



PLANNING PROOF OF EVIDENCE

Site: Land East of Oxhey Lane
Carpenders Park
Hertfordshire

For: Three Rivers District Council

Appeal Ref: APP/P1940/V/26/3378268

Date: June 2026

Prepared by:

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Qualifications And Experience

My name is Elizabeth Fitzgerald. I have a degree and diploma in town planning and over 23 years' experience as a practising planner. I have been a Member of the Royal Town Planning Institute (MRTPI) since 2005.

Most of my work has been in the public sector, with 13 years working for a variety of Local Authorities across England, including Chorley Borough Council, Richmondshire District Council, Stevenage Borough Council and Huntingdonshire District Council, including my last job as a Development Manager, responsible for the Development Management and Enforcement function at Harlow District Council. I moved into the private sector to work as a planning consultant in 2015. I was previously employed by the planning consultancy Vincent and Gorbing, before moving to Barker Parry in 2017.

Involvement With the Project

I was instructed in May 2026 to assist with the planning evidence in respect of this Application on behalf of Three Rivers District Council (TRDC).

I was not involved in the consideration of the proposal at application stage, pre- call-in. However, I have reviewed the application history and process, along with the Committee's recommendations and ultimate decision by Members. I confirm that the opinions expressed in my evidence are my true and professional opinions.

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1.0 **Scope of Evidence**

1.1 My evidence for this Inquiry draws upon the material comprising the planning application, the Applicant's Statement of Case and the TRDC Statement of Case. It should also be read in association with the Proof of Evidence of Mr Peter Dawson, which deals with landscape matters.

1.2 My evidence will consider the application scheme against relevant TRDC Development Plan policies and supplementary planning documents, the NPPF, PPG and other guidance to which I will refer in relation to material considerations that apply.

1.3 I confirm that I have read the Committee Report and have listened to the Committee meeting.

1.4 At the time of writing, there are several Statements of Common Ground between the Appellant and TRDC that remain in draft and discussions are ongoing.



2.0 **Site and Surroundings**

2.1 The Application Site and surroundings description is set out in the TRDC Statement of Case and is not repeated here.

2.2 It has been reported that there is a provisional TPO on some of the trees on site. The Council intends to confirm this TPO and has until August 2026 in order to do so. The TPO is at **CD4.1**.

3.0 **The Appeal Proposal**

3.1 The Application was made in outline for the following proposed development, which is now the subject of this Inquiry:

Outline 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 looking 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).

3.2 For clarity, the Applicant has not proposed to retain access as a reserved matter, but is seeking approval of the main access into the site, along with the emergency access only, shown on the following plans:

- Proposed Site Access Plan (ITL200107-GA-002E)
- Emergency Access Plan (ITL200107-GA-007B)

3.3 The definition of Access as a reserved matter is defined in the Development Management Procedure Order as meaning '*the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network*'. It goes beyond just access into the site, but relates to accessibility within the site also. It goes further than just the layout of the site. It is therefore my opinion that access should also be a reserved matter, with the vehicular access plans being secured by planning permission, should the application be approved.

3.4 The submission has been supported by a Parameter Plan (P24-2204_DE_003_C_10) and Illustrative Landscape Masterplan (P24-2420_EN_08E) which provides an indicative overview of one way in which the

development could be laid out at the quantum proposed. In the event that Outline planning permission was granted, a condition would require that subsequent Reserved Matters generally accord with the Land Use Parameters Plan.



4.0 **Planning Policy**

4.1 The Development Plan relevant to this appeal is comprised of the following:

- Core Strategy Local Development Document (October 2011)
- Development Management Policies Local Development Document (July 2013)
- Site Allocations Local Development Document (November 2014)

Development Plan

4.2 The relevant policies are listed at paragraph 2.1 of the Council's Statement of Case Addendum.

4.3 Work has commenced on a new Local Plan for Three Rivers but is at an early stage and is not anticipated to be submitted until late November 2026. It therefore carries no weight in the consideration of this proposal.

Additional Documents

4.4 In addition to the Development Plan, the following documents are relevant:

- Green Belt Review (Stage 1) 2017
- Stage 2 Green Belt Assessment for Three Rivers and Watford Borough 2019
- Stage 4 Green Belt Review 2026
- Hertfordshire Landscape Character Assessment (2005)

National Planning Policy Framework

4.5 The NPPF 2024 is a material consideration in the determination of this appeal and the relevant sections are set out at paragraph 2.4 of the Local Planning Authority's Statement of Case Addendum.

4.6 Reference will also be made to relevant extracts from National Planning Practice Guidance.



5.0 **Planning Analysis**

5.1 The Local Planning Authority considered the Application having regard to the Development Plan, as required by Section 38(6) of the Planning and Compulsory Purchase Act 2004. In doing so the Planning Committee resolved to refuse the submission on the basis of the following matters which it considered to outweigh the benefits of the scheme:

- 1) Development in the Green Belt
- 2) Landscape Harm.

5.2 Landscape harm is dealt with in detail within evidence provided by Mr Dawson and I will cross refer to this evidence as appropriate.

5.3 In the first instance it is important to establish the planning basis upon which any decision should be taken, having regard to the Council's Housing Land Supply and Spatial Strategy. NPPF Paragraph 11(d) and associated footnotes advise that where:

"the policies which are most important for determining an application are out of date⁸, granting planning permission unless:

- i. The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed⁷; or*
- ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole."*

5.4 Policies are out of date when they are not consistent with the NPPF. Footnote 8 advises that policies are deemed to be out of date when the Local Planning

Authority cannot demonstrate a five year supply of deliverable housing (with the appropriate buffer), currently sitting at 1.18yrs supply or where the Housing Delivery Test indicates that the delivery of houses was substantially below the housing requirements over the last three years (i.e. less than 75%), currently reported as 30%. It is therefore considered that the most important policies for determining the application are out-of-date, having regard to footnote 8.

- 5.5 The Core Strategy was submitted prior to the publication of the 2012 NPPF. Whilst TRDC is progressing a new Local Plan that will ultimately replace both the Core Strategy and the Development Management Policies LDD it remains at an early stage, having only been subject to a Regulation 18 consultation at the time of writing and does not therefore carry any weight.
- 5.6 TRDC had agreed to a Regulation 19 consultation in January 2026 based on a reduced housing delivery figure than that identified in the Objectively Assessed Housing Need. Prior to the consultation commencing, the Minister of State for Housing and Planning placed a holding direction on the Council pending a review of the Council's evidence base. On 18 March 2026, the Minister issued an intervention letter containing 9 Directions in respect of the emerging Local Plan.
- 5.7 The Minister identified 7 sites that should be included in the Regulation 19 Plan, one of which is this site: Site Id: NCFS12 Land East of Oxhey Lane.
- 5.8 The direction to include these sites within the Regulation 19 emerging Local Plan does not automatically mean that the sites will form part of the final adopted Local Plan. It still needs to progress through the Examination process and therefore this identification by the Minister does not give any additional weight to the consideration of this site as part of this Inquiry.

5.9 In 2019 the Local Planning Authority acknowledged that the Core Strategy was more than 5 years old and on that basis the Council reviewed its housing need and supply of sites in accordance with Paragraph 78 of the NPPF. The associated footnote 39 advises:

".. Where local housing need is used as the basis for assessing whether a five year supply of specific deliverable sites exists, it should be calculated using the standard method set out in the national planning guidance."

On this basis the annualised housing need figure changed from that identified in the Core Strategy to 832 dwellings per annum.

5.10 Paragraph 78 and footnote 39 directs the Council to use the Standard Method for calculating the 5 year supply, which coincidentally coincides with the end of the Core Strategy plan period. The NPPF requires the use of the Standard Method to accurately assess the housing need for a Council's area as opposed to using a housing requirement figure that is out-of-date.

5.11 The Standard Method makes provision for any historic under-delivery, as it is imbedded in the standard methodology assumptions through the affordability uplift. To treat any historic under-delivery as a material consideration would comprise double counting.

5.12 Regardless of the Council's position in respect of the 5YHLS, the importance of delivering housing is acknowledged and as such the delivery of housing is afforded substantial weight in the planning balance.

5.13 Setting aside the 5YHLS position, consideration must be given to Paragraph 11d(i). The referenced assets of particular importance are set out within footnote 7 which states:

“The policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 181) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 68 in chapter 16); and areas at risk of flooding or coastal change”

- 5.14 The site is located in the Green Belt.
- 5.15 Accordingly, Paragraph 11d) is engaged due to the most important policies for the determination of the application being considered out-of-date. However, when considering paragraph 11d)(i), the site is within the Green Belt, it is not considered to be grey belt, and even if it is paragraph 155c is not satisfied, therefore the proposed development is inappropriate development in the Green Belt and there are no ‘Very Special Circumstances’ to justify the proposal.
- 5.16 As will be set out in my evidence and supported by the evidence of Mr Dawson, we will demonstrate the Green Belt harm is sufficient to constitute a “strong reason” for refusal, triggering footnote 7.

Settlement Strategy and Development in Carpenders Park

- 5.17 Carpenders Park was originally an estate based around a manor house of the same name. This was later a girls school, Highfields, which was demolished in 1960 to make way for USAF married quarters. These were in turn demolished in 1997/98. The base was also known as Highfields.

5.18 The houses and bungalows of Carpenders Park were originally built in the 1930s. There was subsequent development in the 1950s including some council housing built for the Watford Rural District Council. The estate was significantly enlarged in the late 1960s. Many of these later houses have flat roofs.

5.19 Carpenders Park is bounded on the west by the railway line that separates it from South Oxhey; on the east by the A4008 Watford to Harrow Road (Oxhey Lane), to the south by the B4542 (Little Oxhey Lane), green belt and the boundary with the London Borough of Harrow, and to the north by woodland (Margeholes Wood and Sherwood Wood) leading to Oxhey Village.

5.20 Carpenders Park is classed as a secondary centre, one above a village, within the settlement hierarchy, reflective of its size, function and accessibility.

5.21 Whilst there has been some new residential development within the limits of Carpenders Park, there has been very little occurring outside of the settlement boundaries. The below summarises the extent of development/applications on land to the east of Oxhey Lane.

- 98/0921 – Carpenders Park Farm Oxhey Lane Oxhey

A prior approval application for the “Installation of 15m high monopole”. No decision was made by the Authority therefore default consent was obtained. This was subsequently replaced in 2002 with a 20m pole following the grant of permission.

- 17/1010/FUL - Carpenders Park Farm Cottages Oxhey Lane Carpenders Park.

Full planning application for the “Demolition of existing buildings and provision of 76-bed care home, with landscaping improvements, the upgrading of an existing access, provision of car parking, and associated infrastructure”.



Figure 1: 17/1010/FUL - Carpenders Park Farm Cottages Oxhey Lane Carpenders Park

The officers report is contained at **CD 4.28**. The site had a commercial use at the time of the application being made and benefitted from 2no vehicular accesses.

The site was considered to be previously developed land and therefore assessed on the basis of those NPPF requirements.

The resultant development represented a reduction to the gross external area of approximately 1,021sq.m and a reduction in footprint of approximately 2,535sq.m. Whilst noting it was a taller building, officers concluded that

"given the significant reduction to the footprint of the building and gross external area, it is not considered that the proposed development would have a greater impact on openness relative to the existing development."

This permission is not therefore comparable to residential development of a green field site, nor does it set a precedent for development on the eastern side of Oxhey Lane, as it was a historic farmyard, that had subsequently evolved.

