

Landscape Proof of Evidence

**In respect of: Land east of Oxhey Lane, Carpenders Park,
Watford**

On behalf of Burlington Developments London Ltd.

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1. WITNESS'S QUALIFICATIONS AND EXPERIENCE

Introduction

- 1.1. My name is Jonathan Evans. I hold a Bachelor of Arts degree in Landscape Architecture (BA Hons) and a Post Graduate Diploma in Landscape Architecture (PG Dip). I am a Chartered Landscape Architect and a Chartered Member of the Landscape Institute (CMLI).
- 1.2. I am a Senior Landscape Planning Director with Pegasus Group and I jointly manage the Landscape Planning Teams based in the Cirencester, Bristol, London, Cambridge and Midlands Offices. I and the landscape architects within the teams at Pegasus undertake their work in compliance with the Landscape Institute's Code of Practice for Landscape Professionals (December 2021).
- 1.3. Pegasus Group which was established in 2003. Since then, the company has grown, establishing sixteen offices across the UK, employing approximately 400 planning and environmental planning professionals.
- 1.4. I work within the environmental planning division of Pegasus Group in which planning for residential development accounts for a significant part of the business. The company is a corporate member of the Institute of Environmental Management and Assessment (IEMA) and was a founding member of IEMA's Quality Mark scheme.
- 1.5. I have gained over 20 years of landscape planning consultancy experience. Prior to joining Pegasus, I was an Associate Director at FPCR Environment and Design where I specialised in addressing landscape planning and design issues which related to a wide range of development projects. I have had extensive experience of and involvement in a wide range of residential development and built infrastructure projects throughout the UK, often involving environmentally sensitive sites, in terms of urban design, landscape character, visual resources and biodiversity. These include sites within Green Belts as well as statutory protected landscapes including National Parks (NP), National Landscapes (NL) and non- statutory landscape designations such as designated Special Landscape Areas (SLAs).

- 1.6. I am involved in site selection, constraints analysis, environmental assessment, and detailed landscape design. I have advised on landscape and visual impact issues on a wide range of residential and commercial development schemes and have given evidence at public inquiry and hearings. These range from major urban expansion schemes and smaller residential applications to employment sites at various scales.
- 1.7. I served as chair of the Sheffield Hallam University Professional Review Group – for the Landscape Institute accredited undergraduate Environmental Science Course – for six years and was employed for four years as an external examiner by the Birmingham School of Architecture and Design for the MA Landscape Architecture/ PgDip Landscape Architecture Course.
- 1.8. Pegasus Group were appointed by Burlington Developments London Ltd. in September 2024 to prepare the **Development Parameter Plan (CD1.6)**, **Illustrative Masterplan (CD1.11)**, supporting **Design and Access Statement (DAS) (CD1.27)**, **Illustrative Landscape Masterplan (CD1.12)**, **Green Belt Assessment (CD1.32)** and **Landscape & Visual Impact Assessment (CD1.36)**.
- 1.9. We worked very closely with all of the other members of the design and environment team in order to prepare a scheme which evolved in response to the constraints and opportunities presented by the Site. The objective was to create a highly sustainable place to live which minimises potential environmental disruption whilst maximising benefits to the wider community. The process by which the Masterplan was prepared was therefore an iterative one taking full account of the respective inputs from the Appellants retained experts.
- 1.10. Prior to this I acted as expert witness – covering Green Belt and Landscape and Visual matters from a Landscape Planning perspective – for Burlington Developments in connection with proposals for 92 new homes on two sites at Sarratt which were granted at Appeal in May 2024 (PINS refs: 3311477 & 3311479).
- 1.11. This landscape proof of evidence is based on my own professional judgement and is presented in accordance with the guidance of my professional institution, the

content of which is true to the best of my knowledge and belief and is presented irrespective of by whom I am instructed.

2. INTRODUCTION AND SCOPE OF LANDSCAPE PLANNING EVIDENCE

Introduction

2.1. I am instructed by Burlington Developments London Ltd (the 'Applicant') to present evidence relating to Green Belt, Grey Belt and Landscape and Visual matters as they relate to the Application (ref:25/1020/OUT) submitted to Three Rivers District Council ('TRDC', the Council') which was validated on 25th June 2025 with the following description of development:

"Outline planning application for up to 256 homes (C3 use class) (including affordable and self/custom build housing), housing with care (C2 use class), a children's home (for looked after children) (C2 use class) together with associated access (including off-site highway works), parking, open space and landscaping (appearance, layout, landscaping and scale as reserved matters)."

2.2. The Application was recommended for approval by officers (refer to **Committee Report – CD2.2**). This confirmed that officers considered the Site to be Grey Belt, and if members were to come to a different view it was also found that Very Special Circumstances existed to outweigh the harm to the Green Belt, and any other harms.

2.3. The Application was presented to the Council's Planning Committee on 19th March 2026, one day after the Secretary of State directed the Council to include the Site as an allocation in the Regulation 19 Consultation. Despite the positive officer recommendation, members resolved to refuse planning permission. The minutes indicate that the proposed reasons for refusal were:

"1) It would constitute inappropriate development in the Green Belt, harm openness, and conflict with purpose (a) and (c) of the Green Belt. Very special circumstances would not exist to outweigh the harm to the Green Belt and any other harm identified; and

2) In the absence of a S106 agreement, failure to secure infrastructure contributions."

2.4. It is notable that the minutes contained no landscape or visual impact reason for refusal nor mandate from Members of the Planning Committee for such grounds for

refusal to be pursued by the Council or on the Council's behalf. Consequently, within the Council's Statement of Case and within the Planning Statement of Common Ground it is confirmed that Landscape matters do not constitute a Reason for Refusal.

2.5. Prior to any decision being issued, the Application was called in by the Secretary of State for Housing Communities and Local Government. Within the Secretary of State's Call in Letter (dated 25th March 2026), the key matters were identified as being:

- *The extent to which the proposed development is consistent with Government policies for Delivering a sufficient supply of homes (NPPF Chapter 5);*
- *The extent to which the proposed development is consistent with Government policies for Protecting Greenbelt Land in NPPF (NPPF Chapter 13);*
- *The extent to which the proposed development is consistent with the development plan for the area; and*
- *any other matters the Inspector considers relevant.*

2.6. My landscape Proof of Evidence should be read in conjunction with separate appendices which are listed in this proof on the contents page. My evidence should also be read in conjunction with the Planning Proof of Evidence prepared by Mr Philip Allin – of Boyer Planning.

Scope of Evidence

2.7. In presenting my evidence, I address whether the Site falls within the definition of Grey Belt, the effect of the proposals upon Green Belt, and effects upon Landscape and Visual resources from a landscape planning perspective – recognising that the overall planning balance is for Mr Allin as a planner to comment upon.

Officer's Committee Report

- 2.8. With regard to whether the Site meets the NPPF definition of Grey Belt, the Officer's Committee Report (OCR) notes – at § 7.2.68 – § 7.2.69 that:

“In summary, it is considered that the site is Grey Belt as it does not strongly contribute to purposes (a), (b) or (d). It is also considered that there is a demonstrable unmet need for residential development in view of the fact that TRDC is unable to demonstrate a five year housing supply and that the site is located in a sustainable edge of settlement location in accordance with Paragraph 155 of the NPPF. Furthermore, it is noted that the site meets the Golden Rules set out in Paragraphs 156 and 157 of the NPPF. Paragraph 158 of the NPPF states that ‘a development which complies with the Golden Rules should be given significant weight in favour of the grant of permission’.

It is considered that the development represents an appropriate form of development and consequently is acceptable in accordance with the provisions of the NPPF and in accordance with Policy CP11 of the Core Strategy (adopted October 2011) and Policy DM2 of the Development Management Policies LDD.”

- 2.9. In considering landscape and visual matters the OCR concludes – at § 7.3.48 –7.3.49 – that:

“In summary, localised landscape impacts would arise as a result of the development, especially through proposed built form of the northern field parcel. The impacts would however significantly reduce over time, but conflicts do arise with Policy CP12 of the Core Strategy and Policy DM7 of the Development Management Plan.

In relation to tree impacts, whilst the concerns from the Woodland Trust are acknowledged, the Tree Officer has expressed doubts that the trees on site are veteran trees, and this is especially the case when applied to the definition of veteran trees within the NPPF. Nevertheless, the trees on site offer significant amenity value, have been protected and importantly are not proposed to be removed. Mitigation is also proposed to ensure that the development would accord with Policy DM6 of the Development Management Policies LDD.”

- 2.10. I note that both the Application Site (the Site) and the Proposed Development have been carefully considered by the applicant, such that the Proposed Development I consider would be suitable given its location and current development context,

specifically the settlement of Carpenders Park designated as an inset settlement within the Metropolitan Green Belt.

2.11. In preparing my evidence, I have reviewed a number of documents, the principal ones of which include the following:

- Application LVIA– and Addendum (Pegasus)
- Application GBA – and Addendum (Pegasus)
- Officer’s Committee Report
- Consultation Responses
- Planning Proof of Evidence prepared by Mr Philip Allin
- Applicant’s and Council’s Statements of Case
- Relevant published Green Belt related reports
- Design and Access Statement (Pegasus)
- Planning Statement
- Application Landscape Plans
- Relevant Planning Policies
- Planning Statement of Common Ground
- Draft Landscape Statement of Common Ground
- Other documents but not necessarily referenced here

2.12. Where appropriate, I draw upon relevant information from these documents and seek to avoid unnecessarily repeating the same information and therefore I have summarised my analysis. As noted I have reviewed the submitted **Green Belt Assessment** and **Landscape and Visual Impact Assessment (LVIA) – CDs 1.32 and 1.36** together with the subsequent **Addendums – CDs 1.57 and 1.66** – as part of the suite of planning application documents. I have reviewed these documents and assessed the Proposed Development with reference to the LVIA and GBA viewpoints surrounding the Site. Having reviewed the application LVIA and GBA, I understand and concur with the broad conclusions set out in those reports with regard to:

- the role of the Site and effect of the Proposed Development in connection with the purposes and openness of Green Belt, and
- in terms of the scale and nature of effects upon landscape elements, landscape character and visual amenity.

2.13. Having regard to the methodology used for the assessment of landscape and visual effects within the submitted LVIA I consider that it follows best practice guidance.

2.14. The analysis that I have undertaken on Site and in the surrounding area has allowed me to consider the landscape and visual aspects as they inform Green Belt so as to make informed professional judgements concerning this particular designation.

Context Baseline Viewpoints

2.15. I consider that the viewpoints and photographs submitted with the LVIA and GBA have been taken from a number of representative viewpoints in the landscape surrounding the Site, both in terms of views of the settlement edge and the surrounding countryside. It is anticipated that the Inspector would visit these representative viewpoints set out in my appendices as an aide-memoire.

2.16. It should be recognised that it is not practical to include viewpoints from every possible location. The viewpoints which have been selected, illustrate a range of visual receptors at different distances and directions from the Site. The locations of the viewpoints have been carefully considered and the photography has been undertaken when atmospheric conditions and visibility were good. The photography is considered appropriate given the type and scale of development. It is recognised that there is no substitute for visiting the viewpoints in the field to gain a first-hand appreciation of the viewing context.

Rule 6 Parties

2.17. At this stage it is understood that a Rule 6 party known as 'Residents Protecting Oxhey Lane Fields' wish to be involved with the inquiry.

2.18. The Rule 6 party's Statement of Case (SoC) alleges that the Proposed Development would cause a number of green belt harms, notably:

- ***“Green Belt harm by inappropriateness;***
- ***Harm to spatial openness of Green Belt;***
- ***Harm to visual openness of Green Belt; and***
- ***Harm to purposes of Green Belt.”***

2.19. The Rule 6 party’s SoC also alleges significant landscape and townscape harm and significant harm to visual amenity, notwithstanding the fact that the Council’s Statement of Case and the Planning Statement of Common Ground confirm that Landscape matters do not constitute a Reason for Refusal.

2.20. The Rule 6 Party SoC also raises issues concerning veteran trees.

2.21. I address each of these matters in the subsequent sections of my evidence.

Professional Judgement

2.22. I have reviewed the Proposed Development based on the viewpoints included in the submitted LVIA and GBA and as part of my Site visits. This has allowed me to consider carefully the potential impacts of the Proposed Development upon Green Belt, Landscape Character and Visual Amenity and to make informed professional judgements concerning these matters. My assessment is based on winter views, – given that I have visited the Site in both winter and summer – which has assisted as this demonstrates both a worst- and best-case scenario in terms of visibility of the Proposed Development across the landscape and townscape. I have also visited the Site after the hours of darkness to assess the night-time scene in terms of existing light sources influencing the Site.

2.23. I note that the Inspector will experience views with the benefit of summer growth and greenery on site. However, it is of course important to consider the Proposed Development on a year-round basis, i.e. with foliage absent in winter months and present in high summer.

2.24. The degree of landscape or visual effect is identified by means of a descriptive scale as per GLVIA. However, it is also necessary to consider the nature of the landscape and visual effects.

2.25. GLVIA assists with regard to landscape effects noting – at paragraph 5.37 – that:

“One of the more challenging issues is deciding whether the landscape effects should be categorised as positive or negative. It is also possible for effects to be neutral in their consequences for the landscape. An informed professional judgement should be made about this and the criteria used in reaching the judgement should be clearly stated. They might include, but should not be restricted to:

- ***The degree to which the proposal fits with existing character;***
- ***The contribution to the landscape that the development may make in its own right, usually by virtue of good design, even if it is in contrast to existing character.***

The importance of perceptions of landscape is emphasised by the European Landscape Convention, and others may of course hold different opinions on whether the effects are positive or negative, but this is not a reason to avoid making this judgement, which will ultimately be weighed against the opinions of others in the decision-making process.”

2.26. With regard to visual effects paragraph 6.29 states that:

“As with landscape effects an informed professional judgement should be made as to whether the visual effects can be described as positive or negative (or in some cases neutral) in their consequences for views and visual amenity. This will need to be based on a judgement about whether the changes will affect the quality of the visual experience for those groups of people who will see the changes, given the nature of the existing views.”

2.27. In this instance and for the purposes of this proof, the effects upon the landscape are specifically considered in terms of effect upon firstly landscape elements and secondly landscape character. My proof also sets out how the proposal would have a bearing upon the general and residential visual amenity associated with the area. The Proposed Development, I regard as a quality scheme which is broadly consistent with the character of housing associated with Carpenders Park. Similarly, the proposed landscape as green infrastructure across the Site would be in character and in keeping with the area. I consider that the overall landscape design for the Site would form an attractive green infrastructure framework for the Proposed

Development which would be beneficial in nature for both landscape and visual effects.

3. EXISTING LANDSCAPE CHARACTER OF THE SITE AND ITS SURROUNDINGS

Introduction

- 3.1. As defined in the GLVIA3 glossary landscape character is defined as ***"A distinct, recognisable and consistent pattern of elements in the landscape that makes one landscape different to another..."***.
- 3.2. To further clarify a distinction in the use of terms, Landscape Character Areas (LCAs) are discrete geographical areas of a particular landscape, as opposed to Landscape Character Types (LCTs), which are defined in GLVIA 3, page 157 as follows:

"These are distinct types of landscape that are relatively homogeneous in character. They are generic in nature in that they may occur in different areas in different parts of the country, but wherever they occur they share broadly similar combinations of geology, topography, drainage patterns, vegetation and historical land use and settlement pattern, and perceptual and aesthetic attributes."
- 3.3. A number of landscape character assessments have been undertaken in recent years to identify landscape character types and areas and published to assist professionals in understanding how development can affect landscape character.
- 3.4. Whilst there are a number of published landscape character assessments, both at the district, county and national level, these relate to large areas of land.

The Character of the Site

- 3.5. The Site comprises 12.7ha of land located to the east of Carpenders Park and the A4008 (Oxhey Lane), which would accommodate the vehicular access point into the Site. The Site comprises three fields of grassland bounded by belts of trees. There is one Public Right of Way (PRoW), footpath ref 'Watford Rural 013', which passes broadly east to west through the northern section of the Site. Save for this PRoW the Site is privately owned and not otherwise accessible to the public. The topographical profile of the Site is sloping, with the central and southern field parcels having a general fall and aspect to the south (Refer to LVIA Figure 3 – Topography Plan). The

northern parcel is relatively elevated in relation to its context, with a general fall and aspect towards Oxhey Lane and the settlement edge. Notwithstanding the elevated nature of this part of the Site, the woodland, hedgerows and tree cover along the Site and surrounding agricultural field boundaries, restrict opportunities to experience views towards the ground plane of the Site from the landscape to the north, east and south. Views into the northern Site parcel are possible – to varying degrees – from the residential streets of Carpenders Park to the west.

3.6. Carpenders Park Care Home is a modern, 3-storey building off Oxhey Lane immediately adjacent to the western boundary of the Site, with existing residential development to the west beyond Oxhey Lane. Properties generally back onto the A4008, and those along Carpenders Avenue to the northwest of the Site are perpendicular to the Site. There are mature hedgerows flanking both the eastern side of Oxhey Lane along the Site's western boundary, and along the western side of the road along the boundary of the rear gardens of properties along Five Fields Close, Wellington Close and Hangar Ruding which back onto Oxhey Lane. The northern boundary is defined by a hedgerow with mature trees, with the eastern boundary enclosed by mature trees with woodland at Merry Hill Wood (owned by the Woodland Trust) beyond. The southern boundary is currently open to the field parcel to the south, forming part of the Hartsbourne Stream Flood Storage Area, however there are mature trees with scrub along the course of Hartsbourne Stream between 20-70m south of the boundary which visually encloses the lower lying part of the Site.

3.7. Existing tree and hedgerow vegetation associated with the Site includes overgrown hedgerows forming belts of blackthorn scrub and mature trees that follow the internal field boundaries, and along the boundaries with the A4008 Oxhey Lane to the west. There are mature trees along the eastern boundary with young woodland at Merry Hill to the eastern boundary. A tree survey was carried out in November 2024 by ACD Environmental which identified that tree cover within the Site is predominantly oak trees along the northern, eastern and western boundary, with overgrown Blackthorn scrub and brambles having overtaken internal hedgerows. The

survey identified 27 Category A – 'high' value trees, 30 Category B 'Moderate' value trees, with 19 individual trees and 3 tree groups of Category C 'Low' value. A provisional Tree Preservation Order (TPO) has been made by TRDC 'Tree Preservation Order no.937 (Carpenders Park Dairy)' which includes trees located on the Site, along the northern and eastern boundary of the Site. A copy of this provisional TPO is included as **CD4.1**.

- 3.8. There are heritage assets in the locality which have associated settings and this is a matter I have been mindful of in my analysis of the landscape.
- 3.9. The **Tranquillity Plan** shown at **Figure 5** of the submitted **LVIA (CD1.36)** identifies the Site and surrounding area as being predominantly within the 'Least Tranquil' end of the spectrum, which is typical of the suburban setting being close to the wider built up area of Carpenders Park and Watford. The level of tranquillity increases across the landscape to the east associated with Merry Hill and the golf courses. The southwestern parcel of the Site appears to be less tranquil than the northern or southeastern parcel. It is considered that the level of tranquillity across the Site and surrounding landscape is influenced by the residential development to the immediate west of the Site along with the 3-storey Carpenders Park Care Home adjacent to the boundary with traffic along the busy A4008 Oxhey Lane.
- 3.10. In common with the submitted LVIA I consider that the Site is of medium value based on the criteria set out in Technical Guidance Note O2-21: Assessing Landscape Value Outside National Designations, given that it is located within an undesignated landscape, the existing landscape condition is relatively poor with the existing landscape features including trees, land cover and boundary vegetation generally suffering from a lack of positive management, noting there are gaps in some of the boundary hedgerows; and although not rare elements, the topography, scale and vegetation within the Site is typical of the local landscape character.
- 3.11. In summary, the character of the Site and local countryside is not of such value that it has warranted a statutory or non-statutory landscape designation, and the landscape has no features that would indicate a 'valued' landscape in the context of

the NPPF. I therefore consider that the Site is not a 'valued landscape' in the context of the NPPF Paragraph 187(a). This finding is supported by the view of Officers in the OCR which notes – at § 7.3.30 – that:

“...the site is not subject of any national landscape designations, and it is agreed it does not comprise a ‘valued landscape’ in terms of Paragraph 187(a) of the NPPF nor can it be regarded as truly ‘tranquil’ given its location adjacent to Carpenders Park and the A4008, although it is recognised that it is not to say that it is not valued and well used by local people.”

