

RE: Land East of Oxhey Lane, Carpenders Park, Hertfordshire

PINS Reference: APP/P1940/V/26/3378268

LPA Reference: 25/1020/OUT

CLOSING FOR THE RULE 6 PARTY

1. This is the Closing for Residents Protecting Oxhey Lane Fields (“the Rule 6 Party”).

Landscape

2. The application site has a feeling of rurality, a source of countryside for local people. Local resident Brian Jukes told the inquiry¹ that the fields “*are not just open land, they are close to home... they are not just pleasant to look up and see, they help protect the character and wellbeing of the community*”. Jon Bishop of the Three Rivers Joint Residents’ Association told the inquiry² that he lives in a more urban area, and “*it feels different here*”. He explained the openness and sense of space meant that “*once you come along here, you feel you’re not part of London. But if you were driving up here with the site here, you would think, “oh, it’s still part of London”*”.
3. The residents’ comments on this are reflected in the expert evidence. Mary Fisher’s visualisations show clearly that what currently exists is a definitive edge of settlement at Oxhey Lane, with an open, green skyline, expansive fields, trees, and a sweeping horizon beyond: it is a sense of being on the edge of the countryside. They also show that that would be lost if this development came forward.
4. The landscape discussion took place in the roundtable session (RTS). This application proposes houses on the ridge of the hill. Jonathan Evans’ case was that this was a “*landscape led*”³ development, and that is plainly wrong. As Mary Fisher pointed out, Jonathan Evans referred to “*how much*” of the development is visible, but visual effects

¹ Residents’ representations, day 1 of the inquiry

² Residents’ representations, day 1 of the inquiry

³ In RTS - relying on the LVIA para 1.13

are not primarily based on that: it is the nearest part of the development which gives rise to impact. In Appendix C to her proof, Mary Fisher provided visualisations of what it would look like. If it had been truly landscape led, the overly prominent position on the skyline would have been avoided. This would have given a dramatic reduction in effects at most receptors: a genuinely landscape led approach would have identified this factor. Further, the Inspector will note the passage in the LVIA at para 1.13 which implies that the work was done in a hurry, calling the site “*flat*”.

Mitigation

5. The LVIA relies on assumptions that planting by the 15 year mark will reduce harms to ‘minor adverse’⁴. The Applicant’s Parameters Plan provides only for indicative planting and no restrictions are placed on the height of buildings. In the RTS Jonathan Evans for the Applicant said: “it is illustrative”, and that the Parameters plan shows: “one way in which development could be delivered”. That is not nearly good enough. The Guidelines for Landscape and Visual Impact Assessment (GLVIA 3)⁵ at paragraph 4.3 explains that “*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.*” The Council’s first Place Services Consultation Response⁶ also noticed the “absence of clear mitigation proposals”, which it called “concerning”. Jonathan Evans in his Rebuttal proof of evidence at paragraph 4.30 responds to Mary Fisher’s concern about this, and states that appropriate mitigation can be “*secured by way of suitably worded conditions*”. But that entirely ignores the point: Mary Fisher’s evidence is that if the whole of the Parameters Plan is indicative, there is nothing to secure the condition to.
6. Mary Fisher’s evidence indicated that the effectiveness of mitigation was the more important point on mitigation. The Inspector asked whether this point was more about the principle than about whether it can be secured, and Mary Fisher’s response was “no, this does not do enough.” It was clear from the Applicant’s own visualisations that her concerns about mitigation were well founded: at Year 15 houses on the skyline were

⁴ CD1.36, para 6.26, Table 3. Similarly repeated at Table 4.

⁵ CD4.36

⁶ CD2.8

shown very clearly, the mitigation shown was not effective. Jonathan Evans for the Applicant tried to say that what was shown was “*deliberately chosen as the worst case scenario*”, but this is simply wrong. Mary Fisher disagreed that the visualisations show the “worst case”, noting firstly that the Applicant had relied on 8.5m when ZTV in Appendix 8 to Jonathan Evans’ proof has 9m (and in evidence Jonathan Evans stated that they could feasibly be up to 9.5m), and this is a 10% underestimation of potential height; and secondly, that there were other views where no potential mitigation is proposed at all, including viewpoint 10, viewpoint 13, and from Merry Hill Wood, with the nearest site boundaries being left relatively open, such that effects would not reduce over time (contrary to the LVIA and Jonathan Evans’ evidence).

