

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

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

LPA Reference: 25/1020/OUT

OPENING FOR THE RULE 6 PARTY

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

Landscape

2. The Rule 6 Party’s case is that there is landscape and townscape harm, and that the Inspector can properly give that significant adverse weighting in the planning balance.

Visualisations

3. The Inspector is invited to closely consider the visualisations in the Appendices to Mary Fisher’s proof¹. These are photographs of different viewpoints of the site, with block renders and wirelines overlaid on photography, showing the location of the Proposed Development. The impact is striking.
4. For residents of Carpenders Park, what currently exists is a definitive edge of settlement at Oxhey Lane, with open fields, trees, and a sweeping horizon beyond. As Mary Fisher will describe, and no doubt as the Inspector will hear in representations made by members of the public, this is an open, green skyline and a sense of being on the edge of the countryside. As is evident through Mary Fisher’s visualisations, this will entirely change. The urban character of Carpenders Park will become extended, the open skyline will be lost to buildings, and that edge of countryside feeling will be lost.
5. Mary Fisher’s visualisations are important and helpful evidence, which were not reproduced by the Applicant with the Landscape and Visual Impact Assessment

¹ CD6.15

(LVIA)². They make clear in a simple visual way that there is a significant adverse landscape and visual impact.

LVIA methodology

6. The Inspector will need to assess the likely harms from the development, both during construction and the immediate period thereafter, but also to assess the ability for those harms to be mitigated by landscape planting which will develop over time. The LVIA relies on assumptions that planting by the 15 year mark will reduce harms to ‘minor adverse’³.
7. The Applicant provided a Parameters Plan⁴ with their application. The Inspector will note that the Parameters Plan provides only for indicative planting and no restrictions are placed on the height of buildings.
8. 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.*”
9. The LVIA does not rely on the Parameters Plan. It relies on illustrative plans: the Illustrative Masterplan and Illustrative Landscape Masterplan. Indeed, as the Inspector will note, paragraph 1.13 of the LVIA is headed “Limitations to the Assessment”, and explains in its fourth bullet point that the development “*is assessed on the assumption that the proposals are delivered in line with these drawings*”.
10. But that assumption is not reliable. Mary Fisher explains in her evidence (section 3) that the Applicant makes no commitment to actually deliver the measures it proposes, and instead uses language such as “*illustrative design could deliver...*” (underlining added). Providing for landscape mitigation measures in the Parameters Plan allows it to be secured by condition: simply stating that there is an assumption of general

² CD1.36

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

⁴ CD1.2

⁵ CD4.36

mitigation, which may or may not be subject to change, is not the same as satisfying the Inspector that there will be adequate mitigation. It is notable that 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.

11. A further point of concern is that the Parameters Plan also provides for feasible deviations of several metres height in the development parcels. Mary Fisher explains in her evidence (para 3.2.17) why this is so problematic for ensuring adequacy of landscape planting as mitigation.
12. Para 1.13 of the LVIA has been mentioned above. The Inspector will note that the third bullet point suggests the LVIA was rushed, and it further describes the Site as flat, which is plainly incorrect.
13. The overall impression from the LVIA is one of uncertainty of design and that has consequences when that design is relied upon to demonstrate future mitigation of harms. Mr Jonathan Evans for the Applicant provided revised visuals at Appendix 14 to his proof of evidence⁷, and in Appendix 1 to his rebuttal⁸. When they are considered, it is clear that they support Mary Fisher's evidence, that the proposed mitigation would not markedly reduce visibility of housing on the skyline and Proposed Development would remain prominently visible from Carpenders Park beyond Year 15.
14. At section 6.1, the LVIA explained⁹ that the Zone of Theoretical Visibility (ZTV) "*modelled both 2 storey development at a maximum of 9m height, and appropriate locations for 3-storey flat-roof development at 10.5m height, within the Proposed Development cells on the Site.*" It is important to note that when Jonathan Evans' visualisations (at Appendix 14 of his proof, and Appendix 1 of the rebuttal) are

⁶ CD2.8

⁷ CD6.10

⁸ CD6.22

⁹ CD1.36, para 6.1

considered, they in fact use an 8.5m height rather than the 9m height baseline suggested. The Inspector may want to explore in the roundtable why the Applicant has modelled lower sized buildings at the top of the hill without any explanation, but the obvious consequence is that half a meter less height means slightly less apparent impact from their development.