- 23/1692/FUL - Valley View Farm Oxhey Lane Carpenders Park.

Full planning application for the "Erection of 8 residential dwellinghouses with gardens and parking, shared sports facilities, formation of a new vehicular access from Oxhey Lane, landscaping, re-routing of public right of way and associated works following remediation of contaminated land."



Figure 2: 23/1692/FUL - Valley View Farm Oxhey Lane Carpenders Park

This application followed a refusal for a similar residential development in 2014. Planning permission was refused in January 2024 for the following reasons:

1 The proposed development constitutes inappropriate development in the Green Belt, which, by definition, is harmful. The proposed development would also result in significant actual harm to the openness of the Green Belt, by virtue of the proposed scale, siting and spread of development, including the proposed buildings, and associated urbanising works, including proposed access, hardstanding, domestic paraphernalia, and landscaping. The proposed development would also be directly contrary to the purposes of the Green Belt including safeguarding the countryside from encroachment and preventing neighbouring towns from merging into one another. The circumstances in favour of the development would not serve to outweigh the identified harm to the Green Belt and other identified harm. No very special circumstances therefore exist to justify the grant of planning permission. The proposed development is contrary to Policies CP1, CP11 and CP12 of the Core Strategy (adopted October 2011), Policy DM2 of the Development Management Policies LDD (adopted July 2013) and the NPPF (2023).

2 The ability of the proposed development to support and promote sustainable forms of travel is limited and unsatisfactory and contrary to Hertfordshire's Local Transport Plan 2018-2031 (May 2018) Policy 1, Policy CP10 of the Core Strategy (adopted October 2011), Policy DM13 of the Development Management Policies document (adopted July 2013) and the NPPF (2023).

3 The proposed vehicular access onto a main distributor road is contrary to policy and it has not demonstrated that special circumstances exist in favour of granting permission for the proposed access. The proposed development would fail to comply with the requirements of Hertfordshire's Local Transport Plan 2018-2031 (May 2018) Policy 5(f) by reason of the absence of there being sufficient special circumstances to justify the introduction of the new access and the proposal would also be contrary to Policy CP10 of the Core Strategy (adopted October 2011), Policy DM13 of the Development

DCREFULZ Management Policies document (adopted July 2013) and the NPPF (2023).

4 The existing traffic-controlled junction already exceeds the maximum degree of saturation, and the proposed development would cause a significant and unacceptable impact on the surrounding highway network. The proposed development is contrary to Policy CP10 of the Core Strategy (adopted October 2011), Policy DM13 of the Development Management Policies document (adopted July 2013) and the NPPF (2023).

5 The proposed development does not demonstrate the necessary visibility splays in either direction from the proposed access point which would cause a detrimental impact upon highways safety and the free flow of traffic. The proposed development is contrary to Policy CP10 of the Core Strategy (adopted October 2011), Policy DM13 of the Development Management Policies document (adopted July 2013) and the NPPF (2023).

6 In the absence of sufficient information, it has not been demonstrated that the development would not have a detrimental flooding and drainage impact and therefore necessary consideration and appropriate mitigation cannot be given to the impact of the development. The proposed development is therefore contrary to Policy CP1 of the Core Strategy (2011), Policy DM8 of the Development Management Policies LDD (2013) and the NPPF (2023).

7 In the absence of an agreement under the provisions of Section 106 of the Town and Country Planning Act 1990, the development would not contribute to the provision of affordable housing. The proposed development therefore fails to meet the requirements of Policy CP4 of the Core Strategy (adopted October 2011) and the Affordable Housing Supplementary Planning Document (approved June 2011), and the NPPF (2023).

This decision was not appealed.

- 25/1055/FUL - Land to the Rear of Woodlands Cottage Oxhey Lane Carpenders Park.

Full planning application for the “Demolition of existing structures and construction of 96 residential dwellings (Use Class C3), flexible community floorspace (Use Class F), with the provision of an access, vehicle and cycle parking, landscaping, sustainable urban drainage systems and other associated works”.



Figure 3: 25/1055/FUL - Land to the Rear of Woodlands Cottage Oxhey Lane Carpenders Park

This proposal was considered to be grey belt and in compliance with NPPF Paragraph 155. At the 26 February 2026 Planning Committee, Councillors resolved to approve the application, subject to the completion of a s106 Agreement. This is ongoing.

- 25/2168/OUT - Land Adjacent Woodlands Cottages Oxhey Lane Carpenders Park.

Outline planning application for the "Construction of up to 70 residential dwellings (Use Class C3) with associated access onto Oxhey Lane and infrastructure (Appearance, Layout, Landscaping and Scale as reserved matters)"

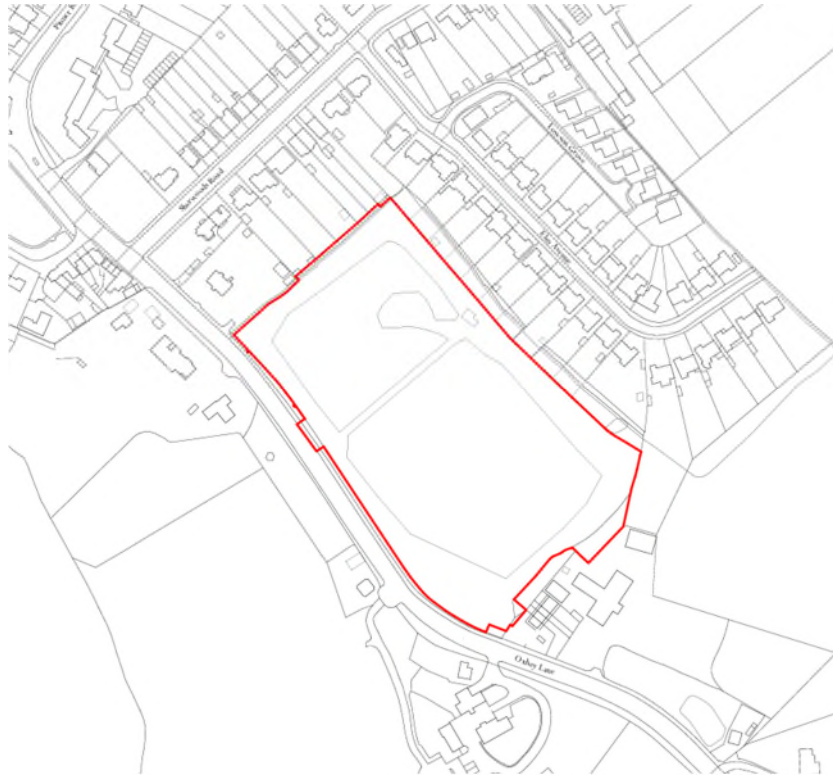
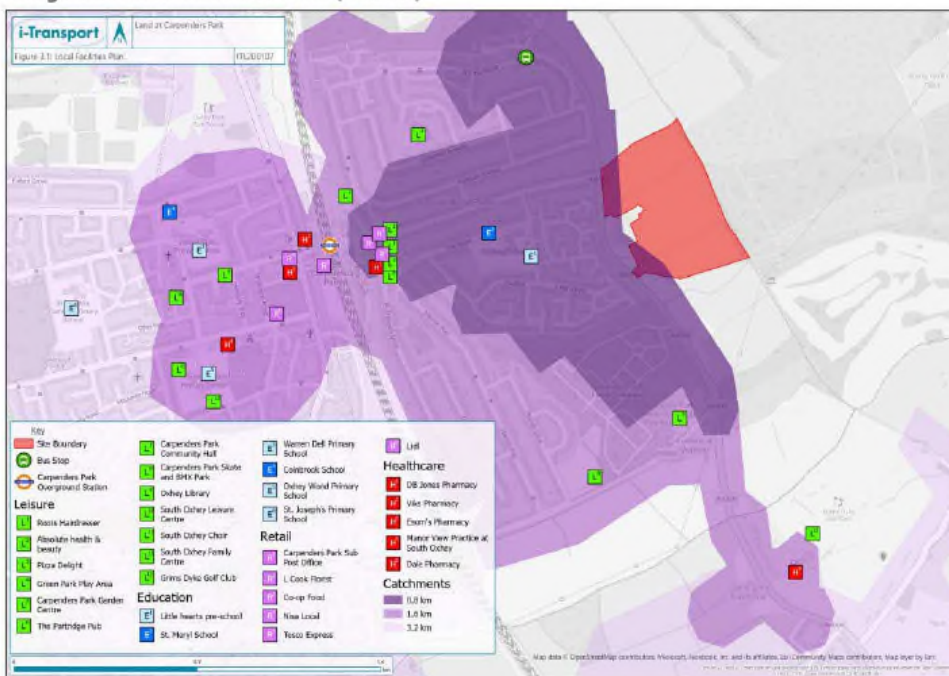


Figure 4: 25/2168/OUT - Land Adjacent Woodlands Cottages Oxhey Lane Carpenders Park

This is pending consideration.

5.22 As can be seen from the below extract from the Transport Assessment, Carpenders Park benefits from a number of local facilities that benefit the community.

Image 3.5: Local Facilities Plan (Extract)



Source: Consultant Drawing

Figure 5: Extract from Transport Assessment

5.23 The facilities include convenience shopping facilities, GP surgery and pharmacies, community centres, post office, public house, underground station, pre-school and primary schools, amongst other facilities. Most are located in and around the underground station, with many located on the western side of the railway line accessible via an underpass next to the station or an underpass through the southern end of Hartsbourne Woods, technically in South Oxhey and not Carpenders Park.

5.24 Carpenders Park is served by 4no bus routes of varying frequency across the week, with connections to South Oxhey, Watford and beyond. An additional 3no routes serve the Station on the South Oxhey side. The routes are attached at **Appendix 1**, which shows that none pass the Application site.

5.25 The proposed development is therefore disconnected from the core of the settlement. The main access, where it joins Oxhey Lane is circa 650m from the nearest retail offer. This does not account for development within the site, with some of the furthest dwellings away from any access point into the site being circa 1.2-1.3km or more from the nearest retail offer. This distance will of course be dependent on the final layout of the scheme and how the scheme achieves active walking routes through the development to optimise the most direct route.

5.26 Whilst the overall settlement strategy is out-of-date this does not create a carte blanche for development beyond the settlement boundaries. Any development outside these boundaries must be in keeping with the evolution of the settlement and character.

5.27 As the development is outside of the settlement extent of Carpenders Park, accordingly, the proposal would be contrary to Policy PSP3 of the Core Strategy.

Green Belt Considerations/Principle of Development

5.28 The Application Site is located within the Green Belt, within which NPPF Paragraph 153 advises development is by definition harmful. There are a number of exceptions within which the NPPF advises development may be considered to be an exception to the general principle. The proposed development of this site does not fall within any of the exemptions set out in NPPF Paragraph 154, unlike the adjacent Care Home.

5.29 The publication of the NPPF 2024 introduced the concept of 'grey belt' and Paragraph 155 which states:

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

- a. The development would utilise grey belt land and would not fundamentally undermine the purposes of the Green Belt (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; and*
- d. Where applicable the development meets the 'Golden Rules' requirements set out in paragraphs 156-157 below.*

5.30 It is important to work through the tests in turn.

Grey Belt

5.31 Grey Belt is defined in the NPPF Glossary 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 the policies relating to the areas or assets in footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development.

