

## STATEMENT OF CASE

### RESIDENTS PROTECTING OXHEY LANE FIELDS



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## **1. Introduction**

- 1.1. This is the Statement of Case for a Rule 6 party formed as “Residents Protecting Oxhey Lane Fields” (“**the Rule 6 Party**”) for the Called-In Inquiry in this case.
- 1.2. The proposed development is for homes on three fields totalling approximately 12.7 hectares to the east of Oxhey Lane, Carpenders Park, Hertfordshire (“**the Site**”). It sits within the area of Three Rivers District Council, the Local Planning Authority (“**LPA**”).
- 1.3. An application for planning permission was made by Boyer Planning on behalf of Burlington Developments London Limited (“**the Applicant**”) in May 2025 to the LPA (“**the Application**”). The description of development is given as:

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

- 1.4. The application was validated under reference 25/1020/OUT. The application for planning permission came before a meeting of the Planning Committee on 19 March 2026. The Committee voted against for 2 reasons for refusal:

*(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) in the absence of a S106 agreement, failure to secure infrastructure contributions.*

1.5. Before a Decision Notice was issued, by a letter dated 25 March 2026, the Secretary of State Called In the application.

1.6. It is understood from the LPA's Statement of Case (para 1.3) that the wording of the resolution to refuse permission for the first reason is given as:

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)”*

## Evidence

1.7. The Rule 6 Party will call 2 witnesses:

- (a) Mary Fisher, Partner at Abseline Landscape Planning. Ms Fisher will give evidence on Green Belt, Grey Belt, Landscape and Townscape, and PROW;
- (b) David Walpole, Partner at THaT Consultancy who will give evidence on Highways harm to the road network,

## **2. Site and Surrounding Area**

- 2.1. The Site sits in an area of Green Belt north of Harrow and south of Watford. It comprises a series of fields running along the east side of Oxhey Lane, the A408. To the west the site, on the other side of Oxhey Lane, is a residential area, named Carpenders Park. This is served by Carpenders Avenue, which turns off Oxhey Lane the A408 in the northern section of the Site. To the east, the Site is bounded by Merry Hill Wood. A care home (Carpenders Park Care Home) is situated on the east side of Oxhey Lane, and the site adjoins and wraps around the care home. The Site is not flat, it is a sloping hill, and the highest point of the Site is at the northeast boundary, adjacent to Merry Hill Wood. A Public Right of Way (Watford Rural 013) extends through the site, running east to west, and runs through to the site's northern edge. Mature Oak trees are present behind Carpenders Park Care Home. The fields making up the Site are not used for agriculture, but are used by residents for walking.
- 2.2. The site falls within National Character Area 111 ("Northern Thames Basin") and the LCA 14 "Bushey Hill Pastures" character area within the South Hertfordshire Landscape Character Assessment.
- 2.3. As will be discussed in the landscape evidence in particular, Carpenders Park is at a lower height than the Site which slopes towards the existing residential area. There are therefore open views across the Site from Carpenders Park, and the Site forms a key part of the Green Belt barrier, giving a feeling of edge of settlement and the start of countryside for those who live in and pass through Carpenders Park.
- 2.4. The site is in the southeasternmost corner of the LPA's area. To the north the Site is the boundary of Watford Borough Council, and to the north east of the Site is the boundary of Hertsmeare Borough Council. To the south and east of the site, is the boundary of the London Borough of Harrow.

- 2.5. Relevant for the consideration of the Application and the Site is a proposal by a different developer (GS8 Homes Limited & Finchmain Limited) for development of 96 new homes on a site just to the north of the present Site, under application reference /25/1055/FUL. That application's site is also on Oxhey Lane just north of the present site, and the Committee resolved to consent at the Planning Committee meeting of 26 February 2026.

### **3. Planning History and the Proposed Development**

- 3.1. There is no material planning history for the site, save for the prior EIA Screening Request (25/0021/EIA).
- 3.2. The description of the development is given above. The proposed access to the Site will be from a new road directly opposite Carpenders Avenue, in the north of the Site. There are two further accesses proposed: one pedestrian-only just north of Carpenders Park Care Home, and another stated to be for emergency vehicles.
- 3.3. For the purposes of the Rule 6 Party's case, key documents provided with the Application include the following.
- 3.4. For landscape, an LVIA was initially provided, alongside a Design and Access Statement, both prepared by the Pegasus Group. Comments were then received<sup>1</sup> and an LVIA Addendum of December 2025 was then provided along with visualisations. The Parameters Plan, Illustrative Masterplan and Landscape Masterplan were also amended in March 2026.
- 3.5. For Grey and Green Belt, a Green Belt Assessment was provided by the Pegasus Group, as well as Planning Statement from Boyer which at section 6 set out the case for Grey Belt. The Application was supported by two written

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<sup>1</sup> including a detailed Consultation Response from Place Services, a Landscape Architect commissioned by the LPA, see on page 151 and following of the Officer's Report

Opinions provided by Lord Banner KC (dated 24 September 2025, and 10 March 2026), which addressed Grey Belt and Green Belt.

- 3.6. For Highways, the Application was supported by a Transport Assessment provided by i-Transport. Comments were then received, in particular a detailed objection from the Highways Authority, Hertfordshire County Council. i-Transport then provided a Response to those comments of 09 September 2025, and Hertfordshire County Council gave a further reply in October 2025, before a further comment in February 2026. i-Transport has provided a further document of 13 January 2026 titled 'Summary of Sustainable Transport Improvements'.

