

Town and Country Planning Act 1990 (Section 78)

Appeal in relation to:

Land to the rear of 96 to 106 High Street, Colney Heath, Hertfordshire

By Tarmac Ltd

Joanna Ede MA DipLD CMLI

Proof of Evidence on Landscape and Green Belt Matters

Local Planning Authority reference: **5/2022/0599**

Planning Inspectorate reference: **App/B1930/W/23/3333685**

March 2024

Turley

Contents

| | | |
|----|---|----|
| 1. | Summary | 3 |
| 2. | Introduction | 7 |
| 3. | Evaluation of the Landscape, Visual and Green Belt Context | 12 |
| 4. | Key features of the Application Proposals and Landscape Mitigation Measures | 31 |
| 5. | Landscape, Visual and Green Belt Effects of the Proposed Scheme | 35 |
| 6. | Comparison of the Proposed Development with Nearby Sites considered at Recent Appeals | 47 |
| 7. | Conclusion | 53 |

Note: Supporting Figures and Photographs are provided at Appendix 3 of the application Landscape and Visual and Green Belt Appraisal (CD 4.12) (intended for printing and viewing at A3)

Joanna Ede
joanna.ede@turley.co.uk

Client

Tarmac Ltd

Our reference

TARC3006

March 2024

1. Summary

The Site

- 1.1 The Site lies adjacent to the existing settlement edge of Colney Heath and wholly within the parish of Colney Heath. It comprises a rectangular-shaped field in arable use and a hard-surfaced private road that provides access to the Site. It is enclosed on three sides by existing development and/or lines of mature vegetation and has a village-edge character. The fourth side is open and follows the alignment of an historic field boundary.

Landscape Context

- 1.2 The Site and immediate surrounding area are not covered by any national or landscape designation and contains no landscape features of particular importance or sensitivity.
- 1.3 It is an agreed matter with the Council that the Site does not form part of a 'valued landscape' in the context of NPPF para 180a.
- 1.4 Within the Hertfordshire Landscape Character Assessment the Site forms part of the Colney Heath Farmland landscape character area (LCA). This is a medium-scale, largely arable landscape which includes existing settlements. Much of the landscape has been previously worked for mineral extractions and is relatively young.
- 1.5 Human influences are present in the landscape surrounding the Site including: residential properties within Colney Heath and along the High Street; sports facilities and associated floodlighting and car park in Colney Heath football club; and the Colney Heath Primary School and Nursery.

Visual Context

- 1.6 The Site has a relatively strong sense of enclosure and low level of intervisibility with the surrounding area on three sides, due to the presence of existing development and a framework of hedges, treebelts and woodland. The eastern end of the Site is open and there are currently views into the Site from the east.
- 1.7 The scenic quality of the Site is relatively low, comprising just a flat, open arable field and with no significant landscape features on the Site.
- 1.8 The key visual receptor group with potential to be affected by the proposals is the users of the public right of way network to the east and south of the Site.

Green Belt Context

- 1.9 All of the countryside in St Albans District lies within the Green Belt and the Site lies wholly within the Green Belt. The adjoining and surrounding developed areas of Colney Heath are also washed over by the Green Belt.
- 1.10 The Site and local surrounding area of farmland makes no contribution to Green Belt purposes 1, 2, 4 and 5 (relating to checking sprawl, preventing neighbouring towns

merging, preserving the setting of historic towns and assisting urban regeneration) and a limited contribution to purpose 3 (safeguarding the countryside from encroachment).

- 1.11 The Site and adjacent farm land to the east and south is undeveloped land and therefore has a high level of spatial/physical openness. Surrounding developed land to the north and west in Colney Heath village has a moderate level of physical openness due to the presence of mainly two storey development, together with private gardens, road verges, playing fields and school grounds.
- 1.12 The visual openness of the Site is reduced by its enclosure on three sides by built development and/or mature vegetation which reduce intervisibility between the Site and the wider Green Belt. Resultantly, the contribution of the Site and immediate surroundings to the perceived visual openness of the wider Green Belt is moderate - low.

The Proposals

- 1.13 The development of the scheme proposals has been landscape-led with the LVIA process commenced at an early point and used to inform the development proposals.
- 1.14 A wide range of measures are proposed which would mitigate potential landscape, visual and Green Belt effects and to meet the identified landscape management guidelines for the Colney Heath Farmland LCA (detailed in para 4.3, table 4.1 and para 5.27 of this proof).

Landscape and Visual Effects

- 1.15 The development proposals respond appropriately to the Site's landscape, visual and Green Belt context and would integrate with the landscape structure and settlement pattern of the surrounding area.
- 1.16 The proposed development would change the Site from an arable field to a new area of residential development and associated open space. This would constitute a large and permanent change to the character and appearance of the Site but a very small change in character to the Colney Heath Farmland landscape character area (LCA30). This would be a minor to negligible adverse effect at year 1 changing to a Neutral effect by year 15 following the establishment of planting.
- 1.17 When considered at a local level, the proposals would result in a negligible effect on the character of the village and a minor adverse effect on the farmland area at year 1, changing to Neutral at year 15 and in the long term thereafter. The adverse effects on character would thus be short term.
- 1.18 The proposed development would have limited visibility from the surrounding area due to the adjacency of the Site to existing residential development, existing enclosure of the Site by vegetation and additional visual enclosure that would be provided by proposed planting.
- 1.19 The principal visual effects would be on views from some parts of the public footpath network to the east and south of the Site from which the edge of the proposed development would be visible in the background of views. The proposed dwellings would

be seen in the context of other existing residential development in and around Colney Heath which is visible and would not appear uncharacteristic or incongruent. As proposed planting matures, visibility of the proposed dwellings would reduce further and the impact on views would also reduce further.

- 1.20 The HCC landscape officer (CD12.4) was in agreement with the level of landscape and visual effects that were identified in the LVGBA concluding that the proposals would not give rise to any unacceptable landscape or visual impacts and that the scheme was supported in principle.

Impact on the Green Belt

- 1.21 The Proposed development would result in a reduction in the physical openness of the Green Belt within the Site itself. However, some physical openness would be preserved by retaining c. 40% of the Site as undeveloped land, and incorporating open view lines and wide verges through the development area.
- 1.22 In terms of visual openness, changes to the characteristics of the Site would be appreciable in views from some locations on the surrounding public footpath network (primarily in the short term before planting establishes) but the development would be sufficiently contained and related to the existing settlement of Colney Heath such that the visual openness of the wider Green Belt would be preserved. Similarly, the open character of the settlement of Colney Heath would be preserved and would still qualify as being a washed over village in the Green Belt.
- 1.23 There would be no change to the contribution to the purposes of the Green Belt made by the Site and its sub-area 'Land east of Colney Heath' following implementation of the proposed development. The Green Belt in this location would continue to function and the landscape would continue to possess a largely rural open character. The proposals would therefore not have a harmful effect on the integrity or functioning of the Green Belt.

Comparison with Planning Appeal Schemes at Round House Farm and Tollgate Road

- 1.24 The Site and development proposals which are the subject of the current Appeal were compared with those of two other proposed residential developments in the vicinity which have recently been considered at Planning Appeals.
- 1.25 The Roundhouse Farm site (appeal allowed – CD14.6) shares similar characteristics with the current Site but is more visible and more open to short distance views from public footpaths and adjoining roads. It is also slightly more sensitive in terms of the role it plays in the landscape setting of the adjacent settlements and due to the presence of public footpaths which pass through the site itself.
- 1.26 The development proposals for both sites would result in similar landscape and Green Belt effects, both of which would be localised, albeit effects arising from the Roundhouse scheme would be larger due to the larger scale of site and development. The Roundhouse scheme would result in greater visual impacts than the Colney Heath scheme, in particular for users of the public footpath network who would experience

close proximity views of the development edge. Both schemes would have only localised effects on the Green Belt and the wider integrity of the Green Belt would be preserved.

- 1.27 The Tollgate Road site (appeal dismissed – CD14.37) shares few similarities with the current Site; it is larger, more visible, located in a more sensitive landscape, has more qualities of open countryside and plays an integral part in the valley landscape of the Colne Valley. It also makes a more important contribution to the Green Belt and is less contained and less connected to the existing settlement area.
- 1.28 The development proposals for Tollgate Road are c. three times greater in scale than those proposed for the current Site. The Tollgate Road proposals would result in significantly greater landscape and visual impacts and a reduction in the openness of the Green Belt. They would also result in a greater incursion into the countryside and greater harm to the Green Belt purpose of safeguarding the countryside from encroachment.

Conclusions

- 1.29 In my opinion, the Site is a good site for a modest scale residential development of the type proposed. It is a well contained Site with few landscape constraints and the proposals would form a logical and well-defined addition to the existing settlement.
- 1.30 The proposals would result in a localised reduction in the physical openness of the Green Belt within the Site itself but the impact of this on the visual openness of the wider Green Belt would be limited. Consequently, the integrity and functioning of the wider Green Belt in terms of its contribution to the five Green Belt purposes would be maintained.
- 1.31 Overall, in my opinion (and that of the HCC Landscape Officer), the landscape and visual impacts of the proposals and the impacts on Green Belt openness and purposes would be localised and very limited.

2. Introduction

Qualifications and Experience

- 2.1 My name is Joanna Mary Ede. I am a Director and Head of Landscape and VIA at Turley planning consultants. I am a Chartered Landscape Architect and Member of the Landscape Institute. I hold a Master's Degree in Landscape Architecture, a Postgraduate Diploma in Landscape Architecture, and a BA honours degree in Geography. I have over 30 years' professional experience as a Landscape Architect and am also a Recognised Practitioner in Urban Design.
- 2.2 I have presented papers at the annual conference of the European Council of Landscape Architecture Schools at the University of Greenwich in 2017 and the Activating Biophilic Cities Conference at the University of Greenwich in 2018. In 2018 I was invited to act as judge at the Landscape Institute Awards in the Landscape Planning Category. I have also been an external examiner for the Landscape degree course at the University of Sheffield for four years and following this as an external examiner at Leeds Metropolitan University for four years.
- 2.3 In 2019 I was invited by the Landscape Institute Technical Committee to form part of a small group tasked with producing a Technical Guidance Note (TGN) on Valued Landscapes. The working group considered the meaning of the term 'valued landscapes' within the NPPF and how it should be interpreted in the context of developing appropriate policies as part of development plans for local authorities as well as in the context of making decisions on individual planning applications. The TGN was published by the Landscape Institute in May 2021¹.
- 2.4 I have a wide range of experience in both Landscape Design and Landscape Planning, including advising on Green Belt matters and have worked for both the public and private sector. This has included acting as an expert witness at Public Inquiries and Hearings, often in relation to the suitability of sites for residential development. I have provided landscape evidence on behalf of developers including Thakeham Homes, Cove Homes and Catesby and prior to this I acted on behalf of both Aylesbury Vale District Council and the Borough Council of Wellingborough for six Appeals all of which related to proposed residential developments on the edge of existing settlements.
- 2.5 I have worked on projects across the UK but have particular experience of the landscape of central and southern England having undertaken a large number of projects in Surrey, Wiltshire, Hertfordshire, Oxfordshire, Buckinghamshire, and Berkshire. I regularly work on projects in Hertfordshire including working on the Hertfordshire Landscape Character Assessment and a number of sites within St Albans District. I therefore have a good understanding of the District's landscape and its key sensitivities.
- 2.6 Much of my work has involved undertaking Landscape and Visual Impact Assessments (LVIAs), Landscape and Visual Appraisals (LVAs) and Green Belt Appraisals (GBAs) and my current role focusses on undertaking and reviewing LVAs, LVIAs and GBAs on sites across the UK. Projects for which I have completed LVIAs include: a 3,500 unit residential

¹ TGN 02-21: Assessing landscape value outside national designations, Landscape Institute, May 2021

development on the edge of Scunthorpe; several residential and mixed use developments around the fringes of Swindon; the Paddington Station redevelopment; a residential development on the edge of Wadebridge in Cornwall; a large mixed-use development on the seafront in Southend; and, a residential development on the edge of Arlesey, in Bedfordshire.

