

## **TOWN & COUNTRY PLANNING**

### **ACT 1990 (AS AMENDED)**

Appeal by Castleoak Care Developments Ltd against the decision of St Albans City and District Council for: Demolition of all existing buildings, structures and hardstanding and redevelopment of the site to provide a new retirement community comprising 80 assisted living apartments with community facilities and 44 bungalows together with associated access, bridleway extension, landscaping, amenity space, car parking and associated and ancillary works

**November 2021**

Proof of Evidence FINAL

Landscape and Visual Matters

Andrew Smith

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fabrik Limited

LPA Ref: 5/2020/3022/LSM

PINS Ref: APP/B1930/W/21/3279463

fabrik Ref: D3103

## **Personal Qualifications**

My name is Andrew Smith. My qualifications include a BSc (Hons) degree and an MSc in Landscape Ecology Design and Management. I am a member of the Landscape Institute and a Chartered Landscape Architect (CMLI).

I have over 25 years post qualification experience in landscape planning and design. I have prepared landscape and visual impact assessments either as standalone documents or co-ordinated as part of environmental statements; and both the outline and detailed design of a range of residential, commercial, mineral and waste development projects throughout the UK. I have stood as an expert witness on both landscape and visual matters.

I have visited the Appeal Site and its surroundings and have examined the relevant plans and documents for this Appeal.

The evidence which I have prepared and provide for this Appeal in this proof is true and has been prepared and is given in accordance with the guidance of my professional institution and I confirm that the opinions expressed are my true and professional opinions.

## 1.0 Introduction

### Overview and background

- 1.01 The Appeal is against the refusal by St Albans City and District Council to grant planning permission for the erection of a new retirement community comprising 80 assisted living apartments with community facilities and 44 bungalows together with associated access, bridleway extension, landscaping, amenity space, car parking and associated and ancillary works.
- 1.02 The Appeal Site comprises land associated with Burston Nurseries and was used in the past for the growing of plants associated with the horticultural use of the site. The site is now no longer in use. Buildings on site include a cold store, glasshouses, polytunnels buildings and hardstanding associated with the horticultural use of the land. The site is fairly level. To the immediate southwest of the site is Burston Garden Centre, which comprises glass houses and a sales building. To the north and northwest is Burston Manor, a Grade II\* Listed Building and the Dove Cote Grade II listed, which is framed by mature deciduous and evergreen trees and vegetation. To the south is woodland, located on the southern boundary is a telecoms mast and Birchwood Bungalow is located adjacent to the south-eastern corner of the site. The eastern boundary of the site is adjacent a footpath and bridleway, which leads to How Wood.
- 1.03 This statement has been prepared focusing on the areas of difference between the main parties to assist the Inspector in the consideration of the Appeal. Reference is made to:
- The Officer's report (OR)
  - The Planning application documents associated with the Appeal scheme
  - The previous Appeal Decision relating to the Appeal Site (APP/B1930/W/19/3235642)
  - The documents associated with planning application ref: 5/18/1324
  - Committee report associated with Planning Application 5/2021/0423/LSM Land to Rear of 112-156b Harpenden Road St Albans Hertfordshire (CD5.13i)
  - Recent Appeal Decision letter associated with APP/C1950/W/20/ 3265926 Roundhouse Farm, Land Off Bullens Green Lane, Colney Heath (CD5.12i)
- 1.04 Against these backgrounds this proof sets out details of the:
- Relevant planning policy context;
  - Appeal Site Context and Character;

- Design process and Appeal Scheme; and
- Main issues

### **Reason for refusal**

1.05 Whilst there are three Reasons for Refusal (RfR). The landscape and visual case relate to the following RfR:

*RfR 1: "The proposed development would comprise inappropriate development in the Green Belt which would cause in principle and actual harm to the openness of the Green Belt. The proposed development by reason of the quantum of development, together with the size of the assisted living building would be harmful to the character of the wider area. The case made for very special circumstances, together with the contribution towards the provision of housing is not considered to overcome this harm. As such the proposal is contrary to the NPPF 2019 and to Policies 1, 69 and 70 of the St Albans District Local Plan Review 1994."*

1.06 My evidence will deal with the following topics in relation to the RfR1:

- a) Development in this Location
- b) Green Belt Openness and Purposes
- c) Character and Appearance

1.07 The structure of my proof of evidence is as follows:

- Section 2.0 – a review of the landscape related policies as listed in the reason for refusal and the supporting landscape evidence base. This evidence base is inclusive of two other Green Belt schemes, Roundhouse Farm (APP B1930/W/20/3265925) and Harpenden Road (Application Ref 5/2021/0423/LSM);
- Section 3.0 – a description of the Appeal Site's role in relation to the Green Belt purposes; the contextual landscape character of the Appeal Site, and the landscape character of the Appeal Site itself;
- Section 4.0 – a description of the Appeal Scheme, its moderations from the previous Appeal scheme and the impact of the scheme on both Green Belt and character matters;
- Section 5.0 – a description of the main issues relating to the Green Belt and landscape character reason for refusal; and
- Section 6.0 – summary and conclusions.

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1.08 Attached to this proof of evidence is an appendix and this proof also refers to several documents which should be read in conjunction with it.

### **Landscape and Visual Methodology**

1.09 My evidence has been prepared with reference to the Guidelines for Landscape and Visual Impact Assessment Third Edition, 2013 (GLVIA) from the Landscape Institute and Institute of Environmental Management and Assessment, 2013.

1.10 Whilst I have regard to the LVIA submitted with the application, I have also assessed the scheme in accordance with my own LVIA methodology. The outcomes and my methodology are set out in Appendix 5 and 6 of this proof of evidence. My conclusions align with those of the submitted LVIA.

### **Summary Case**

1.11 The Appeal Site is a redundant area of former nursery at the settlement edge, framed by mature woodland to the south and east, trees and vegetation to the north and the adjacent Burston Garden Centre and Nursery to the west. It is a small component of a larger land parcel identified by the Authority as playing a lesser role in the purposes of the Green Belt. Additionally, the Appeal Site is a small component that is already occupied in part by built form and hard standing, which is of poor quality and dilapidated, with an appearance that is untidy and unkempt. There is common ground in this respect. If planning permission is refused, with changes to the nursery industry and the lack of any need to grow plants on the Appeal Site, the nature of the site will remain as existing.

1.12 Coupled with the existing built form on the site, existing mature vegetation at the southern, eastern and northern boundaries further diminishes openness at the site level and visually contains the Appeal Site and limits any perception of change from public vantage points (other than from the bridleway). The visual containment of the Site has been described within the Officer's committee report at Para 8.2 and Para 8.5.40. There is common ground in this respect.

1.13 The scheme has been designed in this context. Whilst it is acknowledged that the proposed development would result in a change in terms of openness, this is limited to change at the site level. Furthermore, this proposed scheme is considerably more open than the previously dismissed scheme i.e., there is less impact both in terms of spatial openness and visual openness than with the previous scheme. Additionally, as can be seen by reference to the nature of the relationship of the Site to the Green Belt, recent

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decisions, officer recommendations, notably Roundhouse Farm (APP B1930/W/20/3265925) and Harpenden Road (Application Ref 5/2021/0423/LSM) it is now evident that the scheme proposals have a limited conflict with the purposes of the Green Belt. Indeed, the Appeal scheme provides a positive response to the fifth purpose through recycling of derelict land.