## **4. Policy Context**

### Allocation in new Local Plan

- 4.1. The existing Local Plan was adopted in October 2011. The LPA has been drawing up a new Local Plan. The Site was initially considered as a potential allocation in the Council's Regulation 18 consultation, but was removed and did not form part of the Council's Regulation 19 stage proposed documents. On 26 January 2026, the Council voted to proceed with the proposed Local Plan to Regulation 19 consultation, without the inclusion of the Site.
- 4.2. However, the Minister of State for Planning and Housing sent to the Council an Intervention Letter<sup>2</sup> dated 18 March 2026. The Minister's Intervention Letter directed, amongst other sites, that the Site is added back in to the Regulation 19 stage documents.
- 4.3. To explain this point in more detail, the Site was given a reference "NCFS12 Land East of Oxhey Lane" by the LPA. It appears with that reference on page

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<sup>2</sup> <https://www.gov.uk/government/publications/three-rivers-district-council-local-plan-intervention-letter>

35 of the Regulation 18 Part 5 Consultation Document<sup>3</sup>. The comments section to NCFS12 read:

*We have some concerns as the development will protrude into open countryside. However, despite this key concern, there are few others to consider at this stage, aside from minor flood risk concerns relating to a small part of the site, a footpath and hedgerow easements.*

*This is an amended version of a previously submitted site (CFS69: Land at Carpenders Park Farm) and adjacent to the proposed secondary school site to the north. Any development of the site may need to contribute towards improved pedestrian infrastructure along Oxhey Lane. Development would be required to provide open space, children's play space, a primary school and a community centre.*

4.4. It was then marked as an area of "Some Concerns" on the South Area Map, Inset C. It was then taken out in the final list of sites to go forward to Regulation 19 stage.

4.5. That Minister's Intervention Letter explained:

*The current Three Rivers Local Plan, adopted in October 2011, is now almost 15 years old. It therefore stands as one of the oldest in the country and the policies it contains are likely to be significantly out of date...*

*The latest Housing Delivery Test (HDT) 2023 is the 5th lowest in the Country with a score of 30%, putting the LPA in the presumption in favour of sustainable development. This is unlikely to change without the adoption of an up-to-date Local Plan. The Council area is also one of the least affordable in the country..."*

4.6. The Minister's Intervention Letter also required the Council to put a number of Sites back in, one of which was the present Site:

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<sup>3</sup> <https://www.threerivers.gov.uk/services/planning/planning-policy/new-local-plan#Local%20Plan%20Regulation%2018%20consultations>

*Per Section 21(1)(a): make modifications to your proposed Regulation 19 plan to include, as a minimum, the sites set out below lifting the requirement to approximately 85% of need:*

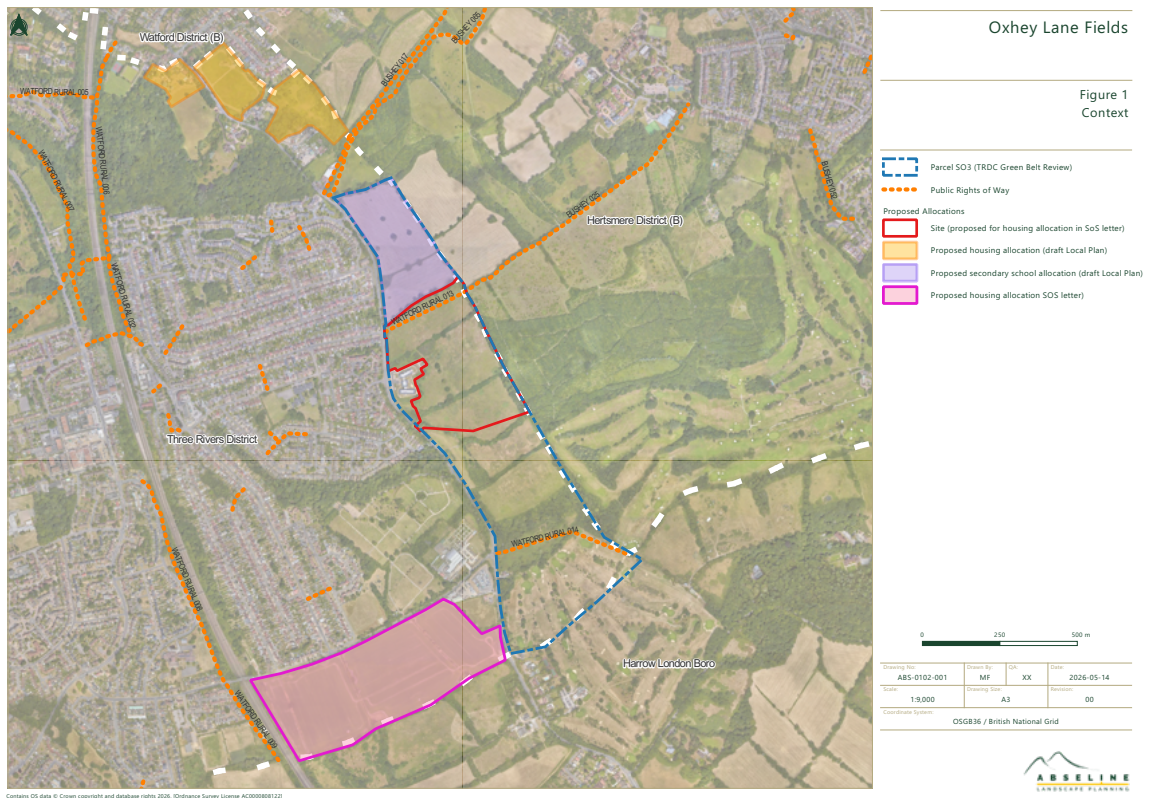
...

