

# Land at Carpenders Park (APP/P1940/V/26/3378268)

## Proof of Evidence of Mary Fisher

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Landscape and Visual Matters  
on behalf of Residents Protecting Oxhey Lane Fields

June 2026



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Role	Who	Date
Author	Mary Fisher	21 May 2026
Reviewer	Mark Evans	21 May 2026
Finalised	Mary Fisher	2 June 2026

# 1 Introduction

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- 1.1.1 This evidence has been prepared by Mary Fisher, a Partner of Abseline LLP landscape planning consultants. I hold a Bachelor of Science Honours degree in Combined Studies and a Master of Arts degree in Landscape Architecture (2000). I am a Chartered Member of the Landscape Institute and have over 20 years of experience as a landscape architect.
- 1.1.2 I have had extensive experience of carrying out landscape and visual assessments of a broad range of development proposals including residential and commercial developments, urban projects including tall buildings, major infrastructure projects and renewable energy developments. I am also a key contributor to national guidance on both Landscape and Visual Impact Assessment (LVIA) and Environmental Impact Assessment (EIA) and have co-authored Landscape Institute (LI) guidance on the use of visualisations (Technical Note 02/17 Visual Representation); IEMA guidance on integrating design and EIA ('Shaping Quality Development'). I was also a key contributor to the LI Residential Visual Amenity Assessment (RVAA) Technical Guidance Note 2/19 and I am currently the interim Chair of the Landscape Institute GLVIA Advisory Panel which is responsible for best practice and guidance in relation to LVIA on behalf of the Landscape Institute
- 1.1.3 I have experience of assessment for residential and mixed-use development at scales varying from a 4-home development in the Lake District National Park to a 1200 home development at Harlow.
- 1.1.4 I have appeared in order to give expert witness evidence on landscape and visual matters at a number of public inquiries, DCO and appeal Hearings, in addition to a hearing before the Upper Tribunal (Lands Chamber) in respect of an appeal under section 18 of the Land Compensation Act 1961.

## 1.2 The Site and Proposed Development

- 1.2.1 The Site is located to the east of Oxhey Lane at Carpenders Park in Three Rivers District. The Site consists of grassed fields divided by hedgerows and crossed by an east-west footpath through the northernmost field. The ground slopes away from a high point towards the northeast corner of the Site, with steeper slopes facing northwest and west towards Carpenders Park and shallower slopes to the south. The proposed development consists of two and three storey residential buildings providing up to 256 homes, and an access road which is proposed opposite Carpenders Avenue. There are also proposals for open space, attenuation basins and play areas.
- 1.2.2 To the west of the Site there is an existing care home on the east side of Oxhey Lane, with an adjacent communications mast. To the north there are open fields which are proposed for a secondary school allocation in the local plan. To the east and north, Woodland Trust land provides open access to a mix of woodland and open grassland/scrub, and wraps around both the Site and the proposed school site. To the south there are fields containing earth bunds which create a flood storage area, beyond which there are open fields and golf courses.

## 1.3 Appointment

- 1.3.1 I am instructed to present evidence to this Appeal on behalf of Residents Protecting Oxhey Lane Fields (the Rule 6 Party) in respect of landscape and visual matters and Green/Grey Belt. My first involvement with the Proposed Development was in early May 2026, when I was approached to review the case and act as expert witness in relation to landscape and visual matters.
- 1.3.2 I believe that the facts stated in this evidence are true and that the opinions expressed are correct. This evidence and the accompanying report have been prepared and are given in accordance with the guidance of my professional institution, the Landscape Institute.

## 2 Context and Scope of Evidence

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### 2.1 Context of the Appeal

- 2.1.1 The background and context to this appeal are set out in sections 1 to 3 of the Planning Statement of Common Ground (SoCG) agreed between TRDC and the Applicant [CD 6.4].
- 2.1.2 In reviewing documents in the remainder of section 2 to my evidence, I review key points pertinent to my evidence. Where I do not comment, this should not be inferred to indicate agreement.

### 2.2 Reasons for Refusal

- 2.2.1 There are two proposed reasons to refuse the application stated in the minutes of the Three Rivers District Council (TRDC) Planning Committee of March 2026 [CD 4.32]. Of these the first is relevant to my evidence, as follows:
- 2.2.2 That the application be refused for the reasons that:
- 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;*

### 2.3 Committee Report

- 2.3.1 The Committee Report [CD 4.32] recommends that the Proposed Development be consented. Key points pertinent to this case noted in the Committee Report and Place Services consultation response in relation to landscape and visual matters and Green/Grey Belt are summarised below and are referred to in sections 3 to 5 of my evidence.
- 2.3.2 TRDC commissioned advice on landscape and visual matters from Place Services and that advice is appended to the Committee Report (at section 9.34). However this is the only reference to that advice, which expressed a number of concerns in relation to the Proposed Development design and the LVIA. The Applicant provided an LVIA Addendum and revised some aspects of the design in response, and Place Services provided a second response also included at 9.34 of the Committee Report. Whilst it is open to planning officers to disagree with landscape and visual advice provided or to recommend consent despite that advice, it is unusual not to report and address the points made in that advice as part of considering the planning balance. By contrast, the Applicant's assessments are referred to in considering landscape and visual matters (e.g. at paragraphs 7.3.23, 7.3.26).

#### Landscape and Visual

- 2.3.3 Landscape and visual matters are considered in section 7.3 of the Committee Report. Sections 7.3.1 to 7.3.5 summarise relevant national and local planning policy.

#### Mitigation

- 2.3.4 Sections 7.3.6 to 7.3.12 describe the nature of the application and the design shown by the illustrative masterplan, noting at 7.3.8 that it is "*for illustrative purposes only to demonstrate how the site could be developed at the quantum proposed.*" However, this point is often forgotten in the later reporting, for instance paragraph 7.3.13 refers to "*extensive native woodland planting proposed throughout the northern field parcel*", and there are similar references at 7.3.23 and 7.3.27. As I note at section 3 of my evidence, the proposed landscaping is illustrative and the woodland planting may not provide notable mitigation of landscape and visual effects.

#### Effects on Landscape and Townscape Character

- 2.3.5 Sections 7.3.13 to 7.3.18 consider 'Impact on local character / streetscene'. By contrast to the remaining consideration of landscape and visual effects, the Applicant's LVIA findings are not referred to in this section (as no assessment was provided). At 7.3.14 the Committee Report notes that "*change in the area's character*

*will be experienced greatest as a result of the creation of the access, the introduction of the primary access road and attenuation basin" at Carpenders Avenue and this point is repeated at 7.3.16. However, this is then considered to be mitigated by "the nearby presence" of the care home (at 7.3.14 and 7.3.15) and the fact that a junction would be required somewhere along Oxhey Lane.*

- 2.3.6 At 7.3.18 the Officer's Report states that *"there will be a significant change in the character of the site, when viewed from Oxhey Lane and vantage points from Carpenders Avenue. The change is likely at this point to be heavily urbanising although it is recognised that the basin can be mitigated through careful design and planting."* This still appears to be considering only the junction and attenuation basin rather than views of new housing on the skyline and the effects that this may have on the character of Carpenders Park to the west of the Site.
- 2.3.7 Sections 7.3.19 to 7.3.22 provide baseline description of the Site and context, noting that the Site forms *"part of a pleasant edge of settlement landscape that remains intact and unspoilt in this locality and assists in providing a rural buffer from Carpenders Park"*. 7.3.23 and 7.3.24 draw on the findings of the LVIA to report on the Applicant's description of the Proposed Development and its 'fit' with the local character. Section 7.3.25 provides a very brief summary of effects on landscape receptors (not just character).
- 2.3.8 Sections 7.3.26 to 7.3.32 cover a range of topics in no particular order, including effects on users of the PRoW through the Site (at 7.3.26 and 7.3.27), summary of the LVIA outcomes (7.3.26 and 7.3.31), how effects arising from the development might be considered in a wider context (7.3.28, 7.3.29, 7.3.31), landscape value (7.3.30) and policy analysis (7.3.32). Some of the contextualised discussion makes observations that I do not agree with, for instance:
- *"The site is also visually enclosed to an extent by the dense surrounding woodland, meaning it is not conspicuous in the wider landscape. For this reason, it was evident that large parts of the site, excluding the northern field parcel have the ability to accommodate the type of development proposed without having any wider landscape impacts, largely due to its gradient and containment from Merry Hill Wood and the Carpenders Park Care Home."* (7.3.28). Whilst I agree with the point that it is the northern part of the Proposed Development which would give rise to the greatest effects, I do not agree that the Site is not conspicuous, or that the care home provides any notable containment of views.
  - *"There are some longer range views of the site, including from Carpenders Avenue and slightly further afield from South Oxhey. However, from these vantage points, the site is seen at a distance within the context of a much larger panorama which includes built development, such that the proposal would not be dominant and would be largely filtered by landscaping."* (7.3.29). This contextualisation ignores the contrast the Site makes as open, green countryside, compared to the housing that forms the frame to these views along streets which are aligned towards the Site.