5.32 Purpose A relates to the need to check the unrestricted sprawl of large built-up areas. The NPPG (Paragraph: 005 Reference ID: 64-005-20250225) sets out an illustration of key features anticipated in order to ascertain the level

of contribution afforded to each of the Green Belt purposes. For Purpose A, the criterion for a site to make a strong contribution is as follows:

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.</p> <p>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)

Figure 6: NPPG Extract

5.33 The Application Site is free of existing development and whilst benefitting from strong boundary treatments to the north, east and west (Oxhey Lane), to the south the Application Site boundary has been stopped short of the physical boundary treatments. As can be seen on the submitted Tree Survey Plan (**CD1.46**), there is no landscape boundary treatment to this southern edge. There is similarly no other physical feature along this boundary, as can be seen from the below Illustrative Masterplan Extract and a Google image.



Figure 7: Illustrative Masterplan Extract and a Google Image

- 5.34 There are no physical features between the Application Site boundary and the Hartsbourne Stream, that would prevent development between the Site boundary and the stream.
- 5.35 Whilst any change in flood zone may prevent residential or other highly vulnerable development from being located in this area, it would not preclude any development. It is land designation rather than a physical feature that would restrict and contain all development.
- 5.36 The Application Site is considered to be near to a large built up area, namely Carpenders Park. It is also considered to be an incongruous form of development.
- 5.37 Acknowledging that the NPPG provides an example of an incongruous development, it uses the term 'such as', thus not representing a closed list.

Incongruous development can result from other forms of development that are not considered to be a finger of development.

5.38 In this case, the site, being on the eastern side of Oxhey Lane is divorced from the wider settlement. I have no doubt it will be argued that the presence of a telecommunications mast and the Care Home set a precedent and, on this basis, further development in this location will be no different.

5.39 Both the existing Care Home and the telecoms mast represent incongruous development. They are not in keeping with the character of the area, for which Oxhey Lane represents the hard boundary between the estate and the Green Belt.

5.40 The telecoms mast appears to have been first installed in circa 1998 and then replaced in circa 2002. The original mast was allowed under a prior approval process, with no formal decision by the Authority being made, therefore automatic consent being obtained. This is a completely different process to one associated with residential development and thus does not set any precedent for residential development.

5.41 The care home site was originally a farm holding comprising a series of farm buildings and 4no dwellings, all linked to the operation of the farm. The provision of agricultural buildings within the Green Belt has always been considered to be appropriate development.

5.42 The need and therefore use of the buildings for agricultural purposes lapsed and the site progressively became used as a commercial premises. With the buildings falling into disrepair the use of the buildings ceased. At this point in time an application was made to replace the buildings with the Care Home that is now in situ. The site was considered to be previously developed land and as such the application was considered pursuant to NPPF (2012)

Paragraph 89. As set out in Paragraph 5.21 above, the assessment was detailed and the resultant care home considered to be smaller than the cumulative floor area of the original buildings and the massing not considered to have a greater impact on the openness of the site. Accordingly, the proposal was not considered to be inappropriate development in the Green Belt.

- 5.43 Given the historic use and form of the site, regardless of the location on the opposite side of the road, it would not be reasonable to resist the development based on its location. The officers report does however acknowledge that this is a relatively isolated location and that the rising land would make the development more prominent. This was offset by being set back from the road and the inclusion of space around the building to reduce the overall footprint.
- 5.44 These applications were therefore considered on a completely different basis to this application proposal and their locations justified through historic built form.
- 5.45 The proposal would be situated on the rising land, wrapping around the Care Home.
- 5.46 As set out in Mr Dawson's evidence, and within the submitted LVIA, the overall gradients across the site are to remain as existing. Mr Dawson highlights that the proposed Parameter Plan fails to respond to the site's constraints with a development parcel and the main access into the site located within the most sensitive area of the site. The removal of the hedgerow to facilitate the access will accentuate the visibility of this part of the site.

- 5.47 The retention of much of the hedgerow to the Oxhey Lane frontage, will also result in the site appearing divorced and lacking connectivity with Carpenders Park. This is exacerbated by the fact that the existing Carpenders Park development actively turns its back to Oxhey Lane, even on road junctions. Dwellings do not present as gateway buildings but ensure that Oxhey Lane is perceived as the edge of the settlement.
- 5.48 If the Applicant is correct in that development is fully contained by physical features with no prospect of there being any further development around this site, then the scheme will remain as an incongruous form of development, isolated from the remainder of Carpenders Park.
- 5.49 It is considered that the site performs strongly against Purpose A.
- 5.50 Purpose B relates to the need to prevent neighbouring towns merging into one another. The NPPG (Paragraph: 005 Reference ID: 64-005-20250225) sets out an illustration of key features anticipated in order to ascertain the level of contribution afforded to each of the Green Belt purposes. For Purpose B, the criterion for a site to make a strong or moderate contribution is as follows:

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 the loss of visual separation of towns
Moderate	<p>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):</p> <ul style="list-style-type: none"> - forming a small part of the gap between towns - 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

Figure 8: NPPG Extract

- 5.51 The Application Site forms part of a wider finger of Green Belt that forms a strategic gap between South Oxhey/Carpenders Park, Oxhey, Bushey and Pinner to the South.
- 5.52 The Three Rivers Green Belt Assessment Stage 2 report considered the Application Site as part of a wider parcel of development identified as Parcel SO3.

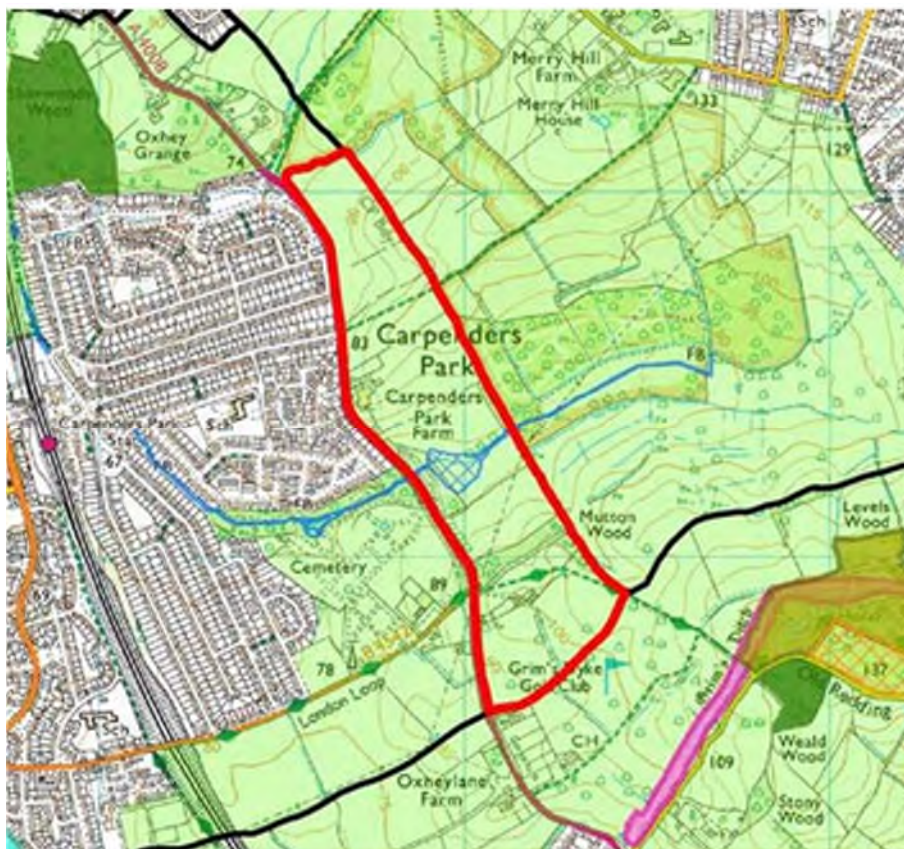


Figure 9: Parcel SO3 – Green Belt Assessment Stage 2

- 5.53 In assessing Purpose B, the assessment concludes that the overall parcel only has a moderate contribution. Stating: *“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.”*
- 5.54 I agree with this summary and therefore afford moderate weight to Purpose B.
- 5.55 Purpose D relates to the preservation of the setting and special character of historic towns. Carpenders Park is not considered to be a historic town, accordingly there is no contribution to Purpose D.

5.56 Having regard to the provisions of footnote 7 (except Green Belt), there are no strong reasons for refusal or restricting development.

5.57 On the basis of the above assessment, it is considered that the site performs strongly against Purpose A, it lacks physical features in reasonable proximity that could restrict and contain development and will represent an incongruous form of development.

5.58 On the basis of this assessment, I do not consider the site is 'grey belt'. The proposal therefore represents inappropriate development in the Green Belt, for which '*very special circumstances*' (*vsc*) are required to be demonstrated.

5.59 For completeness and before turning to the *vsc* assessment, should the Inspector be minded to consider the site as grey belt, we have undertaken the Paragraph 155 assessment.

5.60 Paragraph 155 states the following:

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

- 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 proposed⁵⁶;*
- c. The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework⁵⁷; and*
- d. Where applicable the development proposed meets the 'Golden Rules' requirements set out in paragraphs 156-157 below.*

- 5.61 In respect of Paragraph 155a), this has two facets; the first is that the site needs to be considered grey belt, the second is whether the site would fundamentally undermine the purposes of the remaining Green Belt across the area of the Plan, when taken together.
- 5.62 As stated above, it is my opinion that this site is not considered to be grey belt and, on that principle alone, Paragraph 155a would fail.
- 5.63 Consideration has already been given to Purposes A, B and D as part of the grey belt assessment, it is not proposed to repeat them here.
- 5.64 Having regard to the remaining purposes of the Green Belt, Purpose E is not considered to be fundamentally undermined if this site were to come forward.
- 5.65 Purpose C however relates to the need to safeguard the countryside from encroachment. It is understood that it is mutual ground that harm to the countryside will arise from this proposal.
- 5.66 It is not however considered that when taken together, the purposes of the remaining Green Belt in the District would be fundamentally undermined.
- 5.67 Paragraph 155b relates to there being a demonstrable unmet need for the development proposed. It is an agreed position that there is a substantial unmet need for the development proposed.
- 5.68 As set out above, the Local Planning Authority have been under-performing on housing delivery, with an inability to demonstrate a 5year housing land supply, or performance against the Housing Delivery Test.

- 5.69 This lack of general housing delivery has a knock-on impact on the delivery and availability of affordable housing. There is an acute need for affordable housing in the District.
- 5.70 The South West Hertfordshire Local Housing Needs Assessment Update (2024) (LHNA) (**CD4.13**) shows that there is an estimated current (gross) need for 11no Children’s Home bed spaces, with an estimated (gross) need to 2041 of 24 bed spaces. This need does not account for existing supply which needs to be considered at the point of determining any application (para 10.86). The existing supply is based on the position in 2021.
- 5.71 Since this time planning permission has been granted for an 8-bed children’s home (23/1707/FUL). This assists in meeting the identified need.
- 5.72 The Application proposes 1no 4-bed children’s home which will assist in meeting the current (gross) need.
- 5.73 The nature of the housing with care element is not particularly clear, however, from the Illustrative Masterplan it appears to be a single Extra Care block with the provision of 60 homes. These are all intended to be market units, with a proposed contribution to mitigate against the need for affordable provision on site.
- 5.74 The off-site contribution is welcomed, but it is not as beneficial as an on-site provision.
- 5.75 It is acknowledged that we have an ageing population and therefore the demand for Extra Care facilities to release other housing stock and ensure residents have the necessary support as they age is important. The LHNA identifies an ever-growing need of both market and affordable extra care provision.