- 3.12. The susceptibility of the Site to the type of development is assessed as medium, due to the settlement edge location, influence of existing built form – including the Carpenders Park Care Home – level of enclosure provided by existing vegetation along the boundaries of the Site, combined with the variations in topography within the immediate locality.
- 3.13. I consider that given a medium value and medium susceptibility, this would equate to the Site and surrounding area being of medium overall sensitivity.
- 3.14. **Figure 1 – Site Location Plan** – submitted with the LVIA shows the location and context of the Site.

Landscape Character of the Surrounding Area

- 3.15. A number of landscape character assessments have been undertaken in recent years – to identify landscape character types and areas – which have been published to assist professionals in understanding how decisions can affect landscape character.

National Level – National Character Area 111: ‘Northern Thames Basin’

- 3.16. In terms of the existing situation and the baseline position, the Site and the surrounding area are located within the National Character Area (NCA) 111: Northern Thames Basin.
- 3.17. This NCA forms part of an assessment of the character of England’s landscape, first undertaken by the Countryside Agency but now the responsibility of Natural England.

The key characteristics of this NCA are described on internal page 8 of the document as follows:

- *“The landform is varied with a wide plateau divided by river valleys. The prominent hills and ridges of the ‘Bagshot Hills’ are notable to the northwest and extensive tracts of flat land are found in the south.*
- *Characteristic of the area is a layer of thick clay producing heavy, acidic soils, resulting in retention of considerable areas of ancient woodland.*
- *Areas capped by glacial sands and gravels have resulted in nutrient-poor, free-draining soils which support remnant lowland heathlands, although these are now small. Areas that have alluvial deposits present are well drained and fertile.*
- *The water bearing underlying Chalk beds are a main source of recharge for the principal London Basin Chalk aquifer.*
- *A diverse landscape with a series of broad valleys containing the major rivers Ver, Colne and Lea, and slightly steeper valleys of the rivers Stour, Colne and Roman. Numerous springs rise at the base of the Bagshot Beds and several reservoirs are dotted throughout the area*
- *The pattern of woodlands is varied across the area and includes considerable ancient semi-natural woodland. Hertfordshire is heavily wooded in some areas as are parts of Essex, while other areas within Essex are more open in character. Significant areas of wood pasture and pollarded veteran trees are also present.*
- *The field pattern is very varied across the basin reflecting historical activity. Informal patterns of 18th-century or earlier enclosure reflect medieval colonisation of the heaths. Regular planned enclosures dating from the Romano-British period are a subtle but nationally important feature on the flat land to the south-east of the area. In the Essex heathlands 18th- and 19th-century enclosure of heathlands and commons followed by extensive 20th-century field enlargement is dominant.*
- *Mixed farming, with arable land predominating in the Hertfordshire plateaux, parts of the London Clay lowlands and Essex heathlands. Grasslands are characteristic of the river valleys throughout. Horticulture and market gardening are found on the light, sandy soils of former heaths in Essex,*

particularly around Colchester, along with orchards, meadow pasture and leys following numerous narrow rivers and streams.

- *The diverse range of semi-natural habitats include ancient woodland, lowland heath and floodplain grazing marsh and provide important habitats for a wide range of species including great crested newt, water vole, dormouse and otter.*
- *Rich archaeology including sites related to Roman occupation, with the Roman capital at Colchester and City of St Albans (Verulamium) and links to London. Landscape parklands surrounding 16th- and 17th-century rural estates and country houses built for London merchants are a particular feature in Hertfordshire.*
- *The medieval pattern of small villages and dispersed farming settlement remains central to the character of parts of Hertfordshire and Essex. Market towns have expanded over time as have the London suburbs and commuter settlements, with the creation of new settlements such as the pioneering garden city at Welwyn and the planned town at Basildon.*
- *Brick-built dwellings are characteristic from the late 17th century onwards. Prior to this dwellings and farm buildings tended to be timber built with weatherboarding, now mainly painted white but traditionally black or tarred, and whitewashed plaster walls."*

3.18. These key characteristics would continue to remain and prevail with the Proposed Development in place.

3.19. In summary, I note that the overall key characteristics of the NCA reveal a settled and managed landscape with specific references to built infrastructure. This Natural England document is inevitably a high-level character assessment, but it provides a useful overview to understand the character of the local and wider landscape and its surroundings.

The Hertfordshire Landscape Character Assessment (2005).

3.20. The South Hertfordshire Landscape Character Assessment identifies 13 Landscape Character Areas (LCAs) within the Three Rivers district and locates the Site within the 'Bushey Hill Pastures' LCA (Figure 4 – Landscape Character Plan). This LCA is bound to the west by Carpenders Park, to the north by Oxhey, to the east by Bushey and to the south by Old Redding Road and woodland at Old Redding Nature Reserve.

3.21. The description for the LCA includes:

"The area consists of the eastern and undeveloped slopes of Bushey Hill, a distinctive east-west ridge extending from Merry Hill to Caldecote Hill. Despite being enclosed on the majority of its perimeter by built development, the area maintains a comparatively rural and tranquil atmosphere. The majority of the land use is grazing, with considerable new areas of planting encouraged by the Watling Chase Community Forest and the Woodland Trust. A good number of mature oak trees make a strong contribution to the character of the area."

3.22. The Key Characteristics for the 'Bushey Hill Pastures' LCA are listed as:

- ***"strong rising slopes up towards Merry Hill,***
- ***extensive grazing and equestrian activity,***
- ***considerable new planting,***
- ***surprisingly rural and panoramic views to the west,***
- ***parkland areas at Haydon Hill,***
- ***golf courses (3 no.),***
- ***strong containment by urban settlement although generally visually well screened"***

3.23. 'Visual and Sensory Perception' is summarised as:

"The area is only locally visible from outside, being restricted by the surrounding built development. Within the area there are a number of good viewpoints, e.g. south of Merry Hill House. There are also good views out of the area, particularly to the west, to a remarkably wooded horizon including Oxhey Woods, Pinnerwood and Harrow Weald Wood."

3.24. 'Rarity and distinctiveness' is described as:

"The area is relatively unusual in the county. The main distinctive quality is the maintenance of rural and pastoral character within a wider urban context."

3.25. The LCA is said to be in 'Moderate' condition with a 'Moderate' strength of character. The 'Strategy and Guidelines for Managing Change' are identified as: 'Improve and Conserve', with the following relevant to the Proposed Development:

- ***"support the Watling Chase Community Forest in the realisation of its objectives for the area,***
- ***promote the management of existing woodlands to establish a rich ground flora and a range of different woodland habitats,***
- ***promote the expansion of woodland beyond ancient woodland boundaries, especially where this will help in creating habitat links,***
- ***use ancient hedge and field boundaries to determine the most appropriate location for wood restoration and further expansion,***
- ***promote the continued establishment of the network of new woodlands planted by the Woodland Trust,***
- ***expand the network of new tree planting to the west of the A4008 to soften the surrounding residential areas,***
- ***promote through education and access the multiple uses of the landscape and seek to resolve conflicts arising from competing uses and activities...***
- ***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,***
- ***promote both the creation of new ponds and the retention/enhancement for wildlife of existing ponds,***
- ***promote the creation of new orchards, with community involvement, using traditional varieties of fruit and minimal use of herbicides and pesticides...***

- *promote the use of traditional hedge or metal parkland railings as field enclosure for equestrian pasture in place of timber fencing,*
- *promote planting schemes that soften the visual impact of unsightly agricultural and industrial buildings,*
- *conserve unimproved, semi-improved and heathland grassland communities in order to maintain their nature conservation value...*
- *maintain and enhance public access to and over the entire area,*
- *ensure that the distinctive long-distance views are framed and not lost by emerging woodland areas,*
- *where new development adjoins the character area ensure areas of local native tree and hedge species are planted to ensure there is minimal impact on the rural character,*
- *ensure all existing and proposed recreational land uses including golf courses are managed to enhance the existing landscape setting and ecological value."*

3.26. The proposed green infrastructure as an integral part of the Proposed Development – representing approximately 49% of the overall Site area – would accord with the relevant landscape guidelines and management objectives that are set out above.

Three Rivers District Council Landscape Sensitivity Assessment (2019)

3.27. The Three Rivers District Council Landscape Sensitivity Assessment considers the sensitivity to the principle of built development on a range of land parcels within Three Rivers District. The assessment considers variations in character based on Hertfordshire's Landscape Character Assessment. The document assesses the Site within Parcel CFS69, 'Land at Carpenders Park Farm', which extends southwards to include further grassland fields, a portion of woodland at Mutton Wood – identified as a Local Wildlife Site in the local plan – and a section of the Hartsbourne Stream.

3.28. The document assesses each parcel against 10 separate landscape and visual criteria. These include 5 landscape criteria relating to landform and landscape features, complexity (variety of land uses, patterns), enclosure by vegetation,

historic character and built development/ Visual criteria include openness to public view, openness to private view, views towards landmark buildings / natural features, perceptual quality, prevention of merging / coalescence. The document identifies parcel CFS69 as having a 'Medium High' sensitivity for residential use, which is defined as follows:

"Landscape and /or visual characteristics of the assessment unit are susceptible to change and / or its values are medium through to high. It may be able to accommodate the relevant type of development but only in limited situations without significant character change or adverse effects if defined in the relevant land parcel summary. Thresholds for significant change are low."

3.29. It states that the following key characteristics from the 'Bushey Hill Pastures' LCA are present in the parcel:

- ***"Strong rising slopes extend up towards Merry Hill and the north***
- ***Rural and panoramic views extend out towards the west over South Oxhey, and down towards the golf courses to the south***
- ***Located in close proximity to Hartsbourne Golf Course and Grims Dyke Golf Course to the south"***

3.30. The 'Summary' states:

"The strong rising south west facing slopes and rural panoramic views over South Oxhey and local golf courses are very characteristic of the Bushey Hill Pastures LCA. In addition, the undulating landforms, landscape features and strong perceptual quality all contribute towards increased sensitivity to built development. The views from the public footpath running through the centre of the site towards natural features to the north east and urban landscape towards the south west, alongside views in to the site from South Oxhey and footpaths, all increase the sensitivity of the area. As the site is located in close proximity to the Watford suburb of South Oxhey, the overall sensitivity of the site is increased as the area has a feeling of rurality even though it is in close proximity to a large urban development within the M25. Although the site begins to spread the urban development out of the Oxhey Lane ring road to the east, therefore increasing the boundary of South Oxhey, the site is considered to have medium-high sensitivity to development, as the site does not

compromise the coalescence of two urban areas together, and it is relatively enclosed by vegetation on the immediate surroundings.

For this reason, the Land at Carpenders Park Farm has been classed as having Medium-High sensitivity to built development."

- 3.31. It is noted that the assessment sets out 'overall sensitivity for the wider parcel but does not include variation of sensitivity within the parcel.' While the Site does present some of the elements outlined in terms of key characteristics of the Bushey Hill Pastures LCA, the summary description mentions views from the public footpath running through the Site, which traverses the higher landform. Notwithstanding this, formal public access within the Site is limited to PRoW Footpath ref 'Watford Rural 013' in the northern field parcel. In terms of the wider parcel, the Site itself excludes the more sensitive landscape elements such as the woodland at Mutton Wood identified as a Local Wildlife Site in the local plan, and the Hartsbourne Stream. Furthermore, there are urbanising influences perceptible from the Site, which reduce its susceptibility to the type of development proposed, including views of the immediately adjacent residential areas and roads, with the recent development of the 3-storey Carpenders Park Care Home and a communications tower adjacent to the Site boundary that are visually prominent from much of the Site.

Three Rivers District Council Landscape Sensitivity Assessment – Addendum III (January 2026)

- 3.32. Following submission and validation of the planning application for the Proposed Development Three Rivers District Council subsequently commissioned Place Services in November 2025 to undertake a further landscape sensitivity assessment on a number of additional sites including the application Site. It should be noted that the assessment considers sensitivity to the 'principle' of built development on the sites proposed by Three Rivers District Council, without knowing the specific size or type of potential development and therefore does not take account of mitigation measures proposed as part of any proposed development. The assessment methodology also notes (inter alia) that:

“The Landscape Sensitivity Assessment is based on an assessment of susceptibility and value using carefully defined variables. As with all analyses this is based upon data and information that is to a greater or lesser extent subjective, therefore some caution is required in its interpretation.”

(my emphasis)

- 3.33. The assessment refers to the Site as **NCFS12 - Land East of Oxhey Lane, Carpenders Park** and classes it as having **medium** landscape sensitivity to built development. The following summary text is provided:

“The Site is characteristic of the Bushey Hill Pastures LCA, comprising strong rising slopes towards Merry Hill, rural and panoramic views, and urban settlement.

The elevated landform within the site allows longer views over the surrounding area, including over Carpenders Park, increasing the sensitivity of the site. Whilst the boundaries are largely defined by hedgerows, the landform rises above the hedgerows, increasing the visibility of the site. The PRow that runs through the site and the surrounding roads and residential areas allow both public and private views into the site.

Built development is notable to the west of the site, however there is limited other development on the other three boundaries.

Plantation and woodland to the east forms a landscape feature of interest adjacent to the site.

For these reasons, Land East of Oxhey Lane has been classed as having medium sensitivity to built development.”

- 3.34. I note the findings in the Council’s sensitivity assessment and agree with the finding that the Site is of medium sensitivity to built development. Mindful of the edge of settlement character of the Site, its well contained nature, and the influence of adjoining built form, I concur with the findings of the submitted LVIA, and the detailed analysis therein (based on guidance set out in GLVIA3 Box 5.1.), which considers the site to be of **medium susceptibility, value and sensitivity**. Furthermore, the Site is not considered to be a “valued landscape” for the purposes of §174(a) of the NPPF.

4. DESCRIPTION OF THE PROPOSALS

The Development Proposals

- 4.1. The Proposed Development is fully described in the Design and Access Statements and other information accompanying the submitted planning application for the Site. The existing landscape resource, visual receptors and amenity of the Site has been considered by the planning and design process and has informed the resultant Proposed Development. This approach has entailed collaboration between landscape, urban design, ecological and other professionals. The landscape components of the Proposed Development are an integral part of the Proposed Development.
- 4.2. The planning application submitted to Three Rivers District Council, (LPA Ref: 25/1020/OUT) seeks outline planning permission for the development of the Site to deliver up to 256 new homes (including affordable and self/custom build housing), housing with care, a children's home for looked after children together with associated access, open space and landscaping.
- 4.3. It is anticipated that the Proposed Development would comprise a mix of dwelling sizes and tenures with dwellings ranging from smaller (one-bedroom) apartments to larger (five-bedroom) detached houses. The proposed built form will respond to existing buildings in the wider settlement of Carpenders Park in terms of scale, height, form and massing. Consistent with existing heights within the more recently developed Carpenders Park residential areas, the proposed houses in more elevated parts of the Site would be up to 2 storeys in height with variation in eaves and ridge height. In lower lying – less visually sensitive – areas buildings would be up to 3 storeys in height. Refer to **CD1.27 – DAS** page 44.
- 4.4. The average gross density of the proposal is approximately 20dph, based on the overall Site area of 12.7ha. The average net density which only includes the areas for residential development (excluding public open space, landscape and the area for the housing with care) is approximately 42dph. The density will vary across the Site,

having regard to the Site context, proposed character, making efficient use of land, and ensuring the proposals provide an appropriate transition to the wider landscape to the north, east and south.

- 4.5. The Proposed Development also includes approximately 6.2ha of Green Infrastructure (GI) – representing approximately 49% of the Site area, well in excess of the minimum requirements. The GI would include extensive publicly accessible, semi-natural green space and landscaped buffers around the perimeter of the Site, see **CD1.12 – Illustrative Landscape Masterplan**.
- 4.6. Further details of the Proposed Development are included in the Planning Statement, Design and Access Statement, and LVIA/GBA documents submitted with the application.
- 4.7. I proceed to describe the proposals from a landscape design perspective as this informs consideration of the Green Belt/ Grey Belt, Landscape and Visual amenity issues.
- 4.8. The residential layout has been carefully designed to accommodate substantial areas of GI which would frame the Proposed Development. The GI that would be provided would comprise a series of connected public open spaces and green corridors.
- 4.9. It is noted that the Site is not a completely dark unlit environment but is influenced by light spill from the adjacent properties and street lighting along Oxhey Lane. The CPRE light pollution mapping shows that the Site is located within the ‘brighter’ range of light levels on the dark to light spectrum.

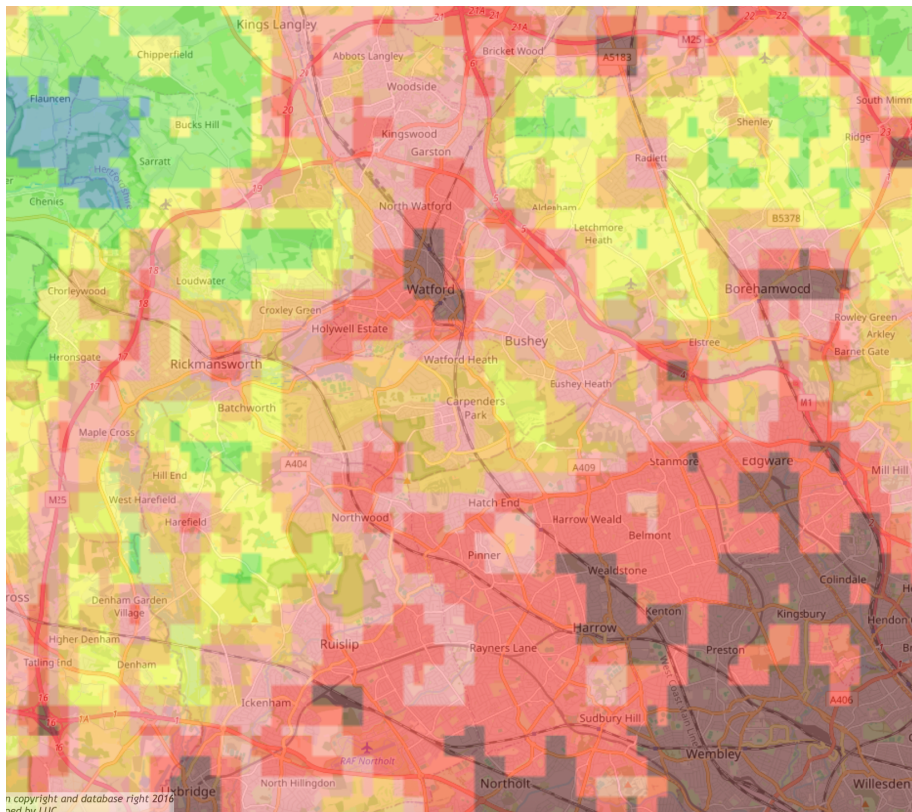


Plate 1. CPRE light pollution mapping extract

4.10. Whilst the details of the proposed lighting are subject to detailed design, at this outline stage, it is considered that the lighting will be designed in line with relevant best practice guidance, including the Institute of Lighting Professional (ILP) ‘Guidance Notes for the Reduction of Obtrusive Light’ and ICE (1997) Guidelines for minimising Sky Glow, therefore it is anticipated that lighting would be minimised and kept at as low a level as possible without affecting safety and security.