## **Green/Grey Belt**

- 2.3.9 The Committee Report [CD 4.32] considers Grey/Green Belt matters in section 7.2. Sections 7.2.1 to 7.2.14 identify the Site as being within the Green Belt (at 7.2.1), note that it is considered to *"positively contribute towards purpose (a) given its edge of settlement location and purpose (c) as it is free of existing built form"* (at 7.2.3) and present a review of national and local policy in relation to Green/Grey Belt.
- 2.3.10 7.2.17-7.2.31 of the Committee Report consider the Sites contribution to Purpose A of the Green Belt. Identifying that the site is adjacent to housing at Carpenders Park (at 7.2.17), which together with South Oxhey constitutes a large built-up area (at 7.2.18-7.2.19).
- 2.3.11 Sections 7.2.20-7.2.23 refer to the TRDC Stage 4 Green Belt Review [CD 4.22] which forms part of the evidence base for the emerging Local Plan, noting that it *"is in draft form only at this time and therefore carries very limited weight in decision making"* (at 7.2.21). The final version of the Stage 4 Green Belt Review was published on 13 February 2026, and the Committee Report was prepared for the March 19<sup>th</sup> 2026 Planning Committee, so it seems unlikely that the report was still in draft stage when the Committee Report was prepared. Based on the quotes provided in the Committee Report, it seems the version of the Stage 4 Green Belt Review referred to was substantively the same as the final version.

- 2.3.12 Sections 7.2.24-7.2.28 consider the Site's contribution to Green Belt Purpose A starting from the standpoint that because the Site only forms part of a land parcel identified as contributing strongly to that purpose, and as being of 'fundamental importance' it may be able to accommodate some development (at 7.2.22-7.2.23)
- 2.3.13 At 7.2.27, the Committee Report notes that the Site:  
*"is entirely free of existing development and would involve a new wedge of development onto the eastern side of Oxhey Lane, noting that there is currently a strong boundary edge with the settlement as defined by the A4008. The fact the site is adjacent to a large built up area, is free of existing development and extends into the countryside are important aspects relating to the 'strong' category."*
- 2.3.14 It then goes on at 7.2.28-7.2.31 to identify the following factors as indicating that the contribution of the Site is Moderate rather than Strong:
- Merry Hill Wood and the flood storage area would provide containment preventing sprawl in some directions, but not all (7.2.28-7.2.29);
  - the Site is adjacent to some built features (7.2.28 and 7.2.30); and
  - *"further enhanced mitigation is planned through woodland planting on the northern field parcel of the site"*.
- 2.3.15 I deal with the first of these points at Table 2 (section 5) of my evidence. I consider that the other two points are not relevant as follows:
- Any site which is *"adjacent or near to a large built up area"* which is defined as a requirement for a strong contribution to Purpose A, is also likely to have some nearby visible buildings. The criterion for a Moderate contribution is whether the Site contains existing development or *"has other urbanising influences"*, which goes beyond simple visibility to consider the character of the location and whether it feels more urban than rural. The phone mast is not an urbanising feature – they are equally likely to be found in rural areas. The care home is a single built development on the site of a former farm – insufficient to give rise to an urbanising influence across the entire Site.
  - The planting included in the Proposed Development is not currently present and is not a feature of the Site. The PPG guidance [CD 3.1] only refers to existing features as being relevant to the determination of a site's contribution to the Green Belt.
- 2.3.16 Sections 7.2.32 to 7.2.42 considers the Site's contribution to Green Belt Purposes B and D. As noted in the SoCG between the Applicant and TRDC it is agreed between all parties that and set out at section XX of my evidence it is agreed between all parties that the Site does not make a strong contribution to Green Belt purposes B or D However I also consider that there is the potential for a significant cumulative impact on the Green Belt in relation to Purpose B as I set out at Table 2 of my evidence.

### **Planning Balance**

- 2.3.17 In making comments on this topic, it should be noted that I am not a planning witness.
- 2.3.18 At 7.8.13, the Committee Report provides a summary table indicating how considerations have been weighed in the balance. Landscape and visual effects are noted as the only matter weighing against the Proposed Development with a Moderate negative weight being applied, *"Reducing to Limited after 15 years once mitigation measures become well-established and development becomes assimilated within the landscape."* As noted above and in section 3 of my evidence, I do not consider that this can be relied on.
- 2.3.19 As I set out in my evidence, I consider that harms to the Green Belt should also be considered as weighing against the Proposed Development, and that the effects on landscape and townscape character have been understated in the LVIA, and by extension the Committee Report due to its reliance on the Applicant's LVIA and the effectiveness of mitigation planting.
- 2.3.20 Key points pertinent to this case noted in the Committee Report and Place Services consultation response in relation to landscape and visual matters and Green/Grey Belt are referred to in sections 3 to 5 of my evidence.

## 2.4 Statements of Case (SoC)

### Applicant [CD 6.1]

#### Green / Grey Belt

- 2.4.1 The Applicant's Statement of Case included three appendices of which the third is a Grey Belt Assessment. As noted in the Committee Report ([CD 4.32] at 7.2.15), during the application and post-application, the Applicant submitted multiple documents in relation to Green Belt.
- 2.4.2 In their Statement of Case, the Applicant maintains their opinion that the site is Grey Belt, referring at paragraph 3.30 to Appendix 3 in support of this argument. In preparing my evidence I have assumed that Appendix 3 to the Statement of Case forms their up-to-date position on Green / Grey Belt.
- 2.4.3 Paragraphs A3.1 to A3.7 of Appendix 3 to the Applicant's SoC summarise the findings of the TRDC Green Belt Review stages. From this summary it is clear that Site has been consistently identified as forming part of a parcel of land which makes a strong contribution to Green Belt Purpose A (to check the unrestricted sprawl of large built-up areas). A3.4 and A3.7 both describe the Site as forming part of a "*much larger*" land parcel in these reviews, but this is in my view an exaggeration; as shown by Figure 1 in Appendix A to my evidence, the Site forms the core of and is just under 1/3 of the area considered by the Stage 2 and 4 Green Belt reviews.
- 2.4.4 A3.13 of the Applicant's SoC refers to the two legal opinions from Lord Banner. I deal with the majority of points raised in these documents in section 5 of my evidence. Paragraph 28 of the October 2025 opinion [CD 1.56] describes the flood storage to the south of the site as "*urbanising*" feature. Whilst it is an engineering operation, it largely appears as grass banks with some modest concrete structures (as shown by Viewpoint 10 in Appendix B to my evidence), i.e. not like an urban area, and is separated from the Site by a hedgerow and trees at the lower lying southwest corner of the Site. It has very limited visibility from and no influence over the character of the Site as illustrated by the site photographs provided at page 23 of the design and Access Statement [CD 1.27].
- 2.4.5 Paragraph 12 of the March 2026 legal opinion asserts that the care home and consented housing to the north of the Site (25/1055/FUL) set a precedent for development to the east of Oxhey Lane such that the Proposed Development would not be incongruous. The care home occupies the site of a former farm and as such was built on previously developed land and does not set a precedent for further development in the Green Belt. As shown by Figures 1 and 2 in Appendix A to my evidence, the consented housing to the north differs from the Site in three important ways: It will form part of Watford/Oxhey, not part of Carpenders Park; it is low-lying and largely flat with limited views in from the public domain; it has groups of existing buildings which are themselves to the east of Oxhey Lane in several places around the site boundary.
- 2.4.6 3.36 to 3.38 of the Applicant's SoC relate to effects on the openness of the Green Belt, asserting that "*The Site is well screened [by existing vegetation] with the existing residential development at Carpenders Park screening views from points to the west. As such it is considered that development of the Site is only likely to have a bearing upon openness immediately local to the Site and will not affect the wider surrounding countryside, thereby limiting the extent of harm*". This ignores the effects on the openness of the Green Belt as perceived in views from Carpenders Park. I discuss this point further at section 5.3 of my evidence.

#### Landscape and Visual

- 2.4.7 3.41 of the Applicant's SoC refers to the Site is being in "*poor condition*". This is not a finding reported by the LVIA which only observes that the hedgerows are outgrown in identifying the landcover as being of Medium value, susceptibility and sensitivity ([CD 1.36 paragraph 4.2]).
- 2.4.8 3.44 (and a similar statement at 3.85) of the Applicant's SoC asserts that the "*proposed site layout has been carefully designed to avoid the steeply sloping topography in the northern reaches of the site where it would be more conspicuous and inconsistent with settlement character.*" As shown by viewpoints 3, 15, 16, B and C in Appendix B and set out at section 4.4 of my evidence, I do not consider that this design aim has been

adequately achieved. Development would be conspicuous along the skyline, and partly on the downslope of the northwest part of the Site and would be inconsistent with the existing character.

- 2.4.9 3.45 of the Applicant's SoC states that "*The boundary of the Site is, on the whole, framed by a combination of built form 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*". This entirely ignores the open visibility to and from the northern part of the site and the fact that the only building around the site boundary is the care home. The final part of paragraph 3.45 is either a misstatement or misunderstanding of the LVIA findings.
- 2.4.10 At 3.46 it is claimed that "*the scheme would be in keeping with the local settlement and character area*". As I set out at section 4.4 of my evidence, I do not agree and consider that both the scale and positioning of the development on the skyline would be out of character.
- 2.4.11 3.48 and 3.49 of the Applicant's SoC both indicate that visual effects arising from the Proposed Development would be very limited in extent (3.48) and magnitude (implied by 3.49). This does not reflect the findings of the LVIA, which reports some High and Medium magnitude effects, or my own assessment as set out in section 4.5 and Table 2 of my evidence.