15. A final comment on the LVIA methodology. Mary Fisher at section 4.1 of her proof of evidence provided detailed comments setting out her concerns about the LVIA's methodology, concerning the magnitude of change, effects on townscape character, sensitivity of visual receptors, and the ZTV study. The Applicant has simply ignored these criticisms, save for the comments Mary Fisher made about the ZTV. Jonathan Evans in his rebuttal proof of evidence (at paragraph 4.20) simply comments: "Ms Fisher makes various criticisms of the LVIA in her evidence. It should be noted however that the putative reasons for refusal, OCR and Council Statement of Case did not make any such criticisms". That is not any proper reply and the Inspector should not accept the Applicant's evidence on this point at face value.

Landscape impacts

16. The Rule 6 Party say the proper determination of the impacts on landscape is greater than allowed for by the Applicant.
17. Both the Council and the Rule 6 Party agree that the topography is of high sensitivity, rather than medium sensitivity ascribed by the Applicant. The Inspector will note this is distinctive skyline, visible from areas nearby. And a higher sensitivity means impacts carry greater consequence.
18. Moving beyond the impacts to the fabric of the landscape, there are two key impacts to the character. First, the Proposed Development would be seen standing along the skyline in views to the east, enclosing the currently open skyline and removing the perception of nearby countryside. This is a high magnitude of change along the east-west aligned streets and South Oxhey Lane. Second, there are also adverse impacts on the character of Landscape Character Area (LCA) 14 Bushey Hill Pastures, where

effects would be pronounced because of the permanent loss of part of the LCA to become an urban area. It is to be noted that the Site is undeveloped¹⁰.

19. Mary Fisher has set this out in her proof at Table 1. Impacts to the character of Carpenders Park, which can also be called townscape impacts, have not been addressed at all by the Applicant. The Applicant is yet to set out any assessment of effects on the character of Carpenders Park, or explain why such an assessment has been omitted. The Inspector will note at paragraph 4.54 of Jonathan Evans' rebuttal¹¹, Mr Evans notes Mary Fisher's comments, but does not deal with their substance, but only says that the Council have not raised those points. That is not nearly good enough.

Effects on residents and visitors

20. This is a separate harm, distinct from harms to landscape and townscape. This harm relates to changes to views, rather than the character of the area. The development will cause adverse effects on views for residents and visitors in Carpenders Park, users of footpaths, and visitors to Merry Hill Wood.
21. For Carpenders Park, 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.

¹⁰ CD1.36, para 5.7.

¹¹ CD6.24

22. There are also adverse effects on views for Users of Footpaths and Merry Hill Access Land.

Landscape Statement of Common Ground

23. There exists a signed Statement of Common Ground between the Applicant and the Council. But the Inspector should note that several of the points within it are vague and lacking in detail:

- a. Para 4.13: “It is agreed that partial views of the Site are available from the settlement edge of Carpenders Park to the west, with wider views available from further into Carpenders Park, albeit the level of effect for these more distant viewpoints would not be significant.”
- b. Para 4.14: “It is agreed that the highest visual effects arising from the proposed development would be confined to the site and the immediate vicinity”;
- c. Para 4.16: “It is agreed that the mitigation suggested forms a response to the constraints and opportunities presented by the Site and will help to reduce the impact on the landscape over time.”
- d. Para 5.1: “There is a difference in professional judgement between the parties concerning the level of some landscape and visual effects.”

24. The Rule 6 Party is not a signatory to the Statement of Common Ground between Applicant and Council, and the Rule 6 Party does not agree those points should be accepted at face value. The proof of evidence of Mary Fisher demonstrates that the detail is important, whereas the Landscape SoCG provides vague generalities which mask the true impact. The Rule 6 Party also does not agree some of the points within the Landscape SoCG, for example para 4.11 that the viewpoints undertaken for the LVIA “*provide sufficient information for the Inspector to reach a conclusion on landscape matters*”. That is plainly wrong to the extent that viewpoints alone do not provide all the information required of an LVIA. The Rule 6 party has set out the ways in which it considers the LVIA to be deficient and strongly urges consideration of all of the material now available, including the visualisations which were absent from the LVIA.

Conclusion on Landscape

25. 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 give it that same weighting.