- 1.14 The Appeal scheme leads to the provision of a new retirement community, reflective in form and materiality of the landscape within which proposals sit, provides Biodiversity Net Gain significantly over and above the aspirational 10% advocated in the emerging Environment Bill, provides positive green infrastructure, notably the planting of trees - again relevant to the local landscape. When 'collected' the components all lead to the creation of a high-quality new place that raises the standard of the design in the area – resulting in both physical and visual benefits.
- 1.15 In my view, the OR's conclusions as to the scale of impact upon openness, purposes and upon the character and appearance of the wider area are over-stated.

**2.0 Review of Landscape Related Policy and Supporting Landscape Evidence Base**

2.01 I have identified and set out in this section elements of policy that are relevant to the landscape and visual issues arising from the Appeal Scheme and are noted in RfR 1.

2.02 The Appeal Site is not covered by any landscape related planning designations at a national level.

2.03 RfR 1 refers to the Core Strategy and the NPPF. The landscape and visual aspects relate to the following policies.

<b>National Planning Policy Framework (as update July 2021)</b>	
<u>12 Achieving Well Designed Places</u>	
Para 130	
Para 131	
Para 132	
Para 134	
<u>13 Protecting Green Belt</u>	
Para 137	
Para 138	
Para 148	
Para 149	
<u>15 Conserving and enhancing the natural environment</u>	
Para 174	
Para 175	
<b>St Albans District Local Plan Review (1994)</b>	
Policy 1	Metropolitan Green Belt
Policy 69	General Design and Layout
Policy 70	Design and Layout of New Housing

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**National Landscape Policy / Guidance**  
**National Planning Policy Framework (NPPF) 2021**

2.04 The following paragraphs draw out relevant policies within the updated NPPF.

Section 12 - Achieving well-designed places

2.05 Para 130 which sets out that planning policies should ensure that developments:

- a. *“Will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- b. *are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
- c. *are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
- d. *establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
- e. *optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks;*
- f. *create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.”*

2.06 Para 131 which states that:

*“Trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that new streets are tree lined<sup>50</sup>, that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly planted trees, and existing trees are retained wherever possible. Applicants and local planning authorities should work with highways officers and tree officers to ensure that the right trees are planted in the right places, and*

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*solutions are found that are compatible with highway standards and the needs of different users.”*

2.07 Para 132 which states that:

*“Design quality should be considered throughout the evolution and assessment of individual proposals. Early discussion between applicants, the local planning authority and local community about the design and style of emerging schemes is important for clarifying expectations and reconciling local and commercial interests. Applicants should work closely with those affected by their proposals to evolve designs that take account of the views of the community. Applications that can demonstrate early, proactive and effective engagement with the community should be looked on more favourably than those that cannot.*

2.08 Para 134 which states that:

*“Development that is not well designed should be refused especially where it fails to reflect local design policies and government guidance on design<sup>52</sup>, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to:*

- a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or*
- b) outstanding or innovative designs which promote high levels of sustainability or help raise the standard of design more generally in the area, so long as they fit in with the overall form and layout of their surroundings.”*

#### Section 13 – Protecting Green Belt land

2.09 Para 137, which states that: *“The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping the land permanently open; the essential characteristics of Green Belts are their openness and their permanence.”*

2.10 Para 138, which states that: *“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.”*

2.11 Para 148, which states that:

*144. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘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.*

2.12 Para 149, which states that:

*“A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:*

*a) buildings for agriculture and forestry;*

*b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;*

*c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;*

*d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;*

*e) limited infilling in villages;*

*f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and*

*g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:*

*– not have a greater impact on the openness of the Green Belt than the existing development; or*

*– not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.”*

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## NPPG

- 2.13 Related to matters of Green Belt reference will also be made to compensatory measures relating to Green Belt the NPPG at para 02 (Reference ID: 64-0002-20190722).

## Section 15 - Conserving and enhancing the natural environment

- 2.14 Para 174 which states that:

*“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);*

*b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;*

*c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;*

*d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;*

*e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and*

*f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.*

- 2.15 Para 175 which states that: *“Plans should: distinguish between the hierarchy of international, national and locally designated sites; allocate land with the least environmental or amenity value, where consistent with other policies in this Framework; take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure; and plan for the enhancement of natural capital at a catchment or landscape scale across local authority boundaries.”*

2.16 Additionally there are various Local Plan Evidence Base and Supplementary Planning Documents (SPD) which are relevant to the consideration of this appeal, relating to design and character. They are as follows:

St Albans Green Belt Review - Annex 1: Parcel Assessment Sheets for St Albans City and District Council 2013 CD3.17.

### **Other Relevant Schemes**

#### Introduction

2.17 This section provides the baseline data, derived from the Inspectors decision and the Officers report, behind two sites, their openness, role in relation to the purposes of the Green Belt, their character and the impact of the schemes proposed. This baseline is then used, in conjunction of the baseline for the Appeal Site, in section 5.0 of this proof to respond to the key Green Belt and character issues arising from RfR1.

2.18 The following paragraphs are abstracted from the Inspectors decision/Officers report (*elements in italics*) and understood from a review of the application data associated with the schemes.

### **Roundhouse Farm (APP B1930/W/20/3265925)**

#### Openness

2.19 At para 23:

*“The Appeal site comprises an open agricultural field with a number of public footpaths which traverse the site. it is entirely free from built development.”*

#### Purposes

2.20 In the Council’s green belt review the following contributions are attributed to the Green Belt Parcel within which the Roundhouse Appeal Site sits (Parcel 34).

- a) to check the unrestricted sprawl of large built-up areas – limited/no contribution
- b) to prevent neighbouring towns merging into one another – partial contribution

- c) to assist in safeguarding the countryside from encroachment – significant contribution
- d) to preserve the setting and special character of historic towns – partial contribution
- e) to assist in urban regeneration by encouraging the recycling of derelict and other urban land – not assessed

2.21 However at para 22 the Inspector reports that the key tests in relation to this Appeal are the “*effect on openness, encroachment and urban regeneration.*”

#### Character

2.22 This Site is an existing arable field, with no built form. The site has an association with the adjacent settlements, Bullen’s Green to the north and Roestock to the south, with dwellings abutting the Site to the immediate north and southwest. To the east, the site has an open aspect to countryside beyond, with little green interface between site boundaries and the rural landscape beyond. Furthermore, PRoWs cross through the north and west of the site and the site is apparent from Bullen’s Green Lane to the immediate east.

2.23 At para 12 the inspector reports that:

*“The parties agree that the site is not a valued landscape under the framework paragraph 170 definition and that no other landscape designations are applicable to the appeal site. The Hertfordshire Landscape Strategy, 2005 notes the site is located within the Mimshall Valley, where the landscape character is described, amongst other things, as being strongly influenced by the major transport routes and the surrounding settlement which give it an urban edge rather than rural character.”*

2.24 At para 13:

*“From what I saw on the site visits the character of the area is a mix of edge of settlement and countryside. Walking along the footpaths which traverse the site the experience of one of being on the edge of a settlement rather than a wholly rural context. Whilst the open countryside to the south and east is clearly visible the surrounding residential properties either facing the site or their rear gardens and associated boundary treatment is also clearly visible..”*

- 2.25 The inspector concludes para 13 by saying:  
*'My judgement leads me to conclude that the site strongly resonates with this urban edge definition provided by the 2005 Landscape Strategy.'*
- 2.26 At paragraph 14 the inspector states that views of the Appeal Site are ... *'glimpsed'* and that *"from the South that the appeal site appears against the backdrop of existing dwellings as a relatively self-contained parcel of land on the edge of settlement. These longer distance views of the appeal site reinforce the urban edge definition."*
- 2.27 At para 15 the inspector does not agree with the Council's contention that the Appeal Site provides a positive element of countryside that frames Colney Heath. The Inspector's view is that... *"The very clear sense of countryside is only evident when you travel beyond the Appeal site south along Tollgate Road. Here the landscape character changes from mixed residential and open field to predominantly open fields with dotted farm buildings and isolated residential dwellings set within this open landscape. This is entirely different to my experience of the appeal site which I have outlined above."*

#### Scheme

- 2.28 This scheme is for the erection of up to 100 dwellings, including 45% affordable and 10% self-build, together with all ancillary works (All matters reserved except access) at Land off Bullens Green Lane, Colney Heath (refer to Layout Plan which is CD5.12iv).