- 2.7 All the landscape and visual assessment work I carry out is undertaken in accordance with the 'Guidelines for Landscape and Visual Assessment' (3rd edition, published by the Landscape Institute and Institute for Environmental Management and Assessment), hereafter referred to as 'GLVA3'.
- 2.8 My professional experience also includes a major landscape study of sites put forward for housing allocation in the South Wealden Growth Area on behalf of Wealden District Council; a Landscape Character and Green Belt study for Basildon Borough Council; a landscape character assessment for East Hertfordshire District Council; and, the preparation of landscape proposals and landscape statements to accompany a large number of planning submissions for residential development on behalf of a number of private developers including: Crest Nicholson, Berkeley Homes, Cove Homes and Thakeham Homes.

Instructions

- 2.9 In September 2021, Turley was instructed by Tarmac Ltd (the 'Appellant'), to provide advice on landscape and Green Belt matters to inform the development of design proposals for residential development on the site and to undertake a landscape and visual and Green Belt appraisal (LVGBA) of the scheme proposals to accompany an outline planning application for the Site. The work was undertaken by a consultant and senior consultant within my team.
- 2.10 When the proposals were refused planning permission in May 2023 I was asked to review the Decision Notice and the reasons for refusal which related to landscape and Green Belt matters. I was subsequently instructed by the Appellant to represent them on issues relating to landscape and Green Belt matters at the planning appeal.

Statement of Truth

- 2.11 I confirm that the evidence that I have prepared and provide for this Inquiry (Planning Inspectorate Reference: App/B1930/W/23/3333685) has been prepared, and is given, in accordance with the guidance of my professional institute, The Landscape Institute, and I confirm that the opinions expressed are my true and professional opinions.

Summary description of the proposed development

- 2.12 The proposed scheme was described in the planning application as:

"Outline planning application for up to 45 new homes, including 40% affordable new homes and 10% self-build and custom housing, new landscaping and public open space and associated infrastructure works, with all matters reserved except for the mean of access"

Reasons for refusal

- 2.13 This Appeal is against the refusal of an outline planning application submitted on behalf of Tarmac Ltd to St Albans District Council. In the decision notice, two reasons for refusal were cited. Of these, reason 1 relates to landscape and Green Belt matters and states:

1. The site is within the Metropolitan Green Belt and the proposed development represents inappropriate development within the Green Belt, as set out in the National Planning Policy Framework 2021. In addition to the in-principle harm to the Green Belt by reason of inappropriateness, other harm is identified as a result of the proposed development in terms of: its detrimental impact on the openness of the Green Belt, harm to Green Belt purposes, harm to landscape character, the adjacent Grade II listed building, loss of high quality agricultural land, and the impacts on social and physical infrastructure. The potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is not clearly outweighed by other considerations; and as a result the Very Special Circumstances required to allow for approval of inappropriate development in the Green Belt do not exist in this case. The proposal is therefore contrary to the National Planning Policy Framework 2021 and Policy 1 of the St Albans District Local Plan Review 1994

Key issues and scope of evidence

- 2.14 On the basis of the above reasons for refusal, the council's statement of case and the matters agreed and noted in the draft Statement of Common Ground, I understand that the main issues which relate to landscape and Green Belt matters and which are disputed by the Appellant and Council are:

- The level of effect of the proposals on the local landscape character;
- The suitability of the Site for development in landscape and Green Belt terms;
- The effect of the proposals on the openness and functioning of the Green Belt in terms of the five Green Belt purposes;
- the potential for detailed design and landscape proposals to mitigate potential landscape and Green Belt effects; and,

- 2.15 To address the above issues, my evidence will cover the following:

- A summary analysis and evaluation of the landscape, visual and Green Belt context of the Site. This supplements the factual information contained within the Landscape and Green Belt Statement of Common Ground and the application LVGBA (Section 3);
- A summary of the key features of the Application Proposals and Landscape Mitigation Measures (Section 4);

- A review of the landscape , visual and Green Belt effects of the proposed scheme and the effect of these on the local landscape character and the openness and functioning of the Green Belt, (Section 5);
 - A high level comparison of the Site and scheme proposals with two previous appeal decision for sites in the local area (referred to as the Roundhouse Farm Appeal ref: APP/B1930/W/20/3265925 and the Tollgate Road Appeal ref APP/B1930/W/23/3323099) (Section 6)
 - Conclusions (Section 7); and,
 - A summary (Section 1).
- 2.16 My evidence should be read alongside the figures and photographs contained within Appendix 3 of the application LVGBA (CD 4.12) and the evidence of the appellant’s other witnesses, including in particular that of:
- Mr Steve Kosky regarding planning policy and the planning balance.

Methodology

- 2.17 This evidence has been prepared following a review of: the documents and drawings which were submitted with the planning application; consultee responses; the Statements of Case prepared by both the appellant and the Council; the Statement of Common Ground prepared jointly by the Appellant and the Council and a visit to the site and its surroundings, which I carried out in summer 2023.
- 2.18 The LVGBA submitted with the application was prepared by my colleagues. Whilst I was not directly involved with the preparation of this report, I concur with the general approach and findings of the assessment. Where relevant, I have provided additional detail and analysis in this proof which is based on my own professional judgement.
- 2.19 The LVGBA (CD4.12) submitted with the application provides supporting figures and photographs. For ease, to illustrate key points, reduced scale versions of some photographs and plans are included within this proof. All photographs were taken in accordance with ‘Visual Representation of development proposals’ – Landscape Institute Technical Guidance Note TGN06/19, using a Canon EOS 200D digital single lens reflex camera with a focal length equivalent to a 50mm lens on a manual 35mm film SLR camera.
- 2.20 Best practice in relation to landscape and visual assessment is set out in ‘Guidelines for Landscape and Visual Impact Assessment’, 3rd edition 2013, published by The Landscape Institute and the Institute for Environmental Management and Assessment. Hereafter I refer to this as GLVIA3.
- 2.21 There is no nationally recognised methodology for Green Belt assessment; the methodology used in the Council’s Green Belt studies in 2013 (CD 3.9) and 2023 (CD3.4) was developed by the authors of each of the studies. The 2013 Stage 1 Green Belt review methodology was developed by SKM and the 2023 Stage 2 Green Belt Review was

developed by Arup (broadly following the approach of the 2013 study but with some amendments). Where possible, to provide consistency, my methodology for Green Belt assessment follows that of the 2013 Arup study. However, there are some detailed aspects of the methodology which I dispute. I have identified these within section 3 of this proof, explaining the areas that I disagree with and setting out my alternative methodology.

- 2.22 Quotations within this proof are written in italics. Any parts which are underlined have been done so for the purpose of my own emphasis.

3. Evaluation of the Landscape, Visual and Green Belt Context

Site Description

- 3.1 A detailed description of the Site and the surrounding landscape, visual and Green Belt context is provided in the LVGBA and a summary description is included in the SoCG (CD8.5) and is agreed between the two parties. An OS plan at 1:25,000 showing the location of the Site and its surrounding context is provided at Figure 01 (within Appendix 3 of CD 4.12).
- 3.2 Briefly, the Site currently comprises a rectangular-shaped field currently in arable use and a hard-surfaced private road that provides access to the site from Colney Heath High Street.
- 3.3 The Site is enclosed on three sides by existing development and/or lines of mature vegetation. The fourth side is open and follows the alignment of an historic field boundary.²



Figure 3.1A: Aerial photograph of the Site and local surroundings

² Refer to First edition OS map Figure 2.2 in Landscape and Green Belt SOCG illustrating alignment of historic field boundary.



Figure 3.1B: Aerial photograph of the Site and its immediate context

- 3.4 To the north of the site is Colney Heath Primary School, Colney Heath Football Ground and club house and a large area of mature woodland and lakes (formerly mineral workings).
- 3.5 To the east and south-east of the Site is open arable farmland. To the south is a small paddock and the Crooked Billet pub, car park and beer garden with play area. Beyond this is the main residential area Colney Heath.
- 3.6 To the west of the Site is a line of residential properties with gardens which are accessed from the High Street. Further residential dwelling and village facilities including the village hall, extend further northwestwards and southeastwards along the High Street.



Photo 3.1: Residential properties adjoin and overlook the western end of the Site – these, together with the football ground to the north, give the Site a village edge character and screen views of the Site from the High Street further west

Landscape Context

- 3.7 The landscape character assessments, landscape types (LT) and character area (LCA) descriptions of relevance to the Site are agreed between the Council and the Appellant. These are set out within the Landscape and Green Belt SoCG and summarised in Table 3.1 below.

Table 3.1 – Landscape Character Context

| Landscape Character Assessment | Landscape character area(s) of relevance to the Site |
|--|--|
| National Character Areas (NCA) (Natural England, 2010) | NCA111: Northern Thames Basin |
| East of England Landscape Framework | Landscape Typology ‘Lowland Settled Farmlands’. |
| Hertfordshire Landscape Character Assessment (CD 12.1) | LCA 30 – Colney Heath Farmland |

- 3.8 Of the above assessments, the most relevant is the Hertfordshire Landscape Character Assessment which includes an assessment at District level for St Albans District. A further, more detailed analysis was undertaken as part of the LVGBA. The identified local landscape character areas are shown in Figure 3.2 below and detailed analysis of the key landscape characteristics is set out in the LVGBA.

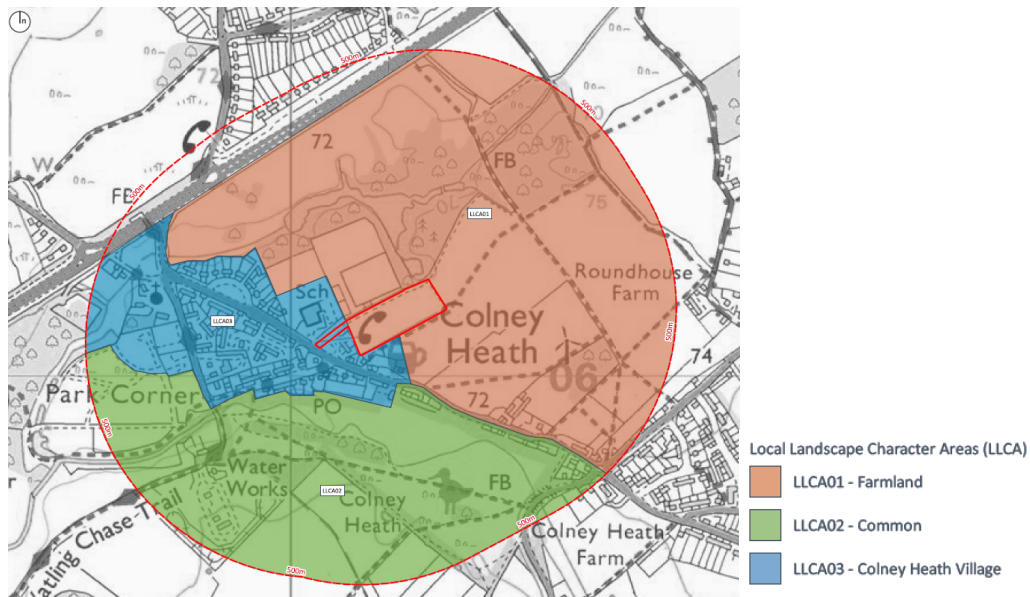


Figure 3.2: Local Landscape Character Areas: Site Boundary shown in red

3.9 In summary, the local area is a settled rural landscape³; the developed village areas of Colney Heath are set within a mix of arable fields and woodland to the north of the High Street and an area of common land (grasslands and small pockets of woodland) which slopes gently down to the River Colne in the south.