Green Belt, not Grey

26. The Rule 6 Party's case is that the site makes a strong contribution to Purpose (A), and so cannot be Grey Belt.

27. When the factors in the 'strong' contribution box of para 5 of the PPG on Green Belt land are applied, it is clear that there is a very close correlation to the 'strong' criteria:

- (i) the site is free of existing development: the care home and communications mast are not within the site;
- (ii) the physical features around are Merry Wood to the east, which will restrict development eastwards, and the Hartsbourne Stream Flood Alleviation area and the associated flood zone forms the southern edge of the Site and poses constraint to development directly south of the Site, although this is a small area;
- (iii) the site is adjacent to a large built up area: Carpenders Park
- (iv) the proposed development would be an incongruous pattern of development, because it would take housing east of Oxhey Lane and into a highly visible, topographically distinct area.

28. When the factors in the 'moderate' contribution box are applied, the correlation is less close. Moderate requires "*one or more features that weaken the land's contribution to this purpose*", but none of the applicable features can have any realistic impact on weakening the land's contribution to purpose A. Of the physical features that could provide containment (the wood to the east, and the flood alleviation plain to the south), Mary Fisher's evidence is that they would not prevent further sprawl to the south

beyond the flood storage, and the wood to the east is, yes a constraint, but it is not absolute, and it should not be the absolutely determinative factor.

29. The Applicant has argued that there are urbanising influences from the phone mast, flood storage, traffic on Oxhey Lane, and the care home. But 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*” will inevitably carry with it 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 in any event. 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.
30. The Rule 6 Party’s case is supported by the Council’s commissioned Stage 2 Green Belt report¹², which assessed the land which included the site made a significant contribution, which was the same conclusion reached in the Stage 4 final report¹³. This analysis is supported by one objection from one neighbouring local planning authority (Harrow)¹⁴; advice from another neighbouring authority (Hertsmere)¹⁵ and to a large extent, by the instant LPA, Three Rivers.

Harms to Green Belt

31. 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.
32. 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.

¹² CD4.20

¹³ CD4.22

¹⁴ CD2.16

¹⁵ CD2.2 Officer’s Report for Committee, at para 9.36, page 161

33. While the Inspector will weigh the matters in the round, there are a number of distinct Green Belt harms which are identifiable as follows.
34. First, there is harm by reason of inappropriateness. As the NPPF says at para 153, this should be given substantial weighting.
35. Second, there is harm to spatial openness within the site. Although the LVIA¹⁶ and Committee Report¹⁷ 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. This should be given significant weight by the Inspector.
36. Third, there is a distinct harm to the visual openness of the Green Belt. This impact is experienced by and visitors in 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.
37. The impacts to visual openness would be significant within the site (see Viewpoints 1 and A in Appendix B to Mary Fisher's proof) and when viewed from Merry Hill and Carpenders Park (see viewpoints 3, 10, 13, 15, 16, B and C).. But they would not improve notably with mitigation planting: it is the difference between looking at open countryside, and looking at houses beyond trees.
38. The Applicant's landscape witness Jonathan Evans at paragraph 11.24 to 11.40 of his proof¹⁸ discusses openness, and in places suggests there will be no effects on visual

¹⁶ CD1.36 paragraphs 4.3 and 5.34

¹⁷ CD2.2, Paragraph 7.3.24

¹⁸ CD6.10

openness (from viewpoint 3 at para 11.24, and viewpoint 13 at para 11.34). That is plainly wrong. The Inspector should consider the visualisations evidence for the Rule 6 Party¹⁹. Indeed, it is notable that Jonathan Evans does not ascribe any particular weighting to the loss of visual openness, despite acknowledging that it is moderate or notable. The harms to visual openness should be given significant weight by the Inspector.

39. Fourth, there is a harm to the purposes of protecting land in the Green Belt. While this Opening has this far focused on Green Belt purpose (A) in refuting the Grey Belt argument, the case for the Rule 6 Party is that the Site also makes a strong contribution to Purpose (C), and a moderate contribution to purpose (B). There is cumulative harm to purpose (B).

Purposes (B) and (C), and Harms to those Purposes

40. Purpose (B) is preventing neighbouring towns from merging into one another. The London Borough of Harrow, neighbouring to the instant Three Rivers LPA, objected to this application. Their objection²⁰ explained 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.*” There is a clear case for supporting this analysis. When Mary Fisher’s Appendix A Figure 1²¹ 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.

41. 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.