Proposed Landscape Strategy

4.11. The distribution of the proposed housing and open space is identified on the **Illustrative Masterplan (CD1.11)**. Visual integration measures include the set-back of the proposed housing from field boundaries and the provision of a strong framework of peripheral and internal greenspace. This greenspace would provide a broad transitional zone between the new housing area and the wider rural landscape, particularly in the northern part of the Site. It would include groups of scattered native trees and shrubs, areas of wildflower meadow, a community orchard, swales

and surface water attenuation ponds. Additional native tree/shrub planting would be established within the eastern, southern and western Site perimeter landscape zones to achieve landscape and visual integration. Building heights, densities and layouts have been established in response to local context and best practice urban design principles. The proposed streets would be lined with trees, reflecting the character of other parts of the adjacent settlement. Vernacular design and materials would be adopted to reflect local characteristics.

- 4.12. The **Illustrative Masterplan** layout (CD1.11) provides the opportunity to provide not only new areas of housing but a significant area of publicly accessible, semi-natural greenspace (i.e., where a feeling of naturalness is allowed to predominate) for existing and future residents of Carpenders Park. These greenspaces would be focussed along the existing PRow, along the rural edges and internally along the course of the north – south historic tree line. The housing area has been laid out so that open space is located on the doorstep for residents, encouraging interaction with the outdoors and physical exercise. Additionally, a large number of dwellings would be orientated to benefit from views to open space, which is viewed as beneficial for mental health and wellbeing.
- 4.13. Existing perimeter trees and hedgerows would be retained through the set-back of housing from field boundaries. Importantly, along the eastern site boundary, proposed built form would be offset a minimum of 15m from the adjacent woodland edge to ensure no conflicts with Root Protection Areas (RPAs) of trees along the western edge of Merry Hill Wood. Additional tree planting would also be established around the site perimeter and along internal 'greenways' to enhance the well-treed character of the landscape. The proposed vehicular access from Oxhey Lane would entail the removal of some existing vegetation from the Site boundary. However, a replacement section of new native hedgerow would be set back from the road to accommodate vehicular sightlines and to bolster existing boundary vegetation to soften views into the Site from the road. Native tree planting would be included in this area to provide additional screening in the longer term.

5. PLANNING CONTEXT OF THE APPLICATION SITE

Introduction

5.1. The Statutory Development Plan for Three Rivers District Council comprises the following documents:

- Three Rivers Core Strategy 2011 – 2026 (2011) (CD3.3)
- Development Management Policies Local Development Document (2013) (CD3.4)
- Site Allocations Local Development Document (2014) (CD3.5)

Core Strategy Adopted (October 2011)

5.2. Development in the Green Belt is addressed in Core Policy 11 which states that:

“The Council will:

a) Maintain the general extent of the Metropolitan Green Belt in the District

b) Where appropriate, make minor revisions through the Site Allocations Development Plan Document to the detailed Green Belt boundaries around the main urban area, to accommodate development needs, as detailed in the Spatial Strategy and Place-Shaping Policies.

c) Retain ‘Major Developed Site in the Green Belt’ status for Maple Lodge Sewage Treatment Works

d) Review ‘Major Developed Site in the Green Belt’ status in relation to Leavesden Aerodrome, having regard to the important contribution the site is expected to make to meeting needs for housing and employment

e) Encourage appropriate positive use of the Green Belt and measures to improve environmental quality.

There will be a general presumption against inappropriate development that would not preserve the openness of the Green Belt, or which would conflict with the purpose of including land within it.”

(my emphasis)

- 5.3. Policy CP9 (Green Infrastructure) states that the Council will seek a net gain in the quality and quantity of Green Infrastructure, through the protection and enhancement of assets and provision of new green spaces.
- 5.4. Policy CP12 (Design of Development) requires that new development be of a high standard of design and have regard to the local context and conserve or enhance the character and quality of the area.

Development Management Policies (2013)

- 5.5. The Development Management Policies provide detailed policy in line with the strategic policies of the Core Strategy against which planning applications are assessed.
- 5.6. Policy DM2 (Green Belt) states that new development within the Green Belt will not be permitted, except in very special circumstances.
- 5.7. Policy DM7 requires proposals to make a positive contribution to the surrounding landscape. The policy states that proposals that lead to unacceptable harm to the character of the landscape in terms of siting, scale, design or external appearance will be refused planning permission. Policy DM7 is not referred to in the putative RfR.

Three Rivers District Council Emerging Local Plan

- 5.8. Three Rivers District Council is preparing a new Local Plan that sets out a vision and policy framework for the future levels of growth within the district up until 2041 and has carried out a variety of studies to inform the evidence base for the new Local Plan.
- 5.9. The new Local Plan will identify possible sites for development and will set out the policies against which the council will assess planning applications.
- 5.10. Before the Plan can be adopted it is subject to an independent examination undertaken by the Planning Inspectorate. However, it is worthy of note that in the initial Regulation 18 Draft Local Plan published in June 2021 the Site was included as a proposed allocation for 485 new homes under Site Reference CFS69a. (Refer to

Appendix 5 of Mr Allin's Proof of Evidence). Furthermore, land immediately to the north of the Site was (and continues to be) proposed for allocation for a new secondary school (Site Reference CFS11).

6. ASSESSMENT OF THE SITE AGAINST 'GREY BELT DEFINITION'

Introduction

6.1. The Green Belt as a designation serves five specific purposes associated with maintaining the openness as set out in internal paragraph 138 of the NPPF 2021 as follows:

- a) "To check the unrestricted sprawl of large built up areas***
- b) To prevent neighbouring towns merging into one another***
- c) To assist in safeguarding the countryside from encroachment***
- d) To preserve the setting and historic character of towns; and***
- e) To assist in urban regeneration, by encouraging the recycling of derelict and other urban land."***

6.2. In considering whether or not the Site qualifies as 'Grey Belt' a combined landscape and planning expertise approach is necessary which integrates landscape analysis with National Planning Policy Framework (NPPF) spatial tests. This multidisciplinary method ensures that sites are robustly assessed in order to meet the official "Grey Belt" criteria – such as limited contributions to Green Belt purposes and avoidance of restricted environmental assets – while unlocking sustainable development. Consequently, this section of my evidence should be read alongside Mr Allin's Proof of Evidence as the planner. Importantly it should be recognised that the assessment of Grey Belt land is not a GLVIA exercise which focuses purely on landscape and visual matters.

6.3. As set out in the Planning Statement of Common Ground, a number of matters are agreed between the Applicant and the Council, namely the proposals would accord with paragraph 155b and 156(a-c), there are no footnote 7 factors relevant (other than Green Belt) and that proposals would not strongly contribute to purpose (b) or have any impact on purpose (d) of including land within the Green Belt.

6.4. On this basis, the area of disagreement relates to the Site's contribution to Green Belt purpose (a) and whether the Proposed Development complies with paragraph 155(a) & (c). The District Council claims the Site makes a strong contribution to purpose (a) and would not be in a sustainable location. As such the Council is of the view that the Site cannot be considered Grey Belt. I and Mr Allin take a different view and consider that the Site makes no more than a moderate contribution to purpose (a) and all aspects of paragraph 155 and thus can be considered Grey Belt.

6.5. It also important to note that two independent legal opinions – instructed by both the District Council and Applicant – are consistent in the view that the Site should be considered Grey Belt. Furthermore, the second legal opinion from the Applicant clearly sets out that the site is in a sustainable location. The Council's case officer also concluded that the Site should be considered Grey Belt. There is therefore a strong corroboration of informed opinion in favour of this conclusion.

6.6. Paragraph 155 of the NPPF sets out that:

“The development of homes, commercial and other development in the Green Belt should also not be regarded as inappropriate where:

a) The development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan;

b) There is a demonstrable unmet need for the type of development proposed;

c) The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework

d) Where applicable the development proposed meets the 'Golden Rules' requirements set out in paragraphs 156–157 below.”

6.7. The definition of Grey Belt land is set out within the Glossary of the NPPF as follows:

“For the purposes of plan-making and decision-making, 'grey belt' is defined as land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of purposes (a), (b), or (d) in paragraph 143. Grey Belt excludes land where the application of policies relating to the areas or assets in

footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development".

6.8. On 27 February 2025 the Government published an update to its national planning guidance on Green Belt Land (the Guidance)¹. The Guidance sets out how to identify Grey Belt land and to apply the planning policies set out in the NPPF relating to this Land.

6.9. The Guidance notes that in order to identify Grey Belt land, it is necessary to produce a Green Belt assessment. This assessment should be informed by the guidance below.

"What are the key steps in a Green Belt assessment?"

- ***In order to assess the Green Belt in the relevant local or strategic development area effectively, authorities will need to:***
- ***identify the location and appropriate scale of area/s to be assessed***
- ***evaluate the contribution each assessment area makes to Green Belt purposes (a), (b), and (d), using the criteria identified below***
- ***consider whether applying the policies relating to the areas or assets of particular importance in footnote 7 to the NPPF (other than Green Belt) would potentially provide a strong reason for refusing or restricting development of the assessment area***
- ***identify grey belt land***
- ***identify if the release or development of the assessment area/s would fundamentally undermine the five Green Belt purposes (taken together) of the remaining Green Belt when considered across the area of the plan***

¹ The full Guidance can be accessed here: <https://www.gov.uk/guidance/green-belt>

Paragraph: 003 Reference ID: 64-003-20250225

How should authorities define the land to be assessed?

In assessing their Green Belt, it will in most cases be necessary for authorities to divide their Green Belt into separate assessment areas for the purpose of identifying grey belt. The number and size of assessment areas can be defined at a local level and respond to local circumstances. However, the following principles will need to be considered:

- when identifying assessment areas, authorities should consider all Green Belt within their Plan areas in the first instance***
- to ensure any assessment of how land performs against the Green Belt purposes is robust, assessment areas should be sufficiently granular to enable the assessment of their variable contribution to Green Belt purposes***
- a small number of large assessment areas will not be appropriate in most circumstances – authorities should consider whether there are opportunities to better identify areas of grey belt by subdividing areas into smaller assessment areas where this is necessary***
- authorities should consider where it may be appropriate to vary the size of assessment areas based on local circumstances. For example, the assessment of smaller areas may be appropriate in certain places, such as around existing settlements or public transport hubs or corridors***

Paragraph: 004 Reference ID: 64-004-20250225

How should the contribution land makes to the relevant Green Belt purposes be assessed?

When making judgements as to whether land is grey belt, authorities should consider the contribution that assessment areas make to Green Belt purposes a, b, and d. Considerations for informing these judgements are set out below:

Purpose A – to check the unrestricted sprawl of large built-up areas.

This purpose relates to the sprawl of large built-up areas. Villages should not be considered large built-up areas.

Contribution	Illustrative Features
Strong	<p>Assessment areas that contribute strongly are likely to be free of existing development, and lack physical feature(s) in reasonable proximity that could restrict and contain development. They are also likely to include all of the following features:</p> <ul style="list-style-type: none"> - be adjacent or near to a large built up area - if developed, result in an incongruous pattern of development (such as an extended “finger” of development into the Green Belt)
Moderate	<p>Assessment areas that contribute moderately are likely to be adjacent or near to a large built-up area, but include one or more features that weaken the land’s contribution to this purpose a, such as (but not limited to):</p> <ul style="list-style-type: none"> - having physical feature(s) in reasonable proximity that could restrict and contain development

	<ul style="list-style-type: none"> - be partially enclosed by existing development, such that new development would not result in an incongruous pattern of development - contain existing development - being subject to other urbanising influences
Weak or None	<p>Assessment areas that make only a weak or no contribution are likely to include those that:</p> <ul style="list-style-type: none"> - are not adjacent to or near to a large built-up area - are adjacent to or near to a large built-up area, but containing or being largely enclosed by significant existing development

Purpose B – to prevent neighbouring towns merging into one another

This purpose relates to the merging of towns, not villages.

Contribution	Illustrative Features
Strong	<p>Assessment areas that contribute strongly are likely to be free of existing development and include all of the following features:</p> <ul style="list-style-type: none"> - forming a substantial part of a gap between towns - the development of which would be likely to result in

	<i>the loss of visual separation of towns</i>
Moderate	<p><i>Assessment areas that contribute moderately are likely to be located in a gap between towns, but include one or more features that weaken their contribution to this purpose, such as (but not limited to):</i></p> <ul style="list-style-type: none"> <i>- forming a small part of the gap between towns</i> <i>- being able to be developed without the loss of visual separation between towns. This could be (but is not limited to) due to the presence or the close proximity of structures, natural landscape elements or topography that preserve visual separation</i>
Weak or None	<p><i>Assessment areas that contribute weakly are likely to include those that:</i></p> <ul style="list-style-type: none"> <i>- do not form part of a gap between towns, or</i> <i>- form part of a gap between towns, but only a very small part of this gap, without making a contribution to visual separation</i>

Purpose D – to preserve the setting and special character of historic towns

This purpose relates to historic towns, not villages. Where there are no historic towns in the plan area, it may not be necessary to provide detailed assessments against this purpose.

Contribution	Illustrative Features
Strong	<p>Assessment areas that contribute strongly are likely be free of existing development and to include all of the following features:</p> <ul style="list-style-type: none"> - form part of the setting of the historic town - make a considerable contribution to the special character of a historic town. This could be (but is not limited to) as a result of being within, adjacent to, or of significant visual importance to the historic aspects of the town
Moderate	<p>Assessment areas that perform moderately are likely to form part of the setting and/or contribute to the special character of a historic town but include one or more features that weaken their contribution to this purpose, such as (but not limited to):</p> <ul style="list-style-type: none"> - being separated to some extent from historic aspects of the town by existing development or topography

	<ul style="list-style-type: none"> - containing existing development - not having an important visual, physical, or experiential relationship to historic aspects of the town
Weak or None	<p>Assessment areas that make no or only a weak contribution are likely to include those that:</p> <ul style="list-style-type: none"> - do not form part of the setting of a historic town - have no visual, physical, or experiential connection to the historic aspects of the town

Paragraph: 005 Reference ID: 64-005-20250225

How should the application of footnote 7 be considered when identifying land as grey belt?

As defined in the NPPF, grey belt excludes land where the application of policies relating to the areas or assets in footnote 7 to the NPPF (other than Green Belt) would provide a strong reason for refusing or restricting development. In reaching this judgement, authorities should consider where areas of grey belt would be covered by or affect other designations in footnote 7. Where this is the case, it may only be possible to provisionally identify such land as grey belt in advance of more detailed specific proposals.

Paragraph: 006 Reference ID: 64-006-20250225

Making an assessment of whether land is grey belt

After consideration of the above criteria, any assessment area that is not judged to strongly contribute to any one of purposes a, b, or d can be identified as grey belt land, subject to the exclusion of land where the application of the policies relating to the areas or assets in footnote 7 to the NPPF (other than Green Belt) would provide a strong reason for refusing or restricting development.

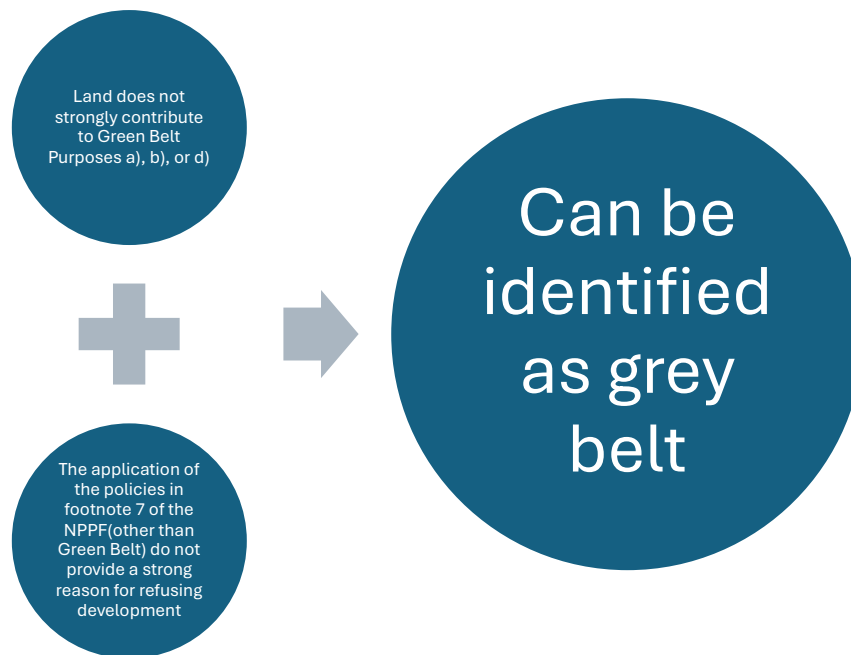


Figure 1. When can land be identified as grey belt

Paragraph: 007 Reference ID: 64-007-20250225

Considering the impact on the remaining Green Belt in the plan area

How can the impact of releasing or development on the remaining Green Belt in the plan area be assessed?

A Green Belt assessment should also consider the extent to which release or development of Green Belt land (including but not limited to grey belt land) would fundamentally undermine the purposes (taken together) of the remaining Green Belt across the plan area as whole.

In reaching this judgement, authorities should consider whether, or the extent to which, the release or development of Green Belt Land would affect the ability of all the remaining Green Belt across the area of the plan from serving all five of the Green Belt purposes in a meaningful way.

Paragraph: 008 Reference ID: 64-008-20250225

Proposals on grey belt land

How can Green Belt assessments be used in the development management process?

An assessment of Green Belt will (alongside other considerations) inform the determination of applications which involve reaching a judgement as to whether proposals utilise grey belt land and whether

development of the site would fundamentally undermine the purposes of the remaining Green Belt across the plan area.

Where grey belt sites are not identified in existing plans or Green Belt assessments, it is expected that authorities should consider evidence, in light of this guidance, on:

- whether the site strongly contributes to the Green Belt purposes a, b or d; and**
- whether the application of policies to areas and assets of particular importance identified in footnote 7 to the NPPF (other than Green Belt) provide a strong reason to restrict development; and**
- whether development of the site would fundamentally undermine the purposes of the remaining Green Belt across the plan area, as set out in national policy and this guidance.**

Paragraph: 009 Reference ID: 64-009-20250225

In what circumstances should proposals on grey belt land be approved?

Where a site is judged to be grey belt, and to not fundamentally undermine the purposes of the remaining Green Belt across the plan area if released or developed, wider considerations will still be relevant to the consideration of development proposals on the site. These would include determining whether the development would not be inappropriate development in the Green Belt, as set out in paragraph 155 of the NPPF. That question would include consideration of whether a development is sustainably located, whether it would meet the 'Golden Rules' contributions (where applicable), and whether there is a demonstrable unmet need for the type of development proposed.

Where a development is not inappropriate in the Green Belt, this does not itself remove the land from the Green Belt nor require development proposals to be approved. In accordance with section 38(6) of the Planning and Compulsory Purchase Act 2004, wider policies and considerations apply, including those in the area's adopted Plan, and in the NPPF read as a whole.