- *NCFS12 Land East of Oxhey Lane*

- 4.7. Another of the sites identified to be put back in in the Intervention Letter is located to the south of Carpenders Park as shown on the plan below (para 4.10).
- 4.8. It is noted that the Council have written to the Secretary of State to protest against this Intervention Letter, on the basis that it would push housing numbers to 11,200, far beyond the 7,000 homes required. An article on the Council's website<sup>4</sup> explains that the Leader of the District Council has written a letter to the Housing Minister, which was co-signed by all group leaders at the Council, to this effect.
- 4.9. It is then unclear whether the Site will form a parcel of land allocated for development in the Council's next Local Plan. Even if it does so, as the evidence for the Rule 6 Party will demonstrate, not all of it is suitable for development. What is important is the extent and design of the specific development which is the subject of the Application, not necessarily the principle of developing on the Site.
- 4.10. Also material is the allocation of a secondary school in the emerging local plan, directly north of this site, and a further allocation for housing at the southern edge of Watford:

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<sup>4</sup> <https://www.threerivers.gov.uk/news/blog-united-against-changes-local-plan>



## Existing Development Plan policies

4.11. The Development Plan comprises the Core Strategy adopted on 17 October 2011, the Development Management Policies Local Development Document (DMLDD) of 26 July 2013, and other documents.

4.12. The Core Strategy policy CP10 (Transport and Travel) provides that development proposals will be expected to contribute to the delivery of transport and travel measures identified as necessary for the development. It goes on to say that all development should be designed and located to minimise the impacts of travel by motor vehicle on the District, and that development will need to demonstrate that it is appropriate in scale to the existing transport infrastructure and where necessary, infrastructure can be improved, and that it is integrated to the wider network of transport routes.

4.13. CP11 (Green Belt) provides:

*The Council will:*

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

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

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

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

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

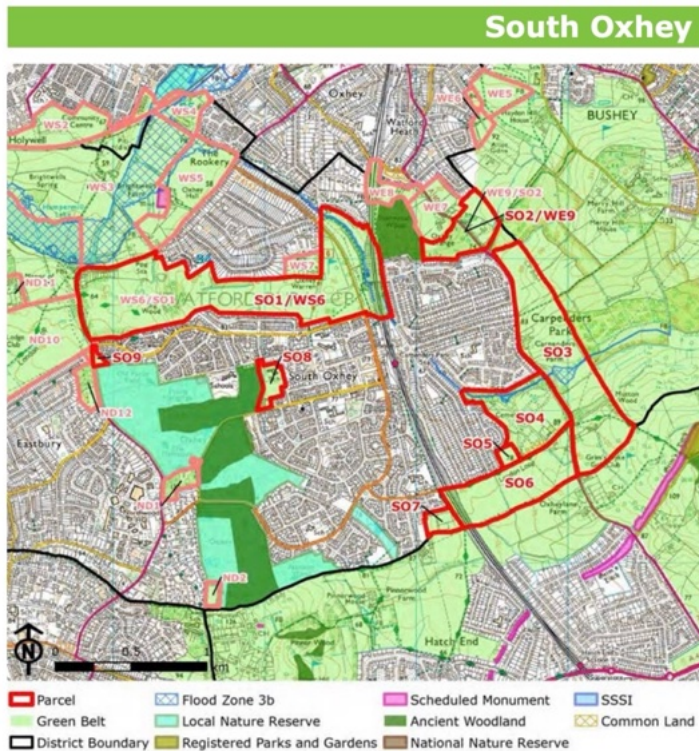
*There will be a general presumption against inappropriate development that would not preserve the openness of the Green Belt, or which would conflict with the purpose of including land within it.*

4.14. The DMLDD's policies DM2 (Green Belt) and DM7 (Landscape Character) are relevant. DM2 explains that development in the Green Belt is inappropriate subject to exceptions, and references the NPPF. DM7 requires proposals to make a positive contribution to the surrounding landscape. It explains: *"Proposals that would unacceptably harm the character of the landscape in terms of siting, scale, design or external appearance will be refused planning permission."*

4.15. There have been a number of Green Belt Reviews (Stages 1-4)<sup>5</sup>. Stage 1 was of 2017, and reviewed Green Belt purposes, looking at 83 strategic parcels. The Stage 2 Green Belt Review was in 2019. This identified a number of parcels within the South Oxhey area. Parcel SO3 includes the application site:

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<sup>5</sup> All are listed and accessible via the Council's New Local Plan Evidence Base webpage: <https://www.threerivers.gov.uk/services/planning/planning-policy/new-local-plan#Evidence%20base>



4.16. The LPA considered at Stage 2 that the contributions the Site made to purpose (a) were significant, purpose (b) were moderate, and purpose (c) were significant, as well as that overall harm to Green Belt was “very high” from the release of this land. It is worth replicating the entirety of the Council’s analysis of SO3, which is page 360 of the Stage 2 Green Belt Review:

## South Oxhey Parcel SO3

### Description

Open farm land and a cluster of agricultural buildings located on the eastern inset edge of South Oxhey, the boundary of which is formed by the A4008 Oxhey Lane and a treeline / hedgerow. The slopes of Merry Hill add to the distinction from the inset edge. The boundary with the wider Green Belt to the north and east is predominantly formed of well-treed hedgerow field boundaries, although a section of the eastern boundary adjacent to the farm buildings is defined by woodland. To the south the parcel extends to the District boundary, which crosses through Grim's Dyke Golf Club.

### Impact on contribution

#### Purpose 1 Contribution - Check the unrestricted sprawl of large built-up areas

Significant

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

#### Purpose 2 Contribution - Prevent neighbouring towns merging into one another

Moderate

The parcel lies in the gap between Bushey and Pinner however, this is a relatively large and robust gap limiting the role of the parcel in maintaining separation.

#### Purpose 3 Contribution - Assist in safeguarding the countryside from encroachment

Significant

The parcel is undeveloped and uncontained, with strong distinction from the inset urban edge and a relationship with the wider countryside. Development would therefore constitute encroachment on the countryside.

### Impact on adjacent Green Belt

Moderate

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.