3.10 Other general points that are of particular relevance to this appeal are:

- a) The arable fields which form the Site and surrounding area are in use for intensive arable farming and have a **low biodiversity value**;
- b) **Human influences** are present in the landscape surrounding the Site including residential properties within Colney Heath and along the High Street, sports facilities and associated floodlighting and car park in Colney Heath football club and the Colney Heath Primary School and Nursery;
- c) Much of the landscape has been **previously worked for mineral extractions** and is relatively young; and,
- d) **Woodland areas are common** and these combine to give wooded horizons in views in most directions.

Landscape Evaluation

³ Note on settled vs. unsettled landscape types - Unsettled landscapes are those lacking human habitation and are typically areas of wetland, high ground, floodplain and common land. In landscape terms there is normally a high presumption against new development in unsettled landscapes. Settled landscapes are areas which include human habitation with varying forms of settlement pattern (e.g. nucleated, wayside disperse, clustered etc). In landscape terms, new development should be located in areas of settled landscape and should respect the inherent settlement pattern. The Site is in an area of settled landscape with a clustered settlement pattern centred around Colney Heath.

Relationship of the Site with the settlement of Colney Heath

- 3.11 In spatial terms the Site lies beyond the existing settlement edge of Colney Heath on the edge of an area of countryside. However, in terms of the existing and emerging settlement pattern and character of the area, the Site has a close relationship with the existing edge of the settlement and has the potential to integrate successfully with the existing settlement pattern. I say this for five reasons.
- 3.12 Firstly, the Site **directly adjoins and is partly contained by the existing settlement edge** of Colney Heath. It is enclosed on two and a half sides by existing development and village facilities and the proposed development area would connect directly with the village centre (using an existing private road which connects with the High Street and with further pedestrian links to the north and south). This would form a logical and well-connected extension to the existing area of settlement.
- 3.13 Secondly, the Site is **close to the village centre** and to existing village community facilities including the Colney Heath School, Colney Heath Football ground and village hall.
- 3.14 Thirdly, the proposed development area is **partially inset within the existing developed area** of the village. As a result, the proposal would not alter the overall development extents of the village other than to the north-east. Existing linear development along the High Street to the east and west would continue to form the easternmost and westernmost extents of the village.
- 3.15 Fourthly, the **proposed pattern of development would replicate an existing pattern** within the village. A new cluster of 45 dwellings to the rear of existing residential properties on the northern side of the High Street in Colney Heath would be similar to that of existing residential development on the south side of the High Street (Coopers Gate and Cutmore Drive).
- 3.16 Finally, there is a **close visual relationship between the Site and the existing settlement edge**. From viewpoints in the surrounding area (of which there are relatively few), the Site is seen in the context of the existing developed areas of Colney Heath. Any new development on the Site would therefore be seen in the context of other existing residential development or replace views of existing development.

Contribution of the Site to the setting and character of Colney Heath

- 3.17 The Site has some rural qualities but is enclosed on three sides by developed areas within Colney Village. These give the Site a **village edge character**. This is in contrast to the wider area of arable landscape to the south and east and the common land to the south of High Street and Tollgate Road both of which have stronger rural and countryside qualities.



Photo 3.2: Colney Heath Football Ground adjoins the Site to the north and contributes a village-edge character to the Site

- 3.18 In terms of its contribution to the setting and character of Colney Heath, the Site forms a small part of the open landscape which surrounds the village. Importantly, the Site is **well contained** by surrounding vegetation and buildings and is **not visually prominent**. As a result, there are few publicly accessible points from which the Site is visible. The principal views of the Site are from parts of public footpaths Colney Heath 041 and 042. In these the Site is seen as part of the arable farmland which lies to the north-east of the village.
- 3.19 From within the village and when approaching and travelling through the village along the High Street from the east or west, the Site is **screened from view** by existing development along the road and by dense roadside hedgerow. Furthermore, the Site is ordinary in both its character and appearance and contains **no significant landscape features**.
- 3.20 As a result of all the above, I consider that the Site does not play a significant role in either the setting or character of Colney Heath.



Photo 3.3: View east along The High Street when approaching the Site entrance from the west – from within the village, views of the Site are screened by vegetation and built development on the north side of the High Street



Photo 3.4: View west along The High Street when approaching the Site from the east – the Site is screened by dense roadside hedgerows and other mature vegetation

- 3.21 In my opinion, areas which play a much more significant role in the setting of Colney Heath are: the landscape corridor to the south along the River Colne (Colney Heath Common); the larger scale open arable landscape to the north and east of the Site; and

the relatively long belt of woodland which separates the village from the A414 and gives the village a wooded horizon.



Photo 3.5: View south across Colney Heath Common towards the River Colne – the landscape of the Common is more open to public view than the Site and makes a much more important contribution to the character and setting of Colney Heath.

Landscape Value and Level of Landscape Protection to be afforded to the Site

- 3.22 A detailed analysis of the landscape value of the Site and its immediate context was undertaken as part of the LVGBA (Paras 4.38 – 4.40 and Table 4.2). This concluded that, although the Site and immediate surroundings have some positive attributes and characteristics, that these are not beyond the ordinary in landscape terms and therefore that the area should not be considered as forming a ‘Valued Landscape’. This is an agreed matter with the council (and I note that it was similarly agreed in the appeals relating to the Roundhouse Farm site and Tollgate Road site that neither of these areas formed parts of an area of ‘valued landscape’).
- 3.23 The NPPF outlines a hierarchy of landscape value and protection. At the top end of the hierarchy are our landscapes of national importance which are designated as National Parks, the Broads or National Landscapes. These have the highest level of protection and the NPPF requires that great weight should be given to conserving and enhancing their landscape and scenic beauty.
- 3.24 In the middle of the hierarchy are other landscapes which are locally designated and/or which demonstrate sufficient qualities such that they are above the ordinary and are termed ‘valued landscapes’. Within St Albans District, areas of county or regional landscape importance are locally designated in the District Local Plan 1994 (CD2.1A) as Landscape Conservation Areas. Paragraph 180a required that these ‘valued landscapes’ should be protected and enhanced *‘in a manner commensurate with their statutory*

status or identified quality in the development plan'. The Site is not within or close to a Landscape Conservation Area and is not part of a valued landscape.

- 3.25 At the lower end of the hierarchy are the more ordinary or everyday landscapes and lower quality landscapes. These often still have some value and may be valued by communities at a local level. However, the Framework (paragraph 180b) affords them less protection, requiring only that the intrinsic character and beauty of the countryside should be recognised.
- 3.26 The Site falls at the lower end of the hierarchy of landscape value and protection. The framework does not require the landscape to be protected and enhanced but there remains a requirement for the intrinsic character of the country to be 'recognised'. In section 4 of this proof I demonstrate how, in my opinion the scheme proposals have 'recognised' the local landscape character and how proposed landscape mitigation measures could secure long term enhancements to the local landscape character.
- 3.27 In summary, The LVGBA has demonstrated that the Site does not form part of a valued landscape and should not therefore be afforded special protection under part a) of paragraph 180.
- 3.28 However, should the inspector disagree with me on this matter, the second part of para 180 states that the requirement to protect and enhance valued landscapes should be '*in a manner commensurate with their statutory status or identified quality in the development plan*'. Thus, as the area of the proposed development does not have a statutory status nor any identified quality in the development plan, the weight afforded to protection of the landscape should be at the lowest end of the scale.

Visual Context

- 3.29 The Site is set back from the main road through Colney Heath and is well contained by surrounding mature vegetation and existing built form. Consequently, there are few locations from which the Site is visible.
- 3.30 From the west, views of the Site are screened by existing development along Colney Heath High Street. As a result, there are no views into the Site from the settlement area or The High Street other than a glimpsed view along the access road.



Photo 3.6: View north from The High Street towards the Site - views of the Site are screened by houses and garden vegetation

- 3.31 From the north, the Site is contained by a line of mature vegetation along the boundary with Colney Heath Football Ground and an area of mature woodland.



Photo 3.7: Woodland to the north of the Site gives strong enclosure and containment and screens views of the Site from the North



Photo 3.8: Vegetation along the northern edge of the Site separates the Site from the Colney Heath Football Ground and provides visual enclosure and containment

- 3.32 From the east there are no features enclosing the Site and there are open views towards the Site from the public footpaths (refs Colney Heath 041 and 042). In these, the Site forms a small area of arable farmland which is separated from the wider area by a line of mature vegetation which marks the southern boundary of the Site. Existing residential properties along the High Street are seen in the background of views.



Photo 3.9: The undefined boundary at the eastern end of the Site allows open views in to the Site. Residential properties on The High Street which back on to the Site are visible in the background, giving the Site an edge of settlement character.

- 3.33 From the south, views of the Site are screened by the vegetation along the southern boundary of the Site, dense hedgerows which line either side of The High Street and other clumps of mature vegetation.



Photo 3.10 : A dense hedgerow along the southern edge of the Site separates it from the larger scale open fields to the south. The hedgerow currently has few hedgerow trees and could be enhanced with new tree planting as part of the landscape strategy for the development

- 3.34 The key visual receptor group that was identified in the LVGBA as having potential to be affected by the proposals was the users of the public right of way network to the east and south of the Site.

Green Belt Context

- 3.35 All of the countryside in St Albans District lies within the Green Belt and the Site lies wholly within the Green Belt. The adjoining and surrounding developed areas of Colney Heath are also washed over by the Green Belt.