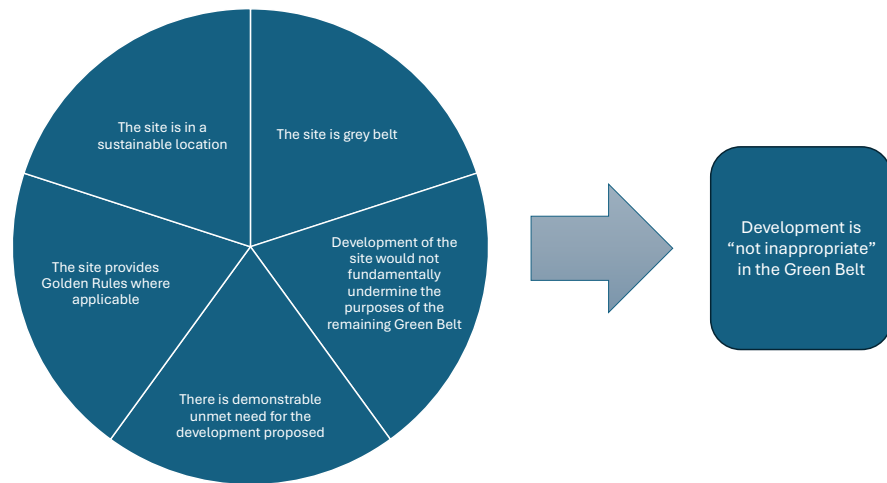


Figure 2. When is development in the Green Belt not inappropriate under paragraph 155 of the NPPF?

Paragraph: 010 Reference ID: 64-010-20250225

Identifying sustainable locations

How should authorities establish whether Green Belt land is in sustainable locations?

The Framework is clear that, when reviewing Green Belt boundaries, the need to promote sustainable patterns of development should determine whether a site’s location would be appropriate for the kind of development proposed. Similarly, when making decisions regarding planning applications on grey belt land, authorities should ensure that the development would be in a sustainable location. For the purpose of these decisions, where grey belt land is not in a location that is or can be made sustainable, development on this land is inappropriate.

Whether locations are sustainable should be determined in light of local context and site or development-specific considerations. However, in reaching these judgements, national policy is clear that authorities should consider opportunities to maximise sustainable transport solutions, as set out in paragraphs 110 and 115 of the NPPF.

Paragraph: 011 Reference ID: 64-011-20250225

Golden Rules

Further guidance on Golden Rules for Green Belt development is set out in the Viability guidance.

How can major housing development on land which is released from the Green Belt through plan making, or on sites in the Green Belt, contribute to accessible green space?

The following contributions to accessible green space should be considered:

- ***New residents and the wider public should be able to access good quality green spaces which are safe; visually stimulating and attractive; well-designed; sustainably managed and maintained; and seek to meet the needs of the communities which they serve.***
- ***Accessible green spaces are areas of vegetation set within a landscape or townscape, often including blue space, which are available for public use free of charge and with limited time restrictions.***
- ***Where possible access to green spaces should include safe active travel routes and should be served by public transport, which also means providing the necessary infrastructure (such as footpaths and bridleways).***
- ***Proposals should consider how the creation or enhancement of existing green spaces can contribute to the priorities for nature recovery set out within the relevant Local Nature Recovery Strategies, providing greater benefit to nature and contributing to the delivery of wider environmental outcomes.***
- ***Where appropriate, authorities should consider the use of conditions or planning obligations. The Community Infrastructure Levy can also be used to fund improvements to existing greenspaces or the provision of new ones. Local authorities should consider arrangements for the long-term maintenance of green spaces.***

Paragraph: 012 Reference ID: 64-012-20250225

Considering the potential impact of development on the openness of the Green Belt

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

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

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

Paragraph: 013 Reference ID: 64-013-20250225

How should harm to the Green Belt including harm to its openness be considered if a development is not inappropriate development?

Footnote 55 to the NPPF sets out that if development is considered to be not inappropriate development on previously developed land or grey belt, then this is excluded from the policy requirement to give substantial weight to any harm to the Green Belt, including to its openness.

This is consistent with rulings from the courts on these matters that, where development (of any kind, now including development on grey belt or previously developed land) is not considered to be inappropriate in the Green Belt, it follows that the test of impacts to openness or to Green Belt purposes are addressed and that therefore

a proposal does not have to be justified by “very special circumstances”.

Paragraph: 014 Reference ID: 64-014-20250225”

6.10. On the first point, the Site does not comprise previously developed land. However, it needs to be considered whether the parcel of land strongly contributes to the three Green Belt purposes set out in the definition.

6.11. The submitted site-specific **Green Belt Assessment** (GBA) prepared by Pegasus (refer to **CD1.32** § 3) provides a detailed analysis of the Site’s contribution to each of these purposes which are summarised below in Table 1. Using the **Flow Chart** included at **Appendix 1** – based on NPPF 2024 – The assessment concluded that:

“It is the judgment of this assessment that the Site does not contribute strongly to Purposes (a), (b), or (d) of the Green Belt. It is therefore considered to be Grey Belt under the definition provided within the Glossary of the Framework. Further, the removal of the Site from the Green Belt would not fundamentally undermine the five purposes when taken together of the remaining Green Belt within the wider plan area. On this basis, paragraph 155 (a) is satisfied.”

6.12. I proceed in the following section of my proof of evidence to set out my assessment of the contribution that the Site makes to purposes (a), (b), and (d) – noting that there is no assertion from the Council that the Site makes a strong contribution to purposes (b) and (d). I also note that the Rule 6 Party make no assertion that the Site makes a strong contribution to purposes (b) and (d). It is therefore considered that the case of the Council – together with that of the Rule 6 Party – primarily rests on the contribution that the Site makes to purpose (a).

7. EFFECT ON PURPOSE (A)

Purpose a: To check the unrestricted sprawl of large built-up areas

7.1. It is first worthwhile noting what is meant by 'unrestricted sprawl'. The term 'urban sprawl' refers to the spreading of a **large** town or city and its suburbs over undeveloped land. It is sometimes used interchangeably with the word 'urbanisation', but urban sprawl more precisely implies an uncontrolled, unplanned or unrestricted spreading of urban development. This is not the case here with regard to the Proposed Development for reasons that I explain below.

7.2. It is noted that the Site is located within Parcel SO3, defined by the Three Rivers District Council Stage 2 Green Belt Review, which concluded that parcel SO3 made a significant contribution to purpose a), stating that:

"The parcel lies on the edge of South Oxhey, which is contiguous with Greater London and forms part of the large built up area. The A4008 and the landform provide strong distinction from the inset settlement edge and the parcel is open and uncontained therefore, development would constitute sprawl."

7.3. However, the Site forms only a part of the wider SO3 parcel (approximately 27%) and should be considered in the context of its location at the existing urban edge of Carpenders Park and its enclosure by defensible boundaries, ensuring that any encroachment is well contained and limited in its extent.

7.4. In considering the Site's contribution to checking the unrestricted sprawl of a large built-up area it is appropriate to have regard to the PPG guidance set out above (Paragraph: 005 Reference ID: 64-005-20250225) which lists illustrative features that might be associated with a strong contribution, moderate contribution or weak/no contribution.

7.5. The submitted GBA (§3.6) notes that:

"The Site benefits from physical and visual separation from the adjacent settlements of Watford / Oxhey 850m to the north, Bushey / Bushey Heath over 1.1km to the east and Pinner / Harrow over 1.1km to the south. The large expanse of woodland associated with Merry Hill

open access land, managed by the Woodland Trust as a parkland accessible to the public, is located immediately adjacent to the eastern boundary spreading east towards Bushey. This woodland provides a high degree of physical separation between the Site as a new settlement edge to Carpenders Park, and Bushey, that is permanent in nature. To the south, the Site boundary is offset from the course of the Hartsbourne Stream and associated flood storage area, with Mutton Wood a further 300m south of the boundary and Grim's Dyke golf course beyond, and with Hartsbourne golf course to the southeast. These features comprise mature woodland and belts of trees which form a further physical, permanent feature to distinguish and define the boundary of the Green Belt."

7.6. At §3.7 the GBA goes on to note that:

"...there is an element of visual enclosure created by the mature hedgerows and trees along the Site's northern boundary, and along the boundary of Merry Hill. While the northern edge is more open, the Site is still set back over 400m from the northernmost settlement edge of Carpenders Park, and there is a high degree of visual separation between the Site and Carpenders Park with Oxhey due to the belts of woodland throughout Merry Hill."

7.7. In conclusion at §3.8 the GBA notes that:

"Given this association, it is considered that the Site has a 'Moderate' contribution to Purpose a) with reference to the PPG criteria. This conclusion is reached because the Site has physical features in reasonable proximity that could restrict and contain development i.e. the topography and woodland, is partially enclosed by existing development and has urbanising influences."

7.8. The PPG indicates that an edge-of-settlement site is likely to make a **"Moderate"** rather than **"Strong"** contribution to the Green Belt where it includes **"one or more features that weaken the land's contribution to this purpose"**

7.9. Due to the factors noted in the GBA §3.6 – §3.7 it is self-evident that the Site exhibits characteristics which weaken its contribution to purpose (a). In terms of physical features which could restrict and contain development these include:

- **Oxhey Lane – a permanent physical feature which forms part of the Site's western boundary;**

- **the mature hedgerow and trees along the Site’s northern boundary – which are considered to form a robust, defensible boundary between the Site and land further north. Furthermore, two fields immediately to the north of the Site form Proposed Education Allocation CFS11;**
- **the extensive mature vegetation within the Merry Hill Woodland Trust land to the east; and**
- **The flood zone to the south of the site – together with the Hartsbourne Stream Flood Storage Area. The Flood Storage Area is functional floodplain 3b as designated by the Council so clearly forms a defensible boundary against future sprawl to the south.**

7.10. Additionally, the Site is subject to urbanising influences including existing built-up areas at Carpenders Park to the west of Oxhey Lane and the adjacent, visually prominent Carpenders Park Care Home and 5G telecommunications tower – east of Oxhey Lane.

7.11. The Proposed Development would accommodate a range of residential properties located within a strong landscape framework formed by the existing and proposed perimeter landscape features including an extensive landscape buffer to the northern boundary hedgerow. As such, the Proposed Development, would not be perceived as sprawl and would not be unrestricted or unplanned in nature. Indeed, the layout and positioning of the Proposed Development reflects very careful design and control and would reflect the existing character of the area. There would be no evidence of unrestricted sprawl beyond the site’s well-defined boundaries.

7.12. The Proposed Development would not cause unrestricted sprawl from unplanned development. In broad terms, the Proposed Development would accommodate a range of residential properties, together with a Care Home/ Children’s Home. These proposals would involve the Proposed Development being located within a strong vegetative framework. As such, the Proposed Development, resembling the current situation, would not cause sprawl and would not be unrestricted or unplanned in nature. Indeed, the layout and positioning of the Proposed Development reflects careful design and control and responds to various arboricultural and landscape factors including the containment provided by Site boundary features, comprising

substantially mature hedgerows with mature trees, woodland and tree belts together with built up areas on the settlement edge. This is best illustrated by means of the **Illustrative Masterplan CD1.11**. The Proposed Development would relate well to the existing edge of Carpenders Park and – in the wider context – would not be out of character with the surrounding pattern of development – particularly given the proposed allocation for a new secondary school in the emerging Local Plan (ref: CFS11) immediately to the north. Consequently, there would be no evidence of unrestricted sprawl beyond the Site itself.

The Proposed Development

- 7.13. Having regard to the Proposed Development, the Site has been carefully designed such that substantial green infrastructure would form an integral part of the overall design proposals. The proposed parcels would be framed by tree-lined street scenes and further punctuated with interconnected greenways and public open space. At the detailed design stage, the individual curtilages could be physically defined and demarcated by native or ornamental hedgerows, which would further enhance the visual amenity of the street scenes. Rear gardens would also be defined by further hedgerows and standard small ornamental native trees.
- 7.14. Importantly – as confirmed by the Arboricultural Impact Assessment (AIA) – ***“No trees are to be removed to implement the design proposals”***. The existing mature trees both around the perimeter and internally within the Site form key components of the sitewide GI strategy and would be suitably protected to ensure their retention and longevity.
- 7.15. As part of the green infrastructure, a significant area in the northern part of the Site would be planted and designed as a wooded parkland through which the retained PRow and access road would pass. This roadway would be heavily framed and flanked by open green areas which would also accommodate surface water attenuation areas. These would be seasonably wet in winter months and whilst dry in the summer months, have the potential to provide wildflower grassland habitat. Wider areas of grassland would accommodate a Community Orchard together with

a series of new pedestrian routes together with equipped play areas. All of these elements would be set within a substantial woodland framework of tree planting. Once established, this tree cover would provide a substantial physical and visual framework. The existing public footpath which passes through the northern field parcel would be retained as would its current alignment which would be accommodated within the wooded parkland and northern landscape corridor.

8. EFFECT ON PURPOSES (B) AND (D)

8.1. Notwithstanding the fact that neither the Council – nor the Rule 6 Party – allege that the Site makes a strong contribution to purposes (b) and (d), I proceed to set out my assessment of the effect that the Proposed Development would have upon these purposes.

Purpose b: To prevent neighbouring towns merging into one another.

8.2. With the Proposed Development in place, there would be a very limited level of change to the physical separation between the surrounding inset settlements, nor would the Proposed Development change the current sense of visual separation that is appreciated between the neighbouring towns of Watford and Pinner or Watford and Bushey identified within the published Stage 1 and 2 assessments. As noted in the OCR (**CD2.2**), in respect of Harrow, the Proposed Development would introduce development towards the direction of Harrow. However, there is a significant distance between the Site and Harrow, as well as other factors such as the topography and the intervening woodland, golf courses and developments including Carpenders Park Nursery and Lucketts.

8.3. The addition of the Proposed Development on the Site would consequently have a limited impact on the contribution of the remaining Green Belt towards this purpose.

8.4. Although the Proposed Development would result in development extending east from Oxhey Lane, the Proposed Development would in physical terms be confined within the well defined Site boundaries. Its impacts would be limited in this context and would not undermine the performance of the wider Green Belt. Extensive areas

of Green Belt would still be retained between the inset settlements of Watford, Bushey and Harrow.

Purpose d: to preserve the setting and special character of historic towns

- 8.5. In relation to Purpose d) it is considered that while there are heritage designations within the wider context of the Site, there are none which share any intervisibility with the Site or comprise locations from which the proposed development could be seen. There are no historic towns identified within the Stage 1 or 2 assessments. It is considered that the Proposed Development would therefore have no impact on the contribution of the remaining Green Belt to this Purpose.

9. EFFECT ON THE REMAINING PURPOSES (C) AND (E)

Purpose c: To assist in safeguarding the countryside from encroachment

- 9.1. The Site is currently undeveloped land; however, it is located adjacent to the defined settlement boundary of Carpenders Park and therefore influenced by neighbouring built form, including the Carpenders Park Care Home east of Oxhey Lane. Whilst this land would technically be classed as countryside – as it lies outside the settlement boundaries – it benefits from substantial visual containment such that there is limited intervisibility between the Site and the wider Green Belt to the north, east and south. This is due to the existing mature woodland, trees, and hedgerows around the Site perimeters which provide strong physical as well as visual containment for the majority of the proposed residential parcels. This existing perimeter vegetation, together with supplementary planting, is capable of forming permanent boundaries capable of enduring in the longer term.
- 9.2. The Proposed Development would extend the eastern settlement edge of Carpenders Park an additional 250m northeast towards Bushey Heath in Bushey, however the westernmost edge of the settlement would remain over 1km to the east of the Site's eastern boundary at its closest point. The Site would remain physically and visually separated by the permanent landscape element of the existing

woodland within Merry Hill open access land. The woodland is located immediately adjacent to the Site's eastern boundary, with mature trees along the Site boundary forming a strong defensible edge to prevent any further encroachment east towards Bushey, together with more established woodland at Little Hartsbourne Wood and belts of mature trees throughout Hartsbourne golf course. With the Proposed Development in place, the proposed mitigation planting around the boundary and throughout the substantial areas of open space, would mature and limit the urbanising influence over the surrounding remaining Green Belt. The extent from which the Proposed Development would be visible would be limited due to the enclosed nature of the Site, and with the establishment of the proposed green infrastructure elements. It is therefore considered that the Proposed Development would have a Slight Impact on the contribution of the remaining Green Belt to this Purpose. However, it should be acknowledged that the most sustainable locations for development will invariably be adjacent to existing settlements that typically comprise countryside. Therefore, in the interests of promoting sustainability, there is an almost inevitable conflict with this Green Belt purpose. It is relevant to note this Purpose is specifically omitted from the NPPF (2024) glossary definition of Grey Belt.

Purpose e: To assist in urban regeneration, by encouraging the recycling of derelict and other urban land

- 9.3. In relation to Purpose e) 'to assist in urban regeneration, by encouraging the recycling of derelict and other urban land' it is agreed with the Stage 1 and Stage 2 Green Belt Assessments that all parcels, including the Site, make a limited contribution to this purpose given the limited availability of Brownfield land, and the available land not being able to meet housing needs. In relation to the Site itself, it is therefore considered that the Proposed Development would have no impact on the contribution of the remaining Green Belt to this purpose.

10. OFFICER'S COMMITTEE REPORT (OCR)

10.1. Three Rivers District Council Officer comments in relation to each of the purposes from the OCR are set out below – mindful of the Officer's conclusion that ***“the site is Grey Belt as it does not strongly contribute to purposes (a), (b) or (d)”*** and the subsequent recommendation for granting permission.

Purpose a) – to check the unrestricted sprawl of large built-up areas:

Officer Comment (OCR § 7.2.29 – 7.2.31):

“Much of the development would be focused on the shallower parts of the site which are well contained by Merry Hill Wood and the Carpenders Park Care Home. Additionally, the Hartsbourne Stream Flood Storage Area is a permanent intervention in the landscape to the south and falls within Flood Zone 2 and 3, thereby preventing further development sprawling to the south east. These physical features and existing development would therefore assist in containing development. Whilst part of the planned development is on the highest portion of the site, the PPG is clear that features do not need to be present on all sides of the site and that a site which is ‘partially’ enclosed is enough to ensure it has a moderate contribution to purpose (a).

Whilst recognising that the development would encroach into the immediate countryside, it is considered that it would be viewed as a continuation of Carpenders Park and is significantly contained. As a matter of judgement, in its wider context, the layout and position would not be incongruent with the surrounding pattern of development. It is undeniable that the application site is weakened by the proximity of existing development and physical features.

(my emphasis)

The site therefore is considered to make an overall ‘moderate contribution’ and so would not strongly contribute to Green Belt purpose a). Applying the value that the very large land parcel identified at SO3 contributes to purpose (a), this is not reflective of the contribution of the application site by virtue of the scale of the area to be developed and its site circumstances.”

Purpose b) – to prevent neighbouring towns merging into one another:

Officer Comment (OCR § 7.2.33 – 7.2.38):

“The Stage 2 Green Belt Review concluded that parcel SO3 made a ‘moderate’ contribution towards preventing neighbouring towns merging into one another, stating that the parcel lies in the gap between Bushey and Pinner, however, this is a relatively large and robust gap limiting the role of the parcel in maintaining separation.’ The Stage 4 Green Belt Review also confirms that the parcel makes a ‘moderate’ contribution towards purpose (b).

In terms of an officer assessment, South Oxhey and Carpenders Park are physically separate from the nearby settlements such as Oxhey Hall, Oxhey Village which incorporates Watford Heath to the north and collectively form part of Watford having regard to their locational factors, Eastbury which forms part of Northwood / Greater London to the west and Harrow / Hatch End to the south, also part of Greater London.