### Overall harm to Green Belt purposes from release of land

Very high

Release of the parcel would have a significant impact on preventing urban sprawl and encroachment on the countryside and a moderate impact on preventing the merging of settlements. It would have a moderate impact on adjacent Green Belt land. Therefore, the harm to the Green Belt of releasing the parcel would be very high.

### Potential to limit harm

There are no notable variations in harm within the parcel. Any partial release along a narrower front would increase containment of adjacent Green Belt land.

- 4.17. The Stage 3 Review of 2020 analysed harms from the introduction of a new inset settlement, which is not relevant here. The Stage 4 Green Belt Review took place in 2025. The Stage 4 Final Report notes (at page 70) that Parcel SO3 makes a “significant” contribution to Green Belt purpose (a):

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

- 4.18. The Stage 4 Final Report also makes clear (page 82) that Parcel SO3 makes a significant impact to purpose (a); a moderate impact to purpose (b), and a significant impact to purpose (c), which are in line with the 2019 Stage 2 Review.

## New Local Plan

4.19. The draft Local Plan 2026-2041 which was voted to proceed to Regulation 19 stage includes relevant policies. Policy GB1 is Green Belt. This explains that the Council will seek to protect the Green Belt against inappropriate development, and goes on to reference national policy. Appendix 2 to the draft Local Plan 2026-2041 concerns Development in the Green Belt, and refers to agricultural dwellings, extensions and alterations to existing buildings, replacement and ancillary buildings, which does not concern the present application. Policy BGL6 concerns Landscape Character, and makes clear that proposals are to take into consideration key characteristics, attributes and sensitivities of the landscape typology of the area. Policy TC1 is titled Sustainable Transport and Travel, and states that new development will be located in areas where the opportunity for sustainable travel is realistic, and that new development should minimise the impacts of travel by private motor vehicle on the district.

## Hertfordshire's Local Transport Plan 2018

4.20. The Highways Authority is Hertfordshire County Council, who have adopted a Local Transport Plan. Policy 5 of that Local Transport Plan provides for Development Management. It states at sub paragraph (f) that the County Council will: *“Only consider new accesses onto primary and main distributor roads where special circumstances can be demonstrated in favour of the proposals.”*

## NPPF

4.21. Para 143 of the NPPF provides for the Green Belt purposes (a) to (e):

*“Green Belt serves five purposes:*

- a) to check the unrestricted sprawl of large built-up areas;*
- b) to prevent neighbouring towns merging into one another;*
- c) to assist in safeguarding the countryside from encroachment;*
- d) to preserve the setting and special character of historic towns; and*

*e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.”*

4.22. Paragraph 153 of the NPPF provides: *“When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt, including harm to its openness<sup>55</sup>. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations”*. Footnote 55 reads: *“Other than in the case of development on previously developed land or grey belt land, where development is not inappropriate.”*

4.23. Paragraph 154 of the NPPF provides that development is inappropriate development in the Green Belt unless one of the exceptions therein apply. Paragraph 155 of the NPPF provides:

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

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

*b. There is a demonstrable unmet need for the type of development proposed<sup>56</sup>;*

*c. The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework<sup>57</sup>; and*

*d. Where applicable the development proposed meets the ‘Golden Rules’ requirements set out in paragraphs 156-157 below.”*

4.24. Footnote 56 provides: *“Which, in the case of applications involving the provision of housing, means the lack of a five year supply of deliverable housing sites, including the relevant buffer where applicable, or where the Housing Delivery Tests was below 75% of the housing requirement over the previous three*

years...”. Footnote 56 goes on to mention traveller sites, which is also the content of footnote 57, a matter not relevant to this application.

4.25. Grey Belt is defined in the NPPF’s Appendix 2: Glossary, as:

*Grey belt: For the purposes of plan-making and decision-making, ‘grey belt’ is defined as land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of purposes (a), (b), or (d) in paragraph 143. ‘Grey belt’ excludes land where the application of the policies relating to the areas or assets in footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development.*

4.26. Paragraph 110 of the NPPF and paragraph 115 of the NPPF are relevant (further to para 155(c)) but are not copied here.

4.27. Paragraph 135 of the NPPF provides for landscaping considerations, and explains inter alia that planning decisions should ensure that developments add to the overall quality of the area, and that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting.

4.28. Para 187 of the NPPF provides: *“Planning policies and decisions should contribute to and enhance the natural and local environment by: a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan)”*.

4.29. Para 116 of the NPPF provides: *“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.”*

PPG

4.30. There is Planning Practice Guidance on Green Belt. Paragraph 5 provides guidance for assessing the contribution of Green Belt land to Purposes A, B, and D (but not the other purposes):

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

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

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

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

<i>Contribution</i>	<i>Illustrative Features</i>
<i>Strong</i>	<i>Assessment areas that contribute strongly are likely to be free of existing development, and lack physical feature(s) in reasonable proximity that could restrict and contain development. They are also likely to include all of the following features: - be adjacent or near to a large built up area - if developed, result in an incongruous pattern of development (such as an extended “finger” of development into the Green Belt)</i>
<i>Moderate</i>	<i>Assessment areas that contribute moderately are likely to be adjacent or near to a large built up area, but include one or more features that weaken the land’s contribution to this purpose a, such as (but not limited to): - having physical feature(s) in reasonable proximity that could restrict and contain development - be partially enclosed by existing development, such that new development would not result in an incongruous pattern of development</i>

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

*Purpose B – to prevent neighbouring towns merging into one another*

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

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

4.31. The PPG Green Belt goes on to give other relevant guidance, including how decision making should consider the impact of releasing land on the remaining Green Belt, the concept of a sustainable location, the Golden Rules, and the impact on openness. Those paragraphs are not here repeated.