- 5.76 Paragraph 155b is therefore satisfied.
- 5.77 Paragraph 155c requires the site to be in a sustainable location, with particular reference to NPPF paragraphs 110 and 115.
- 5.78 As set out above, the site is on the furthest extreme of Carpenders Park, with most facilities located around Carpenders Park Station which is approximately 930m from the proposed main access point into the site.
- 5.79 Table 3.3 of the Transport Assessment sets out the walking and cycling distances from the centre of the site to the local facilities. The exact position upon which the measurements are taken from is not clear, the Applicant has merely stated from the centre of the site when this was queried. Similarly, it is not clear whether they have had regard to road alignments. The detail is important, as this has the potential to change the accessibility of the site quite dramatically. When questioned by the Highway Authority as part of the Highways SoCG, the position was amended, as can be seen at paragraph 3.1.11 of that SoCG to be distances from the site.
- 5.80 If we look at the location of the Co-op, when measuring from an approximate position of the proposed access opposite Carpenders Avenue and then the most direct walking route to the Co-op, this measures as approximately 730m (**Appendix 2**). If we then use the Illustrative Masterplan and measure to the play area proposed to the rear of the Care Home, following the suggested road alignment and using the pedestrian access to the north of the Care Home, this adds a further 350m to this walking route. Suddenly the Co-op is 1,080m from the centre of the site. Much further than suggested.
- 5.81 When reviewing Image 3.5 of the Transport Assessment, the catchment areas seem to show a more realistic catchment area that reflects the figures shown. Namely that the catchment area only extends to roughly the alignment of

the first dwellings, as shown on the illustrative masterplan, which are between 30-50m from the Oxhey Lane frontage, and not the centre of the site.

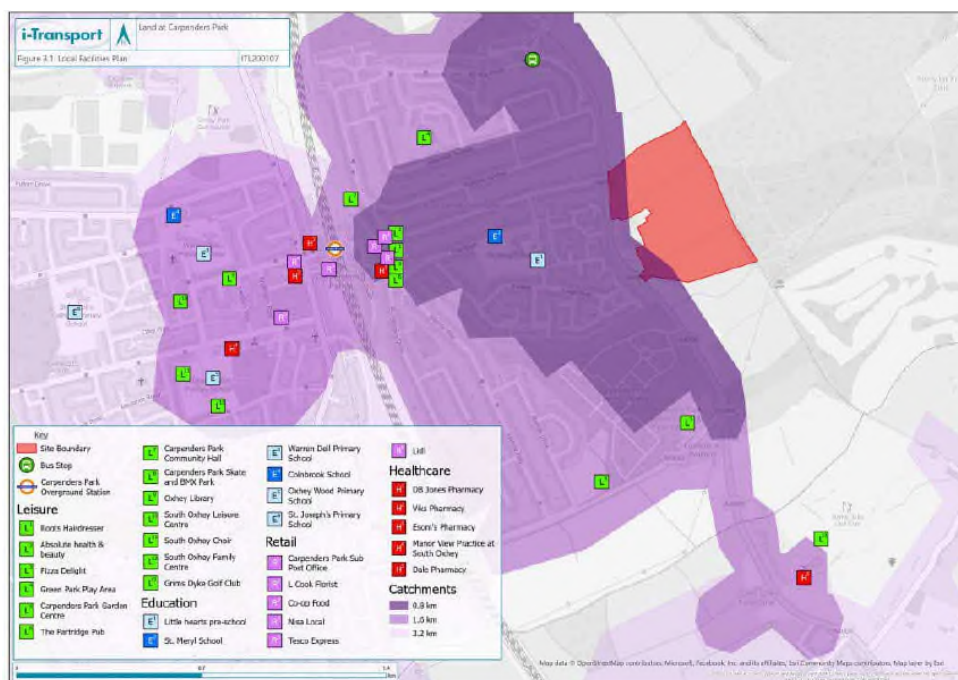


Figure 11: Transport Assessment - Image 3.5

5.82 Based on these reasonable assumptions from the Applicant’s evidence, these distances are not disputed, but what they fail to have regard to is the additional walking or cycling distances from the residential development within the site.

5.83 The Illustrative Masterplan and Parameter Plan show the nearest residential development to be circa 30m from Oxhey Road, with potential for development some 450m into the site from the main access on a rough ‘as the crow flies’ basis. This distance will likely increase once road alignments and walking routes are added. The change to Table 3.3 would look as follows:

Destination	Table 3.3 Distance (m)	Approx Extent of Development Distance (m)	Average Distance (m)
Roots Hairdresser	800	1,250	1,025

Destination	Table 3.3 Distance (m)	Approx Extent of Development Distance (m)	Average Distance (m)
Absolute Health & Beauty	800	1,250	1,025
Pizza Delight	800	1,250	1,025
The Partridge Pub	950	1,400	1,175
Carpenders Park Community Hall	1,000	1,450	1,200
Carpenders Park Garden Centre	1,150	1,600	1,375
Green Park Play Area	1,250	1,700	1,475
Carpenders Park Skate & BMX Park	1,350	1,800	1,575
Oxhey Library	1,350	1,800	1,575
South Oxhey Leisure Centre	1,550	2,000	1,775
Grims Syke Golf Club	1,750	2,200	1,975
South Oxhey Choir	1,850	2,300	2,075
South Oxhey Family Centre	1,850	2,300	2,075
Little Hearts pre- school	550	1,000	775
St Meryl Primary School	550	1,000	775
Warren Dell Primary School	1,650	2,100	1,875
Colnbrook School	1,650	2,100	1,875

Destination	Table 3.3 Distance (m)	Approx Extent of Development Distance (m)	Average Distance (m)
Oxhey Wood Primary School	1,850	2,300	2,075
St Joseph's Primary School	2,050	2,500	2,275
Carpenders Park Sub-Post Office	800	1,250	1,025
L Cook Florist	800	1,250	1,025
Co-op Food	800	1,250	1,025
Nisa Local	1,050	1,500	1,275
Tesco Express	1,150	1,600	1,375
Lidl	1,250	1,700	1,475
DB Jones Pharmacy	800	1,250	1,025
Viks Pharmacy	1,100	1,550	1,325
Esom's Pharmacy	1,250	1,700	1,475
Manor View Practice	1,650	2,100	1,875
Dale Pharmacy	1,750	2,200	1,975

5.84 Using the average set out in the above table it can be taken that circa 40-50% of the development will be within these walking distances to local facilities.

5.85 Having regard to paragraph 3.5.2 of the Transport Assessment, only the pre-school and St Meryl Primary School will be within a comfortable walking distance of up to half of the development. There are only 17 of the 30 facilities within a reasonable¹ walking distance of up to half of the

¹ CIHT guidance 'Planning for Walking' (2015)
Reasonable walking distance 1,600m, Comfortable walking distance 800m

development. The remainder of the site is outside of all comfortable¹ walking distances, with only the pre-school and St Meryl Primary School being within a reasonable walking distance.

- 5.86 It should be born in mind that there is a significant slope on this Application Site with it rising steeply from Oxhey Lane to the eastern boundary. Access into the site should be designed to ensure access for all users. When trying to achieve a footpath gradient of no greater than 1:20 to meet the needs of less abled pedestrians, especially necessary as the site is incorporating some C2 housing, walking routes are likely to be more circuitous and less direct. Thus, less appealing than the private car.
- 5.87 NPPF Paragraph 110 advises that '*significant development should be focussed on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes*'.
- 5.88 Carpenders Park is a sustainable settlement well served by buses and trains, as well as being within a reasonable walking distance of all the local facilities considered above. It is the location of the Application Site, with poor connectivity to those facilities that is an issue. It is necessary therefore for the scheme to enhance the sustainable modes of transport available to residents to encourage them out of the private car.
- 5.89 This position is compounded by being approximately 600m from the main access into the site to the nearest bus stop, outside the recommended 400m² and in excess of the recommended 800m from the station.
- 5.90 The Applicant has therefore proposed a contribution towards the provision of a bus stop along Oxhey Lane, likely just north of the central pedestrian access point, but we have no design or definitive proposal for this bus stop.

² Highways Place and Movement Planning and Design Guidance & Bus Stops - Active Travel England

- 5.91 In addition, the Applicant has proposed a contribution towards an enhanced No 328 bus route, with drop off and pick up available on the northbound side of Oxhey Lane only. As can be seen from the attached suggestion by the Highway Authority (**Appendix 3**), the bus would only serve the site once an hour.
- 5.92 The Highway Authority have confirmed that this is only one option that could serve the site, that the route and timetabling/frequency cannot be confirmed at this time.
- 5.93 Whilst an improvement to the existing position, in such a sustainable location, a bus that serves the site once an hour does not mitigate against the provision of local facilities within a reasonable walking distance of many of the dwellings proposed. A service that operates once an hour will not encourage people out of their private car and there is no evidence to suggest that any bus provision will be more frequent than this.
- 5.94 For example, for a person looking to commute into London for work, if the bus is late, they run the risk of missing their train or endeavouring to get a bus an hour earlier and waiting for a train. Similarly on the return journey, missing a bus would lead to an hour wait for another bus.
- 5.95 For those abled-bodied, even though the station is outside of the reasonable walking distances, walking remains an option, but for those less able, this may not be a reasonable option, especially as there are no resting places within the existing Carpenders Park estate. They would therefore be reliant on the bus and an hourly service to obtain access to basic local facilities.
- 5.96 Moreover, there is no guarantee that this will operate on an hourly basis, what days of the week, or the frequency.

5.97 It is also worth noting that there is no evidence to suggest that any bus providers will be willing to take this service on, they have not been approached. Whilst it is noteworthy that the Highway Authority considers that this proposed No 328a service (or another) would become viable, no consideration has been given to the knock-on effect on other services with an additional bus service to some stops, splitting the patronage between services and therefore revenue.

5.98 Whilst Carpenders Park is a sustainable location, the location of this site requires improvements to connectivity to ensure future residents have ready access to non-car modes of transport that encourage them out of the private car from the early stages of occupation. The proposals offer no such commitment or delivery, or guarantee that a bus will be available from the early stages of the development, such that the scheme would fall short of the requirements of NPPF Paragraphs 110 and 115.

5.99 I am therefore of the opinion that the bus proposal is inadequate to make the site accessible for all users and encourage sustainable movements, such that there is a conflict with Paragraph 155c.

5.100 Paragraph 155d requires compliance with the Golden Rules as set out in NPPF Paragraph 156-157. There is no dispute between the parties that the Application complies with the Golden Rules.

5.101 Should the Inspector consider the site to be grey belt, I am of the opinion that the proposal fails the Paragraph 155 tests in respect of c.

Very Special Circumstances

5.102 NPPF Paragraph 153 advises us that the decision maker '*should ensure that substantial weight is given to any harm to the Green Belt, including harm to*

its openness.' If the Application proposals are not considered to be grey belt, the scheme constitutes inappropriate development which 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.'