### **Three Rivers District Council [CD 6.2]**

- 2.4.12 I note that section 5.7 of the TRDC SoC states that "*the site contributes strongly to purpose (a) as it is located to the east of Oxhey Lane within the Green Belt, which forms a significant role in preventing the merger of Carpenders Park, Oxhey, Bushey Heath and Harrow to the south. The A4008 and the landform provide a strong distinction from the open, uncontained countryside beyond. The site provides a significant role in preventing urban sprawl.*" I agree with this point; as Figure 2 in Appendix A to my evidence shows, the landform of the Site is particularly important in forming this distinction. South Oxhey and Carpenders Park are located within a valley and on the lower slopes of the valley sides, whilst the northern half of the Site is located on a small area of more steeply sloped higher ground which extends west towards Bushey.
- 2.4.13 At 5.9 TRDC also indicate that they consider that the Proposed Development would cause harm to Green Belt Purposes A and C and to the openness of the Green Belt. I agree with these points as I set out at section 5.3 of my evidence.
- 2.4.14 At 5.1, TRDC indicate that they also consider that landscape impacts also weigh negatively against the proposed Development. I also agree with this point, which is consistent with the analysis in the Committee Report as set out at 2.3.18 above.

## **2.5 Relevant Planning Policy**

- 2.5.1 Relevant planning policies in relation to landscape and visual effects are the NPPF (December 2024) [CD 3.2] and local plan policies as set out in Appendix 2 to the Planning SoCG agreed between the Applicant and TRDC [CD 6.4].

## 3 Design and Mitigation

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### 3.1 Introduction

3.1.1 The parameters of the design for this outline application is set out in the following documents:

- Development description as provided for the application [see CD 6.4 paragraph 1.2];
- Tree Protection Plan [CD 1.20-1.23];
- Access details version F, as updated by the Applicant during the preparation of evidence, and
- Parameter Plan [CD 1.10].

3.1.2 Other application documents providing illustrative information and design rationale include:

- Illustrative Masterplan [CD 1.11];
- Illustrative Landscape Proposals [CD1.12];
- Landscape and Visual Impact Assessment (LVIA) [CD 1.36];
- LVIA Addendum [CD 1.66],
- Site Visualisations [CD 1.7], and
- Design and Access Statement [CD 1.27].

3.1.3 Other documents which specifically consider the mitigation of landscape and visual effects also include:

- Place Services advice to TRDC [CD 2.7 to 2.9];

### 3.2 Design and Mitigation

#### Mitigation of Landscape and Visual Effects as set out in the LVIA

3.2.1 Guidelines for Landscape and Visual Impact Assessment (GLVIA 3) [CD 4.36] provide the following advice in relation to mitigation and assessment (paragraph 4.3):

*“Within the defined parameters the level of detail of the proposals must be such as to enable proper assessment of the likely environmental effects and consideration of the necessary mitigation. It may be appropriate to consider a range of possibilities, including a reasonable scenario of maximum effects, sometimes referred to as the ‘worst case’ situation.”*

3.2.2 The LVIA [CD 1.36] does not identify any aspect of the design as mitigation. Paragraph 1.13 of the LVIA refers to the illustrative design plans (rather than the Parameter Plan) and states that effects are “*assessed on the assumption that the proposals are delivered in line with these drawings*”. This has the effect on making the Year 15 outcomes illustrative, rather than reliable. A more robust approach is to clearly describe, and identify on the parameter plan, the aspects of the landscape proposals that are relied on as mitigation, so that these can be secured by condition.

3.2.3 Section 3 of the LVIA refers to the illustrative design only (at paragraph 3.1) and sets out design description/promotion, describing aspects of the proposals as “*visually attractive*” (first bullet of paragraph 3.1) and referring to aspects of the design which are irrelevant to landscape and visual effects, such as the aim to “*promote and facilitate sustainable travel movements*” and “*sustainably manage surface water runoff*”. Whilst these may be delivered as part of the detailed design, they are not secured by the development description or Parameter Plan and references to them have no place in the LVIA. As set out at 4(1) of LITGN-2024-01 Notes and Clarifications on Aspects of Guidelines for Landscape and Visual Impact Assessment Third edition (GLVIA3) [CD 4.36]:

*“The LVIA should set out how the landscape (or townscape or seascape) and visual context of the development has influenced the design of the development and what design changes have been made to mitigate adverse landscape and visual effects and provide landscape and visual enhancements.*

*In considering whether design elements constitute enhancement, clear separation must be maintained between project design aims and LVIA. For instance, the provision of a sports pitch may be an enhancement to local recreation facilities, but still have adverse effects on landscape character.” [my underlining].*

- 3.2.4 In this instance that point is particularly pertinent to the attenuation basin at the northern end of the site, which as noted by Place services in both their first and second consultation responses [CD 2.7 and CD 2.8].
- 3.2.5 At paragraph 3.4 of the LVIA [CD 1.36XX] a number of aspects of the illustrative design are referred to in relation to *“opportunities to deliver strategic hedgerow, tree and woodland planting that would minimise the visibility of the built elements of the scheme from the adjacent settlement and wider countryside.”* However, the text goes on to note that the *“illustrative design could deliver”* [my underlining] the measures listed, and no commitment to deliver these measures is made in the application documents including the Parameter Plan [CD 1.10] as discussed below.
- 3.2.6 Despite this uncertainty in the design, the LVIA goes on to rely on the measures identified in paragraph 3.4 and the illustrative design in identifying year 15 effects. Given that none of the planting relied upon in the Year 15 assessments is secured via the application documents, the final design may or may not include planting in the places needed to mitigate effects. In particular, I note that the illustrative masterplans shown in the visualisations [CD 1.7] and on page 42 of the Design and Access Statement [CD 1.27] do not include the woodland planting shown around the northern edge of the development in the Illustrative masterplan [CD 1.11]. Omission of this planting would mean little or no mitigation of the greatest effects – as these arise primarily from views towards the Proposed Development on the skyline from Carpenders Park and the public footpath through the Site. Given this lack of certainty over the delivery of mitigation, the Year 15 assessments provided in the LVIA, effects should be considered as being permanently the same as those identified for Year 1.
- 3.2.7 The first Place Services Consultation Response [CD 2.7] clearly flagged this point to the Council; at the bottom of page 5 it advises that:  
*“The LVIA does not include a dedicated section outlining mitigation measures to inform development principles or a landscape strategy. Although the application is in outline form with details to be addressed at the reserved matters stage, the absence of clear mitigation proposals is concerning.”*
- 3.2.8 The main body of the Committee Report [CD 2.2] did not reference this advice (though it is appended), and relies on the Year 15 effects reported by the LVIA (as referenced at paragraphs 7.3.26 and 7.3.27 of the committee report) as part of its considerations in recommending consent.
- 3.2.9 The LVIA Addendum [CD 1.66] responds to the point made in the Place Services consultation response noted above, but in doing so simply asserts at paragraph 3.30 that *“landscape mitigation forms an integral part of the Proposed Development and is discussed in detail at §3 of the LVIA”* and repeats some of the description previously provided, continuing to rely on the illustrative design.

### Summary

- 3.2.10 In summary, as a result of the lack of identification of specific measures as mitigation; and reliance on illustrative designs, the Year 15 assessments provided within the LVIA [CD 1.36] and LVIA Addendum [CD 1.66] are better categorised as hopeful rather than robust.

### Mitigation of Landscape and Visual Effects as set out in Other Documents

- 3.2.11 The descriptions in other documents largely reflect those discussed above.

### Design Parameters

- 3.2.12 The Committee Report [CD 2.7] suggests that the Parameter Plan [CD 1.10] be conditioned *“in the interests of the visual amenities of the Green Belt and locality”*. The wording of the proposed condition is suggested to be as follows:  
*“The details of the reserved matters submitted pursuant to this permission shall be carried out in general accordance with the Parameter Plan ...”*

- 3.2.13 I note however that all of the following elements shown on the Parameter Plan are identified as “*indicative*”, rather than being identified as minima, maxima, or being fixed:
- Proposed planting
  - Surface water attenuation basins;
  - Development parcels;
  - Road alignment;
- 3.2.14 Existing hedgerows and other vegetation to be retained are also not specifically identified on the Parameter Plan. However I note that the Tree Protection Plans [CD 1.20-1.23] do provide a clear indication of this and could also be included in conditions, consistency between these two important design plans would be beneficial.
- 3.2.15 The parameters in the legend relating to the development parcels are particularly unclear – they are worded as follows:  
*“Indicative development parcels/road alignment can deviate by up to 10m upon detailed design (up to 3 storeys)”*, and  
*“Indicative development parcels/road alignment can deviate by up to 10m upon detailed design (up to 2 storeys)”*.
- 3.2.16 This wording makes it unclear whether:
- Both the extent of development parcels and the main access road alignment may vary by 10m; or
  - the extent of development parcels is fixed and the main access road alignment may vary by up to 10m; or
  - the extent of development is indicative and the main access road alignment may vary by up to 10m.
- 3.2.17 Even a 10m variation in the development parcels could make a difference to the landscape and visual effects. The eastern edge of the development parcels is drawn tightly (and appears in places to be less than) the 15m buffer identified as being important (at 3.4, 5.26 and 5.35 of the LVIA [CD 1.36]) for the protection of woodland/trees to the east of the Site. Any eastward movement along this east side of the development parcels would therefore encroach into that buffer. At the northwest edge, (correctly identified as being more sensitive at paragraph 5.34 of the LVIA [CD 1.36] and paragraph 3.44 of the Applicants SoC [CD 6.1]), an increase in the extent of development at this edge would mean housing descending the northwest facing slopes as illustrated by viewpoints 1, 3, 15, 16, A, B and C in Appendix B to my evidence. A 10m variation in the northern or southern edge of some of the development parcels could conflict with the retention of hedgerows given that the distance between the edge of the development parcel and the hedges is approximately 5m in some parts of the parameter plan.
- 3.2.18 10m variations to the road alignment would in places conflict with the route of the public footpath.
- 3.2.19 The proposed maximum heights of development are not stated on the Parameter Plan with the indicative areas referring only to the maximum number of storeys. The ZTV study provided with the LVIA [CD 1.36], models the 2-storey indicative areas as 9m high and the 3-storey indicative areas as 10.5m high. 9m is a reasonable maximum for 2-storey housing (at approximately 3m per storey plus a 3m pitched roof), however by the same measure, a maximum for 3-storey development would be 12m rather than 10.5m.