#### Impact

- 2.29 Effect in relation to Green Belt are dealt with by the Inspector at para 23-27, as follows:

#### Openness and purposes of the Green Belt

Para 11 it is of note that the Inspector states that;

*... "There is a short terrace of cottages to the eastern corner along Bullens Green Lane before the boundary opens out onto open countryside and beyond..."*

- 2.30 In this immediately adjacent open Green Belt context the Inspector subsequently states, at para 23, that;

*"The appeal site comprises an open agricultural field with a number of public footpaths which traverse the site. It is entirely free from built development. The appeal proposals would introduce built development to the site in the form of 100 dwellings with*

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*associated access roads and pavements, residential gardens, open space and driveways. The precise layout and form of the development would be determined at the reserved matters stage. Even taking into account the potential for boundary treatment and landscaping which could include open green space and play space and could be integral to the layout of the residential development proposed, this would have the effect of considerable reduction in the openness of the site. The proposals would lead to conflict with policy one of St Albans District Council Local Plan, 1994. This policy identifies the extent of Green Belt within the Borough and outlines the developments which would be permitted which broadly align with the development identified by the framework. This, harm, in addition to the harm by inappropriateness carries substantial weight against the proposals.”*

Purpose c) Safeguarding the countryside from encroachment

2.31 As an overview the Inspector states at para 24, that:

*“It is generally agreed that the impact of the appeal proposal would be limited in terms of the impact on the wider integrity of the Green Belt. This is a view that I share.”*

2.32 In terms of the impact of the development on the purpose of safeguarding the countryside from encroachment at both paragraph 24 and 25 the Inspector states that whilst the wider Green Belt parcels are reported (in respective Council’s Green Belt studies) as making a significant contribution towards safeguarding the countryside and settlement pattern and gap between settlements, the Inspector’s view is that due to the size and scale of the Appeal Site parcel in comparison with the much larger Green Belt parcel, there is found to be only very limited correlation on the conclusions drawn by the Green Belt studies when compared to the Appeal Site.

2.33 At para 26 the Inspectors states that:

*“I have already set out in my assessment of character and appearance above that the appeal site has an urban edge/ edge of settlement character. I have made a clear distinction between the appeal site and its separation from the countryside beyond to the south and east of the appeal site. In this way, the appeal site is influenced by the surrounding residential development. As a result of these locational characteristics and influences the consequences of the development of the appeal site would mean that the proposals would have only a localised effect on Green Belt. The broad thrust of, function and purpose of the Green Belt in this location would remain and there would be no significant encroachment into the countryside. I therefore conclude that the*

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*appeal proposal would not result harm in terms of the encroachment of the green belt in this location this is a neutral factor which weighs neither in favour nor against the appeal proposals.*

### Character

- 2.34 The Inspector deals with effects on character and appearance at paragraphs 16-21.
- 2.35 At para 16, at odds with the Council's concerns regarding alleged harm, the Inspector finds that the new road link and pedestrian link have characteristics that .. *“are entirely compatible with the urban edge environment which currently exists.”*
- 2.36 At para 17 the Inspector states that *“The changes brought about by built development and changes to the surrounding roads would result in visual changes to the area, which in my view would be localised impact. Landscaping of the site which would be the subject of any reserved matters submission would mean that in the context of the existing immediate locality the impacts of the development would be significantly reduced overtime nevertheless the proposed development would introduce built development where currently no development exists which would cause harm to the character and the appearance of the area.”*
- 2.37 At para 18 the Inspector concludes that, *‘taking into account all of the above factors I conclude that the proposals would cause harm to the character and appearance of the area I attach moderate weight to this factor.’*

### Conclusion

- 2.38 The outcome in relation to Green Belt is that there is no impact described against purposes a), b), c), d) and e). In relation to Character and Appearance the Inspector concludes that there is limited harm. At para 78 the Inspector concludes:

*“The proposals would cause harm by reason of inappropriateness and harm to openness. Both of these attract substantial weight. I have also attached moderate weight to harm to the character and appearance of the area...”*

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**Land to the Rear of 112b – 156b Harpenden Road, St Albans (Application Ref 5/2021/0423/LSM)**

Openness

2.39 Within the Officer's Report (OR) the following matters relating to openness are stated:

- Para 3.4 *"Immediately to the east and northeast of the application site lies open farmland."*
- Para 3.5 *"The application site is bounded in parts by mature trees and hedgerows."*
- Para 8.2.4 ...*"The application site is presently completely open containing no buildings and comprising grassland. This is the spatial element of openness. In visual terms, regard must be had to the LVIA submitted with the application, in so far as it relates to the impact of the development on the openness of the Green Belt. Officers are of the view that the LVIA demonstrates a low level of impact on the perception of open Green Belt countryside to the north and east. This means that whilst there is spatial harm to openness as a result of the proposals, there is no additional harm to openness as a result of the limited visual impact on the openness of the Green Belt."*

Purposes

2.37 At the contextual level the Site sits within Green Belt Parcel 37 which is summarised at para 8.2.8 of the OR as making the following contribution to Green Belt purposes:

- a) *"limited or no contribution towards checking sprawl"*
- b) *"a role in preventing the merger of St Albans and Harpenden"*
- c) *"a partial contribution towards safeguarding the countryside from encroachment."*
- d) limited or no contribution towards *"preserving the setting of the historic town."*

2.38 At their para 8.2.11, the OR states how the above is relevant to a much larger site and how it is necessary to *"consider and make planning judgement on harm to the green belt purposes of the application site on its own, drawing on the evidence base as a material consideration"*

Character

- 2.39 The Officer describes the character of the application site in their paragraphs 8.3.1-8.3.6.