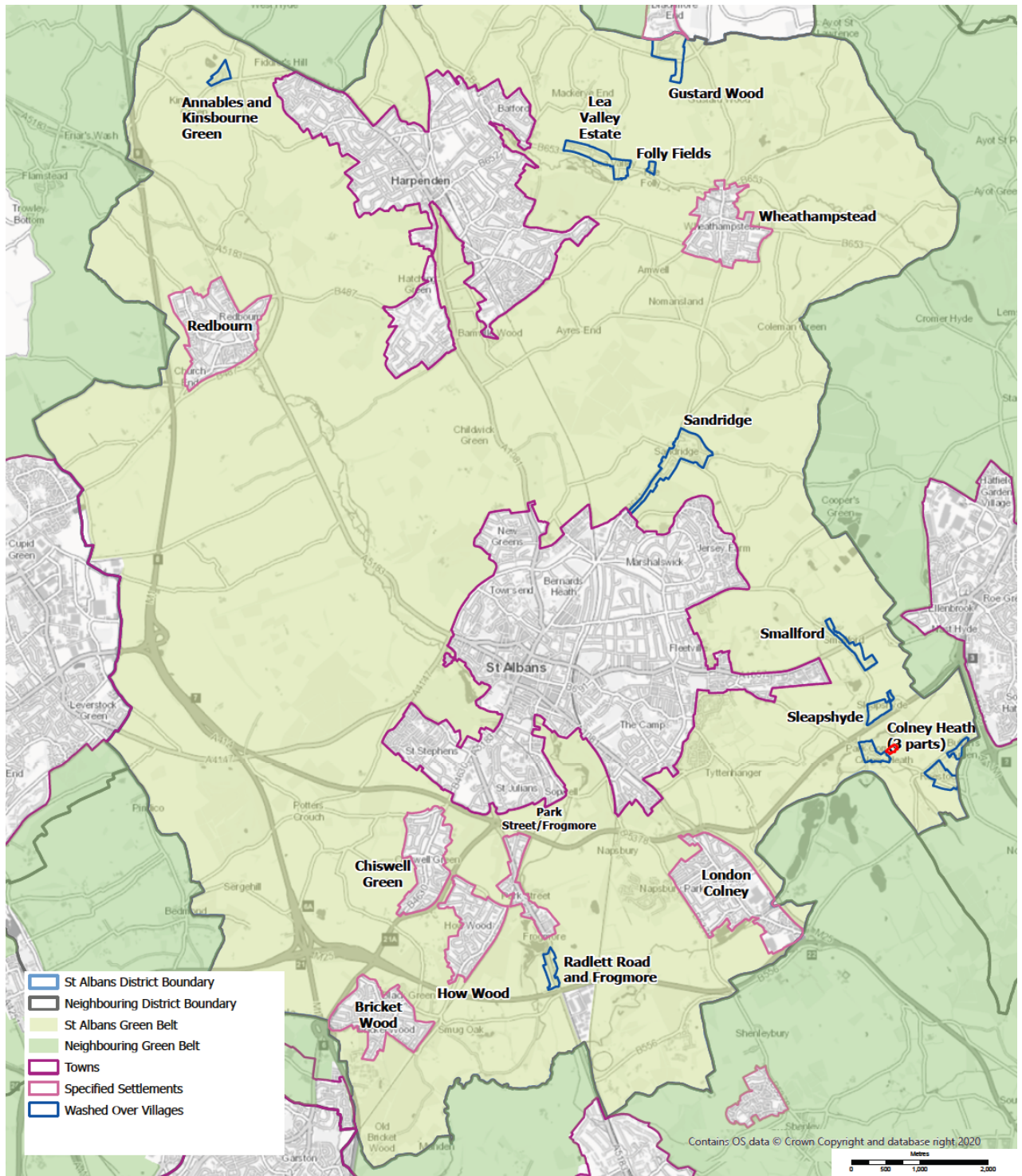


Figure 3.3: Extent of Green Belt within the District (approximate site location indicated in red) – the whole of the district is heavily constrained by the Green Belt

3.36 The relevant published Green Belt studies are set out in the Landscape and Green Belt SoCG (CD8.5) and are agreed between the council and the appellant. The 2013 Stage 1 Assessment (CD3.9) was undertaken at a strategic level and, in my opinion (and that of

the inspector at the Roundhouse Farm inquiry⁴) that very little correlation can be placed between the Site and the conclusions of that assessment.

- 3.37 A more detailed stage 2 assessment was undertaken by Arup in 2023 (CD3.4). This forms the most recent Green Belt assessment for the district. However, the study only looked at sub-areas within the District which formed part of strategic parcels which had been identified as least performing against the Green Belt purposes and which were within a 250m or 400m buffer around tier one or two settlements. The Site did not fall within this category and was therefore not taken forward for further assessment.
- 3.38 The study also included an assessment of the ‘washed over villages’ (CD 3.5) within the District and this included three clusters of settlement which were referred to collectively as Colney Heath. However, the Site did not fall within any of the areas assessed in this part of the study either.

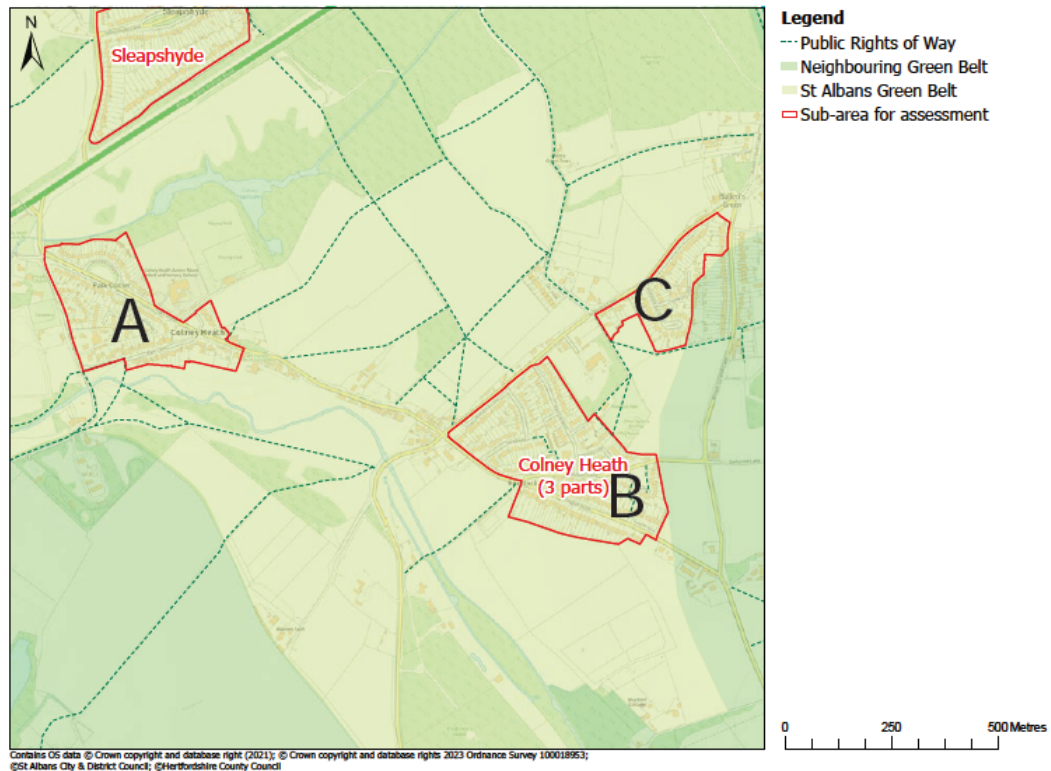


Figure 3.4: Colney Heath Sub-Areas assessed in the Washed Over Villages Study

- 3.39 Furthermore, the Site does not form part of an area identified as contributing to key views to/from the settlement of Colney Heath. In contrast, other areas around the village are specifically identified as making a positive contribution including: views south from Park Lane to the River Colne; glimpsed views of the wooded skyline of the wider landscape to the south; and views south from Tollgate Road south which the study identifies as ‘*having very strong connections to the wider landscape*’⁵.

⁴ Roundhouse Farm Inspectors Decision Letter (CD 14.6) para 24

⁵ Stage 2 Green Belt Review: Washed Over Villages Study, p11, 5th para

- 3.40 I consider it to be a weakness in the stage 2 Green Belt assessment that the methodology adopted failed to give any consideration to smaller sites which lay beyond the identified buffer zones but potentially made only limited contribution to the Green Belt and on which small scale development could potentially be accommodated whilst still preserving the integrity of the wider Green Belt.
- 3.41 I have therefore carried out my own appraisal of how the Site functions and fulfils the purposes of the Green Belt. With the exception of purpose 2, I have used the same methodology and assessment criterion as the 2023 Arup Stage 2 Appraisal. I have considered both the sub-area of Green Belt within which the site is located and the role of the Site itself within this. The sub-area I have considered is shown in Figure 3.5 below. It is defined by the woodland block and northern edge of the Site to the north, Roundhouse Farm lane to the east, Roestock Lane to the south and the High Street to the west.
- 3.42 With regards to purpose 2, the stage 1 assessment by SKM included only tier 1 settlements: St Albans and Harpenden but the stage 2 assessment by Arup widened the scope of settlements to cover stage 2 settlements as well (including London Colney). I do not consider London Colney as meeting the definition of a Town due to its small size and absence of key facilities including a secondary school or railway station. I have therefore followed the approach adopted in the stage 1 assessment of only considering tier 1 settlements.



Figure 3.5: Green Belt sub-area – Land east of Colney Heath

3.43 My appraisal is set out in Table 3.2 below (this supersedes the summary Green Belt appraisal included within the LVGBA submitted with the application).

Table 3.2 – Assessment of Sub-area Land east of Colney Heath and the Site against Green Belt purposes and assessment criteria

| Green Belt Purpose and Assessment Criteria | Score | Commentary |
|---|-------|---|
| <p>1. To check the unrestricted sprawl of the large built-up areas</p> <p>a) Does the sub-area protect open land at the edge of one or more of distinct large built up areas⁶?</p> | 0 | <p>The sub area is not at the edge of a large built-up area, in physical or perceptual terms and does not meet or contribute to purpose 1.</p> |
| <p>2. To prevent neighbouring towns merging into one another</p> | 0 | <p>The sub area does not form part of the gap between the towns of St Albans or Harpenden and other tier one settlements in neighbouring authorities</p> <p>(If considered in relation to the tier 2 settlements it forms a small part of a 'less essential gap' between London Colney and Hatfield. However, the gap is of sufficient scale and character that development would not cause merging between settlements.</p> <p>The Site forms only a small part of the sub-area and its role and contribution to this purpose is proportionally less than the sub-area as a whole)</p> |
| <p>3. To assist in safeguarding the countryside from encroachment</p> | 3 | <p>The sub-area and Site are largely rural in character. They are characterised by rural land uses but development is present in the surrounding area which influences their character</p> |
| <p>4. To preserve the setting and special character of historic towns</p> | 0 | <p>The sub-area and Site do not abut an identified historic place or provide views to a historic place and therefore do not meet or contribute to purpose 4.</p> |

⁶ Large built up areas for the Purpose 1 assessment are defined in Table 4.4 of the Stage 2 report as: St Albans, Harpenden, Luton and Dunstable, Hemel Hempstead, Watford, Hatfield and Welwyn Garden City on p31



Photo 3.11: View north across the sub-area of land east of Colney Heath – the landscape is largely rural but development is present and influences the character and perceived openness of the area

3.44 In summary I consider that the sub-area comprising the Site and its immediate surroundings currently makes the following existing contribution to the Green Belt purposes:

1. to check the unrestricted sprawl of large built-up areas – **No contribution**;
2. to prevent neighbouring towns merging into one another – **No contribution** (or Very limited contribution if considered in relation to tier 2 settlements);
3. to assist in safeguarding the countryside from encroachment - **Limited contribution**
4. to preserve the setting and special character of historic towns – **No contribution**
5. to assist in urban regeneration, by encouraging the recycling of derelict and other urban land - **No contribution**

Existing openness of the Site and immediate surroundings and contribution to the openness of the Green Belt

3.45 In accordance with best practice, the existing openness of the Site and surrounding context have been considered in both physical/spatial terms (i.e. the level of built development present) and visual terms (i.e. the visible openness of the land due to the absence of built development which is perceived in views across the landscape).

- 3.46 The Site and adjoining land to the east and south-east is currently undeveloped arable farmland and, in physical/spatial terms, has a high level of openness. Surrounding land to the north and west of the Site comprises developed areas of Colney Heath village. The presence of existing mainly, two storey development, together with private gardens, road verges, playing fields and school grounds gives the area a moderate level of physical/spatial openness.
- 3.47 In visual terms, the landscape is relatively enclosed due to the presence of vegetation, in the form of field hedgerows, tree clumps and woodland, and built development which lines either side of The High Street. This, together with the relatively flat local topography, means there are limited open views or vistas in which the openness of the Site and surrounding area can be appreciated. As a result, the visual openness of the Site and surrounding area is lower than the physical openness and the contribution of the Site and immediate surroundings to the perceived openness of the wider Green Belt is moderate - low.