## **5. The Case for Residents Protecting Oxhey Lane Fields**

- 5.1. The case for the Rule 6 party is that the proposal will cause a number of green belt harms to be given substantial and significant weight, as well as causing significant harm to landscape and townscape. The Inspector is also invited to attribute moderate adverse weightings to the transport impacts identified below. It is for the Applicant to satisfy the Inspector that there will be no harms to veteran trees present on the site. The Secretary of State ought to refuse permission.
- 5.2. The Rule 6 Party's provisional view, prior to proofs of evidence, is that the Inspector may properly conclude that the harms are identifiable as follows:

Adverse impact	Weight against
Green Belt harm by inappropriateness	Substantial
Harm to spatial openness of Green Belt	Significant
Harm to visual openness of Green Belt	Significant
Harm to purposes of Green Belt	Significant
Landscape and townscape harm	Significant
Harm to visual amenity	Significant
Changes to PROW	Moderate
Adverse weighting because of car dependency / unsustainability	Moderate
Adverse weighting because of conflicts with HCC Local Transport Plan policy 5f	Moderate
Harm to Veteran trees	[Further to Inspector's judgment]

- 5.3. The Rule 6 Party's case is further that Very Special Circumstances do not exist, because while there are benefits to the scheme in terms of housing need,

affordable housing and care provision, the harms identified are not “clearly outweighed” by any weightings in favour. Indeed, the harms occasioned by the proposal do not overcome the tilted balance of the NPPF either, because footnote 7 of the NPPF disapplies the tilted balance when the harm to Green Belt is a “strong” reason for refusing the development.

- 5.4. The Rule 6 Party also raises the issue concerning veteran trees. There is a detailed objection of the Woodland Trust (copied on page 148 of the LPA’s Officer’s Report), and notwithstanding the response from ACD Environmental appended (Appendix 3) to the LVIA Addendum, the Woodland Trust provided further comments dated 29 October 2025 maintaining their objection. This is highlighted for the Inspector as a matter about which the Applicant needs to satisfy the Inspector. Plainly, if the Inspector finds that there are veteran trees that are, or may be likely to be harmed, then that is a matter which is to be considered in the planning balance.
- 5.5. The Rule 6 Party’s case is also that the tilted balance is not engaged because the harms significantly and demonstrably outweigh the benefits.
- 5.6. The Rule 6 party’s evidence details clear harms concerning the loss of openness, and the character of Carpenders Park and LCA 14 Bushey Hill Pastures, and views from the footpath through the Site and Carpenders Park. It is expected that local residents will address the Inquiry about their own local perspectives, and the existing pressure on infrastructure, highways, and local services.

#### **(A) Green Belt, not Grey Belt**

- 5.7. It is agreed by all parties that the Site is entirely within the Metropolitan Green Belt (as confirmed in the Officer’s Report for the LPA, and also as set out within, for example, section 6 of the Boyer Planning Statement for the Applicant). Paragraph 155 of the NPPF provides that development in the Green Belt should not be regarded as inappropriate when a number of matters all apply, the first of which (para 155(a)) is that it would utilise Grey Belt land.

- 5.8. To determine Grey Belt, the contribution to the Green Belt purposes need first to be considered. The Statement of Case in this section considers contribution to purpose C in addition, although that is for coherence of the structure of the Statement of Case and it is of course recognised that purpose C is not relevant for the Grey Belt argument.

#### Contribution to Green Belt Purpose A

- 5.9. Purpose (a) is to check the unrestricted sprawl of large built up areas. The case for the Rule 6 party is that the Site makes a strong contribution to purpose (a) of the NPPF. A helpful framing here is that the LPA's Stage 2 and Stage 4 Green Belt reviews both attributed this parcel of land to having a "strong" contribution.
- 5.10. The case for the Rule 6 party is that the proposed development will be incongruous by taking housing from Carpenders' Park east across Oxhey Lane, and providing for built form all over higher ground to the east of Carpenders' Park. As the Inspector will see from a site visit, the existing housing of Carpenders' Park is built over a shallow dome, with east-to-west aligned streets. Much of the housing is one storey bungalows, of limited height. All of the streets facing east look out at the Site, and when looking it, there is the visual impression of being near the countryside, because the Site is open countryside. There is a clear sense of being able to escape the urban area because of views to the countryside, provided for by the Site. Accordingly, instead of development stopping and Oxhey Lane being the edge of development, instead this proposal would cause development to loom upon the hillside. The proposed development is not bungalow housing, but is made up of taller buildings, across the skyline. It will remove the ability to see the countryside to the east. It is therefore entirely out of character with the area.
- 5.11. It is a noted feature of the Applicant's case that they have not provided any photographs of the area with the proposed development superimposed behind existing buildings. This exercise has been done by Ms Fisher, the witness for the Rule 6 party, and clearly demonstrates the size and scale of what is

proposed and the consequences of that in terms of extending the sprawl of a large built up area.

- 5.12. Applying the Green Belt PPG's table at paragraph (5) concerning purpose (a), it is plain that the first criteria, "*assessment areas that contribute strongly are likely to be free of existing development*", is clearly met here. These are open fields.
- 5.13. The case for the Rule 6 Party is that when the factors in the PPG are applied, this Site is one which is properly characterised as making a "strong" contribution, because it most closely meets the criteria as set out in the "strong" rather than the "moderate" box. This will be further developed in evidence.

#### Contribution to Green Belt Purpose B

- 5.14. Purpose (b) is preventing neighbouring towns merging into one another. While the LPA has concluded that the contribution the Site makes to purpose (b) is properly characterised as "moderate", the Inspector should note the detailed objection given by a neighbouring LPA, the London Borough of Harrow, set out in the Officer's Report at section 9.37. The London Borough of Harrow concluded (page 166 of the Officer's Report) that "*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.*"
- 5.15. There is a clear case for supporting this analysis. When considered alongside the combination of proposed allocations in the Local Plan, existing consents, and the proposed allocation to the south of Carpenders Park included in the letter from the Secretary of State, 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. The graphic at paragraph 4.10 above is repeated.