*Para 8.3.2 “The application site is situated on the edge of St Albans, adjoining the existing built-up area, with existing residential development to the west, south and part of the northern boundary. The playing fields of the old Albanians rugby club can be seen to the north and the playing fields of St Albans Girls school adjoin to the southeast, on the other side of Sandridgebury lane.”*

*Para 8.3.3 “The application site is located just behind, and would be accessed from, the main Harpenden Road which is one of the principal routes into St. Albans (the main route from the north), and which is serviced by a number of buses.”*

*Para 8.3.4 “These characteristics combine to give an urban edge, as opposed to rural, character.”*

- 2.40 At para 8.3.5 the OR states that the landscape area within which the application site sits is not covered by any local or national designations and that the strategy and guidelines for managing change are too *‘improve and conserve*

#### Scheme

- 2.41 At para 4.1 of the OR - *‘The Application is for 150 dwellings, together with associated works. Access is applied for in full with all other matters reserved.’*

#### Impact

##### Openness of Green Belt

- 2.42 At their para 8.2.4 the OR states that the Officers *“are of the view that the LVIA demonstrates a low level of impact on the perception of open green belt countryside to the north and east. This means that whilst there is spatial harm to openness as a result of the proposals there is no additional harm to openness as a result of the visual impact on the openness of the Green Belt.”*
- 2.43 At para 8.2.6, they state the following *“harm to the openness of the Green Belt is considered to exist and as a matter of planning judgement the harm is significant.”*

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### Green Belt Purposes

#### Purpose a) to check the unrestricted sprawl of large built-up areas

- 2.44 At para 8.2.12 it is noted that the scheme optimises use of the site with the density that is considered appropriate *“striking a balance between optimising the site and ensuring sufficient space for important elements such as soft landscaping and screening.”*
- 2.45 At para 8.2.13 the importance of the provision of a *“green buffer around its edges and a larger area of green space”* in key locations is reported.
- 2.46 At para 8.2.14 it is noted by the Officers that ... *“for these applications, layout and scale was applied for and where plans indicated built development right up to the boundaries of the site with no buffer, and where the Inspector commented this created an intensity of development taking full advantage of the site and which led to unrestricted sprawl.”*
- 2.47 Further that (para 8.2.15), *“It is considered that this latest application is materially different providing a clear buffer between the site and the open countryside, and as a result does not lead to unrestricted sprawl in the same way that the previous applications were considered to by the appeal Inspector. It is therefore considered not to represent unrestricted sprawl and there is not considered to be any significant harm to this Green Belt purpose. This harm is instead low to moderate.”*

#### Purpose b) to prevent neighbouring towns merging into one another

- 2.48 In contrast to the role that wider Green Belt Parcel plays, the OR states at para 8.2.16, that there is no harm to this purpose as the integrity of St Albans and Harpenden are maintained.

#### Purpose c) to assist in safeguarding the countryside from encroachment

- 2.49 At para 8.2.17 the Officer reiterates the point that the site is *“bounded to the south, west and partially the north by existing residential development. The eastern half of the northern boundary is with the old Albanians rugby club playing fields - an established Green Belt use. In the southeast corner the St Albans Girls school playing fields adjoin the site and these have the benefit of permission for floodlights(ref5/2020/2217), which is an urbanising feature.”*
- 2.50 At para 8.2.18 they go on to state that – *“It is therefore the eastern boundary which adjoins the open countryside and where encroachment would be most apparent. It is therefore considered that there would be some harm to this Green Belt purpose, but*

*harm is not significant due to the nature of the north, south and west boundaries and by the green buffer proposed as outlined above. The previous inspector considered encroachment along with the matter of sprawl. a different assessment is required here for reasons set out in a)-above i.e., a materially different scheme.”*

2.51 The Officer concludes at para 8.2.19, against this purpose that:

*“Further, as discussed below, the site has an urban edge character. As a result, the proposals would only have a localised effect on the Green Belt. The broad purpose of the Green Belt in this location would remain and the encroachment into countryside would not be significant.”* Then para 8.2.20 *“The harm in this case is considered to be low to moderate.”*

Purpose d) to preserve the setting and special character of historic towns

2.52 Their para 8.2.21 reports that there is no harm against this purpose

Purpose e) to assist in urban regeneration by encouraging the recycling of derelict and other urban land

2.53 The Officer concludes that para 8.2.22 *“It is not considered that development of this site would in itself prevent or discourage development of derelict or other urban land in the District... There is not considered to be any harm to this Green Belt purpose.”*

Green Belt Conclusion

2.54 The OR Green Belt conclusion is that 8.2.23 – *“In conclusion on Green Belt harm, this ultimately is a matter of planning judgement. It is considered that there is substantial harm to the Green Belt by definition, as well as significant harm to openness, and low to moderate harm in relation to encroachment into the countryside and restricting urban sprawl. In line with the NPPF, substantial weight must be afforded to these harms.”*

Character

2.55 Impact upon character is assessed at their paras 8.3.6-8.3.8. At 8.3.6 the OR states that the LVIA, (in line with GLVIA 3), shows that there is a low level of impact on the wider landscape and low visibility/impact on the perception of open Green Belt countryside to the north and east.

2.56 At para 8.3.7 the OR states that “*a residential development in this location would not be out of keeping with the existing surrounding uses these being established housing a school and a rugby club.*”

2.57 At para 8.3.8 the OR states that ‘*whilst it is acknowledged that the change to the character and appearance of the area would be significant in terms of the site itself and its immediate surroundings, it is considered that given the conclusions of the LVIA, these inputs would be localised and overall, the essential character of St Albans would be preserved. Overall officers consider that harm is limited.*’

### **Burston Garden Centre Appeal Scheme Officers Report (OR)**

2.58 The following section provides abstracts from the Officer’s report which show what has been ‘agreed’ by the Officers and what matters of disagreement still exist.

#### **Matters in Agreement**

2.59 The matters agreed with by outside agencies and accepted by the Council’s Officers, in the Officer’s committee report (including their reference to the previous Appeal decision) are set out below. [Note: The headings below are the same as those in the committee report to guide the reader to relevant passages]:

#### 2.60 Internal Consultations

- Environmental Compliance – Recommends conditions
- Housing Officer – No objection
- Contaminated Land Officer – Recommends conditions

#### 2.61 Outside Agencies

- Hertfordshire and North Middlesex Ramblers Association – No objection – recommends conditions
- St Albans and District Footpath Society – No objection and recommends conditions
- St Stephen Parish Council – Strongly support – Recommends conditions
- Hertfordshire Highways – No objection and recommends conditions
- Local Lead Flood Authority – No objection and recommends conditions
- Hertfordshire Constabulary Crime Prevention Design Advisor – Supports
- Archaeology – No objection

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## 2.62 Green Belt

As per the summary of the appeal decision for 5/2019/1324 at Para 8.2 of the OR:

*“b) The new buildings would have limited zones of visibility from outside of the site. Such visibility would be largely confined to short or medium range views from the bridleway...”*

*“e) There would not be direct coalescence as a result of the proposal between How Wood Village and Chiswell Green...”*

## 2.63 Character

As per the summary of the appeal decision for 5/2019/1324 at Para 8.2 of the OR:

*“h) The site contains a number of buildings and structures in connection with BGC, albeit it is currently derelict. The buildings are generally modest in their scale but are utilitarian in their appearance and are poor quality and dilapidated. The site also has an untidy and unkempt appearance.”*

*“i) The appeal site is not accessible to the general public nor to visitors to BGC and, as expressed above, is visually contained.”*

*“j) The concept behind the scheme and its overall layout and design is to provide ‘aging in place’ with different types of C2 accommodation within an enabling environment. The overall site layout is of a formal nature, with clear, legible and logical areas and has been designed as such due to the nature of the C2 use. The landscaping proposals are also extensive and form a fundamental part of the overall design concept.”*

*“8.6.5 The formality of the (proposed) layout would not be out of place with the general layout of the built form in the wider area. In some regard, the footprint of the linked apartment blocks and the care home buildings would not be out of place with the large footprints of the buildings at the BGC site.”*

## 2.64 Design and layout

*“8.6.10. The removal of the care home improves the character and appearance of the scheme from that at appeal. Furthermore, the increased separation and landscaping between the bungalows would create a well landscaped setting. The layout of the proposed bungalows is still quite formal including external spaces close to the buildings, but within a more informal and varied landscaped setting, creating a series of spaces of distinct character all linked to the green and community hub.*

8.6.11. *The enlarged green is now linked with the more informal perimeter landscaping and greater choice of pedestrian access routes, including links to the surrounding area, which is welcomed.*

8.6.13. *Altogether, the reduced proportion of built development provides opportunities for creating a better-quality environment and sense of place.*

8.6.14. *The landscape strategy aims to promote biodiversity and the proposed integration of SuDS features with the landscape scheme has the potential to support this. The overall site management and community use of external spaces would need to be aligned with the planting scheme and landscape management strategy to achieve the full benefits – this is the expressed intention in the submitted documentation. The Arboriculture Integration report including tree protection plan is acceptable.”*

### **Matters in dispute**

2.65 The following matters are where Officers are in dispute and are reflected in reason for refusal 1 and their associated landscape and visual matters.

