

STATEMENT OF CASE

Site: Land East of Oxhey Lane
Carpenders Park
Hertfordshire

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

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Prepared by:
Liz Fitzgerald BA (Hons) Dip TP MRTPI
Managing Director
Barker Parry Town Planning Ltd
33 Bancroft, Hitchin, Herts SG5 1LA
T: 01462 420224 / E: office@barkerparry.co.uk

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1.0 **Introduction**

1.1 This Statement of Case has been prepared on behalf of Three Rivers District Council (the 'Council'). It relates to a 'Call-in' Inquiry to be determined under Section 77 of the Town and Country Planning Act 1990, in respect of Land East of Oxhey Lane, Carpenders Park, Hertfordshire (the 'Appeal Site').

1.2 The Application (LPA ref: 25/1020/OUT) was 'called-in' on 25 March 2026 by the Secretary of State for Housing, Communities and Local Government.

1.3 Following the Call-in, the Council have reported the Application to Planning Committee and whilst not formally determining the Application, Councillors resolved that they would have refused the Application on the following basis:

Reason 1: Inappropriate in the Green Belt

"The proposed development constitutes inappropriate development within the Green Belt which is by definition harmful to the Green Belt. In addition the development would also result in actual harm to the openness of the Green Belt which is exacerbated by the loss of hedgerows to facilitate access points and would conflict with purposes (a) and (c) of including land within the Green Belt. Whilst material considerations in favour of the development have been identified, no Very Special Circumstances exist to clearly outweigh the harm that would be caused by the proposed development on the Green Belt. The proposed development would therefore be contrary to Policy CP11 of the Core Strategy (adopted October 2011), Policy DM2 of the Development Management Policies LDD (adopted July 2013) and Section 13 of the NPPF (2024)"

Reason 2: Absence of legal agreement to secure necessary obligations

"In the absence of a signed agreement or undertaking under the provisions of S106 of the Town and Country Planning Act 1990 the development fails to secure necessary infrastructure obligations towards: Secondary Education; Special Educational Needs and Disabilities (SEND); Waste Transfer Station at Waterdale; Children's Home transfer of land; Housing with Care (including transfer of land, CQC care registered, occupancy restrictions, communal facilities); Highways (including new bus service, bus stop and associated infrastructure, travel plans); Beryl Bikes; Primary Healthcare; Affordable Housing relating to Housing with Care; Affordable Housing on-site provision (Use Class C3); Custom / Self Build; Off-site Biodiversity Net Gain and associated monitoring fees. The application therefore fails to provide obligations necessary to make the application acceptable in planning terms and fails to meet the requirements of Policies CP1, CP4, CP8, CP9 and CP10 of the Core Strategy (adopted October 2011), Policies DM6, DM10 and DM12 of the Development Management Policies LDD (adopted July 2013) and the NPPF (2024)".

- 1.4 It is anticipated that Reason for Refusal No 2 can be addressed through the completion of an appropriately worded and agreed S106 Agreement. If agreement cannot be reached on this matter, the Council reserves the right to add to and/or amend its case as appropriate.
- 1.5 This Statement of Case seeks to address the main issues raised in the first Reason for Refusal, as these points will remain in dispute. The Council reserves the right to add to and/or amend its case should further information be provided by the Appellant.

- 1.6 The Council will seek to engage with the Appellant to narrow down the issues that remain in dispute through the completion of a Statement of Common Ground.

2.0 **The Appeal Site and its Context**

2.1 The Appeal Site comprises three main greenfield parcels of land totalling approximately 12.7 hectares, located on the eastern side of Oxhey Lane, a classified main distributor road (A4008) on the edge of Carpenders Park.

2.2 The Appeal Site adjoins and wraps around Carpenders Park Care Home which fronts Oxhey Lane and a telecommunication mast, set behind the care home. A Public Right of Way (Watford Rural 013) extends through the site (running east to west) and is positioned towards the site's northern edge where it connects to 'Bushey 025'. To the east, the site is predominately bounded by Merry Hill Wood with tree belts to fields parcels and other site boundaries. To the south of the site is the Hartsbourne Stream, a tributary of the River Colne and the Hartsbourne Stream Flood Storage Area.