### Summary

- 3.2.20 In summary, given the looseness of “*indicative*” design parameters, the lack of the inclusion of retained vegetation and specific mitigation planting in those parameters, and the proposed condition wording of “*general accordant*” (rather than a tighter constraint of ‘accordant’) with those indicative parameters, I consider that the landscape and visual effects have the potential to exceed those considered in the LVIA, and that more definitive parameters, with clearly stated maxima/minima should be set out in the event of a decision to consent. This could, for example, be achieved by amending the Parameter Plan as follows:
- Keying development parcels as – ‘Maximum extent of development parcels (up to 3 storeys – maximum height 10.5m)’; and ‘Maximum extent of development parcels (up to 2 storeys – maximum height 9m)’;

- Keying the road alignment separately to the development parcels as 'Indicative road alignment - may vary by up to 10m upon detailed design except where this would require alteration of public footpath Watford Rural 13';
- Clearly identifying existing vegetation to be retained;
- Identifying those areas of planting which are necessary mitigation as clearly defined areas on the Parameter Plan and keying them as e.g. 'Minimum extent of woodland planting'.

### Effectiveness of Screening by Woodland

- 3.2.21 As illustrated by viewpoints 3, 15, 16, B and C in Appendix B, and the masterplan shown in the Site Visualisations [CD 1.7] which includes contours, the Proposed Development includes 9m high buildings atop the steeper northwest facing slopes and partly descending these. This aspect of the design results in the development appearing on the skyline in views from Carpenders Park. These effects may take a long time to mitigate as any woodland planting proposed would need to be sufficiently distant from the proposed houses to maintain amenity for the new homes, which would set it lower down the slopes. In the Illustrative Landscape Proposals [CD 1.12] an approximate 10m offset is shown (though in reality a greater distance may be required to resolve levels for homes, gardens driveways and a road as shown in the illustrative landscape plan and masterplan). Even a 10m offset would result in the planting closest to the houses being approximately 1-3m lower than the houses (depending on changes to levels made in developing the Site), and the bulk of the planting set lower still. This would increase the time required to achieve a good degree of screening, particularly in winter, as for an extended period only the trees planted closest to the new houses on the skyline would be tall enough to provide screening in views from Carpenders Park.
- 3.2.22 I also note that the design intent does not appear to be to provide substantial screening, given that the woodland planting is illustrated and described in the Landscape Masterplan as "*understorey planting with larger standard trees*", suggesting a more visually permeable planting than a woodland block close to the houses, as illustrated by Section B-BB in Appendix 2 of the LVIA Addendum [CD 1.66] (which post-dates the November revision of the Parameter Plan [CD 1.6]).

### Summary and Conclusion

- 3.2.23 Within the core documents there are examples of appeals where the certainty of design and mitigation (or lack thereof) has contributed to the decision:
- CD5.1 relates to a housing development proposed by the Applicant within TRDC. Granting consent, the Inspector referred to a clear parameter plan (see Appendix D to my evidence) noting that "*whilst landscaping is a reserved matter, both the Parameter Plan and the Indicative Layout show significant new green buffers and structural landscaping along the south eastern and south western boundaries. This would appreciably augment the existing field boundaries of hedgerows and trees and help screen the new development from the wider landscape.*"
  - CD 5.9 relates to a housing development near Hemel Hempstead. Dismissing the Appeal for reasons including Green Belt harm and poor design, the Inspector noted that "*Whilst landscaping is a matter to be determined at a later date there is potential to increase screening of the development, but this is limited by the layout of the site. Whilst landscaping may, to a degree, mitigate the effect of the visual reduction in openness, the spatial reduction of openness would remain. Planting would take some time to establish and I cannot be certain of the degree of screening that could be achieved.*"
- 3.2.24 The design in terms of the extent and height of built development is poorly secured via the application documents, and the proposed woodland planting is not included in the design parameters and may not be fully effective due to the steeper slopes at the northwest edge of the Site and the apparent design intent of delivering trees within understorey rather than denser woodland. Given this, landscape and visual effects may exceed those described in the LVIA [CD 1.36] (at all stages including Year 1), and the Year 15 assessments should not be relied upon.

### **3.3 Alternative Development Options**

3.3.1 If, as is agreed between the Applicant and the Council, "*it is expected that the Site will be a proposed allocation within the emerging Local Plan*" [CD 6.4, paragraph 2.16], it does not necessarily follow that an inadequately mitigated and poorly secured proposal should be consented. My opinion is that the design could be markedly improved to avoid the greatest effects on visual receptors, character and harms to Green Belt, by avoiding development on the higher parts of the Site. Omission of a small number of homes from just the northernmost field and reinforcing the existing field boundary between that field and the reduced extent of proposed development to the south would markedly reduce all of the effects identified whilst still enabling the majority of the Site to be developed – as illustrated by the reduced layout visualisations in Appendix C to my evidence.

### **3.4 Detailed Access Design**

3.4.1 Version E of the detailed Site Access [CD 1.14] design would mean that the last 10-12m of the footpath where it joins the footway would be at a 1:3 slope down the earthworks required to form the junction unless further earthworks or re-routing of the footpath is to be provided. Following discussion with the Applicant, I understand that an updated version of the Site Access drawing is to be provided.

3.4.2 I also noted a mismatch between the detailed access plan and the Tree Protection Plan [CD 1.20]. The extent of the 'indicative earthworks' to the south of the new junction would require removal of the vegetation to the north of the protective fencing shown directly south to the extent of the earthworks in the Tree Protection Plan, however this vegetation is marked up as retained in the Tree Protection Plan. Following discussion with the Applicant, I understand that this is also to be corrected.

## 4 Landscape and Visual Effects

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### 4.1 Review of LVIA Methodology and its Application in the LVIA

4.1.1 The methodology used in the Applicant's assessment is set out in Appendix 2 to the LVIA [CD 1.36]. The methodology is generally in accordance with the relevant guidance (Guidelines for Landscape and Visual Impact Assessment (GLVIA 3) [CD 4.36] as clarified by LITGN-2024-01 Notes and Clarifications on Aspects of Guidelines for Landscape and Visual Impact Assessment Third edition (GLVIA3) <sup>1</sup>, however I note the following divergences from either the advice provided in the guidance and/or the methodology as described in Appendix 2 to the LVIA:

#### Magnitude of change

4.1.2 Tables 5, 6 and 10 in Appendix 2 to the LVIA set out criteria used in identifying the magnitude of effects on landscape elements, landscape character and visual receptors respectively. GLVIA 3 as clarified by LITGN-2024-01, advises that *"When considering the nature of a predicted effect its magnitude should be determined by combining judgements about matters such as the size and scale of the change, the extent of the area over which it occurs, whether it is reversible or irreversible and whether it is short or long term in duration."* The descriptions provided in tables 5, 6 and 10 make no reference to these factors.

4.1.3 In applying the methodology, the assessments of magnitude lack the transparency that would be achieved by considering these factors. For example, after a page and a half of baseline and development description (paragraphs 5.32 to 5.35), the magnitude of effects on the character of the Site and *"immediate context"* is set out in a very short paragraph (5.36) with no description of where those effects would arise (as we are not informed where the assessor considers the immediate context to be at any point in the preceding description), or for how long those effects would arise.

4.1.4 The description of visual effects provided in table 3 of the LVIA are similarly affected, failing to describe how the scale of effects would vary across each receptor group, how extensive the effects would be, where they would arise (or would not), or how long it would take for effects to be reduced by mitigation planting. Given the steep slopes in some parts of the site, and the different types of mitigation that may be used (existing hedgerows, proposed hedgerows, woodland, etc), the timeframe within which mitigation would be achieved is likely to vary both between receptor groups and within each receptor group and this should be considered in identifying the magnitude of effect as advised by guidance.

#### Effects on Townscape Character

4.1.5 GLVIA3 [CD 4.36] advises at paragraph 2.2 that *"this guidance is equally applicable to all forms of landscape and does not separate townscape and seascape out for special treatment"*. Figure 4 of the LVIA shows urban areas (keyed as 'no LCA') in grey.