- 5.103 The nature of the site and the proposed development is such that the definitional harm is without doubt substantial.
- 5.104 The scheme would also harm Green Belt openness. As set out in Mr Dawson's evidence, the impact on the landscape character of the area is considered to be Medium High, with the area classed as having medium sensitivity to built development. He considers, as was the position of the earlier Place Services consultation response that the *"proposals do not demonstrate a clear response to the sites opportunities and constraints, nor do they reflect its valued characteristics or the surrounding local context."* *"This edge is not only spatial but experiential, offering a gradual shift in character, vegetation structure, and land use. The existing hedgerows, veteran trees, and open views contribute to a layered transition that should be preserved and enhanced."*
- 5.105 The openness of the site is further harmed by the extent of functional movements associated with the proposed development from private cars/deliveries etc.
- 5.106 In addition to definitional Green Belt harm and harm to the openness, the scheme would harm the Green Belt purposes. The knock-on impact on the purpose of the Green Belt in this area, having regard to the proximity to Greater London is also a key factor in the wider consideration.

5.107 Large areas of TRDC are designated as Green Belt, not an uncommon position for a Hertfordshire Authority. However, the nature and importance of areas of that Green Belt vary depending on the relationship with other Authorities' administrative boundaries.

5.108 For example, the Green Belt between Three Rivers and Dacorum is extensive. The loss of a percentage of that space is likely to have very little impact on the importance of the countryside in that space.

5.109 As can be seen from the image below, this is very different from the Green Belt and countryside between Three Rivers, Watford, Hertsmere and Harrow, where the space is much narrower and therefore of a much higher value to the overall experience of countryside and the need to safeguard the space.

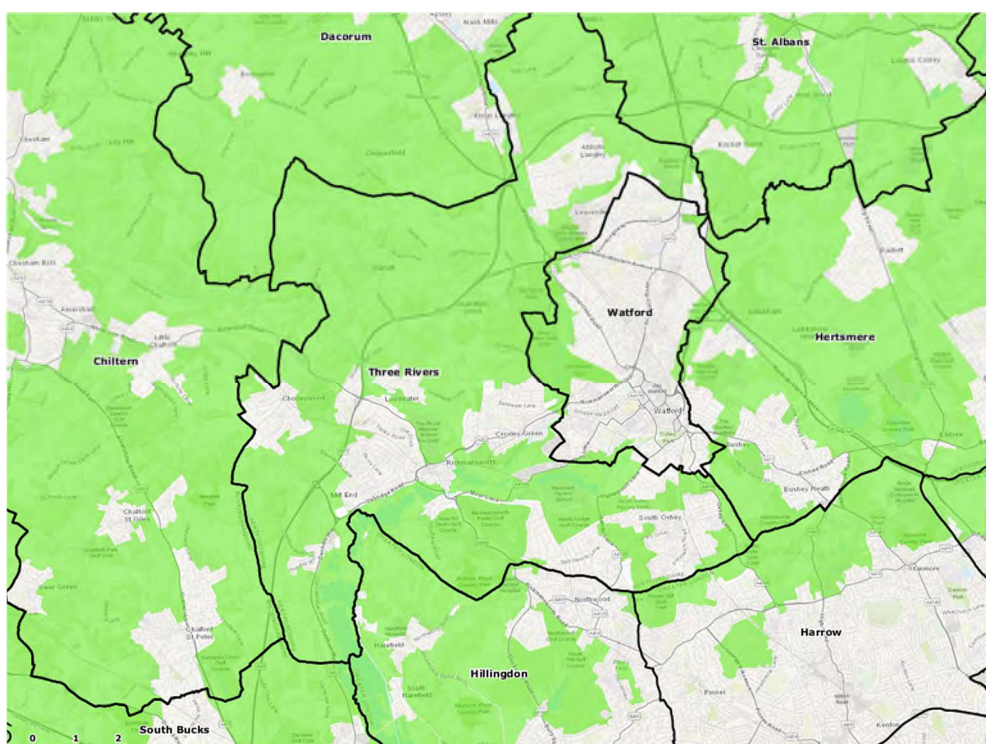


Figure 10: Green Belt Assessment Stage 2 - Extract

5.110 In fact only Parcel SO3, of which the Application Site forms approximately a third of, is located within Three Rivers. The loss of this area of Green Belt

would fail to safeguard the countryside in this location and prevent it from serving all five of the Green Belt purposes in a meaningful way.

- 5.111 It would undermine the overall importance and purpose of the Green Belt in this part of the District. The Green Belt was first suggested in 1993 by Raymond Unwin as a 'green girdle'. In 1935, London County Council put forward a scheme to "*.....establish a Green Belt or girdle of open space lands, not necessarily continuous, but as readily accessible from the completely urbanised areas of London as practicable.*" This was formalised in 1938.
- 5.112 With the growth of Greater London post the second world war, in 1958, Hertfordshire County Council designated the south of the Council as Green Belt, including this area.
- 5.113 The Green Belt between Three Rivers, Watford and Greater London is representative of a transition from more urban to more rural in character, with the Green Belt being more fragmented in this area than the more northern parts of Three Rivers.
- 5.114 The importance in safeguarding this countryside over other Green Belt in the District is therefore significant, as it plays a fundamental role in preventing urban sprawl from Greater London and reflects the urban/rural transition, thus ensuring good access to open space for residents. This is different to the Paragraph 155 tests that requires us to consider the remaining Green Belt across the District.
- 5.115 The loss of any of this key countryside space will set a precedent. As can be seen in paragraph 5.21 above, small areas to the south of Oxhey have already come forward as speculative sites but are far more connected and contained than this site. They are also contiguous with the settlement. If this site were to be allowed, in my opinion, it is highly likely that those parties concerned

with the remainder of the SO3 parcel will seek to bring the remainder of the parcel forward for development, especially the agricultural land to the north. With future speculative applications within Hertsmere potentially close behind, this would result in the fundamental erosion of this sensitive and important Green Belt parcel.

5.116 Without repeating the consideration against each of the purposes set out above, the impact on the five purposes of the Green Belt is considered as follows:

Purpose	Harm
Purpose A	Substantial
Purpose B	Moderate
Purpose C	Substantial
Purpose D	None
Purpose E	None

5.117 It is worth highlighting that the Exceptional Circumstances test required to release land from the Green Belt as part of any Local Plan process is a lower threshold than the 'vsc' test. (*R v on the application of Luton Borough Council v Central Bedfordshire Council & Houghton Regis Development Consortium and Others [2015] EWCA Civ 537*). The inclusion of the site as part of the Regulation 19 consultation document, does not therefore provide any support for the 'vsc' test required to make this Application acceptable.

5.118 In addition to the identified Green Belt harm, Mr Dawson's evidence identifies landscape harm that arises as a consequence of the proposed development, with the proposal failing to respond to the natural topography of the site resulting in inappropriate development on the most sensitive northern parcel of the site.

5.119 Further, the lack of meaningful alternative modes of transport to ensure the site is within reasonable and comfortable walking distances of services, results in the site being poorly connected and therefore not in a sustainable location.

5.120 I therefore consider the full benefits and disbenefits as a whole when considering the vsc test:

Benefits

5.121 In undertaking the planning balance exercise the Committee Report used the following scale: very significant, significant, moderate and limited. In order to simplify the process, I have replaced very significant with substantial.

5.122 Given the Council's position on market and affordable Housing delivery, I place **substantial weight** on the delivery of market, affordable and self-build housing.

5.123 At the time of writing, the Unilateral Undertaking is drafted in a manner that allows the Applicant to essentially staircase out of the Affordable Housing provisions within 12 months of the approval of the Affordable Housing Scheme, with an off-site contribution being the fallback provision.

5.124 Given the weight that the Applicant wishes to place of the level of affordable housing need within the TRDC, the need to provide affordable housing on site is essential. If the ability to provide a contribution in lieu of onsite provision is to be retained, 12 months is an exceptionally short period of time against the likely development programme. If an offsite contribution option is to be retained, I may seek to revisit my weighting.

- 5.125 Similarly in respect of the delivery of housing with care/extra care provision, there is an ever-growing need, such that I place **significant weight** on this provision. Had the affordable element been secured on site and therefore not displaced for others to deliver in an unknown location or timeframe, I would have increased this to substantial weight.
- 5.126 At the time of writing, the Unilateral Undertaking does not seek to secure the 60 units proposed but leaves the scale and quantum for determination at a later time. Should the Unilateral Undertaking remain unaltered, I may seek to revisit this weighting.
- 5.127 For the provision of a 4-bed children's home, I afford **moderate weight** due to level of provision proposed.
- 5.128 The public open space provision is welcomed and can be afforded **moderate weight**.
- 5.129 In respect of economic benefits, there are clearly some time limited benefits from construction and some on site employment, albeit the extent is not known at this time. New residents may add to the local economy, the extent to which is unknown. These elements I consider should be afforded **limited weight**.
- 5.130 The Applicant has sought to list the compliance with the Golden Rules as a separate element to weigh in favour of the scheme. I have reservations with this approach as it would amount to double-counting the benefits which surely cannot be the intent of the NPPF. Caution therefore needs to be applied to ensure that those elements already counted are not double-counted, but that this is solely a policy tick. If the Inspector disagrees with this position, then significant weight should be afforded to this also.

Disbenefits

- 5.131 The proposed development will have a lasting and irreversible impact on the landscape that does result in landscape harm. It is considered that **significant weight** should be afforded to this matter which weighs strongly against the scheme.
- 5.132 As discussed above, there is no certainty over whether the proposed bus measures will be delivered and that the proposal for 1no bus per hour really benefits the sustainability of the site. The scheme does not provide for access for all users, nor will the enhancements truly encourage people out of the private car. There are benefits in the form of improvements to the walking routes that are welcomed. On this basis it is considered that **significant weight** should be afforded to this matter which weighs strongly against the scheme.
- 5.133 Having regard to the evidence presented and the advice contained in NPPF paragraph 153, the impact on the Green Belt is afforded **substantial weight** against the proposed development.
- 5.134 Given the extent of harm to the Green Belt, along with the landscape and sustainability harm that would result from this proposed development, it is not considered that the 'vsc' test has been satisfied, such that the proposal would constitute inappropriate development within the Green Belt.

Residential Amenity and Design

- 5.135 For all intent and purpose this Application seeks to reserve all matters save for the main access and emergency access into the site. The Application is not supported by a Design Code and the Parameter Plan that is proposed to be secured by condition if permission is granted, is at a high level.

5.136 However, there is nothing to suggest that an appropriately designed scheme cannot come forward and comply with relevant Development Plan policies.

5.137 In respect of residential amenity, the Parameter Plan proposes development of up to 3 storeys to the rear and south of the existing care home. Careful design will be required to ensure that any development of this scale does not detrimentally affect the outlook afforded to existing habitable rooms and that sufficient sunlight and daylight is afforded to the open space to ensure it remains attractive to residents. There is nothing to suggest that this cannot be achieved.

Access/Highway Safety

5.138 Matters pertaining to sustainable travel and the sustainability of the site are dealt with above and are not repeated.

5.139 Separate to this matter, the Applicant is seeking permission for the main access opposite Carpenders Avenue and an emergency access to the southern end of the site.

5.140 The Local Highway Authority have confirmed that there is no severe highway safety issue arising from the proposed access arrangement or to the wider highway network and as such, subject to appropriate planning conditions, there is no highway safety objection to the proposed development.

Flood Risk and Drainage

5.141 The Application has been supported by a Flood Risk Assessment, including a drainage strategy.

5.142 The site has some surface water issues running northeast to southwest and whilst most the site is in Flood Zone 1, a small section of the southern end of the site does fall into Flood Zone 2, accordingly to the Environment Agency mapping.