2.3 The site has a varied topography with the land at its highest to the north, sloping gently downwards towards the southern boundary. Within and adjacent to the application site, a significant number of trees are provisionally protected by Tree Preservation Order 937. The consultation period on this provisional TPO has now passed and the Council are proceeding to confirm the TPO formally.

2.4 On the eastern side of Oxhey Lane is the built-up settlement of Carpenders Park comprising a range of residential housing, a school and associated pre-school, church, Greenfield Park play area, local amenities and Carpenders Park train station. Beyond Carpenders Park, on the western side of the railway is South Oxhey.

2.5 The north eastern boundary of the site is also the administrative boundary between Three Rivers District Council (TRDC) and Hertsmere Borough

Council although the application site is solely within TRDC. Beyond the site to the south east, is Mutton Wood with Grims Dyke Golf Course and the administrative boundary with the London Borough of Harrow.

- 2.6 In the wider vicinity of the application site to the south east is the London Coal Duty Marker (Burnt Oak Farm), stable buildings in the grounds of Melodies and Oxhey Lane Farmhouse (all Grade II listed buildings), Grim's Ditch (Scheduled Monument) and Grimsdyke (Grade II*) and associated park and garden (Grade II). The Brookshill Drive and Grimsdyke Conservation Area within Harrow is also located approximately 900m to the south east. To the north is Oxhey Grange and the Front Lodge to Oxhey Grange (Grade II).
- 2.7 The Appeal Site falls wholly within the Metropolitan Green Belt. To the south and south west there are local wildlife sites (Mutton Wood and Woodwalks, on the western side of Oxhey Lane).

3.0 **The Appeal Scheme**

3.1 The proposal seeks outline planning permission for the development of 'up to 256 homes (C3 use class) (including affordable and self/custom build housing), housing with care (C2 use class), a children's home (for looked after children) (C2 use class) together with associated access (including off-site highway works), parking, open space and landscaping.'

3.2 The Appeal is made in Outline with the matter of Access submitted for approval, and matters of Appearance, Landscaping, Layout and Scale reserved for later consideration. Access 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*'.

3.3 Of the new homes proposed, 50% would be affordable (128 dwellings), of which 70% would be social rent and 30% shared ownership. Additionally, 10% of market housing (13 dwellings) would be self/custom build.

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 how 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.

3.5 The submitted details indicate that the development would be split into character areas; CA1-The Spine, CA2-Neighbourhood Core and CA3-The Green Edge.

- 3.6 The northern part of the site would contain a surface water attenuation basin, open space, a new native woodland, a Locally Equipped Area for Play (LEAP) and community orchard with the existing Public Right of Way maintained along its current alignment. Centrally and towards the eastern part of this parcel, residential development is indicatively proposed up to two storeys.
- 3.7 The central part of the development site, located between Carpenders Park Care Home and Merry Hill Wood, would contain residential development including Housing with Care, all of which would be up to three storeys in height and would adjoin a green corridor. To the north west of this parcel a strip of two storey residential development is proposed with a pedestrian access linking onto Oxhey Lane. Towards the main part of the central parcel and to the north east of the green corridor, further housing is proposed up to two storeys.
- 3.8 The most southern parcel of the development site would contain three storey residential development including a 4 bed Children's Home (for looked after children), native woodland planting, play provision, an attenuation pond (south eastern corner) and an emergency access with removable bollards proposed onto Oxhey Lane.
- 3.9 The Housing with Care element would be a 3 storey building supporting 60 x 1 and 2 bed self-contained apartments whereby residents would have access to a range of communal services, such as a dining room, lounge, reception, office and changing room and laundry rooms. The communal facilities would also be available for the wider community to use, on an ad hoc basis (ancillary to its C2 Use).