Effects on landscape character

7. The case for the Rule 6 Party is that:
 - a. There will be major adverse effects on the character of the Site;
 - b. There will be moderate adverse effects on the character of LCA14 Bushey Hill Pastures
 - c. There will be Moderate adverse effects on the character of Carpenders Park, which were not identified by the Applicant’s LVIA but acknowledged by Jonathan Evans during the RTS;
8. Jonathan Evans’ opinion that the Applicant is “not introducing something new into the view that is not already there” is not supportable. The west to east lined streets within Carpenders Park all have a version of that view of an open, green skyline.
9. Jonathan Evans said during the RTS that “We are providing an enhanced recreational asset for the local community”. That is untenable, and is strongly opposed by local people. As Mary Fisher said during the RTS, once built on, it will no longer be part of LCA 14 and won’t be pasture: it will become part of the urban area. That part will be permanently lost to development, and while some mitigation may help with a transition, “no amount of good things will take away straight up loss”. Jonathan Evans then selectively quoted paragraphs 3.22, 3.23, and 3.25 of the Character Assessment. He missed paragraph 3.24, and it is obvious why, because that paragraph of the Applicant’s own evidence states that LCA 14 Bushey Hill Pastures “is relatively unusual”. As Mary

Fisher explained, this is a key point. The area has a rural and pastoral character which is easily experienced: a person “really feels like they are in the countryside”. Having houses there would change that experience, the rural character would be eroded. The houses present at the moment are much lower down.

Townscape

10. As Mary Fisher explained in her evidence to the RTS the effects on character of settlement of Carpenders Park are important, and warrant consideration. The application had not considered this at all: it is not even mentioned. The effects would be significant, and they will be negative: views of the open skyline are distinctive and quite unusual, the most notable ones are from east to west aligned streets. This unusual characteristic is perhaps reflected by locals referring to it as ‘village’, as mentioned in officer’s report. There is a physical separation, a sense of nearby countryside, of a skyline that is green and open, which is not recognised at all in the Application, neither in LVIA nor in design. Jonathan Evans’ response was to say: “We collaborated closely with LPA to find out what required, at no point was townscape mentioned.” That is a very weak reply. Jonathan Evans also then said that viewpoints have been taken within urban area of Carpenders Park, which were assessed as part of the LVIA. But as Mary Fisher pointed out: the guidance is extremely clear, landscape and visual impacts are separate matters. It is not acceptable to do an LVIA and say “because we have considered viewpoints we don’t need to consider effects on character”, which is what Jonathan Evans has done. The assessment of impacts on character is not all about views. During the Hearing session, Jonathan Evans acknowledged this by providing his opinion that effects on the character of Carpenders Park as a whole would be Low, increasing to Moderate in the most affected areas.

Visual effects and amenity

11. The development of the site will clearly cause harms to visual amenity, as follows:
 - a. There will be Major adverse effects on views from Carpenders Park;
 - b. Major adverse effects on views from the footpath through the Site (Watford Rural 013);

- c. 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);
 - d. Minor adverse effects on users of the A4008 Oxhey Lane;
12. Mary Fisher's evidence was that 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 of Mary Fisher's proof), and partly screened views from Oxhey Lane (see viewpoints 3, 10, 13 and 14 in the LVIA and Appendix B in Mary Fisher's proof). These views from Oxhey Lane 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 Carpenders Avenue and Oxhey Lane as shown by the Applicant's visualisations. The changes to magnitude of some of these views is assessed by the Rule 6 Party as Medium, but changes to the more open views such as from viewpoints 15, B and C along Carpenders Avenue and Penrose Avenue would be of High magnitude. Visual receptors in Carpenders Park have a high sensitivity to changes to views, and taking this into account, effects would be Major adverse.