2.66 The central matters of disagreement in relation of landscape and visual matters, as opposed to planning matters are reported below.

2.67 Openness

*“8.5.46. The reduction in the amount of built form, the increased separation and the landscaping proposed are all noted, but there would be a substantive loss in openness on the site and this would still constitute significant harm to the Green Belt in addition to inappropriateness. As such it is not considered that the changes made have overcome the harm to the openness of the Green Belt identified at appeal.”*

2.68 Purposes of the Green Belt

*“8.5.54. Whilst the scheme has been reduced in the amount of built form and there is a proposed increase in the amount of landscaping on the boundary closest to How Wood it is considered that the changes are not so substantive as to overcome the view of the Inspector that there is a clear conflict with purposes (a), (b) and (c) of the Green Belt.”*

*“8.5.55. As at appeal it was considered that the development results in a substantial loss of openness and would conflict with the purposes of the Green Belt, the changes to the scheme do not change this assessment. The proposal is contrary to LP Policy*

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*1. Substantial weight is attached to this conflict and the harm arising to the Green Belt by reason of the development inappropriateness and the effect on opens. This remains the case. This harm will need to be outweighed by other consideration if very special circumstances are demonstrated.”*

2.69 Design and layout

*“8.6.6. In combination with the bungalows and parking, the built elements of the proposed development would take up a large proportion of the site. This would give a distinctly urban form which would contrast with both the character and appearance of BGC and the general built form of the dwellings of the surrounding areas.”*

*“8.6.9. Overall, despite the visual containment at the site, and the positive aspects of the development relating to legibility, design and landscaping, the resultant effect would be of an urbanised site which would be out of step with its wider surroundings. This would therefore give rise to a moderately harmful impact on the character and appearance of the area in the vicinity of the site. This would be in conflict with LP Policies 69 and 70 which require high standards of design, having regard to setting and character, and massing and siting...terms of the detailed design of the proposed buildings, taking their reference from the local vernacular and palette of materials....”*

*“8.6.15. ... despite the improvements set out, the development would still have a large and dominating effect. Despite the improvements to the landscaping on the site. It is considered that the previous concerns remain. That is that despite the sites visual containment and the positive aspects of the scheme relating to legibility, larger village green, design of the bungalows and the much-increased landscaping the proposal would still have a moderately harmful impact upon the character and appearance of the area in the vicinity of the site.”*

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### 3.0 Description of the Landscape Setting to the Appeal Site, the Contextual Landscape, and the Appeal Site itself.

#### Introduction

- 3.01 PRP prepared the Landscape and Visual Impact Assessment and Design and Access Statement (LVIA and DAS) that were submitted with the planning application. Both the setting of the Appeal Site and the Appeal Site itself are clearly described in those documents. The LVIA is a document that has been carried out in accordance with the Guidelines for Landscape and Visual Impact Assessment (3<sup>rd</sup> edition) by the Landscape Institute and the Institute of Environmental Management and Assessment (Routledge 2013).
- 3.02 Accurate Visual Representations (AVR's) were included within the LVIA and prepared from key representative locations to aid the explanation of the baseline character and any changes arising from the implementation of the Appeal Scheme. The AVR's are presented in Appendix 4, alongside the AVR's from the previously dismissed appeal scheme, to provide clarity in positive progression of this application.

#### Green Belt Openness and Purposes

##### Openness

- 3.03 In response to the Officers' comments at para 8.5.52, in relation to openness, it is recognised in the published Green Belt Review's description of Parcel 26 that:

*"Views are relatively contained both from outside and within the parcel with the widest vistas along the motorway corridor which is generally well screened by planning and woodland."*

- 3.04 The Inspector for the previous Appeal states at para 28 that: *"Due to the location of the site behind Burston Manor and the BGC and its relative containment by How Wood and Birchwood, I agree that the new buildings would have limited zones of visibility from outside of the site. Such visibility would be largely confined to short or medium range views from the bridleway."*

- 3.05 In response to the above paragraph, my view is that the views are limited to this very localised extent and the visual relationship is further diminished due to the presence of the close board fence. Further to this there is anecdotal evidence that the PRoW to the north of the Appeal Site is only used by a limited number of people.

- 3.06 It is also the case that there is no current access to the Appeal Site, thus there is no existing public perception of the visual character from the interior of the Appeal Site.

3.07 On the Appeal Site itself there is currently built form and whilst its character and use “are not seen as inappropriate in Green Belt Policy terms” (para 25 previous Appeal decision), they are existing built elements and they do diminish openness.

#### Purposes

3.08 As described at Appendix 1 (page 4) of this Statement, the Appeal Site sits within Parcel 26 as defined in the St Albans Green Belt Review 2013. The Parcel as a whole has limited or no contribution to purposes a), c), d) and only a partial contribution to purpose b).

3.09 Of note (from the St Alban Green Belt review, Green Belt Parcel 26 Assessment Sheet CD 3.17) that:

- *purpose a) – the parcel is located away from large built-up area of London, Luton Dunstable and Stevenage*
- *Any reduction in the gap would have a limited impact on the overall settlement of first tier settlements but would have a greater impact on 2nd tier settlements and local levels of visual openness*
- *the parcel displays a mix of urban and rural characteristics where the few pasture fields in addition to woodland are noted as being to the east it is also of note that there are urban influences evident with a mix of built activities resulting in variable levels of visual openness*
- *the parcel does not provide the setting for any historic places*
- *in relation to settlement pattern, the parcel contains major transport corridors and a quantum of landscape features which create a sense of concealment. Additionally, the parcel contains urban fringe / peri-urban environments and built development both to the north and south of the M25 road corridor.*

3.10 In this context any change to the purposes themselves will be similarly limited.

3.11 In relation to purpose b) coalescence and building upon the LVIA and my review of the Council’s Green Belt Review at Appendix 1 (page 4 and 5) of this proof, and Officer comments, it is evident that there is limited perception of the Appeal Site from either Chiswell Green or How Wood. As stated in Appendix 1.0:

*“The site is set back from the A405, with woodland to the east and South, mature trees to the north and northwest and development to the West. there is currently no intervisibility between the site and the public sessile viewpoints beyond the extent of*

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*the immediate setting., as such the site makes a limited contribution to visual openness within this section of parcel 26.”*