4.1.6 The LVIA [CD 1.36] and Addendum [CD 1.66] provide no assessment of effects on townscape character. The landscape character receptors listed in the LVIA Addendum Appendix 4 include only the two host landscape character areas at the national and county level, and 'the Site and immediate context' (an undefined area as noted above).

4.1.7 As shown by Figure 6, visibility from most areas of townscape in the LVIA study area would be relatively limited, occurring around settlement edges at distances of 1km or more. In this context, effects on the character of those settlements would be expected to be Negligible. However, more extensive visibility is shown from nearby Carpenders Park and to a lesser degree South Oxhey. These areas have a different character to that of the Site and specific consideration of effects on the townscape character should have been provided in the LVIA. No rationale is provided for this omission in the LVIA, or in the LVIA Addendum.

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<sup>1</sup> Landscape Institute (2024). LITGN-2024-01 Notes and Clarifications on Aspects of Guidelines for Landscape and Visual Impact Assessment Third edition (GLVIA3). Available at: [https://www.landscapeinstitute.org/wp-content/uploads/2024/08/LITGN-2024-01-GLVIA3-NC\\_Aug-2024.pdf](https://www.landscapeinstitute.org/wp-content/uploads/2024/08/LITGN-2024-01-GLVIA3-NC_Aug-2024.pdf). Accessed 1 June 2026.

## Sensitivity of Visual Receptors

- 4.1.8 Table 8 of the LVIA methodology sets out 'criteria for assessing visual susceptibility'. I consider that this has not been employed as described for some of the visual receptors considered in table 2 of the LVIA. High susceptibility receptors are defined in Table 8 as including "*occupiers of residential properties and people engaged in recreational activities in the countryside using public rights of way (PROW)*". Residents of Carpenders Park, South Oxhey, Bushey and Oxhey are identified as having Medium susceptibility rather than High and this results in their being identified as having a Medium sensitivity. No rationale is provided for this divergence from the methodology. If the methodology had been applied as described, the susceptibility of these visual receptors would have been identified as being High, and their sensitivity would also have been identified as High (in accordance with Table 9 in Appendix 2 to the LVIA which states that High sensitivity should be assigned to a visual receptor "*defined as being of medium value combined with a high susceptibility to change*"). It is typical in LVIAs for visual receptors in residential areas to be identified as having a high or high/medium sensitivity, and a correct application of the methodology would have resulted in High sensitivity being identified given that the LVIA does not use intermediate categories.
- 4.1.9 I also note that for users of the Merry Hill access land, sensitivity is incorrectly recorded as Medium in Table 4 of the LVIA but is correctly identified as High in Table 3. In both Tables 3 and 4, the magnitude of change to views for this receptor group are identified as Low and significance as Minor adverse. However, the LVIA methodology (Appendix 2 to the LVIA, Table 2) indicates that the combination of High sensitivity and Low magnitude would typically be considered to be Moderate rather than Minor significance. No explanation is provided in the assessment text in Table 3 which explains this divergence from the methodology.

## ZTV Study

- 4.1.10 ZTV studies are used to inform LVIAs by modelling the likely extent of the area from which a proposed Development may be visible. They include a model of the terrain and may or may not include above ground features such as woodland and buildings as features which would screen visibility. When using a ZTV study, LVIA practitioners should take care to review the accuracy of the modelling and recognise any limitations which may affect the results. The assessment can then be adjusted, either by improving the modelling, or by recognising and adjusting for those limitations in the LVIA text.
- 4.1.11 Figure 6 of the LVIA provides a ZTV study is described at paragraph 6.1 as providing "*an exaggerated depiction of likely visibility*". Whilst this is true in relation to its exclusion of hedges and trees from the modelling, there are two aspects of the ZTV study which mean that it may underestimate visibility, as follows:
- As noted at 3.2.15 above, the maximum height of the development is not restricted by the application documents, and whilst 2-storey development is unlikely to exceed 9m; 3-storey development may exceed the 10.5m assumed in Figure 6.
  - Figure 6 notes that existing buildings have been modelled at 8m high. As shown by viewpoints 3 and 16 of the LVIA [CD 1.36], and Page 15 of the Design and Access Statement [CD 1.27,] areas of Carpenders Park close to the Site comprise mostly bungalows (typically of 5m in height), and visibility within and beyond (looking across) these areas may have more extensive visibility than is modelled.
- 4.1.12 These limitations of the ZTV study should have been recognised on the LVIA description at paragraph 6.1 but are not. However, if the different shades of blue are read as simply showing where the Proposed Development is likely to be seen from, site work indicates that the ZTV study provides a reasonably accurate guide.

## 4.2 Landscape and Visual Effects

### Introduction

- 4.2.1 I undertook a site visit to the Site and primary areas of visibility as identified by the ZTV study included in the LVIA [CD 1.36] in May 2026.

- 4.2.2 For ease of comparison, my assessment below uses the methodology set out in Appendix 2 to the LVIA, but with more specific description of the extent and duration of effects in describing the magnitude of change. Notwithstanding the conclusion I set out at 3.2.24 above, I have also considered the potential for mitigation of landscape and visual effects by proposed planting.
- 4.2.3 The illustrative views in Appendix B to my evidence show a model of the Proposed Development to illustrate the potential scale and location of new buildings within the Proposed Development. This model has been based on the illustrative masterplan with proposed building heights of 9m modelled for 2-storeys (shown in orange) and 10.5m for 3-storeys shown in red). Garages indicated on the illustrative masterplan have not been included in the model.
- 4.2.4 Table 1 below identifies where I agree or disagree with the assessment provided in the LVIA [CD 1.36] and LVIA Addendum [CD 1.66]. Further commentary is only provided where I disagree.
- 4.2.5 Effects on the following receptors are agreed to be Negligible and are not included within Table 1 or considered further in my evidence:
- Character of NCA 111 Northern Thames Basin;
  - Visual receptors at South Oxhey, Bushey Heath, Oxhey, Carpenders Park Lawn Cemetery, Hartsbourne Golf Course, and London Loop footpath.

Table 1 – Agreement / Disagreement in relation to Landscape and Visual Effects

Key:

Agreed
Partly Agreed
Not Agreed

Receptor	Applicant LVIA			Agreed / Not Agreed			Further comments
	LVIA - Sensitivity	LVIA - Magnitude	LVIA - Significance	Sensitivity	Magnitude	Significance	
<b>Landscape Elements</b>							
Land cover and field pattern	Medium	Medium	Moderate adverse	Agreed	Agreed	Agreed	
Topography	Medium	Low-Medium	Minor adverse – Moderate adverse locally	High	Medium	Major adverse	See 4.3.1-4.3.2
Trees	High	Medium	Moderate beneficial	Agreed	Partly agreed	Partly agreed	See 4.3.3-4.3.4
Hedgerows	Low	Removals - Negligible Low	Removals - Negligible adverse Minor beneficial	Medium	Partly agreed	Partly agreed	See 4.3.3-4.3.4
Public Rights of Way	High	No change	No change	Agreed	Agreed	Agreed	
<b>Landscape Character</b>							
Site and immediate context	Medium	High	Major adverse within the Site quickly diminishing with distance.	Agreed	Agreed	Agreed	See 4.4.1

Receptor	Applicant LVIA			Agreed / Not Agreed			
	LVIA - Sensitivity	LVIA - Magnitude	LVIA - Significance	Sensitivity	Magnitude	Significance	Further comments
Carpenders Park	Not assessed	Not assessed	Not assessed	Medium	High (locally)	Moderate adverse	See 4.4.2-4.4.4
LCA 14 Bushey Hill Pastures	Medium	Low locally decreasing to Negligible with distance.	Negligible – Minor adverse	Agreed	High within the Site, Low within 300m to the east and southeast.	Moderate adverse	See 4.4.5-4.4.7
<b>Visual Receptors</b>							
Carpenders Park	Medium	Year 1: Medium Year 15: Low	Year 1: Moderate Adverse Year 15: Minor Adverse	High	High along Carpenders Avenue and Penrose Avenue, otherwise Medium.	Permanent: Major adverse	See 4.1.8 and 4.5.1-4.5.4
Users of Merry Hill Open Access Land	High (except in Table 4 of LVIA)	Year 1: Low Year 15: Negligible	Year 1: Minor Adverse Year 15: Negligible	Agreed	Permanent: Low	Permanent: Moderate adverse decreasing to Minor Adverse with distance	See 4.5.8 and 4.5.9
Users of footpath Watford Rural 013	High	Year 1: High Year 15: Medium (3.22 of the LVIA Addendum indicates High)	Year 1: Major Adverse Year 15: Moderate Adverse	Agreed	Permanent: High	Permanent: Major adverse	See 4.5.5-4.5.7
Users of footpath Bushey 025	High	Year 1: Low Year 15: Negligible	Year 1: Minor Adverse Year 15: Negligible	Agreed	Permanent: Low	Permanent: Moderate adverse decreasing to Minor Adverse with distance	See 4.5.8
Users of Bridleway Watford Rural 031	High	Year 1: Low Year 15: Negligible	Year 1: Minor Adverse Year 15: Negligible	Agreed	Permanent: Low	Permanent: Minor adverse	See 4.5.9
Users of A4008 Oxhey Lane	Medium	Year 1: Medium Year 15: Low	Year 1: Moderate Adverse Year 15: Minor Adverse	Agreed	Permanent: Medium	Permanent: Moderate adverse *	See 4.5.10-4.5.11

\* Note: effects on users of Oxhey Lane were erroneously identified as Minor Adverse at section 5.34 of the Statement of Case [CD 6.3].