Conclusion on Landscape

13. For the residents who live in Carpenders Park, as well as others living nearby and visitors to the area, the fields comprising the Site are a valued landscape, giving a feeling of edge of countryside and openness. The Proposed Development will have a significant adverse impact by replacing the broad expanse of field and open skyline with prominently visible housing, and the Inspector should accord significant weight to that harm.

Grey Belt

14. The key question is whether the site makes a strong or moderate contribution to purpose (a) of the green belt. Crucial to that determination is regard to paragraph 005 of the PPG. The table listing the contributions is headed "Illustrative features". The Rule 6

Party emphasises this point. The word “illustrative” makes clear that the listed features are not exhaustive, and should not be unduly constrained. Note also, the wording of the text for the boxes: each contains the word “likely”. Again, this is important to emphasise. Illustrative features can include, and are likely to include, the factors in the box. Such an expansive approach is different from the unequivocal introductory text of purpose (a), which leaves no room for doubt: “Villages should not be considered large built up areas.”

15. The Applicant has adopted a narrow and constrained approach. It has been put with such force, that the implication is the presence of any features which restrict and contain development, necessarily means the contribution must be moderate. Ms Sargent for the LPA very clearly brought this out of Philip Allin in cross examination. Ms Sargent asked him: “So your case is if any physical features are present, the Inspector has to conclude contribution is only moderate?” His response was “Yes”. It is clear that is the wrong approach to the PPG and is unsustainable.
16. Applying the factors for “strong” contribution, it is clear the Site is free of existing development (neither the communications mast nor care home are within the Site).
17. As for physical features constraining development,
 - a. North of the Site: Figure 1 of Appendix A to Mary Fisher’s proof indicates that development is intended to extend further north given the allocation of the secondary school site in the emerging Local Plan: the hedgerow boundary to the north of the site is clearly permeable. Figure 5 of the Committee Report⁷ shows a further area of land east of school site, within part of SO3, may also be developed if site for the school is developed;
 - b. East of the Site: yes, development is unlikely to extend further to the east given the adjacent Area of Merry Hill is Woodland Trust land with open access;
 - c. South of the Site: reference was made in cross examination to Figure 5 of the Committee Report⁸, which shows a parcel of land within SO3 beyond the relatively small flood alleviation area that could well be developed. In cross examination, Philip Allin was asked if he agreed that that if that field is built on,

⁷ CD2.2, page 25, between paragraphs 7.2.28 and 7.2.29.

⁸ CD2.2, page 25, between paragraphs 7.2.28 and 7.2.29.

that constitutes sprawl to Carpenders Park, and he said “potentially”. Philip Allin agreed in cross examination that the question is whether this development site facilitates sprawl (i.e., on the other side of the flood alleviation area), and not whether sprawl happens directly from the site. The point is, once Oxhey Lane which forms the strong boundary is breached, all of those other sites in SO3 become increasingly likely.

- d. West of the Site, it is not a good point for the Applicant to take that Oxhey Lane is a physical feature that could restrict and constrain development: as Mary Fisher explained, this is urban sprawl so one side will always have that urban setting.

18. Accordingly, while there are some physical features that could provide containment, they are not sufficient to prevent further sprawl. The Council’s evidence from Liz Fitzgerald was that the site needs enclosure on all 4 sides. The Rule 6 Party don’t say that is required. It’s about overall fit, best fit, into whether the contribution is strong or moderate. The case for the Rule 6 Party is that the facts, when weighed up, don’t suggest the degree of physical features containing development that Applicant relies upon. The Council’s case, as put to Philip Allin and agreed by him in cross examination, is to invite the Inspector to ask: “is there a physical feature, yes or no?” The Rule 6 Party’s approach is (i) if there are physical features, do they constrain and restrict? and (ii) the presence of them so doing is not absolutely determinative of being in one box or the other.

19. To finish on “strong” contribution, the case for the Rule 6 Party is that the other two criteria of “strong” are also satisfied. The Site is adjacent to a large built-up area (South Oxhey and Carpenders Park). Development would be incongruous in part as it would take housing at Carpenders Park east of Oxhey Lane: looking at the maps and images of the area seen in the inquiry, there is an obvious sense that it would be a “finger” extending into the Green Belt. As Mary Fisher explained in her proof of evidence, the consented housing sites to the north (Figure 1 in Appendix A to Mary Fisher’s proof) would clearly form part of Watford, and the care home and proposed secondary school are individual buildings rather than residential developments. The development’s incongruity would be compounded by the topography as illustrated by Figure 2 in Appendix A to Mary Fisher’s 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.