- 3.12 This understanding of the Appeal Site is what led the Officer to the conclusion at (ref para 8.5.51) that *“there would be no direct coalescence as a result of the proposal between How Wood village and Chiswell Green.”*. It is very much the case that, whilst the Appeal Site is a component part in a physical sense to a local gap, it does not contribute visually to the overall perceived relationship. As such, a small reduction in the gap at this location would not compromise the separation of settlements in visual terms.
- 3.13 Further to the above the Inspector for the previous Appeal states at para 32 that: *“Chiswell Green is located to the northwest of the North Orbital Road, with How Wood Village to the south. The appeal site address references Chiswell Green, but the BGC site as a whole does have a degree of separation from this settlement as the site is below the North Orbital Road. Para 34 goes on to state that: “There would not be direct coalescence as a result of the proposal between How Wood Village and Chiswell Green.”*

#### **Landscape Character**

- 3.14 The Appeal Site location and study area, together with an analysis of the Appeal Site itself is described in the submitted LVIA section 1.1 and DAS section 2. Appendix 1 of this Statement, sets out the findings from the St Albans Green Belt Review 2013, which describes the countryside character of Parcel 26, in which the Appeal Site is located, as (my emphasis):
- “Contains a mix of land uses, displays urban fringe characteristics and woodland. The countryside has been eroded by built uses and exhibits some areas of poor management and dereliction.”*
- 3.15 This wider context contains built form of a similar footprint and grain. To the north and west there are the tighter grain, smaller scale residential areas. To the immediate south there is the larger scale and looser grain of the Burston Garden Centre. Further south still, within the same Green Belt parcel there is the looser grain and larger scale of Tenterden House Care Home and Allington Court.
- 3.16 The Appeal Site landscape character components and value are summarised in the table below.

Summary of Site Landscape Character and Value:

Landscape Character Component	Value
Movement and Legibility	Medium
Open Space	Low
Vegetation	Low
Land Use	Low

Overall Site Landscape Character and Setting	Low
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### Visual Assessment

3.17 The LVIA section 1.4 and LVIA Appendix 2 illustrates the visual baseline associated with the Appeal Site from viewpoints within the immediate context and local landscape. This is expressed through the assessment of viewpoints that includes:

- views out of the site
- views from heritage (residential) receptors
- views from residential receptors
- views from transport corridors
- views from public rights of way

3.18 It is noted in the Officers committee report at Para 8.2 (ref to para 2.62 of this proof) that there is common ground on the level of visual containment of the Appeal Site and visual matters being limited to those receptors in the immediate locality.

3.19 Additionally where the Appeal Site can be seen in closest proximity, it is behind a close board fence and from a footpath that we have been informed, is an infrequently used route.

### Summary

3.20 The Appeal Site is a well contained, discrete and small area and one that already has built form upon it that diminishes openness at the site level. The Appeal Site is influenced by the urban fringe uses of the adjacent Garden Centre and residential areas. In terms of the visual perception of openness, the Appeal Site has a very limited role within the Green Belt. Furthermore, the Site's high level of visual containment and small size, ensures that any associated change in openness will be limited in extent and only perceived from a very small number of receptors within the immediate setting.

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- 3.21 The Appeal Site sits within a GB parcel that plays a limited role in terms of the purposes of the Green Belt. At the Appeal Site level, this role is further reduced in relation to purpose a) and purpose d).
- 3.22 In relation to purpose c) it is the case that prevailing site containment and surrounding character limit the potential effect of any proposed change.
- 3.23 Whilst the wider contextual character is both landscape and townscape, the immediate contextual character, which surrounds the Site is all urban edge. Within that there is a combination of mature woodland, which creates a strong sense of both physical and visual containment, and built form associated with both residential areas and the garden centre. It is very much a Site that is in an urban edge context not a rural one. Within this context, both domestic, commercial and retail grain and density is characteristic.
- 3.24 The Appeal Site itself contains built form associated with the adjacent garden centre / nursery land use, which is 'utilitarian in appearance', 'poor quality and dilapidated'. The derelict land use and appearance that is 'untidy and unkempt' contribute to a landscape character that is of low value.
- 3.25 In conclusion, the Appeal Site is a small and discrete parcel of land within the northeast of Green Belt Parcel 26. The wider context is urban/ urban edge with a mixed grain, density and scale of built form. A component of this character is the existing adjacent vegetation provides a high degree of visual containment. These landscape components, diminish the openness of the site and the role that it plays in the Green Belt.
- 3.26 It is also the case that the Site is of low value and in need of improvement.

## 4.0 Description of the Appeal Scheme

### General

- 4.01 The Appeal Scheme and its evolution are shown in the submitted Design and Access Statement (DAS) and within the AVR's within Appendix 3 of the LVIA.

### Baseline Analysis

The Appeal Scheme has been informed by a robust baseline appraisal, captured in numerous reports, notably: the LVIA (CD2.39), DAS (CD2.36); Arboricultural Survey and Planning Integration Report (CD2.40); Built Heritage Statement (CD2.42); Preliminary Ecological Appraisal (CD2.41); Transport Assessment (CD2.46); and the Flood Risk Assessment and Drainage Strategy (CD2.44). Together these reports recognised the elements contributing to the setting of the Appeal Site and those of the Appeal Site itself and these opportunities and constraints have, together with the previous Appeal Decision (Ref: APP/B1930/W/19/3235642) dated 9<sup>th</sup> January 2020, informed the layout as illustrated on page 42 of the Design and Access Statement.

### Scheme Design

- 4.02 The design progression of the scheme has built upon comments from previous decision, of noted at para 44, the previous Inspector stated that:

*... 'Care has been taken with the scheme in terms of detailed design of the proposed buildings, taking their reference from local vernacular and palette of materials. As explained by the appellant landscape witness and scheme architect, the concept behind the scheme and its overall layout and design is to provide 'ageing in place' with different types of C2 accommodation within an enabling environment. the overall site layout is of a formal nature, with clear, legible and logical areas and has been designed as such due to the nature of the C2 use. the landscaping proposals are also extensive and form a fundamental part of the overall design.'*

- 4.03 The list at para 4.04 below, taken from the OR, narrates the changes from the dismissed scheme. To aid the Inspectors fig 2.0 to 2.3 in Appendix 1.0 of this proof show:

- The reduction in built form. The decrease in footprint is shown using urban grain studies (fig 2.0-2.2), the current site, the dismissed scheme and the Appeal scheme.
- Urban versus Appeal scheme overlay (fig 2.3) – where the black outline shows the previously dismissed scheme footprint, and the coloured layout shows the

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much-reduced Appeal scheme with sets backs, enhanced open space/ green infrastructure to both the northern and western boundaries.