5.143 With the recent changes to the NPPG, the LLFA are content that both existing and future surface water flood risk is dealt with by the proposed drainage strategy, such that the sequential test need not be applied.

5.144 The Applicant has further modelled the site against the 1:100 flood occurrence that triggers the Flood Zone 2 area and concluded that the site area falls outside of this flood risk such that the site would fall entirely within Flood Zone 1.

5.145 On the basis of the above, no objection is raised on flood risk or drainage matters.

Heritage Matters

5.146 There are no heritage assets on or adjacent to the Application Site, but there are number in the local area. These are as follows:

- Front Lodge to Oxhey Grange (Grade II)
- Oxhey Grange (Grade II)
- Grim's Ditch (SAM)
- Grim's Dyke Registered Park and Garden (Grade II)
- Grimsdyke (Grade II*)
- London Coal Duty Marker (Grade II)
- Stables at Melodies (Grade II)

5.147 In assessing the setting and significance of these assets, along with their separation distances from the Application Site, it is not considered that there is any harm arising as a result of the proposed development.

Landscape, Open Space and Trees

5.148 The Application proposals seek to deliver some 6.2ha of green infrastructure, almost half of which would be a large area of open space within the northern part of the site, accessible to future residents and the existing community.

5.149 There are 3no areas of play also identified. The remainder of the green space will be spread across the site and will include the proposed drainage basin in the southeastern corner of the site.

5.150 The success of the landscaping strategy will be part of the detail secured at any reserved matters stage, should permission be granted. The general principle of the open space and its distribution through the site is welcomed.

5.151 Trees make an important contribution to the character and quality of the environment, a stance taken by both the NPPF and policy DM6.

5.152 This site has a strong connection to trees with most site boundaries heavily lined with trees. It is commendable that the Applicant has not sought to remove any trees as part of these proposals, but it is acknowledged that there are a number of trees on site that could be classified as veteran trees and will need careful management in the long-term. This is proposed to be secured by an appropriately worded planning condition.

5.153 Subject to the imposition of conditions and the outcome of future reserved matters submission, the proposal can be considered to comply with the NPPF and policies CP9, DM6 and DM7 of the Development Plan.

5.154 Matters pertaining to landscape harm are dealt with by Mr Dawson and are addressed in the Green Belt section above. They are not repeated here.

BNG and Ecology

5.155 The protection and enhancement of the natural environment is embedded in national and local planning policies.

5.156 The Application has been supported by a series of ecology surveys in respect of Great Crested Newts, Breeding Birds, Bats, Badgers and Reptiles.

5.157 Whilst some further surveys are proposed to be secured by means of appropriately worded planning conditions, the evidence submitted to date provides sufficient detail to demonstrate that the development of this site will not adversely affect any protected species, such that permission should not be withheld on this basis.

5.158 The Application was also supported by a BNG metric. This demonstrates that the 10% Net Gain cannot be provided on site and that off-site credits need to be secured. 56.90 habitat units are required. It is disappointing, given the scale of this site, that on-site mitigation cannot be provided, but it is understood that this is due to the nature of the habitat being lost and therefore the inability to meet the trading rules.

5.159 It is therefore considered that, subject to the imposition of appropriately worded conditions, the proposal can comply with policies CP9 and DM6 of the Development Plan and the NPPF.

6.0 **Planning Balance**

6.1 The planning balance is ultimately a matter of judgement for the decision maker. The Inspector will obviously need to reach his own conclusions, but the following is how I believe the Inspector should approach the determination of this appeal.

The Decision Making Framework

6.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the starting point for the determination of a planning application to be the relevant policies set out in the Development Plan.

6.3 For the purposes of this Application, it is considered that the proposal fails to accord with the following policies:

6.4 Policies CP11 and DM2 when considering inappropriate development within the Green Belt, with substantial weight afforded to this breach.

6.5 Policies CP1 and CP10 when considering the accessibility of the site and access to non-car modes of transport, with significant weight afforded to this breach.

6.6 Whilst the scheme does comply with some policies of the Development Plan, the fundamental breach of location and sustainability policies is such that the proposal is considered to fail to comply with the Development Plan as a whole.

6.7 I now turn to the presumption in favour of sustainable development. I have taken guidance in applying the planning balance and the application of NPPF Paragraph 11d from the 15 stage test set out by Holgate J in Monkhill Ltd v

SSHCLG [2019] EWHC 1993 (Admin) (CD5.27), as endorsed by the Court of Appeal in Monkhill Ltd v SSCLG [2021] EWCA Civ 74.

6.8 The Local Planning Authority is unable to demonstrate a 5yr Housing Land Supply (1.18yrs) and the Housing Delivery Test has not been met in all reported years.

6.9 Accordingly, NPPF footnote 8 is triggered and the Application must be determined having regard to NPPF Paragraph 11d), which states:

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date⁸, granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance⁷ provides a strong reason for refusing the development proposed; or*
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination⁹.*

6.10 In the first instance consideration to footnote 7 must be given. Footnote 7 states:

The policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 194) and/or designated as Sites of Special Scientific Interest; land

designated as Green Belt, Local Green Space, a National Landscape, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 75); and areas at risk of flooding or coastal change.

- 6.11 Having regard to the assessment in the preceding sections, the impact on the Green Belt is not considered to be clearly outweighed by the benefits of the scheme, and so the proposal is considered to be inappropriate development that is not justified by vsc. This provides a strong reason for refusal.
- 6.12 On this basis, I am of the opinion that footnote 7 is triggered and paragraph 11d)(i) indicates that planning permission should be refused.
- 6.13 In undertaking the planning balance in respect of the vsc test, I consider there to be no need to further re-iterate or undertake the same balancing assessment again.
- 6.14 In my view, given the above considerations, the adverse impacts of this proposal significantly and demonstrably outweigh its benefits and permission should be refused.

7.0 **Declarations**

7.1 I am retained by Three Rivers District Council to provide independent expert planning evidence in relation to the proposed development at Land East of Oxhey Lane, Carpenders Park.

Statement of Truth

7.2 I confirm that, in so far as the facts stated in my Evidence, are within my own knowledge, I have made clear which they are and I believe them to be true, and that the opinions expressed represent my true and complete professional opinion.

Declaration

7.3 I confirm that my Proof of Evidence includes all facts which I regard as being relevant to the opinions which I have expressed and that attention has been drawn to any matters which would affect the validity of those opinions.

7.4 I can confirm that my duty to the Planning Inspector as an Expert Witness overrides any duty to those instructing or paying me, that I have understood this duty and complied with it in giving my evidence impartially and objectively, and that I will continue to comply with that duty as required.

7.5 I confirm that I am not instructed under any conditional fee arrangement.

7.6 I can confirm that I have no conflicts of interest of any kind.

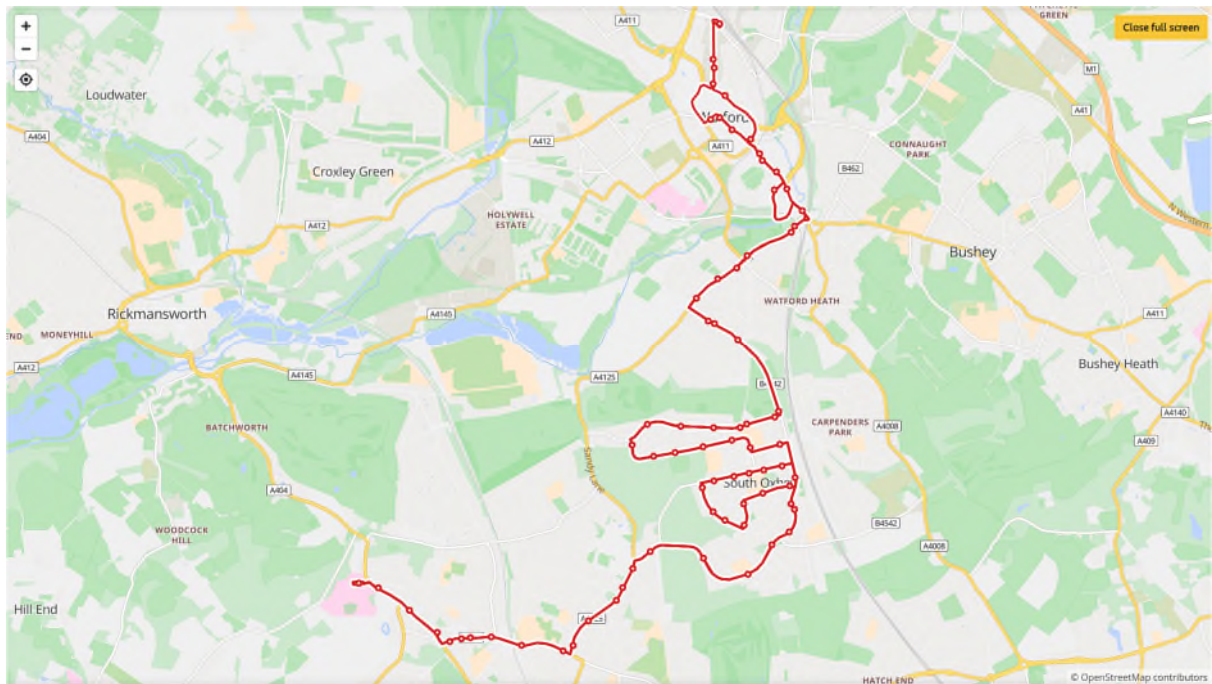
7.7 I can confirm that none of the evidence has been produced with the use of AI technology.