Conclusions on Suitability of the Site for Residential Development in Landscape, Visual and Green Belt Terms

- 3.48 I have undertaken an appraisal of the Site, its landscape, visual and Green Belt context and evaluated the existing role and importance of the Site. On the basis of this I consider the Site to have good capacity and be well suited to accommodate residential development. I say this for the following reasons:
- a) The Site forms part of a relatively **ordinary landscape** and is not covered by any statutory or local landscape or environmental designations;
 - b) The Site lies within an area of **settled landscape** and is already characterised by the presence of residential development. The introduction of development would therefore not appear incongruent or inappropriate to the local landscape character;
 - c) The Site is adjacent to and **well connected to the existing settlement edge**; new development could be integrated with this simply and logically;
 - d) There are **no public rights of way crossing the Site** but the Proposed development provides opportunities to deliver new and improved connections with the public rights of way network in the countryside to the east and south.
 - e) The existing landscape features present within the Site are located around its perimeter and development could be accommodated on the Site without harming any landscape features;
 - f) The Site offers **potential to introduce landscape enhancements** which would contribute to the identified landscape guidelines in the published landscape character assessment for the area;
 - g) The Site is level and has a **good level of enclosure** by existing development and vegetation. Consequently, visibility of the Site from publicly accessible viewpoints is very limited;

- h) Although the Site lies wholly within the Green Belt, its **contribution to the functioning of the Green Belt in terms of the five Green Belt purposes is very limited;**
- i) The size of the Site is relatively small and the scale of development would be **appropriate and proportionate to the existing settlement of Colney Heath** and would not significantly change the size or character of the settlement.

4. Key features of the Application Proposals and Landscape Mitigation Measures

- 4.1 Outline planning permission is sought for a proposed residential development of up to 45 units with associated access and landscaping. Detailed design proposals would be agreed as part of a Reserved Matters application. However, an illustrative masterplan was submitted as part of the application to illustrate one way that the development could come forward and the design and access statement sets out key design principles and parameters which the detailed design proposals would follow.
- 4.2 The development of the scheme proposals has been landscape-led with the LVGBA process commenced at an early point and used to inform the design development process.
- 4.3 Key features of the scheme proposals which are proposed to mitigate potential landscape and visual effects which are embedded in the illustrative scheme and which would be secured as part of a Reserved Matters application include:
- a) Northern site boundary would follow a former historic field boundary and proposals include a **new field hedgerow to reinstate the historic boundary** line;
 - b) Site access would **utilise an existing private road** connection with the High Street;
 - c) Hedgerow along southern boundary of the Site would be **retained and reinforced with new hedgerow and tree planting**;
 - d) Scale and density of development would **reflect existing development in Colney Heath** village with higher density development at the western end closer to the village and lower density at the eastern end closer to the open countryside;
 - e) Development edges would **face outwards** to create a positive frontage to the countryside (an improvement over existing rear elevations and boundary fencing which are visible in views from the north);
 - f) Northern end of the site, which is more distant from the main area of the village settlement and closest to the open countryside, would be kept free from development and used as **multi-functional green space** (including flood attenuation);
 - g) A **new pedestrian route** through the Site would be provided to create a formal connection with the footpaths to the north and additional pedestrian connections would be created between the development area and the public footpath to the south of the Site;
 - h) **Generous development setbacks** from site edges would ensure existing mature boundary vegetation is safely retained intact and sufficient space is allowed to accommodate future growth;

- i) **Substantial planting** of new trees is proposed in the open space at the northern end of the site together with new planting around the site perimeter and within the development area itself. This will significantly increase the tree cover within the Site which would contribute to the overarching objectives of the Watling Chase Community Forest of increasing tree cover and will also soften the visual effects of the built form and will integrate the development areas in the landscape; and,
- j) Introduction of planting and species rich meadows and grassland will result in significant increase in biodiversity value of the site.



Figure 4.1: Illustrative Proposals – demonstrating landscape strategy and relationship and integration of the proposals with the existing settlement at Colney Heath

- 4.4 Of particular note in the above list is the approach to tree planting in the proposals; importantly, the site and development density would allow sufficient space to successfully incorporate a large amount of new trees including street trees, feature trees and trees in the amenity green spaces within and around the development area. As a result, I consider that the planting would provide a well-treed setting for the development which would create an attractive leafy character for the residential development which would endure in the long term and would contribute to the objectives of the Watling Chase Community Forest.
- 4.5 The above mitigation landscape measures have been informed by the identified landscape management guidelines for the Colney Heath Farmlands which are set out in

the Council's landscape character assessment. Table 4.1 below illustrates how the landscape proposals would accord with these identified management guidelines.

Table 4.1

| Landscape Management Guidelines for Colney Heath Farmland LCA | Proposed response in Scheme landscape proposals |
|--|--|
| <i>support the Watling Chase Community Forest in the realisation of its objectives for the area</i> | Proposals would support the Community Forest objectives by increasing tree cover across the site, improving access to the woodland area to the north and improving access to the public rights of way network in the countryside |
| <i>promote new woodland planting to maintain and improve visual separation from the adjacent urban uses and transport corridors, including A414. Scale of planting to typically comprise small woods, copses and shelterbelts</i> | Proposals could deliver small copses within the open space at the northern end of the Site. Tree planting around the perimeter of the Site would improve visual separation between the developed area and the wider countryside beyond. |
| <i>reduce the visual impact of adjacent built areas, encourage maintenance of the existing pattern and scale of hedgerows and field trees that provide enclosure</i> | Proposals would retain the existing pattern and scale of hedgerows around the perimeter of the Site which would reduce the visual impact of the development edge of the village. |
| <i>promote hedgerow restoration and creation throughout the area to provide visual and ecological links between existing and proposed woodland areas. Pattern to follow historic field boundaries where possible, encourage planting of new hedges adjacent to rights of way</i> | Proposals would restore a former historic field boundary along the north-eastern edge of the Site. This would create a new visual and ecological connection between the existing southern field hedgerow and the large woodland area to the north. |
| <i>support the retention and management of heath habitats including Colney Heath. Encourage opportunities of extending this habitat</i> | N/A – site not suitable for heathland creation |
| <i>develop appropriate management strategies to maintain and improve the mosaic of wildlife habitats areas including wetland and semi-improved grassland</i> | Development would include long term management and maintenance plan to ensure habitat value of the site is preserved. |
| <i>promote the creation of buffer zones between intensive arable production and important semi-natural habitats and the</i> | Planting at north-eastern end of the Site and around site boundaries would create ecological links and provide a small |

| | |
|--|--|
| <i>creation of links between semi-natural habitats</i> | buffer between the surrounding arable landscape and the established woodland area to the north |
| <i>encourage the restoration of ditches and discourage the enclosure of existing open drainage systems</i> | N/A |
| <i>provide new uncropped or grass field margins to link areas of wildlife importance and/or existing and proposed rights of way</i> | Proposals would include a new link through the Site to the informal and public footpath network in the open countryside to the north. |
| <i>promote both the creation of new ponds and the retention/enhancement of existing ponds for wildlife, where hedgerow removal is deemed to be unavoidable, replacement planting should use locally native species of local provenance to maintain local distinctiveness</i> | Proposed stormwater attenuation area would form new wetland area. Proposed planting would use native species of local provenance. |

Conclusions on Development Strategy and Design Approach

- 4.6 Overall, in summary, the development proposals have been landscape-led and it is clear that a residential development could be accommodated on the Site that responds appropriately to the site's landscape and visual context. (I demonstrate in Section 5 how the development proposals also respond appropriately to the Green Belt context.) In my opinion, the illustrative scheme demonstrates that an attractive and high quality development could be delivered which would form a positive extension and edge to the village and a high quality residential environment.
- 4.7 I note that the design approach of the proposed development in terms of the proposed access road and indicative built form layout approach was considered by officers to be appropriate⁷.

⁷ Committee report paragraph 8.3.7.

5. Landscape, Visual and Green Belt Effects of the Proposed Scheme

- 5.1 In this section I summarise the likely landscape, visual and Green Belt effects of the proposed development. Further commentary and analysis is provided in the LVGBA (CD4.12) which was submitted with the application.

Visual Effects

- 5.2 The impact of the proposals on views and visual amenity from neither public viewpoints nor private residential properties does not form part of the reason for refusal and I note that in the HCC landscape consultation response to the proposals (CD12.4) the landscape officer considered that the visual effects of the proposals were '*supported in principle*'⁸. I have therefore not presented detailed commentary on visual matters within this proof.
- 5.3 However, in summary⁹, due to the adjacency of the Site to existing residential development, existing enclosure of the Site by vegetation and additional visual enclosure that would be provided by proposed planting around the Site, particularly once proposed planting has matured, the proposed development would have limited visibility from the surrounding area. Notably, there would be no significant changes to the views and general visual amenity experienced by people travelling through Colney Heath along the High Street other than a fleeting view along the access road as it passes the site entrance.
- 5.4 The principal views that would be affected would be views from some parts of the public footpath network to the east and south of the Site from which the edge of the proposed development would be visible in the background of views. The proposed dwellings would be seen in the context of other residential development which is visible within and around the farmland area and would not appear uncharacteristic or incongruent. Over time, as proposed planting matures, visibility of the proposed dwellings would reduce further and the impact on views would also lessen further.

Landscape Effects

- 5.5 Landscape effects include the effects on individual landscape features and on the landscape character at different scales (i.e. the site itself, the local settlement and the local character area). I discuss each of these below in turn, drawing on the findings of the LVGBA where relevant and adding further detail and my own professional judgement where appropriate.

Impact on landscape features

- 5.6 The main landscape features within and adjacent to the Site are: a line of mature hedgerow and trees along the southern boundary of the Site; a line of trees and shrubs along the northern boundary of the Site (separating it from the football ground to the

⁸ CD12.4 - HCC Landscape Consultation Response p4 – Summary and Conclusions

⁹ A detailed assessment is provided in section 7 of the LVGBA.

north); a large woodland area to the north of the Site; and, mature trees and garden boundary vegetation along the western boundary of the Site.

- 5.7 In summary, the proposed development would allow the retention of the key landscape features within and adjoining the Site which currently contribute to the local landscape character and visual amenity. The proposed development would be accommodated within the framework of these features and new planting, together with the introduction of a regular management regime, would ensure the protection and long term enhancement of these features.
- 5.8 Furthermore, the proposals would allow the introduction of a new hedgerow along the north-eastern site boundary which would reinstate an historic field boundary, creating a new landscape feature and reinforcing the historic landscape pattern (this is particularly important in light of the erosion of much of the local historic landscape pattern due to mineral workings).

Impact on the character of the Site

- 5.9 The proposed development would change the Site from a small arable field to a new area of residential development and associated planted areas and green space. This would change the current open, agricultural character of the Site to a developed and residential character enclosed by trees. As a result, it would become similar in character to the adjacent developed area of Colney Heath south of The High Street for example in Coopers Green and Cutmore Drive and also the recently consented residential development at Round House Farm (under construction).
- 5.10 In section 4 of this proof I set out the key mitigation measures which have been adopted in the development strategy for the Site and additional measures which could be incorporated as part of the detailed design proposals for the Site. In my opinion, these measures would successfully mitigate the landscape and visual effects of the scheme and could also deliver some scale, localised benefits.
- 5.11 In particular, I consider that the introduction of additional planting around the perimeter and within the Site would bring improvements to the local character of the area. The proposed planting includes reinforcement of the existing hedgerow network by infilling gaps and introducing new hedgerow trees and reinstatement of an historic field boundary along the north-eastern edge would both strengthen the hedgerow network as a landscape feature and also as an ecological corridor. The new hedgerow line along the north-eastern boundary would allow the creation of a continuous connection and green corridor between the woodland in the north and the hedgerow network to the south. The hedgerows are important landscape and ecological features and the proposed improvements and the introduction of measures for their long term management would be a beneficial effect.