## 4.3 Effects on Landscape Elements

### Topography

4.3.1 The Place Services consultation response provided to TRDC [CD 2.7] advises that:

*"The LVIA assigns medium sensitivity to the site's topography. However, given that steep topography is a defining characteristic of this Landscape Character Area (LCA), we consider this to be an underestimation. While the LVIA states that changes to the landform will be minor, the proposal lacks sufficient supporting detail. No existing or proposed contour plans or cross-sections have been provided to illustrate the impact of the new access track, residential development, and attenuation area across the steepest slopes.*

*In reality, the residential development will be situated on sloping ground, requiring cut and fill operations and regrading to accommodate roads, driveways, and private gardens with usable gradients. We consider the site's topography to be of high sensitivity, and the magnitude of change to be medium, resulting in a major adverse significance of effect. Therefore, we do not agree with the LVIA's conclusion that the overall effect on topography would be minor adverse."*

4.3.2 In addition, the sensitivity of the topography of the Site is also increased because it forms the skyline and rural backdrop from nearby areas of Carpenders Park. Taking these considerations into account I agree with the Place Services advice that the sensitivity is High, the magnitude of change would be Medium and effects would be Major adverse taking into account that the most sensitive northern part of the Site would be most affected due to its steeper slopes.

### Trees and Hedgerows

4.3.3 I agree with the advice provided in the Place Services consultation response [CD 2.7] in which they disagree with *"the LVIA's assessment of the site's hedgerows as having low value and low sensitivity. These features are recorded in historic mapping, have a positive and meaningful contribution to the wider green infrastructure and biodiversity, and provide important screening benefits"*. Given this, I consider that the hedgerows are of Medium sensitivity.

4.3.4 The LVIA reports beneficial effects on trees and hedgerows based on the illustrative design and as such these should be regarded as potential outcomes rather than likely or definite.

## 4.4 Effects on Landscape Character

### Site and Immediate Context

4.4.1 As noted at 4.1.3 above, the baseline description and description of effects provide within the LVIA for this landscape receptor does not describe where the 'immediate context' is considered to extend to. For the purposes of clarity I have treated this receptor as encompassing the Site, and the sites of the care home and phone mast east of Oxhey Lane.

### Carpenders Park

4.4.2 The character of the townscape to the east of the Site at Carpenders Park is mapped, illustrated and described in pages 15-21 of the Design and Access Statement (DAS) [CD 1.27]. However, neither the DAS nor the LVIA [CD 1.36] recognise the importance of views along the east-west aligned streets. These outward views, in which the Site forms the skyline, are illustrated by views 3, 15, 16, B, C, D and E in Appendix B to my evidence and occur frequently within Carpenders Park and occasionally within South Oxhey as noted at section 7.3.29 of the Committee Report. These views of an open, green skyline to the east (and woodland to the west from high points) form a key characteristic of Carpenders Park, creating strong perception of countryside being nearby.

4.4.3 The LVIA methodology does not provide an approach which can be directly applied to considering the sensitivity of areas of townscape to adjacent development. I have therefore considered the definitions provided for landscape value, susceptibility and sensitivity in the round. In terms of value, Carpenders Park is not covered by designations such as a Conservation Area and nor is it of a rarity which might indicate that

the character is particularly valued, but nor is its condition poor or its character undistinctive. I consider that the value of the character is Medium. The green skylines seen to the east and west are unusual characteristics arising from the local topography and street alignment and give rise to a susceptibility to changes to character arising from changes to these views. Notably taller and/or more modern development would also be incongruous given the typical housing types within Carpenders Park. Other than these factors, the area is generally of lower susceptibility given the similar nature (housing development) of the Proposed Development and Carpenders Park. I consider that susceptibility would be Medium and sensitivity would be Medium.

- 4.4.4 As shown by the visualisations provided in Appendix B, from parts of Carpenders Park, the Proposed Development would be seen standing along the skyline in views to the east, enclosing the currently open skyline and removing the perception of nearby countryside. This enclosure in built form would affect the east-west facing streets that form the heart of Carpenders Park (viewpoints 15, 16, B and C) as well as views along Oxhey Lane (viewpoints 3, 10 and 13). In the closer views the scale of the Proposed Development would appear incongruous due to the combination of the atypical elevation of the northern part of the Site as illustrated by Figure 2 in Appendix A to my evidence elevation and the greater height of two-storey housing at 9m rather than the prevailing 5-8m within Carpenders Park. Taking these points into account, I consider that the magnitude of change would be High along the east-west aligned streets and South Oxhey Lane, reducing to negligible in areas where the Proposed Development would not be seen. However, it is important to note that this change would affect most of the outward views to the east from Carpenders Park, giving rise to Moderate adverse effects.

#### **LCA 14 Bushey Hill Pastures**

- 4.4.5 As shown by Figure 4 and described by paragraph 5.8 of the LVIA, the Site is located within this LCA. The LVIA identifies effects on the Site and immediate context (within this LCA) as being of High magnitude and given this, there would be a small area of High magnitude effects within the LCA which appear not to be included in the LVIA's assessment of "*a low magnitude of change locally within LCA 14 and a negligible effect with increasing distance from the site resulting in a subsequent negligible or minor adverse effect at year 1 post completion.*" (LVIA Addendum Appendix 4 [CD 1.66]).
- 4.4.6 I agree that there would be some localised Low magnitude changes to character outside of the Site, principally in nearby open land within 300m to the east and southeast of the Site where the Proposed Development would be seen nearby through trees (see viewpoints 7 and 10), changing the character from being more rural to being urban edge. Beyond this distance and in more wooded areas, denser tree cover would tend to screen the development from view. Considered together with the Medium sensitivity of this LCA, effects would be Moderate adverse locally and Minor adverse overall due to the permanent alteration of part of the LCA to become urban area.
- 4.4.7 The Parameter Plan does not indicate planting which would be likely to mature to provide screening along the eastern and southern edges of the Proposed Development and effects would be expected to remain the same permanently.

### **4.5 Effects on Visual Receptors**

#### **Residents of and visitors to Carpenders Park**

- 4.5.1 As noted in the consideration of effects on the character of Carpenders Park above, and illustrated by Figure 6 of the LVIA [CD 1.36], there would be open views of the Proposed Development on the skyline from parts of Carpenders Park (see viewpoints 3, 15, 16, B and C in Appendix B), and partly screened views from Oxhey Lane (see viewpoints 3, 10, 13 and 14 in the LVIA and Appendix B). Changes to views from Oxhey Lane would consist of views of the tops of the nearest houses above the roadside hedge near the northwest part of the Site (e.g. from viewpoint 14); views of the nearest homes adjacent to the Care Home (see viewpoint 13), and views of the southwest edge of the Proposed Development through trees when entering Carpenders Park from the South (see viewpoint 10). As illustrated by the viewpoints, these views would be more open in winter (particularly from viewpoints 10 and 14) and would vary depending on the management of the

roadside vegetation along Oxhey Lane which is not within the Site. There would also be open views of the new road junction and access road ascending the slope from Carpenters Avenue and Oxhey Lane.

- 4.5.2 Although the addition of more housing to a view which already includes nearby housing is not a notable change in terms of the nature of what is seen, I consider that the skyline position of the Proposed Development and the obviously different scale of the homes at 9m when seen beyond nearby bungalows increase the effects in the most affected areas. In this respect I agree with the LVIA assessment that the magnitude of change to views would generally be Medium, I consider that changes to the more open views such as from viewpoints 15, B and C along Carpenters Avenue and Penrose Avenue would be of High magnitude.
- 4.5.3 As set out at section 4.1.8 above, I also consider that visual receptors in Carpenters Park have a high sensitivity to changes to views, and taking this into account, effects would be Major adverse.
- 4.5.4 In terms of the reduction of effects over time, I have set out considerations in relation to the effectiveness of mitigation in section 3 above. Given the lack of security over the design, and the placement of potential 'woodland' planting on lower slopes than the housing, I consider that the mitigation of effects by Year 15 identified by the LVIA cannot be relied upon.