When considering the location of the application site relative to these areas, it is not considered that they are at risk of merging as a result of the development. For example, in respect of Watford, there is a substantial gap with the application site, made up of open fields and sporadic developments on the eastern side of Oxhey Lane.

In respect of Harrow, the application site would introduce development towards the direction of Harrow. However, there is a significant distance between the site and Harrow, as well as other factors such as the topography and the intervening woodland, golf courses and developments such as Carpenders Park Nursery and Lucketts.

With regards to Bushey, which lies to the east and is close to Watford geographically, it contains extensive amenities, schools etc. It is therefore considered that Bushey is a town in its own right. Whilst the application site is sizable in its extent, there is a large gap with Bushey so the development of the application site means that the two towns are not at risk of coalescence, both towards the north and east, the latter of which is separated by a substantial woodland, Merry Hill Wood and associated grazing land / open space owned by The Woodland Trust. The topography also plays a role with the application site on a lower gradient than land towards Bushey.

When considering the above factors, Officers conclude that as a matter of judgement the site has a moderate contribution to purpose

(b) which aligns with the assessments provided for parcel SO3 within the Stage 2 and 4 Green Belt reviews.”

Purpose d) – to preserve the setting and special character of historic towns:

Officer Comment (OCR § 7.2.39 – 7.2.42):

“The nearest part of Watford to the application site falls within the Watford Heath Conservation Area (falling within Watford Borough Council). This conservation area was designated in 2001 and was extended in 2006 to include properties on Sherwoods Road and Pinner Road.

The application site is some distance away from special character of the Watford Heath Conservation Area which falls within the town of Watford and is separated by pockets of development and has no important visual, physical or experiential relationship to the historic aspects of this part of Watford.

Carpenders Park is not a historic town and Grims Dyke to the south east is not a settlement nor not part of Harrow.

Officers therefore consider as a matter of planning judgement that the site makes a weak or no contribution to purpose (d).”

- 10.2. The OCR therefore concurs with the findings of Pegasus Group and the two independent legal opinions – instructed by both the District Council and Applicant – and goes on to conclude that:

“The application site is therefore considered to meet the NPPF definition of grey belt.” (OCR § 7.2.47)

- 10.3. Taking into account the above, it was not considered by Officers that the Site strongly contributes to purposes a), b) or d) as set out in paragraph 143 of the NPPF. The second key point includes whether the application of policies relating to areas or assets in footnote 7 would provide a strong reason for refusal. While that is ultimately a matter for Mr Allin the planner, I note that Officers concluded there was no 'strong reason for refusal' and that the Site comprises Grey Belt overall.

10.4. Given that the site would comprise Grey Belt in the Officers' opinion, it was considered under paragraph 155 of the NPPF. The Officers considered each requirement of this paragraph in turn as follows:

a) The development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan.

Officer Comment (§ 7.2.49 – 7.2.54)

“In respect of criterion (a), whilst it has been concluded that the site can be considered to be Grey Belt, the development must also not fundamentally undermine the purposes taken together of the remaining Green Belt across the area of the plan.

The five purposes of Green Belt are set out at 7.2.2 above. Purposes (a), (b) and (d) have been considered above. This leaves purposes (c) ‘to assist in safeguarding the countryside from encroachment’ and (e) ‘to assist in urban regeneration, by encouraging the recycling of derelict and other urban land’. In relation to purpose (e), the proposal does not assist in urban regeneration and therefore the contribution is weak or none.

In relation to purpose (c), the application site is a greenfield site, and therefore development of the site would run counter to the aim of safeguarding the countryside from encroachment.

Both the Stage 2 and Stage 4 Green Belt reviews concludes that parcel SO3 has a significant contribution in safeguarding the countryside from encroachment. However, as highlighted above the application site forms only a part of SO3, which is an important consideration. More specifically, the application site’s location at the existing urban edge of Carpenders Park along with its enclosure by defensible boundaries of Merry Hill Wood and adjacent to existing built development (Carpenders Park Care Home) would ensure that any encroachment is well contained and limited in its extent.

The Stage 2 Green Belt review states that the release of SO3 would have ‘very high’ harm and the site forms part of a ‘broad area of fundamental importance’ within the Stage 4 Green Belt Review (Area to the south-east of Watford and east of South Oxhey). A broad area of importance are those areas which perform a strategically important role against the Green Belt purposes across the plan area and are therefore considered the most sensitive to change. However, importantly, the said review makes it absolutely clear that the ‘Identification of an area of fundamental importance may not, however, mean that these areas cannot accommodate some development.’

When considering the locational context of the application site both within the broad area of importance and within the wider strategic land coverage of SO3 and its scale relative to the remaining Green Belt, it is not considered that the proposal would fundamentally undermine the purposes (taken together) of the remaining Green Belt. As such, criterion (a) of Paragraph 155 of the NPPF would be met.

When considering the locational context of the application site both within the broad area of importance and within the wider strategic land coverage of SO3 and its scale relative to the remaining Green Belt, it is not considered that the proposal would fundamentally undermine the purposes (taken together) of the remaining Green Belt. As such, criterion (a) of Paragraph 155 of the NPPF would be met.”

- 10.5. Officers have had regard to the fact that the Site forms only a part of the wider SO3 parcel (approximately 27%) together with the overall context of the Site, including its location at the existing urban edge of Carpenders Park and its enclosure by defensible boundaries, ensuring that any encroachment is well contained and limited in its extent.
- 10.6. Furthermore, this criterion requires that the Proposed Development must not undermine the purposes of the remaining areas of Green Belt within the plan. In this context the Site only represents 0.01% of the Green Belt within the County and a significant area of functional Green Belt land would be retained to the east of the Site. Officers therefore considered that whilst there would be appreciable harm through encroachment within the Site itself, this would be limited in relation to the remaining Green Belt across the plan and would not fundamentally undermine purpose (c) of paragraph 143 of the NPPF.
- 10.7. In regard to purpose (e), to assist in urban regeneration, by encouraging the recycling of derelict and other urban land, Officers do not consider that the proposed development would undermine this purpose.

11. EFFECT ON THE OPENNESS OF THE GREEN BELT

11.1. The Government attaches great importance to Green Belts with the fundamental aim of the policy to prevent urban sprawl by keeping the land permanently open and therefore, the essential characteristics of Green Belts are their 'openness.' This is set out in the National Planning Policy Framework (NPPF) (December 2024), paragraph 142.

11.2. The aspect of openness relates to the landscape having an absence of built form.

11.3. Paragraph 153 of the NPPF notes (inter alia) that:

“When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt, including harm to its openness.”

11.4. However, the accompanying Footnote 55 provides a caveat stating:

“Other than in the case of development on previously developed land or grey belt land, where development is not inappropriate.”

11.5. Paragraph 153 goes on to note that:

“Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.”

11.6. In light of the above if the proposal involves Grey Belt land, and is deemed not inappropriate, as Mr Allin sets out, then the policy of impact on openness does not apply.

11.7. Nevertheless, I proceed to set out in this section of my proof, my analysis to demonstrate and explain the extent to which the Proposed Development would have a bearing upon openness the Green Belt in this locality.

- 11.8. The issue in this context is the openness of the Green Belt, not the openness of the Site or part of the Site where the Proposed Development is to be constructed. This is because any new built development would almost inevitably impact on the openness of the development Site itself, and if that were the litmus test for inappropriateness/appropriateness, the exception in NPPF para. 149(b) to the general rule that new built development in the Green Belt is inappropriate would be deprived of any real meaning: see **CD5.10 – Euro Garages Ltd v The Secretary of State for Communities and Local Government & Anor [2018] EWHC 1753 (Admin)**.
- 11.9. Assessing the impact of a proposal on the openness of the Green Belt, where it is relevant to do so, requires a judgement based on the circumstances of the case (see NPPG Reference ID 64-013-20250225) To elaborate, the Courts have identified a number of matters which may need to be taken into account in undertaking any such assessment. These include but are not limited to; openness is capable of having both spatial and visual aspects, in other words, the visual impact of the proposal may be relevant, as could its volume in spatial dimension terms. A further consideration is the duration of the development and its remediability taking into account any provisions to return land to its original state or to an equivalent (or improved) state of openness. A further factor relates to the degree of activity likely to be generated, such as traffic generation for instance.
- 11.10. Openness as a concept of Green Belt is concerned with the absence or presence of built form and not the characteristics of the landscape as one would understand the sense of an 'open' landscape or an 'enclosed' landscape. An example of an 'open' landscape would be something like the flat open East of England landscape around Cambridge where there is a general absence of vegetation in terms of hedgerows and trees. An example of an 'enclosed' landscape would be an undulating heavily wooded environs like Haslemere in Surrey. In both cases, there can be an absence of built form in terms of Green Belt openness but both environments have very different visual characteristics, either open and expansive or enclosed. Care needs to be taken not to conflate a vegetated enclosed environment with the concept of 'openness' in Green Belt terms. The introduction of mitigation planting, hedgerows

and trees would bring a further degree of enclosure to the local landscape but would not have a bearing upon the sense of 'openness' in terms of the presence of built form in Green Belt terms.

- 11.11. However, it is acknowledged that the perception of built form is influenced by two parameters (now rehearsed in case law), i.e. the extent of its physical form, which is its spatial aspect and separately the degree to which it might be visible and capable of being appreciated in visual terms, which is its 'visual aspect'. If it were the case that the introduction of planting, hedgerows and trees consequently caused a loss of openness in Green Belt, then such planting would not be allowed without planning permission. The introduction of new vegetation, or the management of vegetation growth over time, does not have a bearing upon openness as a Green Belt concept, other than providing visual containment of the presence of built form i.e. a positive visual containment which influences the visual aspect of openness.

Spatial Aspect

- 11.12. The Site comprises three field parcels of unmanaged grassland free from built development and so as a consequence of the Proposed Development there would be a reduction in existing openness. However, the fields are substantially framed by existing hedgerows with hedgerow trees.
- 11.13. The spatial aspect, as it relates to the sense of openness with regard to the Site, is informed by several factors including the relationship of the Site to the existing settlement and the robustness of any revised boundaries to the Green Belt, following removal of the Site from the designation.
- 11.14. The Site at 12.7ha comprises approximately 17% of Parcel E3 (74ha) from the TRDC Stage 1 GBR, and approximately 27% of Parcel SO3 (47ha) from the Stage 2 GBA.
- 11.15. Paragraph 1.3.8 within the Stage 1 GBR states:

'Green Belt within Three Rivers District and Watford Borough covers virtually all land which is not defined as part of a contiguous built-up area.'

- 11.16. The area of Green Belt land within the Three Rivers District is approximately 6,719 hectares, of which the Site (12.7ha) comprises approximately 0.19%.
- 11.17. In the wider context, the Stage 1 GBR reports – at § 1.3.6 – that the Green Belt coverage for Hertfordshire is approximately 90,000ha, with the Site at 12.7ha comprising only 0.01% of the Green Belt within the County.
- 11.18. The density of the Proposed Development is slightly higher than the density of the existing housing estates on the eastern edge of Carpenders Park. This is to be expected given the NNPf direction at paragraph 129 that development should make efficient use of land. Proposed building heights of up to 3 stories in the lower parts of the Site would be similar to some of the larger buildings in the locality, notably Carpenders Park Care Home. It is anticipated that most of the proposed dwellings would be up to 2–storeys in height, reflective of the scale of the more recent housing in the locality – for example along Carew Way and Highfield, west of Oxhey Lane.
- 11.19. In conclusion, the removal of the Site from the Green Belt would have an inevitable effect upon the spatial aspect of Green Belt openness within the Site, however the Proposed Development would:
- a) cover only 0.01% of the Green Belt within Hertfordshire and approximately 0.19% of the Green Belt within Three Rivers District;
 - b) be physically well related and connected to the existing built form of the Carpenders Park Care Home to the immediate west and residential areas along the wider settlement edge;
 - c) comprise a logical extension to Carpenders Park which considers existing densities and building heights,
 - d) include notable areas of undeveloped land as public open space, incorporating existing retained vegetation and substantial new woodland, hedgerow and tree planting enhancing green infrastructure with improved public access to open space; and

e) the new Green Belt boundaries would follow existing features on the ground including the Oxhey Lane road corridor, the existing woodland located along the eastern boundary and new tree planting around the Hartsbourne Stream Flood Storage Area along the southern boundary, and with existing mature trees along the northern boundary to be reinforced by significant areas of new woodland and tree planting. New pedestrian footpath routes throughout the areas of open space around the perimeter of the Site would reinforce the proposed new Green Belt boundary to both the north, east and southern edge of the Site.

Visual Aspect of Openness

- 11.20. The visual openness of the Green Belt considers the visual links of a Site or area such as a Green Belt parcel, to the wider Green Belt, intervisibility between settlements, and potential impacts on wider ranging views across the Green Belt.
- 11.21. The Site has limited public access, restricted to the Public Footpath – ref 'Watford Rural 013' – which passes through the northern section of the Site. The well treed character of the surrounding landscape, with established hedgerows and mature trees along much of the Site perimeter, combined with the undulating landform, limits points from which views into the Site are possible. The visual aspect of the perception of openness as it relates to the Site can be most readily appreciated from locations where members of the public have access and are able to pass through this environment and therefore this relates primarily to Public Rights of Way and adjacent highways. Mindful of this, it is considered that an evidence base is required, informed by a field survey, to document how the sense of openness is appreciated from both public highways and rights of way in the locality.
- 11.22. The **Screened Zone of Theoretical Visibility (SZTV) (CD1.32 – Figure 5)** has modelled a maximum built development envelope within the Proposed Development cells on the Site of mostly 2-storey, 9m height dwellings, and a maximum of 3 storey, 10,5m height apartment buildings. The SZTV model does not account for existing hedgerow vegetation or tree cover beyond woodland blocks, and consequently the resulting SZTV plan provides an exaggerated depiction of likely visibility that requires

review in the field. It should also be considered that most land covered by the SZTV within the Green Belt is private farmland, whereas the Green Belt assessment is necessarily focussed on publicly accessible locations where a perception of openness associated with the Site may be available. The field survey, undertaken in winter/early spring when intervisibility is least restricted, recorded a range of photoviews, the location of which are illustrated on the **Viewpoint Location Plan (C1.32 – Figure 6)** with the annotated photoviews reproduced within **CD1.32 – Figure 7**.

Visual aspect of openness as perceived from the north

- 11.23. PRoW Footpath ref 'Watford Rural O13' passes through the northern field parcel within the Site, from the A4008 Oxhey Lane through the northwestern boundary, and continues onward through the northeastern boundary into Merry Hill Wood along PRoW Footpath ref 'Bushey O25'. **Viewpoint 1 (CD1.32 – Figure 7)** is taken from within the Site adjacent to the northwestern boundary from the lower ground adjacent to the road, with the steeply rising landform within the Site enclosing the view to the east. The roof of the adjacent Carpenders Park Care Home is visible south of the route above the boundary vegetation. **Viewpoint 2** is taken from the higher landform within the Site from the PRoW adjacent to the northeastern boundary. From this point, the view west across the adjacent settlement is relatively open, with a degree of enclosure from the mature trees along the northern boundary, and the overgrown hedgerow enclosing the view to the east. The Carpenders Park Care Home and communications tower are visible above the intervening landform. With the Proposed Development in place, the view northeast from the route would become more enclosed with the proposed new built form. The view southwest from the route would retain a sense of openness as proposed new built form is to be set back from the route and away from the northwestern corner of the Site. While the view would become more enclosed to the south, the view north and west would remain free of development and longer-distance views across the settlement edge to the west would remain possible.

- 11.24. Perceptions of openness from the settlement edge to the north of the Site are illustrated by **Viewpoint 3**, taken from the pavement at the corner of Greenfield Avenue and Penrose Avenue. The bungalows along Penrose Avenue are visible to the south, and traffic along Oxhey Lane. The view southeast allows for some partial views into the Site, with the rising landform of the northern field parcel visible above the hedgerow and through the trees along Oxhey Lane, and through the mature trees along the northern field parcel. The central and southern sections of the Site are not visible, however the communications tower and roof top of the Carpenders Park Care Home – adjacent to the Site's western boundary – is visible on the higher landform. The view south from PRoW Bridleway ref 'Watford Rural O31' within Merry Hill open access land is illustrated by **Viewpoint 4**. The view is partially enclosed by the mature trees along the field boundary to the south of the route, and by the scattered mature trees within the intervening field parcels and along the Site's northern boundary, however a filtered view of the rising landform within the northern field parcel is available above the intervening hedgerow vegetation and through the trees. The introduction of the Proposed Development would have a minor effect upon the perception of openness of the Site from these points. Views across the open fields north of the Site would remain possible, and as the proposed new planting within the northern section of the Site establishes, it will obscure views of new built form to reduce the sense of enclosure by softening the view with trees, while reducing the sense of openness slightly, yet would be consistent with the wooded character already experienced in the view.
- 11.25. **Viewpoint 5** is also taken from Merry Hill from adjacent to a bench along an internal informal footpath route. From this point, the Site is fully screened from view by the maturing woodland within Merry Hill. Perceptions of openness from here and most points within Merry Hill to the north of the Site would remain unaltered with the Proposed Development in place, due to the lack of intervisibility and screening by intervening woodland.

Visual aspect of openness as perceived from the east

- 11.26. Merry Hill open access land is located immediately adjacent to the Site's eastern boundary, extending to the east towards Bushey Heath and north towards Merry Hill Road. The land is managed by the Woodland Trust and has become increasingly more wooded over the past 13 years. The woodland to the immediate east of the Site is young, although connects with the mature trees along the Site's eastern boundary.
- 11.27. There are several informal footpath routes through Merry Hill to the east of the Site, including immediately adjacent the Site's eastern boundary. There are some limited points where partial views into the Site are possible from gaps in the boundary vegetation from these routes, where views west are possible across the settlement of Carpenders Park. **Viewpoint 6** looks west from the boundary, and Carpenders Park Care Home together with the communications tower is visible adjacent to the Site's western boundary, with glimpsed views of roof tops of the residential settlement visible beyond the intervening trees within the Site and along the Site's western boundary. With the Proposed Development in place, perceived openness would be reduced from some limited points where views of new built form would shorten the view.
- 11.28. PRoW Footpath ref 'BUSHEY O25' traverses northeast through Merry Hill towards Bushey Heath, with several benches located along the route which look out across the sloping landform to the southeast towards Hartsbourne golf course. **Viewpoint 7** looks southwest from adjacent to one of the benches adjacent to the footpath. The view is most open towards the southeast, and the view southwest towards the Site is more enclosed with hedgerows, scrubby young woodland and trees within Merry Hill open access land obscuring the view towards the ground plane of the Site. Glimpsed views of Carpenders Park Care Home and communications tower are obtainable above the intervening vegetation. With the proposed development in place, perceptions of openness would be largely unaltered from most points along the route, and only slightly reduced where glimpsed views of new built form may be possible above the intervening vegetation, limited to points along the route near the Site's eastern boundary.

11.29. From more distant locations, perceptions of openness within the Site are more limited due to a lack of intervisibility. **Viewpoint 8** looks southwest from a bench off an internal footpath route within Merry Hill, where the intervening young woodland and larger mature trees within the open Woodland Trust Site obscures the view towards the Site. PRoW Footpath ref 'BUSHEY O25' extends east to meet Merry Hill Lane in Bushey, and **Viewpoint 9** is taken within Merry Hill from the route adjacent to Bushey's western settlement edge, looking southwest towards the Site. The view is much more enclosed from this point with more dense young woodland located throughout Merry Hill. With the Proposed Development in place, perceptions of openness are unlikely to be altered from these more distant points due to a lack of intervisibility with the proposed new built form.