- 5.16. The case for the Rule 6 Party is that the Site makes a moderate contribution to Green Belt purpose B in its own right, but when considered cumulatively with other allocations, and the consented housing to the north there would be significant harm to Purpose B. This will be developed fully in evidence.

#### Contribution to Green Belt Purpose C

- 5.17. Green Belt Purpose C is to assist in safeguarding the countryside from encroachment. The LPA's Green Belt Review at Stage 4 found that this parcel of land (SO3) is within an "area of fundamental importance" to the wider Green Belt.
- 5.18. The allocation of a secondary school site to the north of the proposed development is important. A large school building would have the potential to alter the views from and character of the adjacent areas of Merry Hill Wood to the north and east of that Site. With allocation of a school, the site becomes more important for avoiding further impacts on Merry Hill Wood, which is recreationally the most important part of countryside in this area of Green Belt between towns. As the Inspector will see from the site visit, as soon as Merry Hill Wood is entered, one senses that one is in the countryside. But if the Site is developed, there will be rooftops nearby, and a distinct change to an urban edge. This is very important. This Site forms part of the only area of "countryside" in the immediate Green Belt area, much of the rest is made up of golf courses. The site is therefore genuine countryside, and not only that, it is accessible countryside. If a school is built north of the proposed site, then the Site itself then becomes a more important protective feature of the Green Belt.

#### Sustainable location

- 5.19. Applying para 155(c) NPPF, the case for the Rule 6 party is that the Site is not in a sustainable location. This is further developed in the Highways section below.

#### Inappropriate development in the Green Belt

- 5.20. The case for the Rule 6 party is that the Site contributes “strongly” to Purpose (a) of the Green Belt, and that it cannot be Grey Belt. This analysis is supported by one objection from one neighbouring local planning authority (Harrow); advice from another neighbouring authority (Hertsmere) and to a large extent, by the instant LPA, Three Rivers.
- 5.21. Even if the Inspector disagrees about that, the Site is still to be regarded as inappropriate development because it is not in a sustainable location (applying (155(c))).
- 5.22. The development is not subject to one of the exceptions in paragraph [154] of the NPPF. Therefore the development is inappropriate development in the Green Belt, and paragraph [153] applies.
- 5.23. The case for the Rule 6 Party is that Very Special Circumstances (VSCs) do not exist, because the harms are not clearly outweighed by the benefits of housing need, affordable housing and care provision.

### **(B) Harms to the Green Belt**

- 5.24. The application causes a number of harms to the Green Belt, which are all distinct, and which are to be counted and weighed separately.
- 5.25. The Rule 6 Party’s case is that this is inappropriate development in the Green Belt and that VSCs don’t exist. Accordingly, the Inspector is to apply para 153 of the NPPF and conclude that there is **first** harm by reason of inappropriateness. As the NPPF says, this should be given substantial weighting.
- 5.26. **Secondly**, there is a distinct harm to the spatial openness of the Green Belt within the Site. Although the LVIA and Committee Report indicate that only 53% of the Site would be developed, much of the remaining area as shown by the Parameter Plan consists of narrow strips between and around the edges of

areas of development and would not retain its essential characteristic of spatial openness. The Rule 6 Party's view is that this harm may be given a significant weight by the Inspector.

5.27. **Thirdly**, there is a distinct harm to the visual openness of the Green Belt. Visual openness is perceived in different places. For residents and visitors in Carpenders Park, they will no longer be looking at the countryside from their properties or as they walk, drive or cycle along roads. They will instead have visual encroachment of urban development, seen up along the skyline. As soon as residents can see nearby development, the perception changes: residents would not be looking out over countryside to the west. Visual openness is also perceived from within the Green Belt itself – including the Site and adjoining areas. If Merry Hill Wood wasn't accessible countryside, the point wouldn't be so material. But Merry Hill Wood is recreationally important for all of the settlements around. As the Inspector will see, the footpaths are very well used. The Inspector will also see that visual openness is a characteristic that can be perceived quite apparently. It is apparent that, should the development go ahead, the view would be of the nearby roofs of houses through the top of trees. It will be the difference between looking west and seeing countryside, and looking west and seeing houses. There is therefore a particular harm to the visual openness of the Green Belt as experienced from Merry Hill Wood, because it is recreationally important. It is to be noted that this is not a large area, and if parcels of Green Belt land are eroded, the character of being open and away from the urban areas around is lost. What is also important here is that the proposed development compounds the harms, because one can see visual encroachment from other areas. The Rule 6 Party's view is that this harm to visual openness of the Green Belt, experienced in different places, may be given significant weight by the Inspector.

5.28. **Fourthly**, there is a harm to the purposes of protecting land in Green Belt. The Rule 6 Party's case is that the Site makes a strong contribution to purposes (a) and (c) of the Green Belt. As for purpose B, the cumulative harm is significant, as explained above. It is open to the Inspector to give significant weight to the

harm that will be caused by the disappearance of this Site, as when built upon, it will no longer make any such contribution to Green Belt purposes.