20. The Application site does not more closely fit the “Moderate” criteria. The physical features constraining development has been addressed above. The site is not partially enclosed, and new development would result in an incongruous pattern of development. The site does not contain existing development. As for urbanising influences, the Applicant has argued that there are urbanising influences from the phone mast, flood storage, traffic on Oxhey Lane, and the care home. “Urbanising” means characteristic of, or associated with, a town or city, and is not a catch-all for development of any kind, as the Applicant appears to be using it. As Mary Fisher points out (para 5.2.1 of her proof), the necessity for the site to be “adjacent or near to a large built up area” in order to strongly contribute to purpose (a) will inevitably carry with it some urbanising features from that large built up area. In any event, Mary Fisher explains that the phone mast and flood storage are not urbanising influences. The care home is distinguished as a single built development on the site of a former farm, which is insufficient to give rise to an urbanising influence - the redevelopment of farm buildings and the phone mast are developments that could happen anywhere in the Green Belt.

Harms to Green Belt

21. The site is Green Belt land. None of the exceptions to development in the Green Belt (at para 154 NPPF) apply. The site is therefore inappropriate development in the Green Belt. As inappropriate development, further to para 153 NPPF, it should not be approved except in very special circumstances.
22. The case for the Rule 6 Party is that VSCs do not exist. It will be for the Inspector to weigh the matters in the balance, but the Rule 6 Party’s view is that the Inspector can properly consider that the harms from the proposal outweigh the benefits, and certainly, that it cannot be said that the benefits outweigh the harms.
23. While the Inspector will weigh the matters in the round, there are a number of distinct Green Belt harms which are identifiable as follows.

24. First, there is harm by reason of inappropriateness.
25. Second, there is harm to spatial openness within the site. Although the LVIA⁹ and Committee Report¹⁰ 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.
26. Third, there is a distinct harm to the visual openness of the Green Belt. This impact is experienced by residents of, and visitors to, Carpenders Park. They would no longer look at the countryside from their properties or as they walk, drive or cycle along the local roads. They will instead have visual encroachment of urban development, seen up along the previously open skyline. Additional negative impacts to openness from within the Green Belt should also be counted, because local people use the space for recreation. Even in Merry Hill Wood, the visual openness is a characteristic that can be perceived readily, and it will be harmed. Jonathan Evans does not ascribe any particular weighting to the loss of visual openness, despite acknowledging that it is moderate or notable.
27. Fourth, there is a harm to the purposes of protecting land in the Green Belt.
- a. The Site makes a moderate contribution to purpose (b), and there is cumulative harm to purpose (b). When Mary Fisher's Appendix A Figure 1¹¹ is considered, which maps the 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, it is evident that 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.
 - b. There would also be harm to purpose (c). 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

⁹ CD1.36 paragraphs 4.3 and 5.34

¹⁰ CD2.2, Paragraph 7.3.24

¹¹ CD6.15, Appendix A

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. 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.

28. As Philip Allin agreed, para 153 of the NPPF states that substantial weight should be given to any harm to the Green Belt. The Rule 6 Party invite the Inspector to so give that weighting for the different harms identified.

Highways

29. The case for the Rule 6 Party is that the Site is an inappropriate and unsustainable location for development of this type and size. The Site is poorly connected, will be reliant on private car, risks conflict between vehicles, cyclists and pedestrians, and is contrary to the objectives of national and local transport policy. The Inspector should find that the Site does not pass the threshold for para 155(c) NPPF.

Connectivity

30. The Connectivity Tool was launched in December 2025 by the Secretary of State for Transport because “*core aim of the UK’s planning system... has been hindered by the lack of a clear way of measuring what is a ‘sustainable location’ for development in transport terms*”. The Connectivity Tool gives a score for how well connected an area is, scoring its connectivity against that of its wider area. Updated guidance for the Department for Transport’s Connectivity Tool was provided during the Inquiry.