Visual aspect of openness as perceived from the south

11.30. The landscape to the south of the Site is also well wooded which contributes to a lower sense of openness with very limited views into the Site possible. Belts of trees are located along the course of Hartsbourne Stream which runs along the lower landform approximately 20–40m south of the Site boundary. Beyond that, Mutton Wood extends between the northern edge of Grim's Dyke golf course and the western edge of Hartsbourne golf course, with belts of mature trees throughout both courses and along field boundaries and Oxhey Lane to the south of the Site. **Viewpoint 10** looks north from the pavement along the A4008 Oxhey Lane. From this point, there is a heavily filtered view towards the Site where the landform rises above the intervening field boundary vegetation. The view is generally well enclosed due to the vegetation along both sides of the road, and only glimpsed, filtered views of the existing 3–storey Carpenders Park Care Home development west of the Site are perceptible through the trees along the road and along the Site's southern boundary. Perceptions of openness would be slightly reduced with the Proposed Development in place, with only filtered views possible from along the road. The Proposed Development would be offset from the road and a perception of openness across the intervening flood storage area would remain. Once proposed tree planting

along the southern boundary and areas of open space have established, perceived openness would largely reflect the existing experience from points along the road.

- 11.31. Carpenders Park Lawn Cemetery is located to the western edge of Oxhey Lane, with internal vehicular access tracks, seating, notice boards and regular visitors. Viewpoint 11 looks north from the access road within the cemetery, and the dense belt of trees along the road and evergreen trees to the northern edge of the cemetery obscures the view towards the Site.
- 11.32. Heavily filtered glimpsed views of the rising landform within the central field parcel of the Site are possible through the intervening vegetation. Perceptions of openness associated with the Site would be unaffected, due to the lack of intervisibility from this point.
- 11.33. **Viewpoint 12** looks northwest from PRoW Footpath route 'HARROW 37' / London Loop long distance route from a high point within Grim's Dyke Golf Course. The view northwest and west from the route is quite open, however the mature trees along the northeastern boundary of the golf course, throughout the golf course and within Mutton Wood, effectively screen the Site from view. This substantially inhibits any perceptions of openness associated with the Site from both this route and PRoW Footpath ref 'Harrow 38'. Perceptions of openness from these locations would remain unaltered with the proposed development in place.

Visual aspect of openness as perceived from the west

- 11.34. The recent 3-storey development of Carpenders Park Care Home is immediately west of the Site boundary along Oxhey Lane. **Viewpoint 13** looks east from the pavement along Oxhey Lane adjacent to Highfield and illustrates the visual prominence of the building, which restricts opportunities for an appreciation of the openness of the Site. A small part of the ground level of the Site is visible above the boundary wall to the north of the Carpenders Park Care Home beyond the car park. Existing mature trees and other overgrown hedgerow vegetation along the Site's western boundary obscures the view into the Site from the road. **Viewpoint 14** looks

southeast from the pavement along the A4008 Oxhey Lane adjacent Carpenders Avenue. The dense overgrown hedgerow vegetation along the road encloses the view, save for some heavily filtered views of the rising landform within the northern field parcel which is visible through the vegetation. A steel kissing gate provides access to the PRow footpath route 'Watford Rural O13' through the Site, visible from the road. The roof top of the Carpenders Park Care Home development is just visible above the boundary vegetation along the road.

- 11.35. Views from some residential streets within Carpenders Park are oriented towards the highest point of the Site within the northern field parcel. The view from Carpenders Avenue is shown in **Viewpoint 15**, which looks east towards the Site from the pavement along the road. Partial views of the rising landform of the northern part of the Site are possible above the bungalows on the southern side of the road. The central and southern part of the Site are not visible from this location, nor is the Carpenders Park Care Home adjacent to the western boundary.
- 11.36. With the Proposed Development in place, an appreciation of the openness of the Site would be further limited in time with the establishment of the proposed areas of new woodland, hedgerow and tree planting around the western boundary and throughout the northern area of public open space. From these locations within proximity to the Site from the west, visual openness would be more limited by the proposed hedgerow, native woodland and tree planting throughout the northern area of open space, with glimpsed views of new residential built form potentially possible from some points, however, these views would become increasingly restricted by the tree planting as it continues to establish over time.
- 11.37. There are other elevated locations within the settlement where views southeast comprise a perceived element of openness with glimpsed views into the northern field parcel possible above the intervening properties. **Viewpoint 16** looks southeast from the pavement along Greenfield Avenue and a glimpsed view of the high landform in the northern field parcel is visible above the bungalows on the southern side of the road, through the Site's northern boundary vegetation. There are some

distant elevated locations within South Oxhey to the far west where an appreciation of the openness of the Site is possible. **Viewpoint 17** looks east from Fairfield Avenue within South Oxhey, through the intervening built form of blocks of flats and across Carpenders Park towards the Site. A distant, glimpsed view of the steeply sloping, high landform within the northern field parcel is visible above the intervening built form and trees. The central and southern field parcels are not visible from this point. With the Proposed Development in place, perceptions of openness will be only slightly altered, with a degree of enclosure created by the establishment of the woodland and tree planting within the northern area of public open space, however this tree cover would filter and obscure views of new built form over time. Views of open fields would still be possible to the north of the Site.

Summary of Effect on Visual Aspects of Openness as it relates to the Proposed Development

- 11.38. In terms of a sense of openness, the Site benefits from a high degree of physical and visual containment. In the surrounding area, there are a number of public rights of way and public highways. However where these exist, their lengths tend to be flanked by mature hedgerows and tree cover and as such, the opportunity to observe views of the Site across the surrounding countryside are limited.
- 11.39. From the edge of nearby residential areas such as Oxhey, Bushey and Harrow to the south, the Site is not visible when looking towards it due to a combination of extensive intervening woodland and tree cover, undulating topography and built form.
- 11.40. The Green Belt provides a sense of separation between these areas of settlement, Carpenders Park – and the Site – and would continue to do so with the Proposed Development in place. The sense of openness between the built-up areas would remain and the Proposed Development would have no material effect on the sense of separation provided by the intervening countryside.

Duration of the development and remediability

- 11.41. The Proposed Development is designed to be permanent and not a time limited development. Whilst technically it may be possible to remove the development in the future, this is highly unlikely to occur in terms of the possibility of the Site returning to its original state in terms of openness. With regard to these matters, I consider that the Proposed Development would cause harm to the Green Belt, however, this should be considered against the baseline which includes the location of the Site adjacent to the settlement edge – with a high degree of visual containment and associated urbanising influences. The Site has an urban fringe character, rather than an open countryside appearance.

Degree of Activity

- 11.42. The Proposed Development is expected to generate its own traffic movement, the vast majority of which would relate to private vehicle use and movement within the residential element of the Site. However, the opportunity to appreciate this movement of traffic would be limited, restricted by the screening effect of the proposed dwellings and a robust landscape framework. Furthermore, the activity associated with residential areas is generally low key. The degree of activity associated with the Proposed Development would be limited and at the lower end of the scale and not cause material harm to the appreciation of openness over and above the current baseline.

12. CONCLUSION ON GREY BELT

12.1. When considered in the round, including an assessment of the Site’s contribution to Purposes (a), (b), and (d) of the Green Belt, and the Footnote 7 areas or assets of particular importance, the Site is judged to satisfy the definitional requirements to be classified as ‘Grey Belt’.

12.2. Table 1: Site-specific performance against Purposes (a), (b), and (d) of the Green Belt

	Purpose A: Checking unrestricted	Purpose B: Preventing the merging of towns	Purpose D: Preserving the setting and special
The Site	Moderate	Moderate	No Contribution

Are the GB Purposes fundamentally undermined?

12.3. It is the judgment of this assessment that the Site does not contribute to Purposes (a), (b), or (d) of the Green Belt. It is therefore considered to be Grey Belt under the definition provided within the Glossary of the Framework. Further, the removal of the Site from the Green Belt would not fundamentally undermine the five purposes when taken together of the remaining Green Belt within the wider plan area. On this basis, paragraph 155 (a) is satisfied.

12.4. Table 2: Effects of the Proposed Development on the contribution of remaining Green Belt towards purposes.

	Purpose A: Checking unrestricted sprawl	Purpose B: Preventing the merging of	Purpose C: Safeguarding the countryside	Purpose D: Preserving the	Purpose E: encouraging the recycling of
Effects of proposed development	No impact	Slight impact	Slight impact	No impact	No impact

12.5. Furthermore, the removal of the Site from the Green Belt would have a limited effect upon the appreciation of the openness of the remaining Green Belt, due to a

combination of the well-wooded local landscape context, local landform and intervening built development. The perception of the loss of openness whilst moderate or notable in some cases, would be localised. Mitigation planting, including substantial areas of woodland planting and a significant amount of tree planting both throughout the development and focussed within the northern area of open space, would over time reduce the proportion of built development perceived. Whilst visual openness would be reduced, the resulting change would be consistent with the well-wooded character of the wider landscape and reduction in openness would typically only affect the Site itself, and not views across the wider Green Belt landscape overall.

13. EFFECTS UPON LANDSCAPE ELEMENTS AND THE CHARACTER OF THE SITE

Introduction

- 13.1. This section of my evidence explains why the Proposed Development would in overall terms result in some beneficial effects as far as landscape elements are concerned.
- 13.2. **Appendix 16** of my proof includes, for ease of reference, a Summary Landscape Effects table. This sets out the sensitivity, magnitude and overall effects upon completion, and 15 years post completion (when mitigation planting will have started to take a substantial effect).
- 13.3. Importantly it should be noted that the minuted resolution of the Planning Committee – on 19th March 2026 contained no landscape reason for refusal, nor mandate from Members of the Planning Committee for such grounds for refusal to be pursued by the Council or on the Council's behalf. Consequently, it is the case that neither the Council nor the Rule 6 Party rely upon impacts on landscape and visual resources as an individual reason for refusal.
- 13.4. This section assesses the effects of the Proposed Development upon those landscape elements and features that currently characterise the Site. In this section of my Proof, I refer to the submitted Arboricultural and Ecological assessments and I am mindful of the proposed highway works forming the accesses off Oxhey Lane along with the proposed pedestrian routes as set out in the Indicative Layout Plans.

Hedgerows

- 13.5. The tree survey did not record any hedgerows internally within the Site, as the original hedgerows have become so overgrown that they now comprise belts of overgrown Blackthorn-dominated scrub. Similarly, the Ecological Assessment submitted with the application confirms that habitats on Site comprised:

- Other neutral grassland;

- Blackthorn scrub;
- Bramble scrub;
- Tall Forbs;
- Lowland mixed deciduous woodland; and
- Individual trees.

- 13.6. Other river and streams were recorded off-site.
- 13.7. The Blackthorn scrub and brambles encroach widely across the field parcels. Consequently, the internal hedgerows are considered to be of Low value. Hedgerows are assessed to be of Low susceptibility due to their form being neglected and highly overgrown and being more reflective of belts of scrub. Combining value and susceptibility, hedgerows are considered to have an overall Low sensitivity in landscape terms.
- 13.8. It is acknowledged that a section of boundary vegetation would be removed to accommodate the new vehicular access from Oxhey Lane and short sections of blackthorn scrub, brambles and other ruderal vegetation would be lost as the access road passes through the Site. However, new native hedgerow planting is proposed behind the visibility splays associated with the new junction and along the western boundary adjacent to Oxhey Lane as shown on the submitted **Illustrative Landscape Masterplan (CD1.12)**. This would, once established define the boundary of the Site and reflect the existing character of views from along the road, softening views of new built form.
- 13.9. Further enhancements shown on the Illustrative Landscape Masterplan would include planting of native hedgerows along the existing historic tree-line adjacent to the proposed housing with care parcel, and new mixed native hedgerow planting around the northern area of public open space along the interface with the proposed development frontage and throughout green corridors throughout the development parcels.

- 13.10. Taking into account the above enhancements, which would represent an overall net gain in hedgerows across the Site, it is considered that the localised losses would represent a Negligible magnitude of change and a Negligible adverse effect at Year 1 post completion.
- 13.11. In terms of the screening function provided by the existing belts of blackthorn scrub it is considered that this would not be compromised as they would be largely retained.

Trees and tree cover

- 13.12. The application has been supported by an Arboricultural Impact Assessment (AIA), Tree Survey and Tree Protection Plans. The submitted Tree Survey has identified 68 trees across the Site together with areas of Blackthorn Scrub. 27 trees were identified as of 'high' value (Category A).
- 13.13. On 10 February 2026, a Tree Preservation Order (TPO 937) titled 'Carpenters Park Dairy, east of Oxhey Lane' was granted by the Council and includes trees on land within and adjacent to the application site, to the north, east and south.
- 13.14. It is noted that the Rule 6 Party raise issues associated with the potential impact on veteran trees albeit do not go as far as to state that there will be an adverse impact. This is a matter not pursued by the Council.
- 13.15. By way of context, the issue of Veteran Trees arose as a result of the consultee response from the Woodland Trust (WT) dated 20 August 2025 (**CD2.14**). Within this the WT objected on the basis that the Proposed Development was considered to adversely affect 9 veteran trees.
- 13.16. Within the Applicant's response to WT comments dated 11 September 2025 (**CD1.50**), it was clarified that no trees were recorded or given comments for Veteran classification.
- 13.17. Pursuant to the potential for veteran tree status highlighted by the WT further advice has been provided by Julian Forbes-Laird of **FLAC** in the form of a **Technical Note**

(refer to **Appendix 15** of my proof) in connection with veteran tree matters. The Technical Note confirms that under the current version of the NPPF (December 2024):

“None of the nine trees identified by the Woodland Trust as veterans meet the criteria for application of that descriptor in the NPPF.”

13.18. The Technical Note goes on to state however that:

“Seven of the nine trees would become classified as veterans if the draft definition in the NPPF came to be adopted. The seven trees are:

21, 23, 26, 41, 64, 66, 68

Neither tree 27 nor tree 53 meet the criteria under the draft definition.”

13.19. Were this to be the case it is considered that – subject to detailed design at the reserved matters stage – all of the identified trees could be accommodated with no impediment or deterioration in accordance with the submitted Parameters Plan.

13.20. Please refer to **Appendix 15** for the full FLAK assessment.

13.21. As noted in the **Arboricultural Impact Assessment (CD1.19)** § 1.3 – 1.4:

“The development proposals are drafted in accordance with BS5837:2012 ‘Trees in relation to design, demolition and construction – Recommendations’. Adequate protection can be provided to ensure all retained trees are protected throughout development in the form of barriers and/or ground protection.

No individual trees are identified for removal to implement the design proposals. Removals are limited to the selective removal of the extensive network of Blackthorn clumps.”

13.22. Forming an integral part of the design, it is proposed to introduce a substantial amount of tree cover across the whole Site significantly more than is presently the case. As part of the landscape proposals, new trees would be planted within the developable area and further trees and native woodland within the landscaped areas of the Site.

- 13.23. The proposed tree and woodland planting would create a strong physical and visual framework in the short, medium and longer term. It is proposed that the trees planted throughout the development area would provide visual interest within the areas of public open space and frame the main spine road through the development. The principle is to introduce native tree species, some with an ornamental character such that tree cover would enhance the general visual amenity of the new neighbourhood.
- 13.24. The creation of substantial landscape buffers would, with the soft landscaping protect the root plates of existing internal and perimeter trees. All remaining areas of construction would avoid the roots of retained trees to maximise tree retention.
- 13.25. The Proposed Development would in overall terms introduce a greater tree resource across the Site than that which currently exists. With regard to the trees, I consider these to be of overall medium – high value, susceptibility and sensitivity and when combined with a high magnitude of change would lead to an overall substantial degree of effect which would be beneficial in nature rather than adverse.

Land Cover

- 13.26. The Site covers 12.7ha and is currently privately owned, comprising unmanaged rough grassland with overgrown hedgerows forming belts of blackthorn and bramble scrub and mature trees around field boundaries. Extensive ruderal vegetation is becoming established in the field compartments due to the lack of positive management. Consequently, the existing susceptibility and value of the land cover within the Site is considered to be Medium, which results in a Medium sensitivity.
- 13.27. Approximately 51% of the Site area would change from unmanaged rough grassland to residential development that includes housing with care, children's home, private gardens, roads, pavements, and driveways. Approximately 49% of the Site would be dedicated to public open space and green infrastructure elements including retained hedgerows and trees, proposed structural planting, attenuation ponds, equipped play areas, a community orchard and proposed footpath routes.

- 13.28. The **Illustrative Landscape Masterplan (CD1.12)** outlines the Green Infrastructure proposals of the development. The Proposed Development would be offset from the Site boundary to maximise the retention of all existing trees which are located both around the Site periphery and internally. Landscape buffers around the Site boundary and internally allow for additional native woodland, hedgerow, shrub, and individual tree planting, with species-rich meadow grassland to the woodland and hedgerow margins.
- 13.29. The main area of public open space is proposed to the northern section of the Site, where the proposed vehicular access road approaches the development from Oxhey Lane. An existing Public Right of Way footpath ref 'WATFORD RURAL 013' passes broadly west to east through the Site between Oxhey Lane and Merry Hill Wood, where it merges into 'BUSHEY 025' as it crosses the district boundary. A SUDs basin is proposed within the area of open space along the lowest landform adjacent to the northwestern boundary – adjacent to the proposed vehicular access. A further area of open space is proposed to the southeastern boundary with a second, larger SUDs basin. The attenuation features would be enhanced with native marginal and aquatic planting with wet meadow grassland to the banks to aid biodiversity, with blocks of native shrub and wetland trees to enhance opportunities for biodiversity.
- 13.30. While the proposed public open space would provide an increase in accessible open space for the community, with benefits to biodiversity, visual and recreational amenity, the proposed new built form would inevitably have an adverse effect upon baseline land cover as a whole. The magnitude of change from the Proposed Development is assessed as Medium, which when combined with the Medium sensitivity, results in a Moderate adverse effect upon the land cover of the Site at years 1 and 15, albeit the maturing of the landscape proposals will give rise to some longer term benefits helping to offset adverse effects.

Topography

- 13.31. The landform of the Site itself is sloping, with an approximate 27m topographical variation across the Site broadly from northeast to southwest, ranging between approximately 77-104m AOD (Figure 3 – Topography Plan). The lowest point of the Site is to the southwestern edge at approximately 77m AOD. The highest point within the Site is adjacent to the northeast boundary, adjacent to Merry Hill Wood, where the ground reaches 104m AOD. The other corners of the Site range between 84m AOD to the northwestern corner adjacent to Oxhey Lane, and 80m AOD to the southeast adjacent to Merry Hill Wood. The susceptibility of the topography to the type of development proposed is Medium, which when combined with a Medium value, would result in an overall Medium sensitivity.
- 13.32. The medium sensitivity judgement is supported by the **Pegasus methodology (Appendix 2)** at Table 2. In terms of value the Site topography is considered to be a distinctive landscape element which contributes to the character of the area; however, it is not rare in the context of the local landscape which has a varied topography. In terms of susceptibility, it is considered that – except for the steepest parts of the northernmost field, which are to be retained as open space, the Site has the ability accommodate the type of development proposed without undue consequences for the baseline situation.
- 13.33. To aid in understanding the level of effect arising from the Proposed Development upon the Site's topography 2 No. **Illustrative Landscape Sections** have been prepared (see **Appendix 13**).
- 13.34. Having reviewed this additional information it is noted that a sympathetic design response could be delivered meaning that the overall gradients across the Site would still be legible with only localised changes to the landform proposed to facilitate construction of the SUDs basins, the road network, paths, parking areas and driveways, and with the digging of the new building foundations. Wholesale cut and fill operations to deliver level development plateaus would thus not be required to deliver the Proposed Development.