4.04 The following changes to the scheme, from that refused are identified at Para 8.3 of the committee report:

*i. Spatial openness improvement - The reduction in the quantum as well as the scale and mass of development, with the removal of the 64-bedroom, 3,518 sqm, 2-storey care home which was located on the northeast portion of the site, to the benefit of the setting of Burston Manor and the visual openness of the scheme as viewed from the existing bridleway.*

*ii. Spatial openness improvement - The overall reduction in built form also includes a reduction from 45 to 44 bungalows and equates to a decrease of almost 20% of the overall floor area, down from 19,449 sqm to 15,807 sqm.*

*iii. Spatial openness improvement - A reduction in the density of development, utilising the space freed up by the removal of the care home to increase the space between bungalows and their distance from the curtilage of Burston Manor, as well as increasing the landscaping provision across the site.*

*iv. Heritage and visual openness improvement - A more dispersed, more informal and consequently less urban arrangement of accommodation throughout the site, including the re-orientation of the bungalows towards the northern boundary of the site so that they are no longer positioned "side-on" towards Burston Manor.*

*v. Heritage improvement - A change of landscaping approach in relation to Burston Manor, seeking now to identify, respect and enhance views of the Manor from within the site, rather than closing them off with additional screen planting.*

*vi. Heritage improvement - The identification and maintenance of the visual connection between Burston Manor and the woodlands.*

*vii. Visual openness improvement - The increase in the visual permeability of the scheme, with more open views throughout the site and from the northeast and southeast towards the village green.*

*viii. Visual openness and landscape character improvement - The removal of the close boarded fence adjacent to the boundary with How Wood to open the bridleway with the introduction of new woodland planting (trees and understorey) and the introduction of a low-level estate post and rail fence (subject to discussions with rights of way).*

ix. *Visual openness and landscape character improvement - Softening the built form along the eastern boundary of the site to facilitate a more sensitive edge with How Wood, greater separation from existing houses and allowing space for extensive planting of native tree species to extend the woodland area.*

x. *Health and wellbeing improvement - The provision for enhanced pedestrian routes both through and around the perimeter of the site, including access to Burston Garden Centre and improved connectivity to the local shops and facilities in How Wood Village.*

xi. *Outdoor amenity improvement - The re-engineering of the pond on the village green and the wider drainage scheme to ensure that all surface water, even the most extreme '1 in 100 year' storm event, is contained within the swales and ponds so that the village green itself is no longer used for attenuation and is now flat and more easily accessible."*

#### Siting, Massing and Grain

- 4.05 In addition to the changes to the scheme from that refused as listed above, it is noted that the proposals are predominantly of a scale, mass and grain that is in keeping with the typical urban fringe land use. Furthermore, and as illustrated within Appendix 1, Figure 1.1, Green Belt Parcel 26 contains existing comparable built development, contained visually by mature trees and woodland.

### **Scheme Impact**

#### Green Belt Openness and Purposes

##### Openness

- 4.06 In relation to the essential characteristics of the Green Belt - its 'openness and permanence', the Appeal Site will continue to be a discrete parcel within the Green Belt. Whilst it is recognised that new built form will replace structures present on site currently and will influence openness; the proposals demonstrate an improvement to openness from the previous scheme.
- 4.07 The proposals demonstrate an improvement to permeability from the previous scheme, with a reduction in built form and increase in quantum of open space. Such permeability is visual as well as physical.
- 4.08 The location of the improved area of openness is to the edges adjacent to the PRoW and to the western edge. Additionally built form has been removed deeper within the scheme opening the site's interior. As recognised by the Officers, the internal changes

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allow a view from the PRoW to the northeast of the Appeal Site, all the way through to the southwest.

- 4.09 The outcome is that the site is far more open in general and to the north this improved openness is in the limited location where the scheme will be apparent once the 2m close board fence is removed.

#### Green Belt Purposes

- 4.10 The Appeal Site is a small parcel of visually and physically well contained land, which sits within a wider Green Belt parcel that plays a limited role against the purpose of the Green Belt. At the site level the role is less still. The outcome is that the effect on the purposes of the Green Belt will be as follows:

a) to check the unrestricted sprawl of large built-up areas

- 4.11 The wider Green Belt parcel plays a limited role in relation to this purpose and at the site level there is no contribution. There will be a neutral effect.

b) to prevent neighbouring towns merging into one another

- 4.12 The wider Green Belt parcel partially contributes to this purpose but at the Appeal Site level there is little to no contribution. There will be a very limited to neutral effect.

c) to assist in safeguarding the countryside from encroachment

- 4.13 The wider Green Belt parcel has a limited to no contribution in relation to this purpose and at the site level there is an even smaller contribution. There will be a neutral effect.

d) to preserve the setting and special character of historic towns

- 4.14 The wider Green Belt parcel plays has a limited to no contribution in relation to this purpose and at the site level there is no contribution. There will be a neutral effect.

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

- 4.15 The Appeal site will provide new homes on derelict urban fringe land and in this way will positively respond to this purpose.

#### Character

- 4.16 The proposals will result in a change in character, from a derelict, poor quality former nursery to a high-quality care environment with associated built form and landscape. Less built form is proposed than the previous scheme, and as such, the character will

be more open, particularly in locations in proximity to the adjacent Listed Building to the northwest and PRow to the northeast.

- 4.17 The reconfiguration and reduction in proposed built form creates a looser grain which more sensitive to the settlement edge location. Furthermore, the reduction in built form has resulted in an increase in the quantum of proposed green space. The green space incorporates more generous internal view corridors, and green and blue infrastructure, achieving substantial biodiversity net gain. In addition, the increased greenspace allows the assisted living buildings to be positively assimilated into the new place. The proposed masterplan (refer to the DAS page 59, CD 2.36). To the west of this building there is the village green and its forest scale and domestic scale, tree planting. There are also the seasonal gardens. To the east there is the proposed Woodland Edge, again with forest scale trees. To the north there are the lower cottages and there wider green infrastructure. In combination this means that the assisted living building will be visually diminished in its perception, being a part of a well-considered and layered visual experience.
- 4.18 The high-quality character will be perceived by the new residents and visitors for the first time and by those using the adjacent existing PRow and the new bridleway through the south of the Appeal Site.

#### Assessment Landscape and Visual Effects

- 4.19 The description of changes likely to generate effects are described at sections 1.8 and 1.9 of the LVIA and within Appendix 5 of this Statement. These sections describe the assessment of likely significant effects (with embedded primary mitigation measures in place), on both landscape and visual receptors through both construction and operation phases.
- 4.20 A consistently difficult element of GLVIA is how the impact of new development is assessed. However, guidance is that para 5.37 of GLVIA is engaged as below (my emphasis):

*“5.37 One of the more challenging issues is deciding whether the landscape effects should be categorised as positive or negative. It is also possible for effects to be neutral in their consequences for the landscape. An informed professional judgement should be made about this, and the criteria used in reaching the judgement should be clearly stated. They might include, but should to:*

- *the degree to which the proposed fits with the existing character;*
- *the contribution to the landscape that the development may make in its own right, usually by virtue of good design, even if it is in contrast to existing character.*

*The importance of perceptions of landscape is emphasised by the European landscape convention, and others may of course hold different opinions on whether the effects are positive or negative, but this is not a reason to avoid making this judgement, which will ultimately be weighed against the opinions of others in the decision-making process.”*

4.21 The outcome of the above is the residual effects, as reassessed by me, are described at Appendix 5 of this Statement. These operational residual effects are summarised in the table below:

Component Affected	Residual Effect After Applying the Mitigation Measure
Published Landscape Character Areas	
NCA 110 The Chilterns	Negligible
LCA 18 Bricket Wood	Negligible
Site Landscape	
Movement and legibility	Minor Positive
Open space	Moderate – Major Positive
Vegetation	Moderate – Major Positive
Land use	Moderate – Major Positive
Overall site landscape character	Moderate – Major Positive
Visual Receptors	
Residents of heritage assets in proximity to Site	Negligible
Those using PRow's immediately adjacent to Site and the proposed bridleway through Site	Moderate Negative
Those using PRow's in proximity to the Site	Minor Negative
Residents and users of the highway in proximity to Site	Negligible
Residents and users of the highway 0.5 – 1.0km from Site	Negligible
Those using PRow 0.5 – 1.0km from Site	Negligible
Residents and users of highways 1.0km + from Site	Negligible

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### Contextual Character

- 4.22 At the wider, contextual level on landscape character, the effect of the scheme is negligible on NCA 110 The Chilterns and the Hertfordshire LCA 18 Bricket Wood. 4.22. At the immediate contextual level, where PRP, in the submitted LVIA a subdivide character to a more localised level, classified as, 'LCA1 Mixed Residential Settlement/Schools' they find a minor adverse residual effect. They state that this minor adverse effect only relates the part of the LCA immediately adjacent to the Appeal site and that - '*all other locations within the LCA are unaffected*'. My view is that this outcome, at this most local of levels, is on the cusp of being negligible to minor.