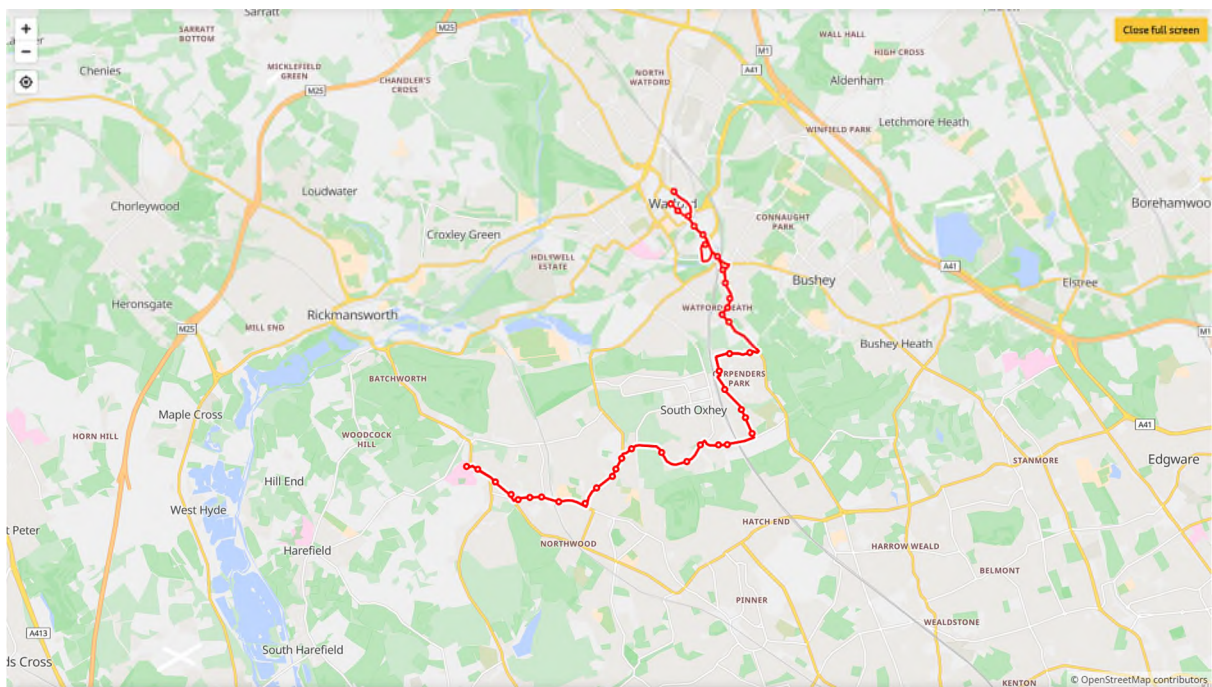
APPENDIX 1
Existing Bus Routes



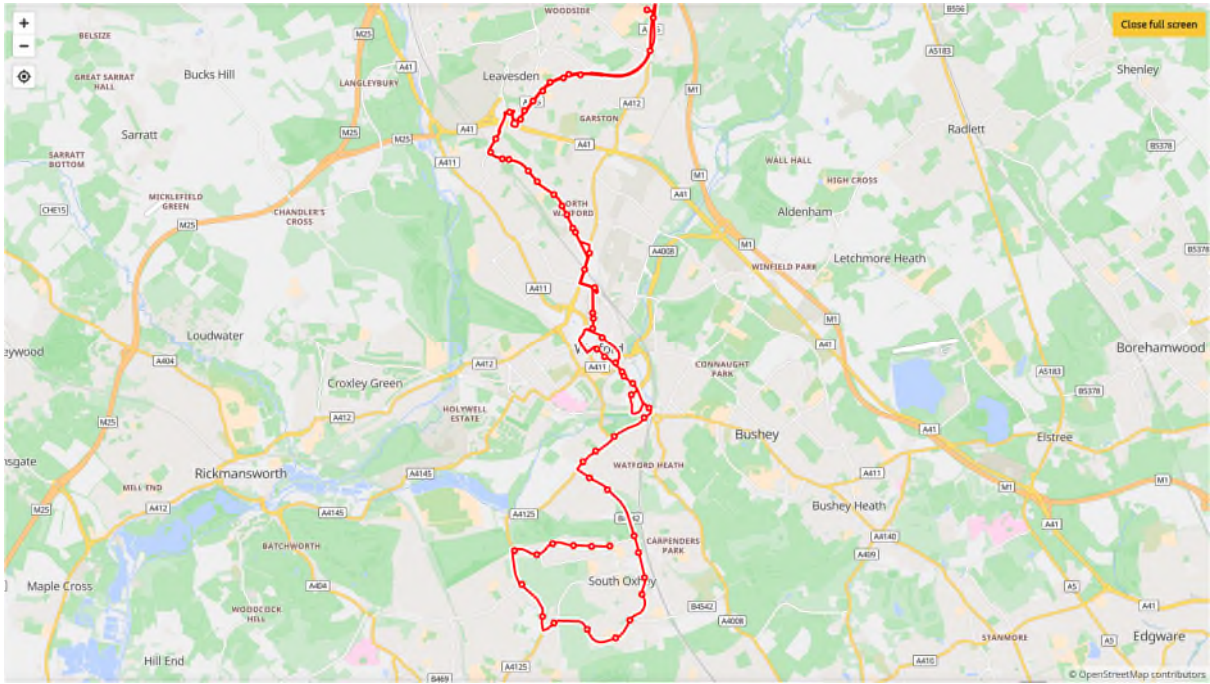
Existing Bus Routes around Carpenders Park