Figure 5.1: Proposed reinstatement of historic field boundary with new hedgerow planting would create a connection between the established woodland to the north with the hedgerow network to the south repairing the historic field pattern and creating a continuous ecological corridor

- 5.12 The proposed planting would also substantially increase the tree cover within the Site. Whilst the scheme proposals are currently in outline form, the illustrative plan demonstrates that c. 40% of the Site would be undeveloped and used for green infrastructure and further planting would be delivered within the development area itself. There is therefore significant space available for the introduction of new tree planting. This would both contribute to the objectives of the Watling Chase Community Forest (the Site lies within the Community Forest area) and also deliver a significant increase in the biodiversity value of the Site (which is currently very low due to the intensive arable farming activities on the Site). Once established, this planting would provide a strong level of tree cover across the Site which would create an attractive leafy character and integrate the proposed built development with the surrounding landscape.

Impact on the character of Colney Heath and the wider landscape

- 5.13 In the surrounding area, there would be few views of the proposed development and the impact on the character of the wider surrounding landscape would therefore be very limited. Importantly, due to the presence of field and roadside hedgerows and other vegetation in the intervening area, the development would not be visible from the more sensitive landscape area of Colney Heath to the south of the High Street. Similarly, due to the presence of existing built development and vegetation, the proposals would not

be visible from within the settlement of Colney Heath (or the neighbouring settlements of Bullens Green and Roestock) or the roads passing through the area.

- 5.14 In my opinion, the proposals would form an extension to the village of Colney Heath of an appropriate scale and character and would integrate with the existing settlement pattern of the village. The site would form a logical, small scale addition to the village which would not harm the character of the village and would bring some localised small scale benefits. The illustrative scheme shows how the development could be designed to be outward-facing to provide a positive frontage to the countryside (replacing an existing poor quality edge of rear elevations and garden fences). This would create an improved quality of development edge for the village and an appropriate interface with the countryside.
- 5.15 The principal landscape area with potential to be affected by the proposals is the arable farmland landscape to the east and south of the Site. In this area the development would be visible in the background of views across the field towards Colney Heath. However the impact of this on the character of the farmland would be limited partly due to the presence of existing development around the margins of the farmland area which already influences the character of the farmland and partly due to the presence of existing and proposed vegetation which would filter or screen views of the development edge. Over time as the existing and proposed planting continues to mature the influence of the new development on the rural character of the area would further reduce and there would also be some localised benefits arising from the increased tree cover, improved biodiversity and strengthened network of hedgerows.
- 5.16 The identified key characteristics of the local landscape character would be preserved and the proposed landscape framework would introduce some beneficial changes to the landscape character as noted above.

Conclusions on landscape impacts

- 5.17 Overall, the proposals would result in a permanent change in character to a very small part of Colney Heath Farmland landscape character area (LCA30). This would be a minor to negligible adverse effect at year 1 changing to a Neutral effect by year 15 following the establishment of planting. When considered at a local level, in terms of the village of Colney Heath and the area of arable farmland which lies to the east, the proposals would result in a negligible effect on the character of the village and a minor adverse effect on the farmland area at year 1, changing to Neutral at year 15 and in the long term thereafter. The effects on character would thus be short term.
- 5.18 I note that the HCC landscape officer was in agreement with the level of effects that were identified in the LVGBA concluding that the proposals would not give rise to any unacceptable landscape impacts and that the scheme was supported in principle¹⁰.
- 5.19 In conclusion, at a site level, the proposals would constitute a large and permanent change to the character and appearance of the Site. This change to the site itself is an inevitable consequence of any development and would occur with any residential development on greenfield land. More importantly however, is the impact of these

¹⁰ CD 12.4 HCC Landscape Consultation Response - p4 – Summary and Conclusions

changes on the landscape character of the surrounding local area i.e. to what extent the development would alter the general character of the area. With regards to this, for the reasons given above, I consider that the landscape impact of the proposals would be small and short term and would affect an area of landscape which is neither designated nor part of a Valued Landscape. A minor short term Adverse effect and a long term Neutral effect (i.e. with no overall improvement or deterioration in character) represents an unusually low level of landscape impact for a residential development of this scale.

5.20 My judgement on the low level of landscape effects is based on the following:

- a) The Site does not form part of a designated landscape at statutory or local level and is not considered to form part of a valued landscape;
- b) The scale of development proposed is modest, affecting only part of one small field and would integrate with and be appropriate to the existing size and character of Colney Heath. As a result, the development would not appear in any way incongruent or 'out of place' in the landscape;
- c) The density of development and proportion of developed (c. 58%) and undeveloped (c. 42%) parts of the Site proposed would allow the creation of a development with an open character and a strong landscape framework of existing and new planting;
- d) No key landscape features would be lost as a result of the proposed development and the proposed development would strengthen and enhance the local landscape framework by introducing new hedgerows and increased tree cover;
- e) Surrounding existing development and existing and proposed planting within and around the proposed dwellings would screen or filter views of the development resulting in limited intervisibility and influence of the proposals on the surrounding landscape;
- f) The landscape features and characteristics of the wider Colney Heath Farmlands LCA including the areas of higher value and sensitivity along the valley of the River Colne would not be harmed;
- g) Whilst the character of the Site would change from an agricultural field to residential development and amenity space, the new character would be wholly appropriate to the context and character of the existing settlement of Colney Heath and nearby settlements of Bullens Green and Roestock

5.21 Despite the agreement¹¹ that the long term effect of the proposals would have a Neutral¹² impact on local landscape character, the Council still identifies harm to landscape character in the reason for refusal and affords it Moderate weight in the planning balance. This is also despite acknowledging that the consultation response from the HCC landscape officer (a landscape expert) considered the landscape and visual

¹¹11 Acknowledged and agreed in the HCC Landscape Consultation Response (CD12.4)

¹²12 The term Neutral impact on character is defined in the LVGBA as meaning no overall improvement or deterioration to landscape

impacts of the proposal as being acceptable and officers acknowledging that *'the harm is not considered to be sufficient to amount to a freestanding reason for refusal'*¹³.

- 5.22 In my opinion, and that of the HCC landscape officer as well, the landscape impacts of the proposals are acceptable and should not constitute or contribute to a reason for refusal for the proposals. However, I acknowledge that there is potential for the proposals to initially result in a low level of landscape harm due to the introduction of built development in an area which is currently open farmland. These would be short term effects that could be successfully mitigated with a well-designed layout and landscape strategy. In my opinion, these would therefore be short term effects which should not form a material consideration in the determination of the planning application. However, in the event that the inspector considers this short term adverse effect to be a material consideration then the weight that this is given in the planning balance should be proportionate to the nature of the effect.

Green Belt Effects

- 5.23 It is common ground that the Proposed development constitutes inappropriate development in the Green Belt. The key issues in dispute are whether, and to what degree, the proposals would cause harm to: the openness of the Green Belt; to the functioning of the Green Belt in terms of the five Green Belt purposes; and, to landscape character. To address these points I consider the following:

- Impact on visual and physical openness of a) the Site and b) the wider Green Belt;
- Impact on the functioning and integrity of the wider Green Belt in terms of the five Green Belt purposes
- Impact on the character and openness of Colney Heath and whether it would still qualify as a 'washed over village' in the Green Belt following implementation of the development.

Impact on openness

- 5.24 In the interpretation of the potential effects of the appeal scheme on the openness of the Green Belt, I have referred to relevant case law which deals with the concept of openness. This includes the Euro Garages High Court judgement [2018] EWHC 1753¹⁴ which includes quotes of two passages by Justice Lindblom, from the decision of Samuel Smith Old Brewery (Tadcaster) v North Yorkshire County Council [2018] EWCA (Civ) 489: Firstly, when considering the likely effects of development on the openness of the Green Belt, which states that:

¹³ Committee report para 8.4.9

¹⁴ High Court Judgement: [2018] EWHC 1753 (Admin), Case No: CO/145/2018 – Euro Garages Limited and (1) the Secretary of State for Communities and Local Government (2) Cheshire West and Chester Council

“38.....Whether, in the individual circumstances of a particular case, there are likely to be visual as well as spatial effects on the openness of the Green Belt, and if so, whether those effects are likely to be harmful or benign, will be for the decision-maker to judge. But the need for those judgments to be exercised is, in my view, inherent in the policy”¹⁵.

And secondly, when considering whether development would “preserve” the openness of the Green Belt, that:

“39.....It can only sensibly mean that the effects on openness must not be harmful – understanding the verb “preserve” in the sense of “keep ... safe from harm” – rather than “maintain (a state of things)”¹⁶

Finally, in the Euro Garages case Justice Jefford noted that, in relation to whether the openness of the Green Belt is preserved, or harmed, the judgement:

“is not simply a question of whether something, which by definition has a spatial impact, is to be built. Further, the question of whether the openness of the Green Belt is preserved will generally involve an assessment of the visual or perceived impact. That is a matter of planning judgment but it is a matter that needs to be considered”.

- 5.25 I have therefore considered both how the openness of the Site would change, and also whether this impact would have a harmful impact on the openness of the part of the Green Belt that the Site is situated in, including the ‘washed over village’ of Colney Heath.

Spatial/Physical Openness

- 5.26 The proposed development would introduce built development to an area of land which is currently undeveloped. There would therefore be a reduction in the physical openness of the Green Belt within the Site itself. The proposed dwellings would be of a similar scale and density as the residential areas within the existing settlement of Colney Heath with a similar or greater level of openness.
- 5.27 A degree of physical openness of the Site could be preserved in a number of ways; as shown on the illustrative layout. Proposed measures include: c. 40% of the site would be retained as undeveloped land, wide verges to the north and south would be incorporated with new and existing planting and open view lines would be created through the development area to the site edges. (Figure 5.2 below).

¹⁵ Ibid para 28

¹⁶ Ibid para 28



Figure 5.2: Open spaces and open view lines which could be integrated into the development to maintain a degree of physical and visual openness and create an open character

5.28 The changes to the spatial characteristics of the Site would be substantial at a site level. This is to be expected for any new development on Green Belt Land. However, when considering the impact of the proposals on Green Belt openness, the impact on the visual openness of the wider Green Belt is also of importance. I discuss this further below.

Visual openness

5.29 The impact of the proposals on views is set out in the LVGBA and summarised in section 4 above. The HCC landscape officer agreed with the conclusions of the LVGBA and concluded that the visual impacts of the proposals would be acceptable in principle.

5.30 The LVGBA identified that there would be some changes to views from the public footpaths to the east and south of the Site (mainly in the short term before proposed landscape mitigation measures matured). However, I do not think these changes would have a material harmful impact on the openness of the wider Green Belt for the following reasons:

- a) The Site has **good containment** from the surrounding area due to the presence of adjacent and surrounding mature vegetation. Containment of the site would increase further as proposed planting within and around the Site matures further.
- b) The new dwellings **would not cut off any long distance open views** across the Green Belt.