### **(C) Landscape and townscape harms, and PROW**

5.29. The Officer's Report prepared for Planning Committee recognised the landscape value of the Site and the landscape harm arising from this development:

*7.3.18: "This change in character will erode the strong defined buffer between the A4008 and the built settlement, contrary to Policy CP12 which seeks to conserve or enhance the character and quality of an area and Policy DM7 which requires proposals to make a positive contribution to the surrounding landscape."*

*7.3.23: "From site visit observations it is evident that the application site has a feeling of rurality notwithstanding its close proximity to the adjacent settlement. Additionally, as a result of its topography it can be considered as a distinctive landscape element which contributes to the character of the area, although it is in keeping with the context of the local landscape which has a varied topography, forming part of the Bushey Hill Pastures landscape. This is especially evident when standing within the northern parcel and on the 'Watford Rural 013' PROW which enables panoramic views over Carpenders Park and South Oxhey. Therefore, it can be concluded that the application site can be regarded as forming 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."*

*7.3.30: "The development of the site within the most sensitive part, i.e the northern parcel would change its character from a rural to a more suburban one."*

*7.3.31: "The development would inevitably result in the loss of open greenfield land and the urbanisation of the countryside. It would also result, in part, in the loss of a 'green buffer' between the built-up area and Merry Hill Wood."*

7.3.32: *“Overall, in terms of the landscape, there would be conflict with Policy CP12 insofar as it seeks to safeguard and conserve the landscape. There would also be conflict with Policy DM7.”*

- 5.30. The Council commissioned<sup>6</sup> a Landscape Architect, Place Services to provide professional judgment, and that judgment was a detailed objection which is set out within the Officer’s Report at section 9.34 (pages 151-160). Their view (page 153) was: *“We concur with the high magnitude of change on landscape character... giving a significant effect of major adverse”*. Place Services went on to criticise the LVIA commissioned by the Applicants and explained why it disagreed with its conclusions. Place Services put the level of significance at the substantial level (page 156, Summary). In a second consultation response which considered the mitigation proposed, Place Services maintained their view that the effects of the development would be “major adverse” (see Conclusion, page 160).
- 5.31. The Applicant’s LVIA also identifies that the magnitude of change within the site is “major adverse”. But the LVIA explains that visual effects on Watford Rural 013 PRoW users would be “major adverse” at Year 1, reducing to “moderate adverse” at Year 15; similarly, the visual effects on Carpenders Park settlement would be “moderate adverse” at Year 1, reducing to “minor adverse” at Year 15. The Year 15 mitigation timeline is not reliable. It is based on uncertain planting measures and a poor security of design. The Applicant’s parameter plan (drawing P24-2204\_DE\_003\_C\_10, amended of March 2026) has not identified specific areas and types of planting to be provided as mitigation. Given that it is not within the parameters plan, it may not be delivered: the vegetation and proposed planting is indicative. The variable extent of the development could take houses into protection zones for trees, across hedges, or further down the northern slope (though it is noted that the Tree Protection Plan is more definitive). Because the design is not well secured, the Inspector can’t necessarily make any accurate determination about the reliability of mitigating

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<sup>6</sup> Para 7.3.7 of Officer’s Report: “To assist in considering the impact on the landscape character, Officers consulted with a Landscape Architect who provided their professional judgements”

impacts. This means the 15 year conclusions of the LVIA may not be reliable, because they are based on indicative designs. The vagueness of the parameters plan prevents reliance on what the LVIA says: the effects could be greater still. There is a fundamental point here about controlling development as it goes through detailed design and ensuring it does not exceed the effects it was consented with. In this case, given there is no indication of development areas expressed as maximum, only expressed as an indicative extent of no maximum height, then it also becomes very difficult to condition.

5.32. These points will be picked up by Mary Fisher for the Rule 6 Party. What is further important is that on a close analysis of the Applicant's documents, there has been no assessment of the effects of the proposed development on the character of Carpenders Park. The Applicant has simply assessed the "site and immediate context", but nowhere said what that is. This is a townscape character point. Most of the Carpenders' Park's properties have views across the Site, affording the feeling of countryside from the existing residential area. It is unusual for most of a settlement to derive character from views afforded in this way, but that point has not been considered at all by the Applicant.

5.33. The case for the Rule 6 Party on landscape and townscape is that the proposed development will cause harms as follows:

- Major adverse effects on the character of the Site;
- Moderate adverse effects on the character of LCA14 Bushey Hill Pastures; and
- Moderate adverse effects (not identified by the Applicant's LVIA) on the character of Carpenders Park.

5.34. The case for the Rule 6 Party on visual amenity is that the proposed development will cause harms as follows:

- Major adverse effects on views from Carpenders Park;

- Major adverse effects on views from the footpath through the Site (Watford Rural 013);
- Minor adverse effects on views from Merry Hill Wood, the continuation of the footpath east of the Site (Bushey 025) and the bridleway at the northwest entrance to Merry Hill Wood (Watford Rural 031);
- Minor adverse effects on users of the A4008 Oxhey Lane;

5.35. The PRoW is also in issue. The Application cannot be built without moving the footpath, and will need a secondary consent to move it. There is no consideration of that at all in the detailed design or the LVIA and consequently it is not recognised in the Council's consideration of the application..

#### **(D) Transport and Highways**

5.36. The case for the Rule 6 Party is that the application site is an inappropriate location for development of this type and size having regard to national and local planning policy and guidance which seeks to create safe, sustainable communities that reduce the overall need to travel and promote the uptake of sustainable modes of travel in preference to the private car.

5.37. The Rule 6 Party will review the site's accessibility using information provided by the Applicant together with data from the LPA, the Department for Transport's (DfT) Connectivity Tool, and other public sources and present the findings of that in Mr Walpole's proof of evidence.

5.38. Whilst walking and cycling may be available options for some journeys in the immediate vicinity of the Site, there are no significant improvements proposed for Oxhey Lane (A4008) corridor. This means that Oxhey Lane will remain an unattractive environment for cyclists and pedestrians. The Applicant's analysis of the cycling catchment area clearly shows that A4008 is a critical link between the site and Watford to the north and Harrow to the south. The Applicant's

proposals fall well short of the LHA's design requirements and as such will do nothing to encourage the uptake of cycling and walking along the A4008 corridor.

