, given that it is to be brought back into paragraph 14 as a specific policy under footnote 9. It is not "out of date", but the weight to be given to it alongside other material considerations, within the balance set by paragraph 14, remains a matter for the decision-maker in accordance with ordinary principles."

SoS Decision – At Land Off Glebelands, Thundersley, Essex (June 2013)

In the decision the SoS concluded:

"30. The Secretary of State concludes that the appeal proposals are inappropriate development in the Green Belt. Additionally he has identified harm to the GB's openness and harm to the GB's purposes of preventing urban sprawl, preventing encroachment on the countryside and preventing the merging of neighbouring settlements and, furthermore, harm to GB's character and appearance. He considers that, together, this represents considerable harm, to which he attributes substantial weight. The Secretary of State has found that there are factors in favour of the appeal including a severe lack of a forward housing land supply and that, setting aside GB considerations, development of the appeal site would not cause demonstrable harm. He also wishes to emphasise that national policy is very clear that GB reviews should be undertaken as part of the Local Plan process. In light of all material considerations in this case the Secretary of State is concerned that a decision to allow this appeal for housing in the GB risks setting an undesirable precedent for similar developments which would seriously undermine national GB policy.

31. Having weighed up all material considerations, he is satisfied that the factors which weigh in favour of the proposal do not clearly outweigh the harm to the Green Belt that would

arise from the proposal. The Secretary of State therefore concludes that the appeal should be dismissed.”