13.35. Once the construction of the Proposed Development is completed, the overarching pattern of topography of the Site would be maintained with landform largely retained at existing levels within the areas of public open space. The proposed residential parcels would avoid the steepest gradient land within the north-western corner of the Site, with the proposed vehicular access designed to follow a gentler gradient across the contours within the northern parcel of the Site. The magnitude of change to the overall ground profile of the Site would be medium where the topography is more challenging. With a medium sensitivity and a medium magnitude of change, the effect upon topography would be Moderate adverse at worst where noticeable level changes are anticipated. In other undeveloped areas of the Site levels will remain unchanged.

Public Rights of Way and Recreational Opportunities

13.36. The Site is currently private land and accommodates a single public footpath –for members of the public to use. The Proposed Development as shown in the **Illustrative Masterplan** Layout (CD1.11) will accommodate the alignment of the footpath.

13.37. As part of the Proposed Development a series of additional footpaths and public open space areas are proposed which will significantly increase the recreational opportunities across the Site and as a result, there would be a beneficial effect with regard to this element.

13.38. In recreational resource terms, the green infrastructure could be managed via a Landscape Ecological Management Plan to ensure that appropriate, informal recreational opportunities would be maintained across the Site through use of the open various spaces.

13.39. With regard to public access there would be a greater opportunity to access the land through the new neighbourhood and open spaces than is currently the case restricted to the existing footpath. In overall terms I consider that given a high susceptibility, medium value and high sensitivity combined with a low magnitude of

change there would be an overall minor degree of effect which would be beneficial in nature rather than adverse. In the longer term, with appropriate management of the open space, this would increase to moderate beneficial.

Water Features

- 13.40. The landscape proposals include a series of surface water attenuation areas and are designed to provide blue infrastructure connections and compliment the pattern of landscape features. Given that there is a lack of water features across the Site, I consider that the proposals would result in a net gain in water features with the balancing ponds across the Site resulting in a moderate effect which would be beneficial rather than adverse. This is based on a low susceptibility, value and sensitivity combined with a high magnitude of change within the Site.

Summary

- 13.41. In overall terms, the Proposed Development would result in some beneficial effects with regard to the overall landscape elements that currently define the landscape character of the Site. The Site would change from unmanaged grassland to the Proposed Development set within a substantial landscape framework. The elements that currently contribute to defining the character of the Site, namely perimeter trees, shrubbery and hedgerows would all be strengthened and form a more prominent element in the medium and longer term, but I recognise this would be in the context of a new residential neighbourhood.

Landscape Character of the Site and immediate context

- 13.42. Collectively, if one draws the different elements of the Site together, it defines the overall character of the Site itself. In summary, the Site is characterised by the unmanaged grassland field parcels and the substantial vegetation delineating most of its boundaries, whilst also being influenced visually by adjacent residential development and the existing Care Home and communications mast abutting the western extents of the Site. The Site is framed to the north by established hedgerows with mature trees, to the east by Merry Hill Wood and to the south by the Harstbourne Stream Flood Storage Area. The course of Hartsbourne Stream is

defined by a continuous belt of riparian vegetation, interrupted by the engineered earthworks of the flood barrier, beyond which is located further established hedgerows and trees. To the west is the urban edge of Carpenders Park with consolidated residential development to the west of Oxhey Lane. The Site (and particularly the Site's western portion) in terms of its character appears as an urban fringe edge of settlement environment set within a framework of substantial vegetation.

- 13.43. The boundary of the Site is, on the whole, framed by a combination of built form, Oxhey Lane, and substantial vegetation in the form of woodland, mature hedgerows and hedgerow trees, which provide a strong sense of visual containment and enclosure associated with the Site.
- 13.44. As such, the effect of the Proposed Development upon the character of the landscape at a Site wide scale would be contained and localised in its extent.
- 13.45. The Proposed Development will alter the use of the Site from enclosed, unmanaged, pasture fields to a residential development with generous areas of landscaped public open space. These proposals will give rise to some notable change to the landscape character of the Site itself.
- 13.46. However, the Proposed Development would introduce a high-quality residential built environment which would be in keeping with the character of the adjacent settlement, and therefore, not at odds or out of character or appearance.
- 13.47. The overall layout has been designed to replicate the layout and form of the more recently developed residential areas within Carpenders Park (see **DAS – CD1.27** – pages 18 and 19) so that combined they form one cohesive area of residential development within which the developments interrelate with one another. The additional planting proposed as part of the development will not only aid in creating a pleasant and welcoming environment for residents and visitors, but the areas of open space will also provide enhanced recreational opportunities for residents within the Site.

- 13.48. However, adopting a precautionary approach, the proposals would result in an overall adverse effect in landscape character terms.
- 13.49. At the Site level, with a medium susceptibility (given its urban fringe character), medium value and sensitivity combined with a high magnitude of change would result in an overall major adverse effect on the Site in landscape character terms at Year 1. Notwithstanding this, beyond the Site, all of the key characteristics would remain and the level of effect would diminish with increasing distance from the Site. At Year 15 with the successful establishment and maintenance of the proposed landscaping this will be reduced to moderate adverse with some local landscape benefits helping to offset adverse effects.

14. EFFECTS ON PUBLISHED LANDSCAPE CHARACTER AREAS

Introduction

- 14.1. This section of my proof explains how the Proposed Development would have a bearing upon the landscape character of the surrounding area which lies beyond the Site itself. As defined in the GLVIA glossary landscape character is defined as “A distinct, recognisable and consistent pattern of elements in the landscape that makes one landscape different to another...”.
- 14.2. To further clarify a distinction in the use of terms, Landscape Character Areas (LCAs) are discrete geographical areas of a particular landscape, as opposed to Landscape Character Types (LCTs), which are defined in GLVIA, page 157 as follows:
- “These are distinct types of landscape that are relatively homogeneous in character. They are generic in nature in that they may occur in different areas in different parts of the country, but wherever they occur they share broadly similar combinations of geology, topography, drainage patterns, vegetation and historical lands use and settlement pattern, and perceptual and aesthetic attributes.”***
- 14.3. A number of landscape character assessments have been undertaken to identify both landscape character types (LCTs) and areas (LCAs) as defined above and have been published to assist professionals in understanding how decisions can affect landscape character.
- 14.4. I have provided narrative here in this section to explain how the Proposed Development would have a bearing upon the wider landscape character of the area beyond the Site, which includes the settlement of Carpenders Park and its wider landscape setting.
- 14.5. At the National level the wider Site context demonstrates some of the key characteristics of NCA 111 – The Northern Thames Basin – but with influences from the adjacent urban fringe. The PDevelopment and associated infrastructure would not be out of character with the immediate, and therefore wider, surroundings. The

effect upon landscape character at the national level is judged to be negligible overall.

- 14.6. At the County level, the South Hertfordshire Landscape Character Assessment locates the Site within the 'Bushey Hill Pastures' LCA (See **CD1.36 LVIA Figure 4 – Landscape Character Plan**). The magnitude of change arising from the Proposed Development is considered to be negligible – low in the context of the wider LCA as, although a substantial quantum of three fields, of unmanaged pasture, would be lost to housing, the existing on-Site PRoW and hedgerows with trees would be retained, within the GI framework for the development – apart from necessary breaches for access points and circulation.
- 14.7. Beyond the Site itself, the mosaic of agricultural fields, woodland, and other urban fringe uses, including golf courses, Carpenders Park Lawn Cemetery and Carpenders Park Garden Centre, bounded by mature hedgerows with trees would remain unchanged, alongside the extensive pockets of woodland and tree belts. The key characteristics of the wider landscape beyond the Site boundary are considered to be physically unaffected by the Proposed Development. In addition to this, due to the location of the Site adjacent to the edge of Carpenders Park and Oxhey Lane the landscape in the local vicinity is already influenced by the sounds and sights of vehicles and residents in these areas.
- 14.8. Beyond the Site, all of the key characteristics would remain and the character across the wider LCA would be unaffected by the Proposed Development resulting in a low magnitude of change locally within the character area and a negligible effect with increasing distance from the Site resulting in a subsequent negligible or minor adverse effect.

15. EFFECT OF DEVELOPMENT UPON GENERAL VISUAL AMENITY

Introduction

- 15.1. To reiterate, character and appearance are two different aspects. The physical character of the surrounding landscape would remain unaltered with the Proposed Development in place.
- 15.2. In order to gain a better understanding of the extent and nature of the change brought about by the Proposed Development on the appearance of the local landscape, the visual effects of the Proposed Development on the general visual amenity of the landscape and the perception of those visual receptors (people) using the landscape are examined.
- 15.3. The assessment relates to the representative viewpoints set out in the LVIA and further considered in this Proof of Evidence.
- 15.4. Visual amenity is defined on page 158 in the Glossary of GLVIA3 as:
- “The overall pleasantness of the views people enjoy of their surroundings, which provides an attractive visual setting or backdrop for the enjoyment of activities of the people living, working, recreating, visiting or travelling through an area.”***
- 15.5. The LVIA analysis demonstrated that much of the landscape within the locality would be visually unaffected by the Proposed Development. In reality, the actual visual envelope from where the Proposed Development would be seen would be constrained owing to the layering effect of vegetation including the extensive field boundaries and hedge trees in the intervening landscape between the visual receptor (person) and the Site boundary. The LVIA provides analysis with regard to general visual amenity and I agree with the findings set out in this document.
- 15.6. The appreciation of views from the countryside is mainly gained from locations accessible to the public. The two main ways in which members of the public can gain

an appreciation of views when in the countryside are primarily from public highways and by using the various PRoW that pass through the landscape.

- 15.7. In the following paragraphs, further context is provided with regard to PRoWs, public highways, and other locations accessible to the public in the vicinity of the site.

Zone of Theoretical Visibility.

- 15.8. The **Screened Zone of Theoretical Visibility (SZTV) – CD1.36 – Figure 6** – has modelled both 2 storey development at a maximum of 9m height, and appropriate locations for 3-storey flat-roof development at 10.5m height, within the Proposed Development cells on the Site. The SZTV model does not account for existing hedgerow vegetation or tree cover beyond woodland blocks, and consequently the resulting plan provides an exaggerated depiction of likely visibility that requires review in the field. It should also be considered that most of the land covered by the SZTV is private farmland and a smaller proportion of existing residential areas, whilst the LVIA is necessarily focussed on publicly accessible locations including public roads, public rights of way and settlement edges.

Visual Baseline

- 15.9. A selection of representative public viewpoints from a range of directions and distances from the Site have been reviewed, with an emphasis on high sensitivity receptors including settlement edges and public rights of way (see **CD1.36 – Figure 7: Viewpoint Location Plan**). A series of **Annotated Photoviews** from **Viewpoints 1-17** are included at **CD1.36 – Figure 8**.

Views from the north

- 15.10. PRoW Footpath ref 'Watford Rural O13' passes through the northern field parcel within the Site, from the A4008 Oxhey Lane through the northwestern boundary, and out through the northeastern boundary into Merry Hill along PRoW Footpath ref 'Bushey O25'. Viewpoint 1 is taken from within the Site adjacent to the north-western boundary from the lower ground adjacent to the road, with the steeply rising landform within the Site enclosing the view east. The rooflines of the adjacent

Carpenders Park Care Home are visible to the south of the route above the boundary vegetation. Viewpoint 2 is taken from the higher landform within the Site from the PRow adjacent to the north-eastern boundary. From this point, the view west across the adjacent settlement is open, with a degree of enclosure from the mature trees along the northern boundary, and the overgrown hedgerow enclosing the view to the east. The care home and communications tower are visible above the intervening landform.

- 15.11. Views from the settlement edge to the north of the Site are illustrated by Viewpoint 3, taken from the pavement at the corner of Greenfield Avenue and Penrose Avenue. The bungalows along Penrose Avenue are visible to the south, and traffic along Oxhey Lane. The view southeast allows for some partial views into the Site, with the rising landform of the northern field parcel visible above the hedgerow and through the trees along Oxhey Lane, and through the mature trees along the northern field parcel. The central and southern sections of the Site are not visible, however the communications tower and roof top of the care home adjacent to the Site's western boundary is visible on the higher landform.
- 15.12. The view south from PRow Bridleway ref 'Watford Rural O31' within Merry Hill open access land is illustrated by Viewpoint 4. The view is partially enclosed by the mature trees along the field boundary to the south of the route, and by the scattered mature trees within the intervening field parcels and along the Site's northern boundary, however a glimpsed view of the rising landform within the northern field parcel is visible above the intervening vegetation and through the trees. The 3-storey block of flats off By the Wood are visible beyond Oxhey Lane through a gap in the trees along the road.
- 15.13. Viewpoint 5 is also taken from Merry Hill from adjacent to a bench along an internal informal footpath route. From this point, the Site is screened from view by the maturing woodland within Merry Hill.

Views from the east

- 15.14. Merry Hill open access land is located immediately adjacent to the Site's eastern boundary, extending to the east towards Bushey Heath and north towards Merry Hill Road. The land is managed by the Woodland Trust and has become increasingly more wooded over the past 13 years. The woodland to the immediate east of the Site is fairly young, although connects up with the mature trees along the Site's eastern boundary
- 15.15. There are a number of informal footpath routes through Merry Hill to the east of the Site, including immediately adjacent the Site's eastern boundary. There are some partial views into the Site possible from gaps in the boundary vegetation from these routes, where views west are possible across the settlement of Carpenders Park. Viewpoint 6 looks west from the boundary, and Carpenders Park care home and communications tower is visible adjacent to the Site's western boundary, with glimpsed views of roof tops of the residential settlement visible beyond the intervening trees within the Site and along the Site's western boundary.
- 15.16. PRoW Footpath ref 'BUSHEY O25' traverses northeast through Merry Hill towards Bushey Heath, with a number of benches located along the route which look out across the sloping landform to the southeast towards Hartsbourne golf course. Viewpoint 7 looks southwest from adjacent to one of the benches adjacent to the footpath. The view is most open towards the southeast, and the view southwest towards the Site is more enclosed with hedgerows, scrubby young woodland and trees within Merry Hill open access land obscuring the view towards the ground level of the Site. Glimpsed views of Carpenders Park care home and nearby communications mast are available, albeit the ground plane of the Site is screened by the intervening vegetation.
- 15.17. Viewpoint 8 looks southwest from a bench off an internal footpath route within Merry Hill, where the intervening young woodland and larger mature trees within the open Woodland Trust Site obscures the view towards the Site.
- 15.18. PRoW Footpath ref 'BUSHEY O25' extends east to meet Merry Hill Lane in Bushey, and Viewpoint 9 is taken within Merry Hill from the route adjacent to Bushey's western

settlement edge, looking southwest towards the Site. The view is much more enclosed from this point with more dense young woodland located in the middle ground.

Views from the south

- 15.19. The landscape to the south of the Site is also well wooded, with belts of trees along the course of Hartsbourne Stream which runs along the lower landform approximately 20–40m south of the Site boundary. Beyond that, Mutton Wood spreads between the northern edge of Grims Dyke golf course and the western edge of Hartsbourne golf course, with belts of mature trees throughout both courses and along field boundaries and Oxhey Lane to the south of the Site. Viewpoint 10 looks north from the pavement along the A4008 Oxhey Lane. From this point, there is a filtered view into the southern field parcel of the Site where the landform rises above the intervening field boundary vegetation. The view is generally well enclosed due to the vegetation along both sides of the road, and only glimpsed, filtered views of the existing 3–storey care home development west of the Site are visible through the trees along the road and along the Site's southern boundary.
- 15.20. Carpenders Park Lawn Cemetery is located to the western edge of Oxhey Lane, with internal vehicular access tracks, seating, notice boards and regular visitors. Viewpoint 11 looks north from the access road within the cemetery, and the dense belt of trees along the road and evergreen trees to the northern edge of the cemetery obscures the view towards the Site. Heavily filtered glimpsed views of the rising landform within the central field parcel of the Site are possible through the intervening vegetation.
- 15.21. Viewpoint 12 looks northwest from PRow Footpath route 'HARROW 37' / London Loop long distance route from a high point within Grims Dyke Golf Course. The mature trees along the northeastern boundary of the golf course, throughout the golf course and within Mutton Wood, actively obscure the Site from view, from both this route and PRow Footpath ref 'Harrow 38'.

Views from the west

- 15.22. The recent 3-storey development of Carpenders Park Care Home is immediately west of the Site boundary along Oxhey Lane. Viewpoint 13 looks east from the pavement along Oxhey Lane adjacent to Highfield and illustrates how the building is visually prominent and obscures most of the Site from view. A small part of the ground level of the Site is visible above the boundary wall to the north of the care home beyond the busy car park. Existing mature trees and other overgrown hedgerow vegetation along the Site's western boundary obscures the view into the Site from the road.
- 15.23. Viewpoint 13 looks southeast from the pavement along the A4008 Oxhey Lane adjacent Carpenders Avenue. The dense overgrown hedgerow vegetation along the road obscures the view into the Site, save for some heavily filtered views of the rising landform within the northern field parcel which is visible through the vegetation. A steel kissing gate provides access to the PRoW footpath route 'Watford Rural 013' through the Site, visible from the road. The roof top of the care home development is just visible above the boundary vegetation along the road.
- 15.24. Some residential streets within Carpenders Park are oriented towards the highest point of the Site within the northern field parcel. The view from Carpenders Avenue is shown in Viewpoint 15, which looks east towards the Site from the pavement along the road. Partial views of the rising landform of the northern part of the Site are possible above the bungalows on the southern side of the road. The central and southern part of the Site are not visible from this location, nor is the care home adjacent to the western boundary.
- 15.25. There are other locations along high points within the settlement where views southeast towards the Site are possible, and glimpsed views above the intervening properties are possible. Viewpoint 16 looks southeast from the pavement along Greenfield Avenue adjacent to On the Hill, and a glimpsed view of the high landform in the northern field parcel is visible above the bungalows on the southern side of the road, through the Site's northern boundary vegetation.

15.26. There are some distant views possible from higher landform within South Oxhey to the far west. Viewpoint 17 looks east from Fairfield Avenue within South Oxhey, through the intervening built form of blocks of flats and across Carpenders Park towards the Site. A distant, glimpsed view of the steeply sloping, high landform within the northern field parcel is visible above the intervening built form and trees. The central and southern field parcels are not visible from this point.

Visual Receptor Assessment

15.27. The LVIA (**CD1.36**) – § 6.24 – 6.26 and associated Tables 2 and 3 provide a full assessment of the anticipated visual effects arising from the Proposed Development. For ease of reference these are summarised in the Visual Effects Schedule at **Appendix 17** of my proof.

15.28. In summary it can be seen that the Site has a very limited visual envelope due to the adjacent built form of Carpenders Park to the west, the wooded character of the surrounding landscape and the undulating character of the surrounding landform, resulting in a relatively limited number of publicly accessible locations where views towards the Site are available.

15.29. The LVIA (**CD1.36**) concludes that initial changes to visual amenity would be Major adverse for users of the PRoW footpath route 'Watford Rural O13' which passes through the northern section of the Site, reducing to a Moderate adverse effect at Year 15 following the growth of mitigation planting.

15.30. Locations within the settlement of Carpenders Park and users of the A4008 Oxhey Lane would experience up to Moderate adverse effects at year 1 reducing to Minor Adverse at year 15 with the screening afforded by the significant amount of proposed woodland, hedgerow and tree planting along the western boundary and throughout the open space.