31. Both David Walpole¹² and Philip Hamshaw¹³ provided notes addressing the updated Guidance. The parties have reached a common position, indeed, Philip Hamshaw said “there is nothing between the parties” on the Connectivity Tool. This means both parties agree the site is shown to be in the bottom 10% of sites nationally. And as Philip Hamshaw agreed in cross examination, this is a poorly connected site.
32. Considering the policy purpose of the Connectivity Tool, and the Applicant’s agreement that the site is poorly connected, the rest of the arguments about a sustainable location seem to be distractions over the detail: does one bus an hour mean a shift away from the private car, will people really walk 1000m up and down steep hills to get milk or pop to the post office, are cyclists going to brave the Oxhey Lane runway. The parties have different answers to those questions, but the central premise of a location that is in the bottom 10% of sites nationally for connectivity surely is a big indicator, the proverbial red flag, that this site has problems over sustainability.

Thresholds

33. Three Rivers’ District Council’s Access to Services Study explains¹⁴ that the thresholds for sustainable travel, unchanged since previous iterations of the document, were as follows:
- *Important facilities to which people can usually be expected to walk to should be a maximum of 400m away.*
 - *Local facilities which are ideally accessible by foot should be a maximum of 800m away.*
 - *Local facilities to which it is not reasonable to expect all people to walk to, but which could be walked to by those who choose should be a maximum of 1600m away.*
 - *Facilities which are less local but should be within cycling distance should preferably be within 5000m.*

¹² ID.10

¹³ ID.11

¹⁴ CD4.62 at paragraph 3.5

34. The National Design Guide explains¹⁵ a “walkable” development has facilities within a 10 minute walk (an 800m radius). The Chartered Institution of Highways and Transportation (CIHT) publication “Planning for Walking” (2015) states¹⁶: “*Walking neighbourhoods are typically characterised as having a range of facilities within 10 minutes walking distance (around 800 m).*” The statement of these distances in these guides was confirmed as correct by Philip Hamshaw in cross examination. Philip Hamshaw relied on the National Travel Survey to show that 81% of trips of up to one mile (1.6km) are undertaken by foot. But that does not account for topography, individual mobility, or the fact that many of the homes of the proposed development will be for housing with care, hosting residents with care needs.

Topography

35. The access into and out of the site is steep. The access road to the site is at the site’s northern point, where it is steepest. Carpenders Avenue, the primary access road to local services, is also very steep.

36. David Walpole explained that the overall gradient of Carpenders Avenue from Oxhey Lane west is 2.4%. Philip Hamshaw, in his Rebuttal evidence for the Applicant at para 2.2.16, agreed. As David Walpole explained in cross examination: “*When we look at gradients, they are far steeper than suggested in the TA*”. Philip Hamshaw in cross examination agreed some parts of Carpenders Avenue were in fact steeper than the accepted gradient of 2.4%. He accepted in cross examination that the steepest parts went over 5% (“probably yes”, was his answer). That is the very threshold he cited in his rebuttal: Active Travel England’s (ATE) guidance on gradients states: “Gradients on cycleways and footways should ideally be under 3% and no more than 5%”.

Walking

37. The Applicant has underestimated how far people will have to walk. Paragraph 3.5.1 of the Transport Assessment¹⁷ states: “*Table 3.3 details the facilities and the walking and*

¹⁵ CD6.16, para 3.18

¹⁶ CD6.16 at para 6.4

¹⁷ CD1.42

cycling times from the centre of the site”, and to give one example, the table goes on to give a distance of 800m to the Co-Op supermarket. But those distances are simply wrong, as the Applicant has since admitted. David Walpole in his proof of evidence¹⁸ explained that the measurements ought to start from the centre of the site, and not from the site access. This is because the distance should measure the starting point of resident journeys, which will be the homes, and the centre of the site is a reasonable approximation for that starting point. David Walpole relies on the Illustrative Masterplan¹⁹ to show that the true distance should be an additional 250-300m. It was only in Rebuttal evidence that the Applicant conceded this point (Philip Hamshaw said *“I don’t dispute this”*²⁰), agreeing that an additional 250-300m is needed.