- c) The development proposed has a **relatively low density** and the proposals would incorporate generous areas of open land (the illustrative scheme demonstrates that a development of 45 units could be accommodated in a built development area of 0.97ha which equates to only c. 58% of the Site). The level of development proposed would ensure that the Site **maintains an open character**
- d) Where new built form would be visible, it would be **filtered by existing and proposed vegetation** around the edge of the Site and/or seen against a backdrop of existing woodland that already provides enclosure to views and/or would be read in context with other existing housing seen around the edges of the farmland.
- e) **Key open areas of landscape would be maintained** that make a key contribution to the visual openness of the Green Belt i.e. Colney Heath Common to the south of the High Street and the larger scale arable fields to the south and east of the Site.
- f) The Proposed development would provide **additional screening to both existing and proposed built form in views** from the wider landscape and introduce additional planting that would reinforce the existing structure of the landscape. Once established, this would reinforce the wooded appearance of the landscape.
- g) There would be **no views of the proposed development from The High Street** which is the key route running through this area of Green Belt from which the openness of the Green Belt is experienced.
- h) The **overarching character** of the Colney Heath Farmlands as a settled and largely rural landscape would be maintained.

5.31 As a result of the above, I believe that whilst changes to the characteristics of the Site would be appreciable in views from some locations on the surrounding public footpath network (primarily in the short term before planting establishes), the development would be sufficiently contained and related to the existing settlement of Colney Heath such that the general visual openness of the wider Green Belt would be preserved.

Openness of the 'Washed over Village' of Colney Heath

5.32 In the recent Green Belt 'Washed Over Villages' Study (Arup 2023) the assessment for Colney Heath concluded that the existing area of settlement is open in character and makes an important contribution to the openness of the Green Belt.

5.33 As demonstrated above, the development proposals would be similarly or more open than these existing developed area and the Site would make a similar contribution to the openness of the Green Belt as these existing areas of development. Therefore, whilst there would be a reduced level of physical openness within the Site itself, it would not have a material impact on the open character and the openness of the wider Green Belt. Importantly, as a result of this, the settlement of Colney Heath would still qualify as being a washed over village and the Proposed development would not trigger the requirement for the settlement to be taken out of the Green Belt.

Impact on contribution to Green Belt Purposes

5.34 In Table 5.1 below I give consideration as to whether, and to what extent, the contribution that the sub-area 'Land east of Colney Heath' makes to the Green Belt purposes and the functioning of the Green Belt in this area would be changed as a result.

Table 5.1: Assessment of the contribution of sub-area Land east of Colney Heath to Green Belt purposes following implementation of the proposed development

| Green Belt Purpose and Assessment Criteria | Commentary |
|---|---|
| <p>1. To check the unrestricted sprawl of the large built-up areas</p> <p>a) Does the sub-area protect open land at the edge of one or more of distinct large built up area¹⁷?</p> | <p>The proposed development area would not be at the edge of a large built-up area, in physical or perceptual terms.</p> <p>The sub-area would continue to make no contribution to purpose 1.</p> |
| <p>2. To prevent neighbouring towns merging into one another</p> | <p>The proposed development would not affect the gap between the towns of St Albans or Harpenden and other tier one settlements in neighbouring authorities. Furthermore, even if London Colney were to be considered as a town in the context of purpose 2 (which is disputed) the proposed development would result in only a very small increase in the area of development within the 'less essential gap' between London Colney and Hatfield. However, the gap is of sufficient scale and character that the additional development would not cause any actual or perceived merging between the settlements.</p> <p>The sub-area would continue to make either No Contribution or a Very Limited contribution to purpose 2.</p> |
| <p>3. To assist in safeguarding the countryside from encroachment</p> | <p>The proposed development would constitute a small amount of encroachment into the countryside. This would have only limited effect on the wider sub-area due to the small size of the Site and scale of development and its strong containment by clearly defined boundaries. The sub-area would continue to be predominantly characterised by rural land uses and be largely rural in character.</p> <p>The sub-area would continue to make a Limited contribution to purpose 3</p> |
| <p>4. To preserve the setting and special character of historic towns</p> | <p>The proposed development would not abut an identified historic place or provide views to a historic place.</p> <p>The sub-area would continue to make no contribution to purpose 4</p> |

¹⁷ Large built up areas for the Purpose 1 assessment are defined in Table 4.4 of the Stage 2 report as: St Albans, Harpenden, Luton and Dunstable, Hemel Hempstead, Watford, Hatfield and Welwyn Garden City on p31

5.35 Based on the analysis within **Table 5.1**, I conclude there would be no change to the contribution to the purposes of the Green Belt made by the sub-area 'Land east of Colney Heath' following implementation of the proposed development. The Green Belt in this location would continue to function and the landscape would continue to possess a largely rural open character. The proposals would therefore not have a harmful effect on the integrity or functioning of the Green Belt.

6. Comparison of the Proposed Development with Nearby Sites considered at Recent Appeals

6.1 Residential development on two Sites in the vicinity of the current Site have recently been considered at Planning Appeals: Roundhouse Farm, Bullens Green Lane (APP/B1930/W/20/3265925 and APP/C1950/W/20/3265926) and Land to the rear of 42 – 100 Tollgate Road (appeal ref: APP/B1930/W/23/3323099). I briefly consider each of these below, noting in particular the key differences and similarities between these sites and proposed schemes and those of the current Appeal.

Roundhouse Farm, Land off Bullens Green Lane Appeal

6.2 The Roundhouse Farm Inquiry was held 26th April – 6th May 2021 and related to an outline planning application for up to 100 dwellings on the Site identified in Figure 6.1 below. The appeal was allowed and planning permission granted (Decision Letter CD 14.6).

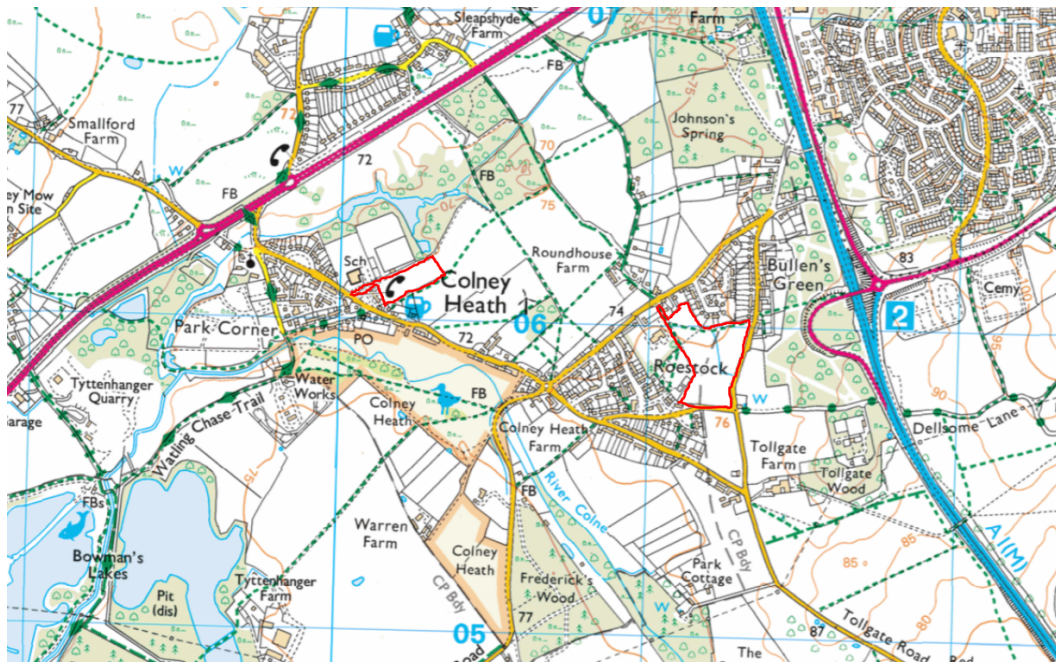


Figure 6.1: Location of Roundhouse Farm Site

6.3 I make the following observations and comparisons between the Roundhouse Farm and Colney Heath sites with regards to landscape, visual and greenbelt issues and sensitivities:

- a) **Size** -Roundhouse Site is considerably larger than the current Site (5ha compared with 1.68ha)
- b) **Relation of Site to existing settlement and the countryside** – Both sites adjoin existing areas of settlement and would integrate with the existing settlement

pattern. The Roundhouse site forms an open gap between two existing settlement clusters. The Roundhouse site is separated from surrounding countryside by roads on two sides and the Colney Heath site is separated from the wider countryside by a line of vegetation and further separation would be provided by a substantial area of new open space at the eastern end of the site with proposed planting and additional planting within and around the development area.

- c) **Landscape character context** – Both sites fall within the Colney Heath Farmland LCA and share similar characteristics of being areas of flat arable farmland, influenced by the presence of surrounding residential development with an edge of settlement character. Both sites do not contain any significant landscape features other than mature vegetation around the site edges.
- d) **Landscape quality and value** – both sites are areas of relatively ordinary landscape quality and value and neither site is considered as being part of a ‘valued landscape’.
- e) **Extent of visibility** – Both sites are enclosed by vegetation and existing settlement edge(s) which limit the potential extent of visibility of the proposals.
- f) **Openness to public view** – the Roundhouse Site has public footpaths passing through it, public roads adjoining two sides of it and a public park adjoining a third side. It is therefore considerably more open to public view than the Colney Heath site.
- g) **Openness to private views** – the Roundhouse Site has a larger number of private properties adjoining the site and with views across the Site.
- h) **Contribution to landscape setting and character of surrounding settlements** – both sites are arable farmland on the settlement edge but neither contain landscape features of particular note. The Roundhouse site is more visible from roads, public footpaths and private properties and recreational routes pass through the site itself. The Roundhouse thus plays a slightly greater role in the landscape setting of the adjoining settlements than the Colney Heath site.
- i) **Green Belt openness** – both sites are currently undeveloped and have a high level of physical openness. Both sites are partially enclosed which restricts their visual openness but the Roundhouse site has a slightly greater visual openness and is more open to public views. It therefore makes a slightly greater contribution to the general openness of the Green Belt than the Colney Heath site.
- j) **Green Belt purposes** – for both sites the principal Green Belt purpose which they contribute to is ‘safeguarding the countryside from encroachment’
- k) **Key landscape effects** – both schemes would result in a change from an open arable landscape to a developed residential area and would have similar effects albeit the Roundhouse scheme would extend over a larger area and the scale of change would therefore be greater. I note that in the Decision Letter

for Roundhouse Farm the inspector concluded that the changes to character and views would be '*localised in impact*' and overall concludes '*limited harm*' to the character and appearance of the area¹⁸. In comparison, the current Appeal scheme is smaller in scale, less visible from the surrounding area and has more generous landscape measures at the interface between the development edge and surrounding countryside which would therefore be more effective in mitigating potential landscape effects. The effects would therefore be even more localised and the overall harm to the character of the area would be even less.

- l) **Key visual effects** – both schemes would affect views from public footpaths and neighbouring residential properties but the Roundhouse scheme would affect more views (including views from adjacent roads) and visual effects would be greater in magnitude due to the closer proximity of viewpoints to the development area (from both roads and public footpaths), larger scheme and less space available to accommodate planting and screen views of the development. I note that the Round House Farm inspector concluded that the proposals would result in '*visual changes to the area, which in my view would be localised in impact*'¹⁹; she identified this as '*limited harm*'. In comparison, the current Appeal scheme is smaller in scale and less visible from publicly accessible viewpoints. The effects would therefore be even more localised and the overall harm to the character of the area would be even less.

- m) **Impact on Green Belt openness and purposes** – for both sites, the impact of the appeal proposals on the Green Belt would have only a localised effect on the Green Belt. For the Roundhouse site the inspector concluded that '*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*'²⁰. I come to a similar conclusion in my assessment of Green Belt effects for the Colney Heath site (see Section 5).