15.31. Users of Merry Hill open access land, users of PRoW Footpath ref 'Bushey O25' which traverses Merry Hill to the east of the Site, and users of PRoW Bridleway ref 'Watford Rural O31' to the north within Merry Hill, would all experience Minor adverse effects

at year 1 due to the limited visibility into the Site – on account of the intervening vegetation. These visual effects would reduce to Negligible at year 15 with the establishment of the proposed planting.

- 15.32. All other visual receptors including the settlements of South Oxhey, Bushey Heath and Oxhey, visitors to Carpenders Park Lawn Cemetery and Hartsbourne Golf Course and users of PRow within the wider landscape including the London Loop long distance footpath, were assessed as experiencing Negligible effects at both year 1 and 15 due to the high degree of woodland cover within the surrounding landscape preventing views of the proposed new built form.
- 15.33. Considering the scale of the proposed development, this is a notably low level of adverse effect.

16. EFFECTS ON RESIDENTIAL VISUAL AMENITY

16.1. I note that residential visual amenity as a specific matter is not cited in the putative Reasons for Refusal, which reflects the fact that the **Officer's Committee Report (CD2.2)** didn't consider this matter to be of sufficient concern to be raised as a reason for refusal. The OCR notes – at § 7.10.3 – that:

“impact on neighbouring amenity as well as any impact on Carpenders Park Care Home would be fully assessed at the reserved matters stage. The impact on the amenity of future occupiers would also be assessed.”

16.2. However, I am aware that some local residents have made representations with regards to the application raising ‘impact on neighbouring amenities’ as a matter from their perspective. In light of this I have therefore considered the matter of residential visual amenity and set out my analysis in this section.

16.3. It is right to make a distinction between residential and general visual amenity. The latter term from a planning policy perspective usually relates to the public realm and the wider landscape whilst the former is concerned with the private visual amenity of an individual residential property.

16.4. The separation between what is a private interest and what should be considered in the public interest is clear and has no status in terms of being part of statutory documentation, planning policy or guidance. Furthermore, it is noted that no individual has the right to a particular view but there does come a point where, by virtue of the proximity, size and scale of a given development, a residential property or properties would be rendered so unattractive as a place in which to live that planning permission should justifiably be refused. The test relates to the position which would pertain with the proposed scheme in situ, irrespective of the position beforehand. In other words, the test is not whether, in relative terms, a property would become a substantially less attractive place to live, the test is whether viewed objectively and in the public interest a property would become an unattractive place in which to live. Such a situation if left unchecked would lead clearly to undesirable consequences. It is useful to pose the question:

“Would the proposal affect the outlook of these residences to such an extent, i.e., be so unpleasant, overwhelming and oppressive that this would become an unattractive place to live?”

- 16.5. The test of what would be unacceptably unattractive should be an objective test, albeit that professional judgement is required in its application to the circumstances of each particular case. There needs to be a degree of harm over and above an identified substantial adverse effect on a private interest to take a case into the category of refusal in the public interest. Change in the outlook from a property is not sufficient; indeed, even a fundamental change in outlook is not necessarily unacceptable.
- 16.6. It is worthy of note that the visual component of residential amenity should be addressed “in the round” taking into account factors such as distance, the direction of the view, size of the proposed dwellings and their layout, the layout of particular dwellings in terms of their floor plans, the garden environment, and the lines of sight towards the proposed development.
- 16.7. I have visited the Site and the surrounding residential areas mindful of the various parameters as identified in the preceding paragraphs and on that basis, I consider that there would be no unacceptable effects on the visual component of the residential amenity for any nearby properties, particularly those in closest proximity to the Site backing onto Oxhey Lane together with those fronting onto Carpenders Avenue further west.
- 16.8. It is accepted that the Proposed Development would result in a change to some views, and this would involve a change to the composition of a number of private views, however, I consider this change in itself is not unacceptable, in private visual amenity terms. I note the proposed residential properties would be seen from a few of these existing properties but would not be visually overbearing, overwhelming or oppressive in these views. Given the size and location of the proposed properties, the distances involved, the orientation of the existing properties and the nature of the views, any effect on outlook would not cross the public interest test here.

17. SUMMARY AND CONCLUSIONS

Introduction

17.1. I am instructed by Burlington Developments London Ltd (the 'Applicant') to present evidence relating to Green Belt, Grey Belt and Landscape and Visual matters as they relate to the Application (ref:25/1020/OUT) submitted to Three Rivers District Council ('TRDC', the Council') which was validated on 25th June 2025 with the following description of development:

"Outline planning application for up to 256 homes (C3 use class) (including affordable and self/custom build housing), housing with care (C2 use class), a children's home (for looked after children) (C2 use class) together with associated access (including off-site highway works), parking, open space and landscaping (appearance, layout, landscaping and scale as reserved matters)."

17.2. The Application was recommended for approval by officers (refer to **Committee Report – CD2.2**). This confirmed that officers considered the Site to be Grey Belt, and if members were to come to a different view it was also found that Very Special Circumstances existed to outweigh the harm to the Green Belt, and any other harms.

17.3. The Application was presented to the Council's Planning Committee on 19th March 2026, one day after the Secretary of State directed the Council to include the Site as an allocation in the Regulation 19 Consultation. Despite the positive officer recommendation, members resolved to refuse planning permission. The minutes indicate that the proposed reasons for refusal were:

"1) It would constitute inappropriate development in the Green Belt, harm openness, and conflict with purpose (a) and (c) of the Green Belt. Very special circumstances would not exist to outweigh the harm to the Green Belt and any other harm identified; and

2) In the absence of a S106 agreement, failure to secure infrastructure contributions."

17.4. It is notable that the minutes contained no landscape or visual impact reason for refusal nor mandate from Members of the Planning Committee for such grounds for refusal to be pursued by the Council or on the Council's behalf. Consequently, within

the Council's Statement of Case and within the Planning Statement of Common Ground it is confirmed that Landscape matters do not constitute a Reason for Refusal.

Description of the Proposals

- 17.5. The planning application submitted to Three Rivers District Council, (LPA Ref: 25/1020/OUT) seeks outline planning permission for the development of the Site to deliver up to 256 new homes (including affordable and self/custom build housing), housing with care, a children's home for looked after children together with associated access, open space and landscaping.
- 17.6. It is anticipated that the Proposed Development would comprise a mix of dwelling sizes and tenures with dwellings ranging from smaller (one-bedroom) apartments to larger (five-bedroom) detached houses.
- 17.7. The average gross density of the proposal is approximately 20dph, based on the overall Site area of 12.7ha. The average net density which only includes the areas for residential development (excluding public open space, landscape and the area for the housing with care) is approximately 42dph. The density will vary across the Site, having regard to the Site context, proposed character, making efficient use of land, and ensuring the proposals provide an appropriate transition to the wider landscape to the north, east and south.
- 17.8. The Proposed Development also includes approximately 6.2ha of Green Infrastructure (GI) – representing approximately 49% of the Site area, well in excess of the minimum requirements. The GI would include extensive publicly accessible, semi-natural green space and landscaped buffers around the perimeter of the Site, see **CD1.12 – Illustrative Landscape Masterplan**.

Assessment of the Site Against 'Grey Belt' definition

- 17.9. In considering whether or not the Site qualifies as 'Grey Belt' a combined landscape and planning expertise approach is necessary which integrates landscape analysis with National Planning Policy Framework (NPPF) spatial tests.
- 17.10. As set out in the Planning Statement of Common Ground, a number of matters are agreed between the Applicant and the Council, namely the proposals would accord with paragraph 155b and 156(a-c), there are no footnote 7 factors relevant (other than Green Belt) and that proposals would not strongly contribute to purpose (b) or have any impact on purpose (d) of including land within the Green Belt.
- 17.11. On this basis, the area of disagreement relates to the Sites contribution to Green Belt purpose (a) and whether the proposals comply with paragraph 155(a) & (c).
- 17.12. It also important to note that two independent legal opinions - instructed by both the District Council and Applicant - are consistent in the view that the Site should be considered Grey Belt. Furthermore, the second legal opinion from the applicant clearly sets out that the Site is in a sustainable location. The Council's case officer also concluded that the Site should be considered Grey Belt. There is therefore a strong corroboration of informed opinion in favour of this conclusion.

Effect on the Purposes of the Green Belt

- 17.13. Due to the factors noted in the submitted Green Belt Assessment (GBA) §3.6 – §3.7 it is self-evident that the Site exhibits characteristics which weaken its contribution to purpose a). In terms of physical features which could restrict and contain development these include:
- **Oxhey Lane – a permanent physical feature which forms part of the Site’s western boundary;**
 - **the mature hedgerow and trees along the Site’s northern boundary – which are considered to form a robust, defensible boundary between the Site and land further north. Furthermore, two fields immediately to the north of the Site form Proposed Education Allocation CFS11;**
 - **the extensive mature vegetation within the Merry Hill Woodland Trust land to the east; and**
 - **The flood zone to the south of the site – together with the Hartsbourne Stream Flood Storage Area. The Flood Storage Area is functional floodplain 3b as designated by the Council so clearly forms a defensible boundary against future sprawl to the south.**
- 17.14. Additionally, the Site is subject to urbanising influences including existing built-up areas at Carpenders Park to the west of Oxhey Lane and the adjacent, visually prominent Carpenders Park Care Home and 5G telecommunications tower – east of Oxhey Lane.
- 17.15. The Proposed Development, would not be perceived as sprawl and would not be unrestricted or unplanned in nature. Indeed, the layout and positioning of the proposals reflect very careful design and control and would reflect the existing character of the area. There would be no evidence of unrestricted sprawl beyond the site’s well-defined boundaries.
- 17.16. With regard to purpose b) the addition of the Proposed Development on the Site would have a limited impact on the contribution of the remaining Green Belt towards this purpose.

- 17.17. The Proposed Development would in physical terms be confined within the well-defined Site boundaries. Its impacts would be limited in this context and would not undermine the performance of the wider Green Belt. Extensive areas of Green Belt would still be retained between the inset settlements of Watford, Bushey and Harrow.
- 17.18. With regard to purpose c) the Proposed Development would extend the eastern settlement edge of Carpenders Park an additional 250m northeast towards Bushey Heath in Bushey, however the westernmost edge of the settlement would remain over 1km to the east of the Site's eastern boundary at its closest point. It is considered that the Proposed Development would have a Slight Impact on the contribution of the remaining Green Belt to this Purpose. However, it should be acknowledged that the most sustainable locations for development will invariably be adjacent to existing settlements that typically comprise countryside. Therefore, in the interests of promoting sustainability, there is an almost inevitable conflict with this Green Belt purpose. It is relevant to note this Purpose is specifically omitted from the NPPF (2024) glossary definition of Grey Belt.
- 17.19. In relation to Purpose d) it is considered that while there are heritage designations within the wider context of the Site, there are none which share any intervisibility with the Site or comprise locations from which the Proposed Development could be seen. There are no historic towns identified within the Stage 1 or 2 assessments. It is considered that the Proposed Development would therefore have no impact on the contribution of the remaining Green Belt to this Purpose.
- 17.20. In relation to Purpose e) 'to assist in urban regeneration, by encouraging the recycling of derelict and other urban land' it is agreed with the Stage 1 and Stage 2 Green Belt Assessments that all parcels, including the Site, make a limited contribution to this purpose given the limited availability of Brownfield land, and the available land not being able to meet housing needs. In relation to the Site itself, it is therefore considered that the Proposed Development would have no impact on the contribution of the remaining Green Belt to this purpose.

Effects on the Openness of the Green Belt

- 17.21. Having regard to NPPF Footnote 55, if the proposal involves Grey Belt land, and is deemed not inappropriate, as Mr Allin sets out, then the policy of impact on openness does not apply.
- 17.22. Nevertheless, the introduction of the Proposed Development would inevitably introduce built form and reduce the spatial aspect associated with the Site which would be most readily appreciated from the environs of the settlement boundary in the immediate vicinity of the site, i.e. the adjacent Oxhey Lane and Carpenders Avenue and rights of way, extending through and in close proximity to the Site causing a limited and moderate degree of harm.
- 17.23. In terms of the visual aspect (perception) of openness, there is already a strong sense of visual enclosure associated with the Site. This is due to the substantial presence of boundary planting, mature tree cover and existing settlement edge development which frames the Site. This aspect of strong enclosure would continue to remain and prevail with the Proposed Development in place, such that from the wider built-up area of Carpenders Park and the countryside within the Green Belt beyond the Site, there would be generally limited visibility of the Proposed Development and as such, there would be a low level of change to the perceived sense of openness within the locality and this particular part of the Green Belt as a result of the proposed housing.

Conclusion on Grey Belt

- 17.24. It is the judgment of this assessment that the Site does not contribute to Purposes (a), (b), or (d) of the Green Belt. It is therefore considered to be Grey Belt under the definition provided within the Glossary of the Framework. Further, the removal of the Site from the Green Belt would not fundamentally undermine the five purposes when taken together of the remaining Green Belt within the wider plan area. On this basis, paragraph 155 (a) is satisfied.
- 17.25. Furthermore, the removal of the Site from the Green Belt would have a limited effect upon the appreciation of the openness of the remaining Green Belt, due to a combination of the well-wooded local landscape context, local landform and intervening built development. The perception of the loss of openness whilst moderate or notable in some cases, would be localised. Mitigation planting, including substantial areas of woodland planting and a significant amount of tree planting both throughout the development and focussed within the northern area of open space, would over time reduce the proportion of built development perceived. Whilst visual openness would be reduced, the resulting change would be consistent with the well-wooded character of the wider landscape and reduction in openness would typically only affect the Site itself, and not views across the wider Green Belt landscape overall.

Effect on Landscape Elements and the Character of the Site

- 17.26. In overall terms, the Proposed Development would result in some beneficial effects with regard to the landscape elements that currently define the landscape character of the Site. The Site would change from unmanaged grassland to the Proposed Development set within a substantial landscape framework.
- 17.27. The Site is characterised by perimeter field boundary hedgerows and trees but is also influenced visually by residential properties along the eastern edge of Carpenders Park together with the adjacent care home and communications mast. This existing built infrastructure influences the physical and visual context of the Site and as such it appears as an edge of settlement location which can otherwise be described as urban fringe or peri-urban in nature.
- 17.28. The Proposed Development would be in general keeping with the local settlement and therefore, not at odds or out of character or appearance. In other words, predominantly two storey residential properties arranged around residential roads would be consistent with existing neighbouring areas (see **DAS – CD1.27** – pages 18 and 19). The wider balance of the Site would accommodate new green infrastructure which would retain and enhance existing characteristic landscape features.
- 17.29. A medium susceptibility, value and sensitivity, combined with a medium – high magnitude of change, would result in a major adverse degree of effect upon completion of the Proposed Development in landscape character terms at the Site level. However, after 15 years, with maturing of the landscape framework, this would reduce to moderate adverse. This is because the Site is currently unmanaged grassland on the settlement edge which would be replaced with a new residential neighbourhood set within public open spaces. The Proposed Development being predominantly residential would be consistent with other residential developments within the locality and would not be out of character in this regard. The Proposed Development would be set in the context of the settlement edge and the wider settled landscape of Carpenders Park. Over time it would be successfully assimilated into the landscape context.

Effects on Published Landscape Character Areas

- 17.30. At the county level of assessment, the Site is located within the 'Bushey Hill Pastures' LCA, as defined by the South Hertfordshire Landscape Character Assessment.
- 17.31. The Proposed Development would bring about inevitable change to the character of the Site itself, however, such a change would in physical terms be confined within the application Site boundaries. The proposed built form and greenspaces would be of high quality and would be sensitive to local context. Off site, the pattern of the land cover, woodland, tree and hedge cover and agricultural mix, undulating topography, the variety of building materials, together with the settlement pattern generally would all continue and prevail with the Proposed Development in place.
- 17.32. It is considered that the key characteristics of the wider landscape and settlement beyond the application Site boundaries would be physically unaffected with the Proposed Development in place. It is only the experiential factors of character, both visual and audible elements that would be influenced to some limited degree locally. Any noise associated with the habitation and use of the Proposed Development would be negligible in the wider landscape and settlement context particularly given the existing traffic using Oxhey Lane. The Proposed Development would not change the broad character of the wider area which would continue to prevail with the Proposed Development in place.
- 17.33. Consequently, with the Proposed Development in place I consider that there would be a low magnitude of change locally within the character area and a negligible effect with increasing distance from the Site resulting in a subsequent negligible or minor adverse effect.
- 17.34. By Year 15, the magnitude of landscape change and significance of effect would fall to negligible as the proposed green infrastructure including woodland, tree belts and scattered groups of trees would be substantially mature and provide a strongly positive contribution to the well-treed character of the local landscape. The woodland and well-treed greenspace proposed for the Proposed Development

would achieve landscape and visual integration by providing (1) a visually robust vegetation framework, (2) an expanded framework of woodland in the local landscape and (3) visual and ecological links between existing and proposed woodland areas, all in accordance with the guidelines for managing change in the Bushey Hill Pastures LCA. There would be a significant net gain in the amount and quality of publicly accessible green infrastructure.

Effect on General Visual Amenity

- 17.35. Based on the LVIA Viewpoint Assessment (**CD1.36 § 6.24 – 6.26**) and my Site visits, it is evident that due to the very well contained nature of the Site, the local topography, and the notable existing and proposed woodland, tree and hedgerow cover, the actual visual envelope and visibility of the scheme from the surrounding area would be very limited.
- 17.36. The Proposed Development would result in only limited effects on local visual amenity, with notable effects limited to locations on or immediately adjacent to the Site, and some very limited visual effects from locations in close proximity to the Site.
- 17.37. The LVIA (**CD1.36**) concludes that initial changes to visual amenity would be Major adverse for users of the PRoW footpath route 'Watford Rural O13' which passes through the northern section of the Site, reducing to a Moderate adverse effect at Year 15, following the growth of mitigation planting. For other receptors the level of effect would be moderate adverse at worst upon completion and would reduce over the passage of time with maturing of the landscape proposals.
- 17.38. Consequently, visual effects arising from the Proposed Development are not considered to be significantly adverse overall, in the longer term and in the wider context of the Site.

Effects on Residential Visual Amenity

- 17.39. I have visited the Site and the surrounding residential areas mindful of the various parameters as identified in the preceding paragraphs and on that basis, I consider that there would be no unacceptable effects on the visual component of the residential amenity for any nearby properties, particularly those in closest proximity to the Site backing onto Oxhey Lane together with those fronting onto Carpenders Avenue further west.
- 17.40. It is accepted that the Proposed Development would result in a change to some views, and this would involve a change to the composition of a number of private views, however, I consider this change in itself is not unacceptable, in private visual amenity terms. I note the proposed residential properties would be seen to varying degrees from these existing properties but would not be visually overbearing, overwhelming or oppressive in these views. Given the size and location of the proposed properties, the distances involved, the orientation of the existing properties and the nature of the views, any effect on outlook would not cross the public interest test here.

Conclusion

- 17.41. For the reasons stated above it is my view that the Site qualifies as Grey Belt under the definition provided within the Glossary of the NPPF. Further, the removal of the Site from the Green Belt would not fundamentally undermine the five purposes when taken together of the remaining Green Belt within the wider plan area. On this basis, paragraph 155 (a) is satisfied. Therefore, on Green Belt and Landscape and Visual grounds I consider that there are no substantive reasons for refusing planning permission for the Proposed Development (although I recognise that the overall judgment on whether permission should be granted or not is a matter for the planning witness having regard to my assessment of the effects).

Town & Country Planning Act 1990 (as amended)
Planning and Compulsory Purchase Act 2004

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