38. Not only does the error undermine the credibility and reliability of the TA generally, but it is on this issue, not an insignificant addition. It takes any facility listed at Table 3.3 of the TA as 800m away to being over 1,000m away. As explained in the Horsham decision²¹ at para [31]: *“Although many of these destinations would be within or close to the “preferred maximum” of 2km, I acknowledge that walking is not going to be a convenient option for most people, in most seasons of the year”*
39. There was discussion about whether the railway station is technically within walking distance. Carolyn Ashendorf, a resident of Carpenders Park, told the inquiry²² that there were steep gradients in the area. She said *“it is not enough to say people can walk to the station. The real question is whether people will choose to”*. She said many people choose not to walk at the moment from Carpenders’ Park, and the walk would be even further from the development.
40. Overall, while the Applicant has put forward modest improvements to the pedestrian network, those will not be transformational as required. This is going to be a car focused development.

¹⁸ CD6.16, paras 6.7-6.12

¹⁹ CD1.11

²⁰ CD6.23, para 2.2.8

²¹ CD5.11 – see also para [34]: *“I find it unlikely that many residents would walk regularly into Horsham simply due to the distances involved.”*

²² Residents’ representations, day 1

Cycling

41. There are two primary issues with cycling. First, Oxhey Lane as an A road will be an unattractive route for cyclists, and no improvements are suggested to meaningfully change that position. Second, cyclists passing along Carpenders Avenue will have a significant steep gradient to deal with.

42. As David Walpole noted in his evidence²³, the existing cycling environment along Oxhey Lane is poor. Although there is a shared pedestrian/cycle route to the north of the site, it currently terminates approximately 300 metres away and there is no dedicated cycling infrastructure in the vicinity of the development site. The Applicant has given no answer to that, save to say it is likely that²⁴ most cycling trips will go along Carpenders Avenue. It is surprising that no cycling improvements are offered along the A4008 corridor, because:

- a. The A4008 corridor is an obvious route for cyclists (see cycle catchment area – Hamshaw’s proof Fig 4.2);
- b. The local highway authority’s design guide sets out specific requirements for cycle provision along routes such as the A4008;
- c. The LHA design guide requirements accord with LTN 1/20;
- d. There is an obvious inconsistency between the way in which the LHA has dealt with cycle infrastructure along the A4008 corridor: no requirement to provide any at the Site, yet a requirement to provide a combined cycle/pedestrian route along the A4008 in conjunction with the development to the north. The Applicant has done the easy part (Carpenders Avenue) in conjunction with the Site and ignored the difficult part (the A4008 corridor).

43. Carpenders Avenue poses further problems for cyclists, particularly of topography. Philip Hamshaw accepted in cross examination that the gradients would make Carpenders Avenue more difficult for some pedestrians and for wheelchair users, but denied this was the case for cyclists, saying he had cycled it himself. The reality is that

²³ CD6.16, para 8.18

²⁴ CD1.42 (Transport Assessment), para 7.3.3

the road is not going to be an attractive route for cyclists who need to pop to the shops or into town for an appointment. This is compounded by the steepness of the site's entrance and exit. The view of the site's steep topography becoming "a barrier to walkers and cyclists"²⁵ is shared by Peter Dawson for the LPA.

44. Mr Banner cross examined David Walpole about the applicability of LTN1/20, but along Carpenders Avenue, the existing gradients exceed those set out in LTN 1/20 (David Walpole's proof para 6.30), and the gradients exceed the ATE guidance (Philip Hamshaw's rebuttal para 2.2.17).

Bus

45. Much time was spent on this issue between the LPA and the Applicant, and the Rule 6 Party does not repeat that evidence here.

46. The Rule 6 Party's case on this is simply stated. David Walpole called the addition of a bus "welcome", but his evidence²⁶ is that an hourly bus service within 400m of the majority, but not all, of the development is unlikely to encourage a significant number of residents to travel by bus rather than car. There was no challenge to that evidence in Philip Hamshaw's rebuttal, save for criticising David Walpole for having a view "contrary to HCC" as set out in the SoCG, and David Walpole was not challenged on it in cross examination. The reason it is not challenged is because it is plainly correct. One bus service an hour is not going to encourage a majority of people to take a bus to the shops: it makes popping out to get groceries in an evening after work the activity of several hours, not a few minutes. As Carolyn Ashendorf, a resident of Carpenders Park, told the inquiry²⁷ missing an hourly bus means a long wait, so people use a car instead. The reality is that people will travel by car rather than by bus.