6.4 In summary, the two sites share similar characteristics in landscape and Green Belt terms but the Roundhouse Farm site is more visible and more open to short distance views from public footpaths and adjoining roads. The Roundhouse site is also slightly more sensitive in terms of the role it plays in the landscape setting of the adjacent settlements and due to the presence of public footpaths which pass through the site itself and provide locally important recreational routes into the countryside from the settlement.

6.5 The development proposals for both sites would result in similar landscape and Green Belt effects, both of which would be localised, albeit effects arising from the Roundhouse scheme would be larger in magnitude due to the larger scale of site and development proposals. The Roundhouse scheme would result in greater visual impacts than the Colney Heath scheme, in particular for users of the public footpath network who would experience close proximity views of the development edge. Both schemes would be well contained by surrounding roads and/or landscape features and both would have only

¹⁸ Roundhouse Farm Decision Letter (CD14.6) paras 17 and 18

¹⁹ Roundhouse Farm Decision Letter (CD14.6) para 17

²⁰ Roundhouse Farm Decision Letter (CD14.6) para 26

localised effects on the Green Belt and the wider integrity of the Green Belt would be preserved.

Land to the rear of 42-100 Tollgate Road

- 6.6 The Tollgate Road Inquiry was held in August 2023 and related to an outline planning application for up to 150 dwellings on the Site identified in Figure 6.2 below. The appeal was dismissed (Decision Letter CD14.37).

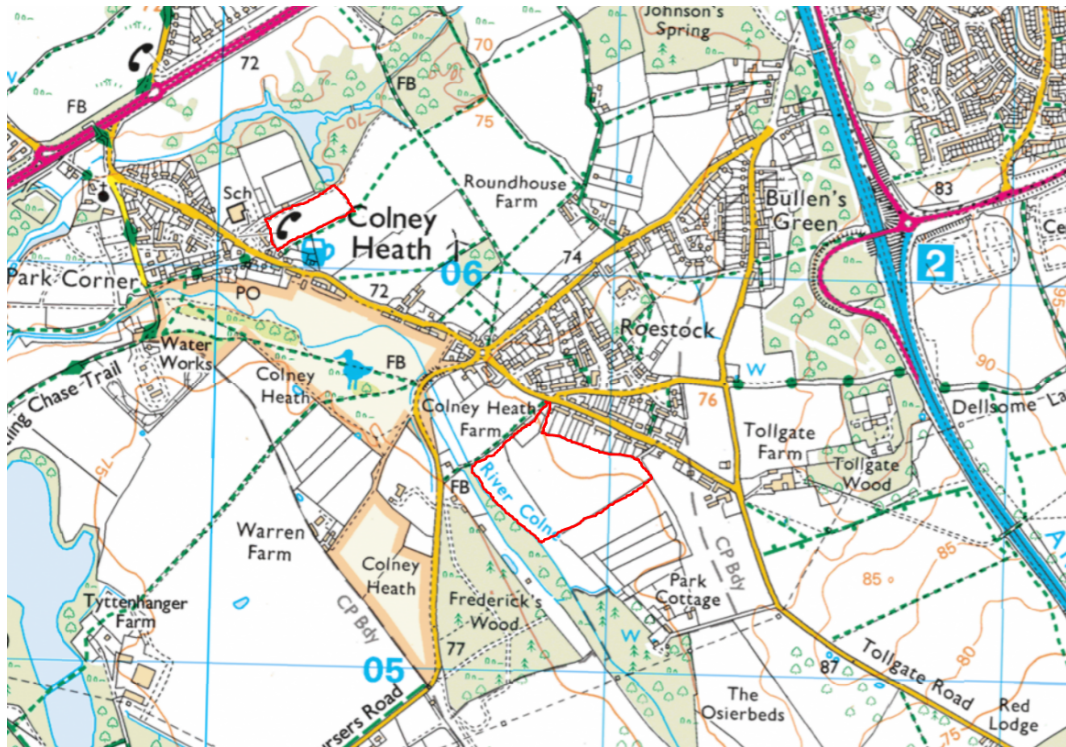


Figure 6.2: Location of Tollgate Road Site

- 6.7 I make the following observations and comparisons between the Tollgate Road and Colney Heath sites with regards to landscape, visual and greenbelt issues and sensitivities:
- Size** -Tollgate Road Site is considerably larger than the current Site (7.82ha compared with 1.68ha).
 - Relation of Site to existing settlement and the countryside** – Both sites adjoin an existing areas of settlement but the Tollgate Road site is less enclosed, less integrated with the settlement, has existing development on only one side and encroaches much further into the open countryside. The Tollgate Road site extends into the more sensitive landscape of the River Colne corridor and includes a Local Wildlife Site. The Tollgate Road site therefore makes a greater contribution to the rural setting of Colney Heath (Roestock) than the Colney Heath site.
 - Landscape character context** – Both sites fall within the Colney Heath Farmland LCA but they have differing characteristics. The Tollgate Road Site forms part of

an attractive corridor of open countryside along the River Colne, mainly pastoral, which also include Colney Heath common (see photo 3.5 in Section 3) and the historic parkland landscape of North Mymms House. This contrasts with the Colney Heath site which is predominantly land used for intensive arable production with an edge of settlement character.

- d) **Landscape quality and value** – neither site is considered to form part of a ‘valued landscape’. However, the Tollgate Road site is more attractive, contains a Local Wildlife Site and is of higher quality and value than the Colney Heath site.
- e) **Extent of visibility** – the Tollgate Road Site is less enclosed and more visible from the surrounding area than the Colney Heath Site
- f) **Openness to public view** – the Tollgate Road Site is more open to public view than the Colney Heath Site. It is visible from the local road network and a public footpath which passes adjacent to the Site (which is partly unhedged).
- g) **Openness to private views** – More private residential properties overlook the Tollgate Road site than the Colney Heath Site.
- h) **Contribution to landscape setting and character of surrounding settlements** – the Tollgate Road site lies within the valley of the River Colne which plays a more significant role in the landscape setting of Colney Heath than the small arable field which forms the Colney Heath site.
- i) **Green Belt openness** – the Tollgate Road forms part of the open countryside outside of the settlement in contrast to the Colney Heath site which is partly contained by the existing settlement. Both sites are primarily open and have a high level of physical openness. However, the Tollgate Road site is more open to public view and has a higher level of visual openness. I note that the inspector for the Tollgate Road Appeal specifically commented on the importance of the current openness of the Tollgate Road Site and its connectedness with the surrounding area, concluding that it *‘forms part of a swathe of open land along the River Colne, which is visually connected to the wider countryside beyond to the southeast and northwest²¹’*. In contrast, the openness of the Colney Heath site is of much less strategic importance.
- j) **Green Belt purposes** – The inspector for the Tollgate Road inquiry concluded that the Site, in its current form, makes a strong contribution to the Green Belt purpose of safeguarding the countryside from encroachment. The Colney Heath site is smaller, more peripheral and plays a much less significant role in safeguarding the countryside from encroachment.
- k) **Key landscape effects** – The Tollgate Road scheme would result in significantly greater landscape impacts than the Colney Heath site. This is due to the larger scale of development, the higher landscape sensitivity of the site due to its position within the Colne valley, the greater prominence of the development in the landscape, the weaker integration of the development area within the

²¹ Tollgate Road Decision Letter (CD14.37) para 29

existing settlement area and the disproportionate scale of proposed new development in relation to the existing settlement size. The inspector for the Tollgate Road site identified that the *'contribution of the site to the corridor of open countryside along the River Colne would be significantly diminished'*²² by the proposals and concluded that the adverse landscape effect of the proposed development would be at a *'moderate level'*. As I have set out in section 5, the landscape effects of development at the Colney Heath site would be significantly less than this (and indeed the council's own landscape officer considered the landscape effects of the proposals to be acceptable).

- l) **Key visual effects** – both schemes would affect views from public footpaths and neighbouring residential properties but the Tollgate Road scheme would affect more views (including views from adjacent roads which would be experienced on a frequent basis by large numbers of road users passing through the village) and visual effects would be greater in magnitude due to the larger scale of development and closer proximity of some viewpoints to the development area.

- m) **Impact on Green Belt openness and purposes** – the appeal proposal for the Tollgate Road site would be clearly visible from surrounding roads and footpaths and would intrude into a corridor of open land between Colney Heath and the River Colne. This would result in substantial harm to the openness of the Green Belt. The Tollgate Road inspector concluded that it would constitute a *'substantial incursion of open development into the open countryside to the south of Colney Heath, extending the settlement well beyond the existing ribbon of housing on Tollgate Road. This would cause substantial harm to the key purpose of the Green Belt in this location in safeguarding the countryside from encroachment'*²³. In contrast, the development proposal for the Colney Heath Site would be significantly smaller in scale, would be well contained, would be appropriate to the scale and character of the existing settlement, would be less visible (including no visibility from surrounding roads) and would maintain an open character. It would not result in a significant incursion in to the countryside and the impact of the proposals on openness would be localised and the impact on the wider integrity of the Green Belt would be limited.

6.8 In summary, the two sites are of significantly different scale and share few characteristics or similarities in landscape, visual or Green Belt terms. The Tollgate Road site is more visible, located in a more sensitive landscape, has more qualities of open countryside and plays an integral part in the valley landscape of the Colne Valley. It makes a more important contribution to the Green Belt and is less contained and less connected to the existing settlement area.

6.9 The development proposals for the Tollgate Road are c. three times greater in scale than those proposed for the current Site. The Tollgate Road proposals would result in significantly greater landscape and visual impacts and a reduction in the openness of the Green Belt. They would also result in a greater incursion in to the countryside and greater harm to the Green Belt purpose of safeguarding the countryside from encroachment.

²² Tollgate Road Decision Letter (CD 14.37) para 36

²³ Tollgate Road Decision Letter (CD 14.37) para 31

7. Conclusion

- 7.1 In conclusion, in my opinion, the Site is a good site for a modest scale development of the type proposed in the submitted application. It is a well contained Site with few landscape constraints and the proposals would form a logical and well-defined addition to the existing settlement.
- 7.2 The proposals would result in a localised reduction in the physical openness of the Green Belt within the Site itself but the impact of this on the visual openness of the wider Green Belt would be limited. Consequently, the integrity and functioning of the wider Green Belt in terms of its contribution to the five Green Belt purposes would be maintained.
- 7.3 The proposals provide the opportunity to create a new, high quality residential development of an appropriate scale in relation to the existing settlement and which would: integrate with the existing settlement of Colney Heath; make a positive contribution to the local landscape through the reinforcement of existing landscape features and reinstatement of an historic hedgerow line; and increase the tree cover within the Site which would contribute to the guidelines and objectives of both the Watling Chase Community Forest and published guidelines for the local landscape character area of the Colney Heath Farmlands.
- 7.4 Overall, in my opinion (and that of the HCC Landscape Officer), the landscape and visual impacts of the proposals and the impacts on Green Belt openness and purposes would be localised and very limited due to the ordinary nature of the landscape and strong visual containment of the Site. The level of development and open character proposed is also sufficient for the settlement of Colney Heath to remain a 'washed over village' in the Green Belt. In conclusion I consider the landscape harm and harm to the openness and purposes of the Green Belt that needs to be considered within the planning balance is limited and localised. The weight that is afforded to this in the planning balance should be considered accordingly.

Turley Office
8th Floor
Lacon House
84 Theobald's Road
London
WC1X 8NL

T 020 7851 4010