¹⁹ CD6.15

²⁰ CD2.16, page 2

²¹ CD6.15

42. Purpose (C) is 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. 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.
43. 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.
44. The Inspector may therefore find that the harms to the purposes of the Green Belt are significant, were this Proposed Development to go ahead.

Highways

45. 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.
46. The NPPF requires significant development to be focused on locations which are or can be made sustainable (para 110). Policies should support development that minimises the number and length of journeys needed (para 111). Developments should give priority to sustainable transport modes and ensure that safe and suitable access can be achieved for all users (para 115). Proposed developments should prioritise pedestrian and cycle movements and facilitate high quality public transport (para 117).

The Site's Connectivity

47. David Walpole's evidence²² begins with the Department for Transport's Connectivity Tool. This 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. The analysis summarised in Figure 1 of Mr Walpole's proof shows that the main urban areas (Watford) are coloured red, for highest score; and the more poorly connected areas, including the application Site, are coloured green and blue. The overall connectivity score given for the Site was 53, which is between the 20th and 30th percentiles nationally. This means that the Site is better connected than just 20% of the national population, and the connectivity of the Site is low. Note that a connectivity score of 50 is not the average.

Walking, Buses, and Cycling

48. The National Design Guide explains²³ a "walkable" development has facilities within a 10 minute walk (an 800m radius). The Site is not a walkable development. There are no facilities within that range.

49. It is notable that the Transport SoCG agrees that the nearest shop, a Co-op Food Store, is 800m away from the Site. But David Walpole's evidence explains that the distance should not be measured from the boundary of the site on Oxhey Lane, but from further in, where the houses will be. David Walpole suggests an additional 250-300m should be added, to allow for that distance. Whichever is allowed for, it will take it over the National Design Guide's "walkable" development criteria. The railway station is not within walking distance. 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.

²² CD6.16

²³ CD6.16, para 3.18

50. Similarly, the Applicant has put forward provision for new buses. But David Walpole's evidence is that it is unlikely to encourage a significant number of residents to travel by bus rather than by car. The proposed new bus stop will be within 400m of some, but not all, of the new development, and there will be one bus per hour. As David Walpole says, that is welcome, but it is not going to effect a modal transport shift and will have minimal impact.
51. As for cyclists, the Inspector will note that Carpenders Avenue is partly on a steep gradient, and the desirable maximum length for such a gradient for cyclists is no more than 100m. Carpenders Avenue however runs for 725m, part of which carries the steep gradient. David Walpole considers that the gradient will make it an unattractive route for cyclists. Oxhey Lane itself, a busy A road, is an unattractive route for cyclists and pedestrians.

Highways Safety

52. The Proposed Development's access arrangements are designed²⁴ in accordance with standards set out in the Manual for Streets 2 ("MfS"). A different set of design standards, the Design Manual for Roads and Bridges ("DMRB"), uses higher standards. The Local Highways Authority ("LHA") has adopted its own design guide, the Place and Movement Planning and Design Guidance for Hertfordshire. David Walpole's evidence is that this LHA Design Guide suggests compliance with the DMRB series
53. The Local Highways Authority has accepted that the proposed access arrangements do not accord with the Design Manual for Roads and Bridges. Instead, they have been designed in accordance with the lower standards set out in the Manual for Streets.
54. Oxhey Lane has an important function to play in terms of catering for traffic flow. Drivers on an important A road such as Oxhey Lane expect to experience consistent, high-standard highway design standards along such a route.

²⁴ CD6.12, Philip Hamshaw proof of evidence, para 3.1.4, and para 4.2.8

55. David Walpole's assessment is that the creation of a new four-arm signal-controlled junction and 2 other accesses along the site frontage to Oxhey Lane will create numerous new potential conflict points between vehicles and other road users, and that in these circumstances it is inappropriate to use the lower MfS standards – particularly given that the LHA's own design guidance requires the use of DMRB standards on such a road.

Conclusion on Highways

56. As David Walpole argues, if the Government's sustainable development policies are to be successful then new residential development should be located so that it has easy access by sustainable modes of travel to a wide range of facilities and services. This development does not. It is car dependent, poorly connected, and risks conflict between road users.

57. In the planning balance, the Inspector should attribute moderate levels of adverse weighting to these negative aspects of the Proposals.

Conclusion

58. The Inspector is invited to recommend that the Secretary of State refuse permission.

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29 June 2026