Conclusion on sustainable location

²⁵ Peter Dawson proof of evidence, para 5.30

²⁶ CD6.16 para 6.21-6.24

²⁷ Residents' representations, day 1

47. This is a car focused development. The reality is that it is not likely that many people would regularly walk the distances relied upon by the Applicant. Indeed, Philip Hamshaw seemed surprised to be presented with the Three Rivers' District Council's Access to Services Study in cross examination, and said he had seen it but wasn't sure when. That Study's emphasis that "*Important facilities to which people can usually be expected to walk to should be a maximum of 400m away*" is realistic: usual (or "regular") walking should be a maximum of 400m. Here, the Applicant relies upon distances starting from 800m, which they now accept is wrong and ought properly to be over 1,000m, and that distance is up and down steep hills. The Inspector can properly conclude that this is not a development which will result in high, or even moderate levels of walking to services, and that conclusion has two consequences.

48. First, para 155(c) applies, in that should the Inspector find the site is grey belt land, the development is still inappropriate development in the green belt because it is not in a sustainable location. As David Walpole explains in his proof²⁸, there are conflicts with NPPF paras 110 and 115. The development conflicts with para 110 because the sustainable interventions will not make the site sustainable: it remains a car focused development, and the development conflicts with para 115 because the policy requirements of providing safe and suitable access for all users, and giving priority to sustainable transport modes have not been achieved.

49. Second, it is open to the Inspector to attribute negative adverse weighting in the planning balance because of the site's car focused nature.

Highways harms: Forward visibility

50. David Walpole explained that of the two different design standards, for faster and busier roads, the applicable standards should be the Design Manual for Roads and Bridges (DMRB). For quieter, residential, town centre areas, Manual for Streets (MfS) is fine, but the consequence of using MfS is a reduction in forward visibility.

²⁸ CD6.16, para 8.29

51. It is an interesting feature of the Highways evidence why the Applicant was so keen to convince the LHA to accept the use of MfS standards rather than the DMRB (as per the LHA's own design standards). The answer, of course, is that the Applicant cannot meet the DMRB standards.
52. This road has been set by the LHA as DMRB because it is a "main distributor" and is a 40mph road. And with DMRB should have 120m forward visibility. Instead, the Applicant's forward visibility is 52.3m and 48m. That is half the forward visibility distance, and there is a highway safety impact of having half the forward visibility distance, of accelerated stopping times. As David Walpole explained in cross examination: *"The issue of reduced forward sight is a safety issue. So activity here will be increased dramatically. More pedestrians, cyclists, vehicles from the development, all of which will have potential adverse safety impact. Particularly if new vehicles on main road. Drivers approaching junction will have to be aware. A lot of activity for drivers to take into account. They need to have adequate visibility."*
53. Although pressed about the HA determining the junction was safe in cross examination, David Walpole explained that *"we have clear statement and adopted design guide, that is what LHA should do... there is no reason for relaxing all the way down. Halving the stopping sight is not an insignificant relaxation and departure from standards"*. David Walpole also explained that MfS is dated and that an update from Government has been a long time coming: DMRB is the modern and appropriate standard.
54. It was suggested in cross examination by Philip Hamshaw that this site had passed a Road Safety Audit, so there was no problem. But the Inspector will note that the Stage 1 RSA²⁹ explains at paragraph 1.7.1. that *"The Audit Team has not been informed of any departures from standards relating to the designs submitted for audit"*, and goes on to say at para 1.8.2 that *"The Audit Team has examined and reported only on the road safety implications of the scheme as presented by i-Transport LLP, and has not examined / verified the compliance of the designs to any other criteria."* The assessment then is one of safety against MfS, not safety against DMRB, the higher standard.