- 5.39. The proposed bus service will be subject to analysis to be presented in Mr Walpole's proof of evidence. It is immediately noted that the proposed bus service will be infrequent and while it may provide an alternative to the car for some trips, there is no guarantee that an operator will be prepared to run the service and the service will only be funded for 5 years. It is clear that the vast majority of trips generated by the proposed development will be undertaken by car.
- 5.40. The Applicant's proposed travel plan target of a 10% modal shift away from the car by year 5 is low and unambitious in the context of the current transport policy background against which the application should be determined.
- 5.41. The case for the Rule 6 Party will be that there are conflicts with the following paragraphs of the NPPF: para-109; para-110; para-115; para-117; and para-155(c).
- 5.42. As for NPPF paragraph 116, the case for the Rule 6 Party is not that there is a fundamental conflict here. But the Inspector is to take into account the following matters in the planning balance.
- 5.43. **First**, the proposed development will introduce a new four arm signal controlled junction in place of an existing three arm priority junction. This means that the free flow of traffic on the main route (i.e. Oxhey Lane, A4008) will be subject to delay and inconvenience.
- 5.44. **Second**, visibility on the approaches to the junction has been designed in accordance with the Manual for Streets (MfS), rather than in accordance with the Design Manual for Roads and Bridges (DMRB) guidance, when the DMRB set higher standards and would normally be applied on a A- Road;
- 5.45. **Third**, vulnerable road users (cyclists and pedestrians) will be discouraged from using Oxhey Lane by the substandard level of provision along this route. Those

vulnerable users that do use this route, particularly cyclists, will be exposed to danger given that they will have to share the carriageway with vehicles.

- 5.46. Taken together, these three matters put the development in conflict with the Highways' Authority's policy 5(f).
- 5.47. The provisional case for the Rule 6 Party, prior to proofs of evidence, is therefore that the Inspector may attribute (1) moderate level of adverse weighting in the planning balance because of the car dependent nature of the development and policy conflicts with 155(c), and (2) moderate adverse weighting in consequence to the three matters identified above, taken together as policy conflicts with the Highways Authority policy 5(f).

### **(E) Veteran Trees**

- 5.48. The NPPF at para [193(c)] explains that irreplaceable habitats include veteran trees. Footnote 7 of the NPPF excludes from the tilted balance specific assets, including irreplaceable habitats.
- 5.49. The Woodland Trust provided a detailed objection in August 2025 (copied on page 148 of the LPA's Officer's Report). It explained that ten veteran trees had been identified within the tree survey. Further, that *"Natural England and Forestry Commission's standing advice states: "For ancient or veteran trees (including those on the woodland boundary), the buffer zone should be at least 15 times larger than the diameter of the tree. The buffer zone should be 5 metres from the edge of the tree's canopy if that area is larger than 15 times the tree's diameter. This will create a minimum root protection area."* The objection went on: *"None of the veteran trees on site appear to have been given root protection areas calculated at 15 times the stem diameter. The impacts discussed below relate to works proposed within the 12x stem diameter RPA. If given 15x RPAs, there would be additional impacts to veteran trees across the site",* and *"It is not appropriate to undertake construction work or propose new hardstanding within the RPA of a veteran tree"*.

- 5.50. ACD Environmental provided a Response to those comments, dated September 2025, which disputed that there were any veteran trees on the Site at all. ACD Environmental's response then complained that "*Given the WT are not a Statutory Consultee and the received comments are considered unsolicited advice...*".
- 5.51. The Woodland Trust made further comments on 29 October 2025, in reply to the Response, maintaining their objection: "*The applicant states the trees listed in our original response have been given 'veteran age entries' but this does not mean they have been classified as veteran specimens. It is not clear what is meant by this distinction. If a tree is identified as being in the 'veteran life stage', then it is a veteran tree.*"
- 5.52. Despite ACD Environmental's approach, the Woodland Trust objections are clear, detailed, and based on relevant guidance, and the Inspector should consider them.
- 5.53. It is plain that the Applicant needs to satisfy the Inspector about these matters. No response was received from ACD Environmental to the Woodland Trust's further reply of 29 October 2025. The LPA's Officer's Report addresses tree matters at section 7.3.33 to 7.3.47, noting that this is capable of being addressed by condition, but there remains a stated denial from the Applicant that veteran trees are even engaged.
- 5.54. At this stage, veteran trees do not form part of the Rule 6 Party's case, but the Applicant is to satisfy the Inspector about these matters.
- 5.55. The Rule 6 Party is making further enquiries of the Woodland Trust and experts in respect of the LPA's contention that, in the present case, the protection of the veteran trees can be appropriately secured by condition.

## **6. Conditions**

- 6.1. As for conditions, no observations are advanced at this stage, but this will be developed for the inquiry.

## **7. Other PINS appeal decisions**

- 7.1. A number of other appeal decisions have dealt with material issues relevant to this planning application. These include the ***Kings Farm*** decision of 2026 for 690-750 homes in the Green Belt (APP/M1595/W/25/3358576) which was found to be Grey Belt because the contribution was not significant to any of the Green Belt purposes, but found not to meet the para 155(c) criteria on sustainable location; and the ***Shafford Knoll Farm*** (APP/A1910/W/25/3373146) appeal to the instant Three Rivers LPA, where the application was for 30 dwellings and a large care home of up to 70 beds. The first issue was Green Belt, and the appeal was supported by an Opinion from Counsel for the Applicant, as in the instant case. The Inspector found that the Green Belt made a strong contribution to purpose (a), that VSCs did not apply, and (at para [65]) that the harm to the Green Belt provided “a strong reason for refusing”, overcoming the presumption of Paragraph 11(d) of the NPPF. It is recognised that each case will turn on its own facts, and the Rule 6 Party will address relevant appeal decisions in due course.

## **8. Conclusions**

- 8.1. The case for the Rule 6 party is set out above at Section 5. The Application should be refused for the reasons there set out.