3.10 The Children's Home would include a 4-bed dwelling capable of accommodating up to three children as well as providing facilities for staff to stay on site.

3.11 In addition to the primary access, there would be two further access points with Oxhey Lane. One restricted to pedestrians and cyclists and the most southern access would be for emergency access only (bollard operated).

3.12 During the application process, amendments were sought and include:

- The re-positioning of the play area adjacent to the northern boundary (referenced as '7a' on the submitted Landscape Masterplan) to an area closer to the built form within the northern parcel of the application site.
- Enhanced native woodland to the northern parcel (referenced as '3' on the submitted Landscape Masterplan) and re-location of orchard (referenced as '9' on the submitted Landscape Masterplan).
- Additional play areas across the development.
- Removal of woodland path within the south eastern corner of the application site.

3.13 The application submission was initially accompanied by the following plans/reports:

- Location Plan (P24-2204_DE_001_A_01)
- Parameter Plan (P24-2204_DE_003_C_10)
- Illustrative Landscape Masterplan (P24-2420_EN_08E)

- Illustrative Masterplan (P24-2204_DE_003_E_01)
- Planning Statement (Boyer, May 2025)
- Design & Access Statement (Pegasus, March 2025)
- Tree Protection Plans (PRI24711-02 Sheet 1 of 4, PRI24711-02 Sheet 2 of 4, PRI24711-02 Sheet 3 of 4 & PRI24711-02 Sheet 4 of 4)
- Flood Risk Assessment and Drainage Strategy
- Transport Assessment (i-Transport, March 2025)
- Framework Travel Plan (i-Transport, March 2025)
- Green Belt Assessment (Pegasus Group, March 2025)
- Heritage Statement (Handforth Heritage, March 2025)
- Land Contamination Assessment (Brownfield Solutions Ltd, March 2025)
- Landscape and Visual Impact Assessment (Pegasus Group, March 2025)
- Planning Needs Assessment – Housing with Care (Carterwood, March 2025)
- Air Quality Assessment (Logika Group, March 2025)
- Sequential Test (Boyer, May 2025)
- Sustainability and Energy Statement (Blue Sky Unlimited, March 2025)
- Utility Assessment (Ardent, March 2025)
- Arboricultural Impact Assessment (ACD Environmental, March 2025)
- Tree Survey & Plan (ACD Environmental, March 2025)
- Biodiversity Checklist
- CIL Form

3.14 Amendments/additional information submitted during the application include:

- Amended Health Impact Assessment (Boyer, May 2025)
- Archaeological Desk Based Assessment (HCUK Group, August 2025)

- Applicant's response to Woodland Trust (ACD Environmental, September 2025)
- Additional Grey Belt Information including Legal Opinion from Lord Banner KC (Boyer, October 2025)
- Grey Belt, Sustainability and Consultation Responses Letter (Boyer, November 2025)
- Educational Note (Iceni Projects Limited, November 2025)
- Health Note (Iceni Projects Limited, November 2025)
- Landscape & Visual Impact Assessment Addendum (Pegasus Group, December 2025)
- Indicative Site Visualisations (Pegasus Group, December 2025)
- Housing with Care Response (Boyer January 2026)
- Summary of Sustainable Transport Improvements; includes Amended Site Access Arrangement - ITL200107-GA-002 Rev E (i-Transport, January 2026)
- Addendum to Flood Risk Assessment and Drainage Strategy (Ardent, January 2026)
- Amended Parameter Plan and Landscape Masterplan (January, 2026)
- Grey Belt / Golden Rules and Local Plan Letter (February 2026)
- Amended Ecology Report (Ecology Solutions, November 2025)
- Addendum to Flood Risk Assessment and Drainage Strategy (Ardent, January 2026)
- Ecology Response including breeding bird surveys (Boyer, February 2026)
- Updated Ecology Assessment (Ecology Solutions, March 2026)
- Ecology Solutions Response (Ecology Solutions, March 2026)
- Biodiversity Net Gain Report (Ecology Solutions, March 2026)
- BNG Metric (Ecology Solutions, March 2026)
- 'Further Opinion' provided by Lord Banner (March, 2026)

4.0 **Relevant Planning Policy**

4.1 The planning policies and guidance that are of most relevance to this appeal will be set out in the Statement of Common Ground. It is anticipated that the main planning policy issues will be agreed with the Appellant prior to the opening of the Inquiry.