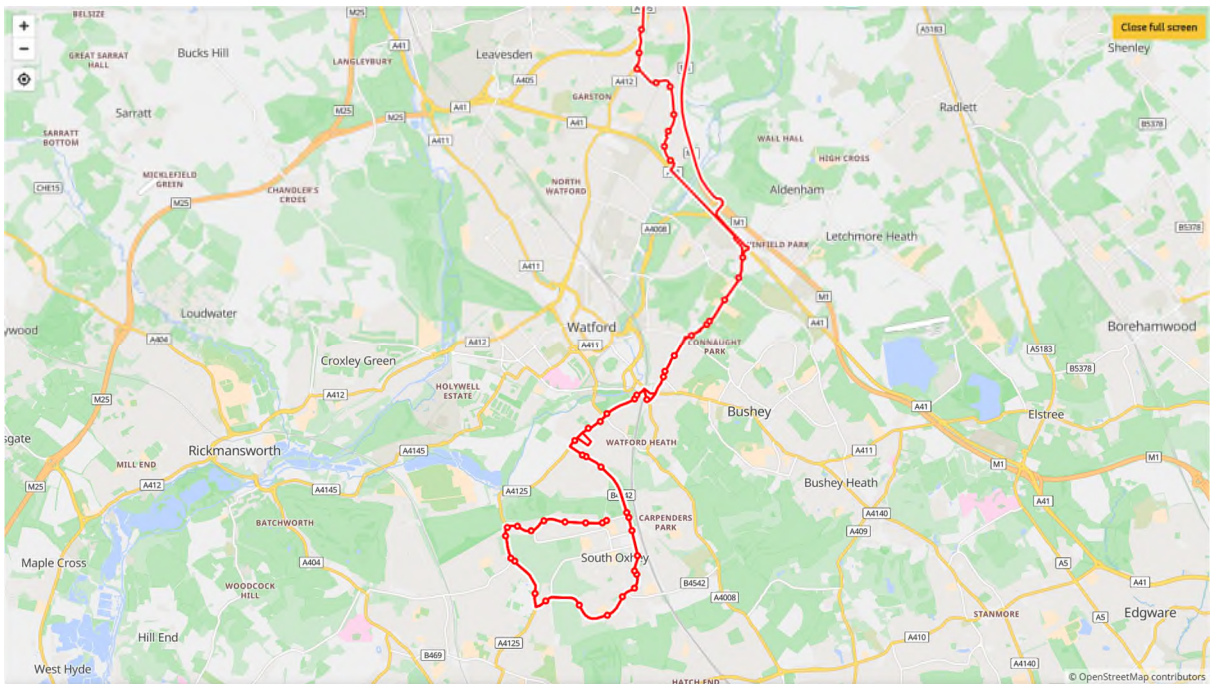
Bus Route 328



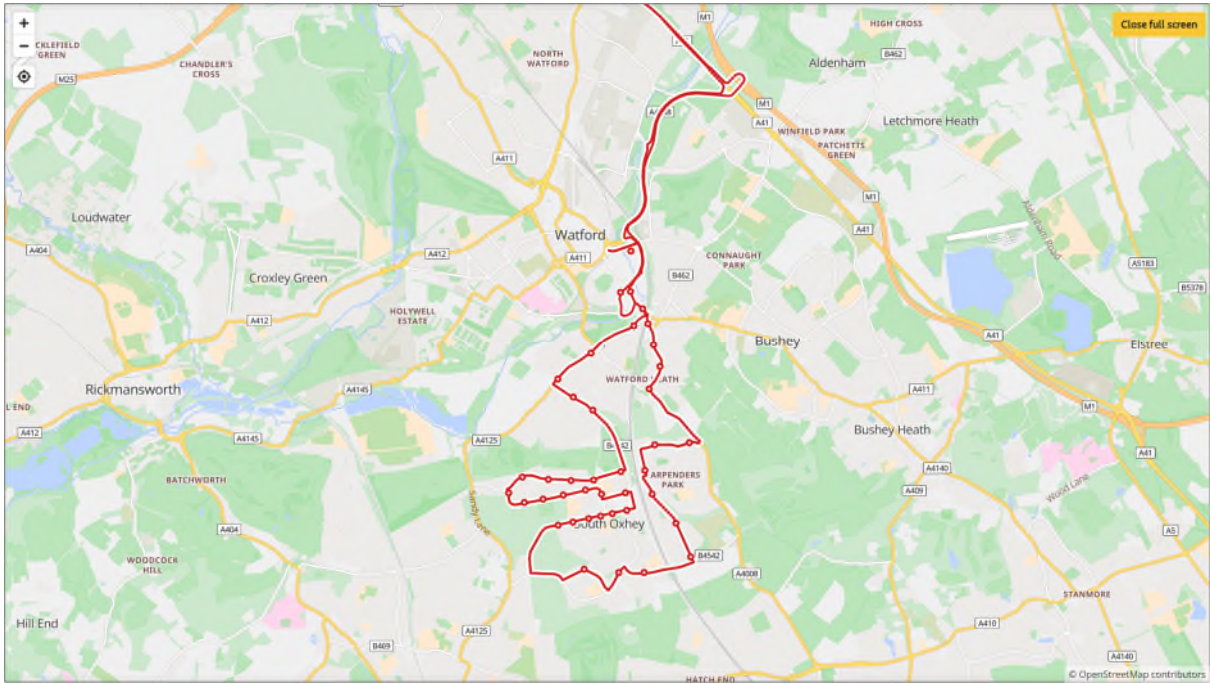
Bus Route 346



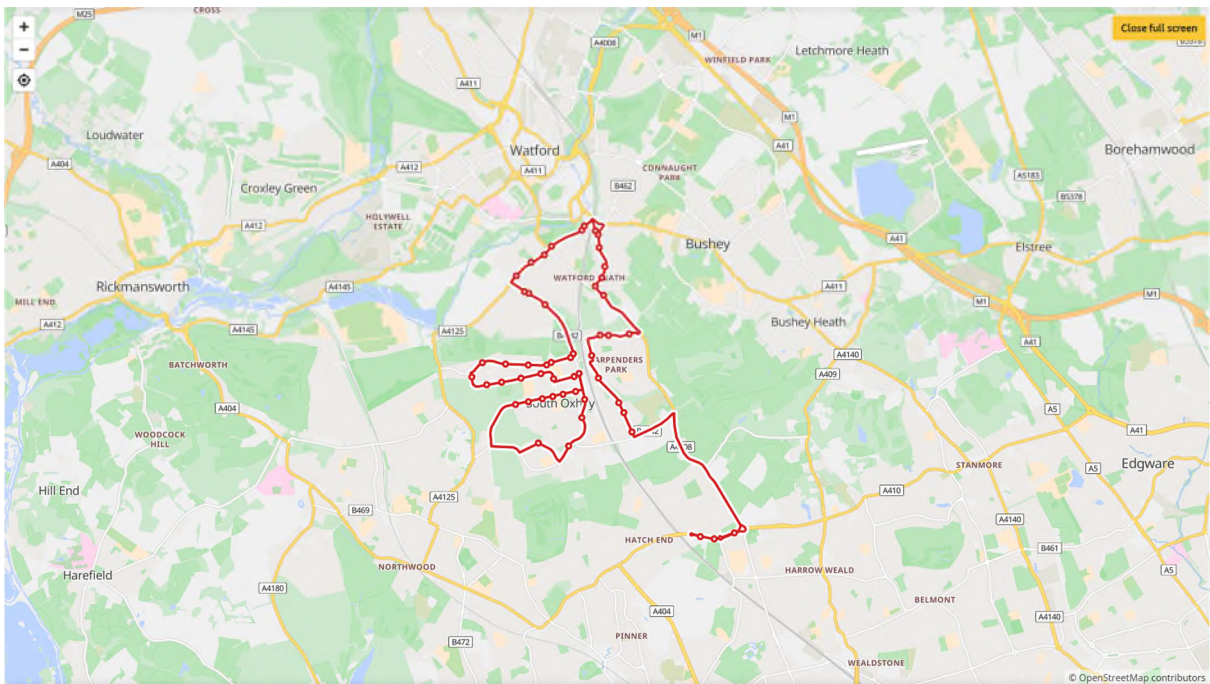
Bus Route 832



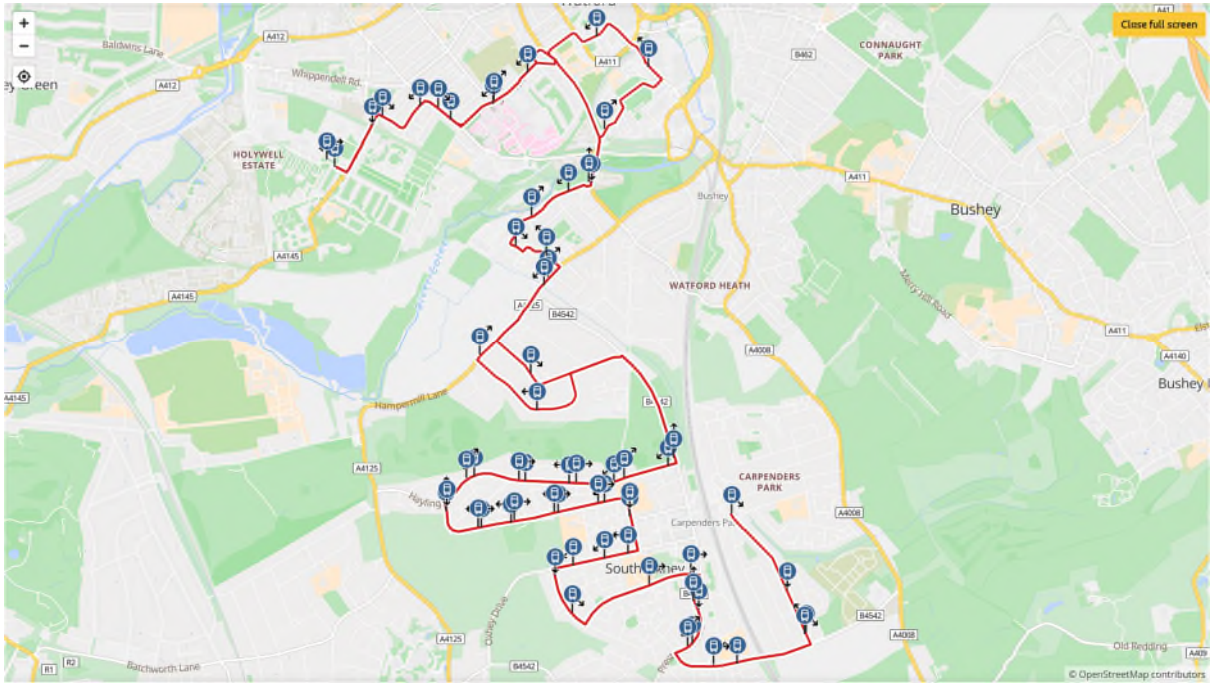
Bus Route 833



Bus Route R16



Bus Route R17



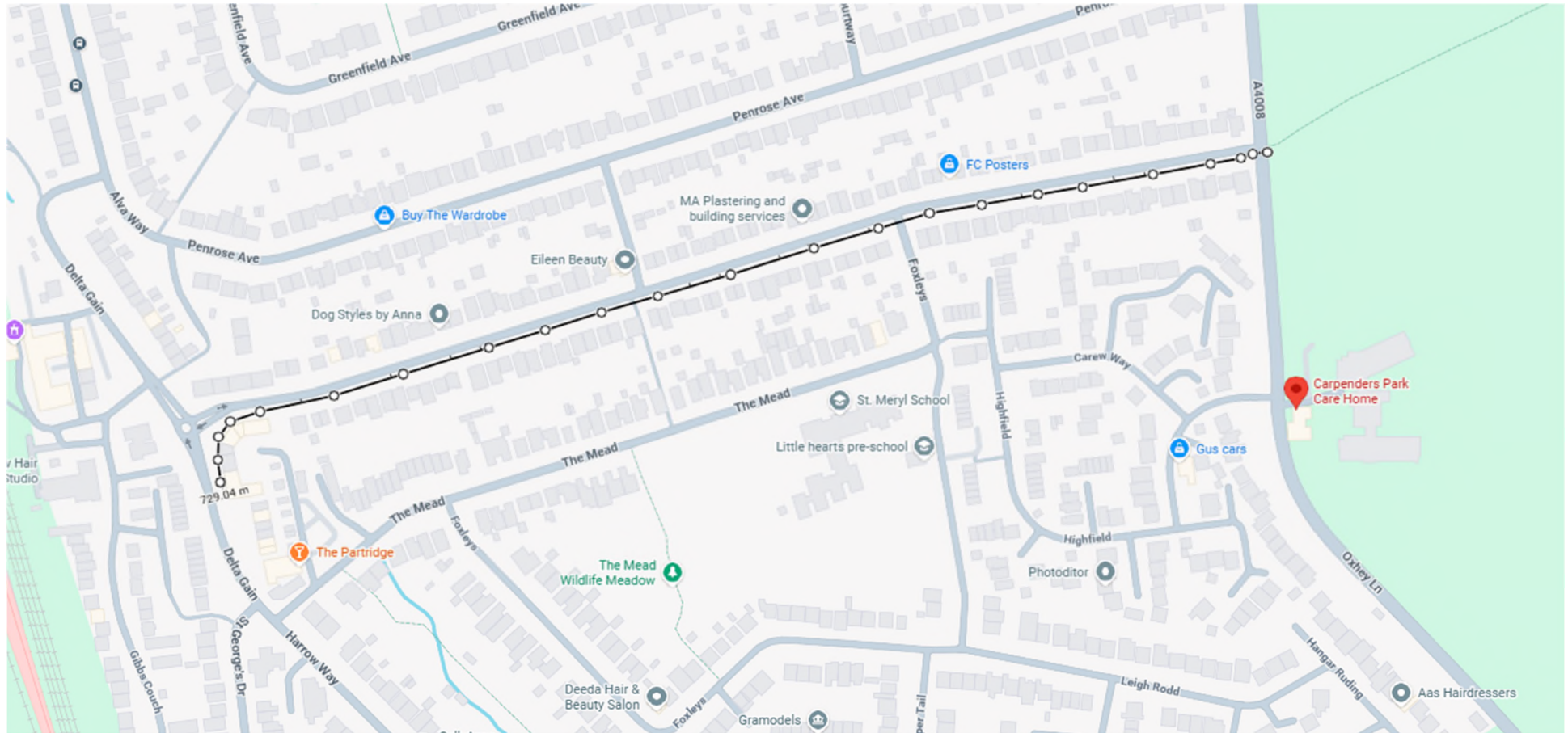
Bus Route W21



APPENDIX 2
Walking Distance to Co-op



Distance from site entrance to Co-op





APPENDIX 3
Suggested Bus Route



Oxhey Lane - South Oxhey - Watford

03 November 2025

328a

Monday to Saturday

	<i>NS</i>														
Oxhey Lane Development	05:53	06:53	07:53	08:53	09:53	10:53	11:53	12:53	13:53	14:53	15:53	16:53	17:53	18:53	19:53
Carpenders Park, Delta Gain Shops (Stop G)	05:57	06:57	07:57	08:57	09:57	10:57	11:57	12:57	13:57	14:57	15:57	16:57	17:57	18:57	19:57
South Oxhey, Muirfield Road/Muirfield Green	06:05	07:05	08:05	09:05	10:05	11:05	12:05	13:05	14:05	15:05	16:05	17:05	18:05	19:05	20:05
Carpenders Park Railway Station (Stop E)	06:10	07:10	08:10	09:10	10:10	11:10	12:10	13:10	14:10	15:10	16:10	17:10	18:10	19:10	20:10
South Oxhey, Gosforth Lane, Brampton Road	06:14	07:14	08:14	09:14	10:14	11:14	12:14	13:14	14:14	15:14	16:14	17:14	18:14	19:14	20:14
Bushey Railway Station (Stop D)	06:23	07:23	08:23	09:23	10:23	11:23	12:23	13:23	14:23	15:23	16:23	17:23	18:23	19:23	20:23
Watford, High Street (Stop F)	06:29	07:29	08:29	09:29	10:29	11:29	12:29	13:29	14:29	15:29	16:29	17:29	18:29	19:29	20:29
	8.4	8.4	8.4	8.4	8.4	8.4	8.4	8.4	8.4	8.4	8.4	8.4	8.4	8.4	8.4

		#DIV/0!
0.8	4	12.00
2.2	8	16.50
0.9	5	10.80
1.0	4	15.00
2.6	9	17.33
0.9	6	9.00
8.4	36.0	14.00

	<i>NS</i>	<i>NS</i>													
Watford, Beechen Grove (Stop M)	06:20	07:20	08:20	09:20	10:20	11:20	12:20	13:20	14:20	15:20	16:20	17:20	18:20	19:20	20:20
Bushey Railway Station (Stop E)	06:26	07:26	08:26	09:26	10:26	11:26	12:26	13:26	14:26	15:26	16:26	17:26	18:26	19:26	20:26
South Oxhey, Gosforth Lane, Brampton Road	06:35	07:35	08:35	09:35	10:35	11:35	12:35	13:35	14:35	15:35	16:35	17:35	18:35	19:35	20:35
Carpenders Park Railway Station (Stop D)	06:39	07:39	08:39	09:39	10:39	11:39	12:39	13:39	14:39	15:39	16:39	17:39	18:39	19:39	20:39
South Oxhey, Muirfield Road/Muirfield Green	06:44	07:44	08:44	09:44	10:44	11:44	12:44	13:44	14:44	15:44	16:44	17:44	18:44	19:44	20:44
Oxhey Lane Development	06:52	07:52	08:52	09:52	10:52	11:52	12:52	13:52	14:52	15:52	16:52	17:52	18:52	19:52	20:52
	7.6	7.6	7.6	7.6	7.6	7.6	7.6	7.6	7.6	7.6	7.6	7.6	7.6	7.6	7.6

		#VALUE!
1.0	6	10.00
2.5	9	16.67
1.0	4	15.00
0.9	5	10.80
2.2	8	16.50
7.6	32.0	14.25

SERVICE 328a Watford - South Oxhey - Carpenders Park

Route Description

From **Watford, Beechen Grove (Stop M)** via A411, Beechen Grove, A411, Lower High Street, **A4125**, Eastbury Road, B4542, Brookdene Avenue, Prestwick Road, Hayling Road, **Gosforth Road, Fairfield Road**, Prestwick Road, Oxhey Drive, **Muirfield Road**, Chilwell Gardens, Northwick Road, **Prestwick Road**, B4542, Little Oxhey Lane, B4542, **Oxhey Lane**, Carpenders Avenue, **Delta Gain**, Harrow Lane, B4542, Little Oxhey Lane, Prestwick Road, Oxhey Drive, **Muirfield Road**, Chilwell Gardens, Northwick Road, Prestwick Road, **Fairfield Avenue, Gosforth Lane**, Hayling Road, B4542, Prestwick Road, Brookdene Avenue, **A4125**, Eastbury Road, Lower High Street, Water Lane, High Street to **Watford High Street (Stop F)**.