### **Users of Footpaths and Merry Hill Access Land**

- 4.5.5 As shown by Figure 1 in Appendix A, whilst separately numbered in the definitive map, footpaths Watford Rural 013 and Bushey 025 form a continuous footpath route between Carpenters Park and Bushey, which connects to and passes through open access land to the east of the Site.
- 4.5.6 For users of the part of the route within the Site (Watford Rural 013), it is agreed that effects would be High magnitude and Major adverse during construction (if access is not suspended) and at completion, as illustrated by viewpoints 1 and A in Appendix B.
- 4.5.7 As shown by the image titled viewpoint 1 in the Site Visualisation sketches [CD 1.7], once planting has matured, users of the footpath would experience open views of the housing on higher ground along the skyline seen through and over nearby vegetation, along with open views of the nearby access road and associated street furniture (lighting columns, etc). In addition, near the entrance to the Site, as the footpath descends towards Oxhey Lane, there would remain open views (due to permanent vegetation removal to accommodate the road junction and footpaths and maintain visibility splays) out to Oxhey Lane and housing in Carpenters Park for route users heading west towards the new junction and traffic signals. These permanent changes to views are not included in the description of effects on Page 36 of the LVIA. Given the permanent change to views to include nearby roads, and signalised junction and close views of housing to the west and south, some of which would form the skyline on higher ground, it is considered that changes to views would remain High magnitude and Major Adverse permanently. I also note that 3.22 of the LVIA Addendum [CD 1.66] apparently accepts that the changes to views would remain of High magnitude at Year 15, arguing that *"despite a high magnitude of change, year 15 effects for these views would not all be adverse and would be reduced to moderate adverse."*
- 4.5.8 In relation to effects on users of the section of the footpath east of the Site (Bushey 025) and open access land, the Parameter Plan does not indicate planting which would be likely to mature to provide screening along the eastern edge of the Proposed Development and changes to views for both users of the footpath and the open access land in this part of Merry Hill Wood would be Medium magnitude at close quarters in winter, but more widely would be expected to remain Low magnitude and Minor Adverse permanently.
- 4.5.9 Similarly, based on the conclusion I reach in relation to the reliability of mitigation at 3.2.24 above, I consider that effects on users of Bridleway Watford Rural 031 and visitors to the northern part of Merry Hill Wood that this route passes through would also be expected to remain Low magnitude and Minor Adverse permanently.

## Users of the A4008 Oxhey Lane

- 4.5.10 As shown by the Parameters Plan and viewpoint 10 in Appendix B, no mitigation measures are proposed that would mature to screen views from Oxhey Lane as it enters the southern edge of Carpenders Park and relatively open views would remain during winter. The tops of houses seen over roadside hedges (see viewpoint 14 in the LVIA [CD 1.36] and viewpoint 3 in Appendix B to my evidence would be likely to remain visible beyond year 15 as set out at section 3.2.21-3.2.22. As shown by the Parameters Plan and viewpoint 13 in Appendix B, no mitigation planting is proposed which would screen the houses proposed directly north of the care home. In addition, the new junction would remain visible from nearby parts of the road (e.g. viewpoint 14) and although I do not agree with Place Services comment in their second consultation response (9.34 of the Committee Report [CD 2.2]) that this would give rise to High magnitude changes to views, I consider that it would continue to contribute to Medium magnitude changes.
- 4.5.11 Given these represent the majority of views of the Proposed Development from Oxhey Lane, I do not consider that effects would be mitigated over time and would remain of Medium magnitude and Moderate adverse permanently.

## 5 Green / Grey Belt

### 5.1 Site Contribution the Green Belt Purposes

- 5.1.1 Paragraph 005 Reference ID: 64-005-20250225 of PPG in relation to Green Belt (Feb 2025) [CD 3.1] advises that *"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."* and goes on to set out how this should be considered.
- 5.1.2 In Table 2 below, I consider the contribution the Site makes to purposes A, B and C identified at Paragraph 143 of the NPPF [CD 3.2], compared with the analyses provided in the Applicant's Green Belt Assessment submitted with the application [CD 1.32], TRDC Stage 2 and 4 Green Belt Reviews [CD 4.20-4.22], and Committee Report [CD 2.2]. In the Stage 4 Green Belt Review, the Site is considered as part of a land parcel (SO3) which extends to the north and south of the Site as shown by Figure 1 in Appendix A to my evidence. I do not consider purposes D (to preserve the setting and special character of historic towns) and E (to assist in urban regeneration...) as I agree with the other parties that the Site makes no contribution to purpose D, and none of the other documents reviewed have considered purpose E.
- 5.1.3 The TRDC Stage 4 Green Belt Review reviewed but did not revise the findings of the Stage 2 review in relation to the land parcel which contains the Site. It should also be noted that the Stage 2 review expresses its findings as the impact of releasing the land parcel from the Green Belt rather than the contribution the Site makes. However, for the purposes of this comparison this is treated as being directly correlated (i.e. the loss of the contribution that the site makes).
- 5.1.4 Table 9 (page 39) of the TRDC Stage 4 Green Belt Review [CD 4.22] identifies an area including the site to the southeast of Watford and East of South Oxhey as being of 'Fundamental Importance' *"as it checks the unrestricted spread of both the south-eastern edge of Watford at Watford Heath and at South Oxhey, containing the potential for sprawl across the A4008 into open land. It also checks the spread of South Oxhey southwards ... The area therefore plays an important role in maintaining the wider gap between Watford, South Oxhey, Carpenters Park and Harrow and London."*
- 5.1.5 I note that the adjoining local planning authorities responded to the application as follows in relation the Green Belt:
- Hertsmere Borough Council advised that: *"the application site may make a strong contribution to Green Belt Purpose a) (checking the unrestricted sprawl of large built up areas). Development along Oxhey Lane is almost entirely located on the western side of the road, which acts as a physical boundary for Carpenters Park. The proposed development would be sited on the eastern side of Oxhey Lane and therefore would lack physical features to restrict and contain development on the northern, eastern, or southern boundaries. We suggest that the resulting development could appear as an incongruous pattern of development in light of the above context."*
  - London Borough of Harrow objected on the basis that: *"The Policy Team considers that parcel SO3 makes a significant contribution to purpose b and not a moderate contribution as indicated by the Three Rivers Stage 2 Green Belt assessment. The potential release/development of the application site will result in the expansion of intervening settlement between the former towns, along the A4008 that connects into Harrow and will significantly harm the visual and physical separation between these. Further, the application site has a sloping topography, which means development will have an adverse impact on the visual openness of the Green Belt across a wider area, including from areas within Harrow. Overall, it is considered the potential development of this site will have a significant impact on the contribution on purpose b, as it would result in physical or visual coalescence of towns and result in a reduced physical gap between them. "*
- 5.1.6 As can be seen from the analysis set out in Table 2 below, I consider that the Site makes a strong contribution to Purpose A and should be considered as Green Belt rather than Grey Belt.

**Table 2 – Site Contribution to Green Belt Purposes A-C**

Purpose	Applicant	TRDC Green Belt Study	Committee Report	My Assessment
Purpose A – to check the unrestricted sprawl of large built up areas.	Moderate	Significant (i.e. Strong)	Moderate	<p><b>Strong</b></p> <p>The Site is free of existing development (neither the communications mast nor care home are within the Site). Development is unlikely to extend further to the east given the adjacent Area of Merry Hill is Woodland Trust land with open access. Figure 1 in Appendix A to my evidence indicates that development is intended to extend further north given the allocation of the secondary school site in the emerging Local Plan. As noted in Figure 5 of the Committee Report, the Hartsbourne Stream Flood Alleviation area and the associated flood zone forms the southern edge of the Site and poses a constraint to development directly south of the Site, but this is a small area and development might continue beyond if the principle of extending housing in Carpender’s Park beyond Oxhey Lane was considered to be established by development within the Site (by virtue of arguments similar to those advanced in the legal opinions provided by Lord Banner, as I discuss at section 2.4.5 above).</p> <p>The Site is adjacent to a large built-up area (South Oxhey and Carpenders Park).</p> <p>Development would be incongruous in part as it would take housing at Carpenders Park east of Oxhey Lane. Consented housing sites to the north as shown by Figure 1 in Appendix A to my evidence would clearly form part of Watford, and the care home and proposed secondary school are individual buildings rather than residential developments. This incongruity would be compounded by the topography as illustrated by Figure 2 in Appendix A to my evidence, particularly where development would be sited atop steeper slopes to the north and northeast of the care home, facing inwards and blocking existing rural views where the current settlement looks out towards countryside to the east.</p>
Purpose B – to prevent neighbouring towns merging into one another.	Moderate	Moderate	Moderate	<p><b>Moderate</b></p> <p>As shown by Figure 1 in Appendix A, although the Site forms part of a larger area of Green Belt, the combination of proposed allocations in the Local Plan, existing consents and proposed allocation to the south of Carpenders Park included in the Local Plan Intervention letter from the Secretary of State [CD 4.19] with the Proposed Development would create relatively continuous development along Oxhey Lane between the northern edge of Hatch End and the southern edge of Watford at Oxhey.</p>

Purpose	Applicant	TRDC Green Belt Study	Committee Report	My Assessment
Purpose C - to assist in safeguarding the countryside from encroachment.	Not assessed	Significant (i.e. Strong)	Not assessed	<p><b>Strong</b></p> <p>The Site is undeveloped and distinct from the urban edge due to the strong boundary formed by Oxhey Lane, the vegetation along Oxhey Lane and the marked change of slope between the housing in Carpenders Park and the Site; particularly to the north and northeast of the care home. Development within the Site would be visible from the adjacent recreational landscape to the east at Merry Hill Wood, altering its current character of feeling remote from urban areas.</p> <p>The allocated secondary school to the north of the Proposed Development would be likely to give rise to adverse localised changes to character and views from the adjoining parts of Merry Hill Wood, encroaching into the accessible countryside in that area. The addition of the Proposed Development would further increase this encroachment.</p>

## 5.2 Review against criteria for Moderate Contribution to Purpose A

5.2.1 I note that that in Appendix 3 to their Statement of Case, the Applicant argues the following points in favour of identifying a Moderate contribution:

- "... the 'moderate' definition refers to one or more features, which can include physical features, as well as other features such as urbanising influences. Just one feature can mean that a site's contribution to Green Belt purpose (a) is 'moderate' rather than 'strong'." (A3.9-3.10). I agree that one feature can mean this, but that does not mean that just one feature is sufficient in all cases.
- That the Site is subject to urbanising influences from the phone mast, flood storage, traffic on Oxhey Lane and the care home. Any site which is "adjacent or near to a large built up area" which is defined as a requirement for a strong contribution to Purpose A, is also likely to have some nearby visible buildings and a nearby road but this is also the case where there are farms and 'washed-over' villages within the Green Belt, which would not be considered to constitute an urbanising influence. The criteria for a Moderate contribution refer to whether the Site contains existing development or "has other urbanising influences", which goes beyond simple visibility to consider the character of the location and whether it feels more urban than rural. The phone mast is not an urbanising feature – they are equally likely to be found in rural areas. The flood storage area to the south is also not an urbanising feature as I set out at section 2.4.4 above, and as illustrated by Viewpoint 10 in Appendix B to my evidence. The care home is a single built development on the site of a former farm – insufficient to give rise to an urbanising influence across the entire Site, which has a predominantly rural character and a sense of separation from the housing at Carpenders Park – as is well illustrated by the photographs provided at Page 23 of the Design and Access Statement [CD 1.27].
- That there are physical features that could provide containment: As I set out in Table 2 above, there are some physical features that could provide containment, but I do not consider that those are sufficient to prevent further sprawl to the south beyond the flood storage and constraint to development formed by the flood zone. The primary constraint to development to the east is one of land ownership and use rather than physical features, particularly where there is not extensive woodland cover adjacent to the northern part of the Site (as shown by Figure 1 in Appendix A to my evidence). However, I agree that in practice development within Merry Hill Wood would be unlikely.

## 5.3 Harms to Green Belt

5.3.1 Given that the Site is not, in my opinion, Grey Belt, harm would arise by way of inappropriateness. The NPPF [CD 3.2] notes at paragraph 153 that decision makers "should ensure that substantial weight is given to any harm to the Green Belt, including harm to its openness. Inappropriate development is, by definition, harmful to the Green Belt".

5.3.2 The TRDC Stage 2 Green Belt review [CD 4.20-21] for parcel SO3, identified the following Very High overall harm to Green Belt purposes from development of land within parcel So3 (including the Site), comprising:

- Significant harm to Purpose A;
- Moderate harm to Purpose B;
- Significant harm to Purpose C; and
- Moderate harm to adjacent areas of Green Belt on the basis that "Release of the parcel would not increase containment of any stronger performing Green Belt land however, it would result in a significantly weaker and less consistent Green Belt boundary than that currently provided by the A4008".

5.3.3 Considering the Site rather than the whole of land parcel SO3, I consider that these same harms would arise from the Proposed Development, for the reasons set out in Table 2 above and because the Site forms the central core of the land parcel being considered and is atypically elevated and visible (as shown by Figures 1 and 3 in Appendix A to my evidence), without which the entire parcel becomes fragmented, providing a

weaker Green Belt boundary. I also consider that there is the potential for Significant harm to Purpose B arising from the Proposed Development combined with proposed allocations in addition to the recently consented housing.

5.3.4 Harm would also arise to openness as follows:

- Spatial openness – Although the LVIA (paragraphs 4.3 and 5.34) [CD 1.36] and Committee Report (paragraph 7.3.24 [CD 2.2], indicate that only 53% of the Site would be developed, much of the remaining area as shown by the Parameter Plan [CD 1.10] consists of narrow strips between and around the edges of areas of development and would not retain its essential characteristic of spatial openness, giving rise to significant harm to the Green Belt around South Oxhey.
- Visual openness – As set out in sections 4.4.2-4.4.4 and 4.5 above and illustrated by the visualisations provided in Appendix B to my evidence, Development within the Site would reduce the visual openness
  - within the Site;
  - within Carpenders Park, from where the Green Belt would no longer be a visible open edge seen from of the settlement; and
  - within the accessible countryside at Merry Hill Wood where development would become a visible nearby presence rather than being barely seen set at a lower level and beyond tree cover as it is at present.

5.3.5 These changes to visual openness would give rise to significant harm to the Green Belt around South Oxhey.

## 6 Summary and Conclusions

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### 6.1 Baseline

- 6.1.1 The Site is located in Green Belt to the east of Oxhey Lane which is lined by roadside vegetation and provides a strong Green Belt boundary to the settlement edge at Carpenders Park.
- 6.1.2 The Site forms the central core of an area (as shown by Figure 1 in Appendix A to my evidence) identified in the TRDC Stage 2 and 4 Green Belt Reviews as providing a Strong contribution to Green Belt Purpose A and is not proposed for development in the submission draft of the emerging Local Plan, albeit the Secretary of State has directed that it be added in as an allocation.
- 6.1.3 Having assessed the Site against the PPG guidance [CD 3.1] and considered the arguments made in favour of a Moderate contribution in the Committee Report and in the Applicant's submissions, my assessment is that the Site makes a Strong contribution to Green Belt Purpose A in terms of preventing the sprawl of South Oxhey/Carpenders Park and is Green Belt rather than Grey Belt.

### 6.2 Design and Mitigation

- 6.2.1 The mitigation of landscape and visual effects is uncertain due to the limitations created by the position of the development on the highest point of the site and the steep slopes adjacent to this. The landscape design is also poorly secured via the Parameter Plan [CD 1.10].

### 6.3 Effects within the Site

- 6.3.1 Within the Site the character would be altered from open fields to a residential area and the spatial and visual openness would be markedly affected.
- 6.3.2 Users of the footpath through the Site would permanently experience close views of the access road and housing on the elevated skyline. From the western end of the footpath, there would be open views of the road junction and Carpenders Park beyond through the gap in the roadside vegetation where it would be removed to form the junction.

### 6.4 Effects on Nearby Areas

- 6.4.1 As shown by Figure 2 in Appendix A to my evidence, the northern half of the Site is atypically elevated and steeply sloping, both in terms of its relationship to Carpenders Park and within the land parcel considered in the TRDC Green Belt Reviews. The Proposed Development includes housing on this more elevated and visible part of the Site with the result that there would be views of housing set along the skyline from Carpenders Park and Oxhey Lane, replacing what are currently open views of the countryside, providing a rural context to Carpenders Park.
- 6.4.2 These changes would give rise to impacts on views from, and the character of, Carpenders Park, and would alter the visual openness of the Green Belt as seen from Carpenders Park (as shown by viewpoints 3, 13, 15, 16, B and C in Appendix B to my evidence). Due to the steep slopes of the Site, mitigation of these changes to views would be likely to take longer than 15 years and depending in the density of tree planting may not provide full screening, as planting would need to be on lower, steeper slopes than the housing.
- 6.4.3 Visitors to Merry Hill Wood and users of footpaths in this area would experience views of nearby housing seen through and over trees (particularly in winter), by contrast with the rural views experienced at present. These would give rise to impacts on views, character and the openness of the Green Belt as experienced in this area.

## 6.5 Effects Summary

6.5.1 As set out in sections 4 and 5 of my evidence, I consider that there would be the following adverse landscape and visual effects. Whilst I am not a planning witness, should the Inspector be so minded, I would support these adverse effects considered together being given significant negative weight being given in reaching a decision:

- Effects on landscape and townscape:
  - Major adverse effects on the character of the Site;
  - Moderate adverse effects on the character of Carpenders Park;
  - Minor adverse effects on LCA 14 Bushey Hill Pastures;
- Effects on visual receptors:
  - Major adverse effects on views from nearby areas of Carpenders Park and on users of the footpath through the Site;
  - Moderate adverse effects on users of A4008 Oxhey Lane and parts of Merry Hill Wood and footpath Bushey 025 nearby to the east of the Site, reducing to Minor adverse with distance.
  - Minor adverse effects on users of Bridleway Watford 031 and the part of Merry Hill Wood that it passes through.

6.5.2 As set out in sections 4 and 5 of my evidence, I consider that there would be the following harms to Green Belt:

- Substantial harm by way of inappropriateness;
- Significant harm to Green Belt Purpose A;
- Moderate harm to Green Belt Purpose B;
- Significant harm to Green Belt Purpose C;
- Significant harm to the spatial openness of the Green Belt within the Site;
- Significant harm to the visual openness of the Green Belt within the Site; in nearby parts of Merry Hill Wood and as seen in views from Carpenders Park and Oxhey Lane.

## 6.6 Alternative Development Options

6.6.1 If, as is agreed between the Applicant and the Council, "*it is expected that the Site will be a proposed allocation within the emerging Local Plan*" [CD 6.4, paragraph 2,16], it does not necessarily follow that an inadequately mitigated and poorly secured proposal should be consented. My opinion is that the design could be markedly improved to avoid the greatest effects on visual receptors, character and harms to Green Belt, by avoiding development on the higher parts of the Site. Omission of a small number of homes from just the northernmost field and reinforcing the existing field boundary between that field and the reduced extent of proposed development to the south would markedly reduce all of the effects identified whilst still enabling the majority of the Site to be developed – as illustrated by the reduced layout visualisations in Appendix C to my evidence.