²⁹ The Stage 1 RSA appears (at page 63 of the PDF) as Appendix A of Appendix C to the Response in document CD1.49

Vulnerable road users on Oxhey Lane

55. As David Walpole noted in his evidence³⁰, there is no specific provision for cyclists waiting to turn into the shared pedestrian/cyclist access. Cyclists waiting to turn right into the site will have to wait in the middle of the carriageway waiting for a suitable gap in oncoming traffic. As such they will be vulnerable to being hit by a vehicle approaching from the south.

56. Ryan White, a local resident who is disabled, told the Inquiry³¹ that he has been hearing about topography and steepness, *“I can confirm it is a nightmare. Trying to go up to Oxhey Lane, I haven’t found a day where haven’t had to go on road or gone on uneven part of pavement, causing me to fall off.”*

57. The reality is that vulnerable road users (cyclists and pedestrians) will be discouraged from using Oxhey Lane by the substandard level of provision along this route for active travel.

Delay, disruption and inconvenience on Oxhey Lane

58. David Walpole’s evidence³² was that as a result of creating a new four arm signal controlled junction, existing traffic on Oxhey Lane and Carpenders Avenue will inevitably be subject to increased delay and inconvenience. There was no challenge to this evidence by the Applicant, in rebuttals or in cross examination, so the Inspector should accept it.

59. David Walpole’s expert evidence was reflected by the comments from residents. As local resident Ryan White told the inquiry³³, *“256 new homes means more cars, more traffic, more parking pressure, more people using roads and pavements already under strain. The roads have serious problems, and adding more cars won’t make life better”*.

³⁰ CD6.16, para 7.29, and para 8.30

³¹ Residents’ representations, day 1 of the Inquiry

³² CD6.16, para 7.32

³³ Residents’ representations, day 1

Conclusion on Highways Harms

60. Overall, David Walpole's evidence identified three highways harms: (1) disruption, delay and inconvenience caused by the creation of a new junction on that busy road; (2) inadequate forward visibility with safety issues, and (3) vulnerable road users (cyclists and pedestrians) to be discouraged from using Oxhey Lane. As Philip Allin conceded during cross examination, if the Inspector finds that these harms identified by David Walpole exist, then he is able to afford adverse weighting to those harms in the planning balance.

The Planning Balance

61. The Inspector is to undertake this exercise and it is recognised the Rule 6 Party has not called planning evidence. But the following submissions are open to the Inspector and the SoS to adopt.

62. The Applicant's case on very special circumstances rests principally on the delivery of housing, including affordable housing and housing with care. The Rule 6 Party does not dispute that those benefits attract weight. But they are generic benefits, of a kind capable of being delivered by any suitably sized housing site, and they say nothing about why this Site – with the particular harms identified above – should be the place to deliver them.

63. Against those benefits stand: (a) the definitional harm arising from inappropriate development; (b) the harm to the spatial openness of the Green Belt; (c) the distinct harm to visual openness, experienced daily by the residents of Carpenders Park and by users of Merry Hill Wood; (d) the harm to purposes (b) and (c) of the Green Belt; (e) significant landscape, townscape and visual harm, including Major adverse effects on views from Carpenders Park and the permanent loss of a distinctive open skyline; (f) the three highways harms identified by David Walpole; and (g) the unsustainable, car focused nature of the location, in conflict with NPPF paras 110 and 115.

64. Further to para 153 NPPF, substantial weight must be given to any harm to the Green Belt, as Philip Allin agreed. That weighting attaches to each of the Green Belt harms identified above.

65. Weighing these matters, the benefits of the Proposed Development do not clearly outweigh the harm to the Green Belt and the other harms identified. Very special circumstances do not exist. Alternatively, if the Inspector concludes that the Site is grey belt land, the development remains inappropriate development because the Site is not in a sustainable location and the requirements of para 155(c) are not met. The tilted balance at para 11(d)(ii) is not engaged, because the Green Belt policies engage para 11(d)(i). In any event, the Rule 6 Party's case is that it is open to the Inspector to find that the adverse impacts significantly and demonstrably outweigh the benefits of this scheme.

Conclusion

66. For all of these reasons, the Inspector should recommend that the application be refused.

Peter Cruickshank

6 Pump Court

17 July 2026