The Development Plan

4.2 The Council will explain that the Development Plan for the site is comprised of:

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

Supplementary Planning Guidance

4.3 Where relevant, reference will be made to supplementary planning guidance, documents and advice.

National Policy and Guidance

4.4 The Council will refer to national policies and guidance set out in the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG).

Emerging Documentation

- 4.5 Regard will be given to any emerging policy and guidance according to the weight that can be afforded to it.

5.0 **The Council's Case**

5.1 It is anticipated that the Statement of Common Ground (SoCG) will assist in narrowing the issues and identify those that remain in dispute.

5.2 It is anticipated that the SoCG will record that the Council and the Appellant are in agreement on several issues under the following headings:

- Form of Planning Application and Supporting Material
- Environmental Impact Assessment
- Housing Land Supply
- Housing Delivery
- Affordable Housing
- Development Plan Designations
- Access and Highways
- Residential Amenity
- Noise
- Air Quality
- Minerals and Waste
- Built Heritage
- Archaeology
- Open Space, Outdoor Recreation and Sports Facilities
- Other Infrastructure

5.3 The Council will demonstrate that the application of footnote 7 of the NPPF provides a strong reason for refusing the proposed development as a result of there being inappropriate development in the Green Belt and no 'very special circumstances'.

- 5.4 The Council will also consider the position should the 'Tilted Balance' in paragraph 11(d)(ii) of the NPPF be engaged and similarly demonstrate that this test is not satisfied, that the adverse impacts of granting planning permission for the appeal proposal would significantly and demonstrably outweigh its benefits.

Green Belt Considerations

- 5.5 It is an agreed position between the parties that the Appeal Site falls within the designated Green Belt.
- 5.6 The Council will show that the site does not fall to be classed as grey belt due to the location's performance against the purposes of the Green Belt, as set out in NPPF Paragraph 143.
- 5.7 It will demonstrate 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.
- 5.8 Further, by virtue of development being on the eastern side of Oxhey Lane, the scheme is considered to result in an incongruous pattern of development.
- 5.9 The proposed development represents inappropriate development within the Green Belt, which by definition is harmful. The Council will demonstrate that the proposal will result in significant harm to the openness of the Green Belt, whilst also undermining the purposes of including land within the Green

Belt, having specific regard to purposes (a) and (c). The Council will demonstrate that the requisite '*very special circumstances*' do not exist.

Other Matters

- 5.10 The Council will also explore the other harm that arises from the proposed development, namely matters pertaining to landscaping impact. That harm is not considered to justify an individual reason for refusal but does weigh into the overall consideration of the proposals.
- 5.11 Further, the Council are not persuaded that the proposed expansion of the bus route will result in a material benefit to the scheme that will improve accessibility.

Planning Balance

- 5.12 The Council will set out that the proposed development fails to comply with the requirements of the Development Plan when taken as a whole.
- 5.13 That the NPPF is a significant material planning consideration in the determination of this appeal.
- 5.14 When having regard to NPPF Paragraph 11d)(i) the Council will demonstrate that the impact on the Green Belt represents a strong reason for the refusal of planning permission.
- 5.15 To assist the Inspector, the Council will also undertake the NPPF Paragraph 11d)(ii) Tilted Balance exercise, setting out the benefits and disbenefits of the proposal, demonstrating that the disbenefits significantly and demonstrably outweigh the benefits of the scheme and that the scheme should be refused.

6.0 **Evidence**

6.1 The Council will present evidence in respect of the following areas:

- Planning
- Landscape (in respect of the impact on the Green Belt)