### Appeal Site Character

- 4.23 There would be a change to the character at the Appeal Site level, from that of a derelict land parcel, with unattractive buildings and associated hardstanding, plus unmanaged grassland, to that of a care village with attractive homes and open space. Existing vegetation at Site boundaries will be enhanced through additional planting and green infrastructure, which will be placed into positive management and will result in improvements to the quality of the landscape in this area.
- 4.24 The changes to the scheme are recognised by the Officers in their committee report at section 8.3.

### Visual Impact

- 4.25 The summary of visual effects are described at section 1.9 of the LVIA and through my reassessment, in Appendix 5 of this proof. The outcome is that in a site where there are no strategic views or vistas and where visual relationships are very localised, the changes in fundamentally from unattractive built structures, associated hardstanding and fencing to new high-quality homes, with high quality materials and elevations, reflective of the positive character of the area and set well into enhanced green infrastructure. The visual impact summary is that residual effects are negligible to moderate negative. The latter score relates to a single receptor, the PRoW, immediately adjacent to the eastern edge of the Appeal Site, a route that has been shown, anecdotally, to be used only to a limited extent. Also, one where it is agreed that the removal of the currently obtrusive close board fence will be beneficial.

### Overall Benefits of the Appeal Scheme

- 4.26 Whilst it is not proposed to remove the Appeal Site from the Green Belt, the compensatory measures identified in the NPPG at para 002 (Reference ID: 64-002-20190722) are pertinent. The NPPG sets out that these measures could include:

- *“new or enhanced green infrastructure;*
- *woodland planting;*
- *landscape and visual enhancements (beyond those needed to mitigate the immediate impacts of the proposal);*
- *improvements to biodiversity, habitat connectivity and natural capital;*
- *new or enhanced walking and cycling routes; and*
- *improved access to new, enhanced or existing recreational and playing field provision.”*

4.27 The landscape proposals shown within the DAS and information prepared by RPS Ecology reveal that the Appeal Scheme will deliver the following landscape benefits (and which reflects a number of compensatory measures described above).

- a. The creation of a new care village with homes in a safe and accessible environment.
- b. The replacement of unattractive buildings with sensitively designed new residential care development – new homes of a high-quality design and materiality that compliment and have recognised the intrinsic character and beauty of their context.
- c. Provides landscape and biodiverse enhancements in the form of:
  - Native species buffer planting
  - Native species hedgerow planting
  - Wildflower meadow area
  - Swales
  - Attenuation basins to be planted with native wildflower mix.
  - Trees, including native species across the Appeal Site.
  - Provisions for bird and bat boxes and hedgehog features
- d. Puts in place a mechanism for the positive management of the enhanced green infrastructure;
- e. Replaces a low value settlement fringe parcel, with high-quality built form set within a supplemented vegetated framework and woodland setting, which on balance provides an overall improvement to the existing site landscape character.
- f. In line with Biodiversity Net Gain Metric V3.0, the overall score for the site is a gain of 137.12% of the pre-development habitat score and 7616.25% of the pre-development hedgerow score. Thus, the proposals will result in a Biodiversity Net Gain significantly more than the Environment Bill’s 10% target.

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- g. Creates a new place where the homes, open space and green infrastructure positively respond to, and be assimilated into, their context and reflect local character.

### **Appeal Scheme and Impact Summary**

- 4.23 The robust baseline assessment, together with the former appeal dismissal has informed the progression of the scheme. Its evolution has been fully cognisant of its role in relation to the purposes of the Green Belt and matters of Green Belt openness and has also been based upon an awareness of the value of its surrounding townscape and landscape.
- 4.24 As with the dismissed scheme there will be an impact upon the openness of the Green Belt, but this will be wholly limited to the Appeal Site level and the Appeal scheme is one that is more open than the previous Appeal scheme. Where that improved openness has been placed is in a location where there are few local receptors, the limited number of people that use the PRoW to the northeast, pass by the site. This improved openness allows a broader, more open area in that location and the improved openness within the Appeal scheme allows views all the way through the new place to the nursery buildings to the south. Similar improvements to openness are made to the northwest of the Appeal Site, where the scheme has been considerably pulled back from this boundary and open green space has been included.
- 4.25 In relation to purposes the effect of the scheme, reassessed against the Council's own baseline and through reference to the previous Inspector's and Officer's comments, it is apparent that the impact upon the purposes of the Green Belt varies from neutral to very limited. The latter effect relates to purpose b) and the merging of settlements.
- 4.26 As with the dismissed scheme, it is evident from that the reuse of this former nursery / plant propagation site, has a number of positive outcomes for the landscape character of the Appeal Site. There are no visual receptors from the public domain, who readily perceive the Appeal Site currently, in its poor condition. The proposals will result in the introduction of visual receptors within the Appeal Site for the first time. Without planning permission, these visual receptors would not be introduced. Furthermore, without planning permission, there is little prospect of improvement in character. The impact on the contextual landscape is negligible.

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- 4.27 The outcome is a scheme that does lead to change. A high-quality scheme will provide assisted living apartments and cottages, plus support facilities on a site. This is all within an existing landscape character of a low value and one that is already influenced by the unattractive built form. Correct interpretation of the robust landscape and visual assessment has led to a proposal that will carefully integrate homes into their context, using landscape features (namely woodland, adjacent built form and new movement corridors) to characteristically frame development. From the revised spatial arrangement to the well-considered design of the landscape, the changes see improvements on the Appeal Site and the positive integration of all of the new homes, their varying scales, mass and form and all within a significantly improved landscape framework.
- 4.28 There will be change to some outlooks, but these will typically be positive where unattractive built form is replaced by high quality new homes and their associated external environs, open spaces, access routes and green infrastructure. Additionally, it has been agreed that the removal of the close board fence, noted by the previous Inspector as '*a visually discordant feature*' (at para 47 of the Appeal Decision) is beneficial.

## 5.0 Consideration of Key Landscape Issues Relating to the Reasons for Refusal and Related Policy Themes

### Introduction

5.01 Having established the background context for the Appeal and explained the policies most important for the determination of the Appeal, this section of the proof addresses the Council's reason for refusal 1.

5.02 The reason for refusal of the Appeal application is set out in the Council's decision notice, and as listed at para 1.05 of this proof established the main issues to be addressed through this Appeal.

5.03 In relation to landscape and visual matters arising from RfR1, whilst there is one reason, there are a number of components. The reasons assert that the proposed development (my emphasis):

*“RfR1: The proposed development would comprise inappropriate development in the Green Belt which would cause in principle and actual harm to the openness of the Green Belt. The proposed development by reason of the quantum of development, together with the size of the assisted living building would be harmful to the character of the wider area. The case made for very special circumstances, together with the contribution towards the provision of housing is not considered to overcome this harm. As such the proposal is contrary to the NPPF 2019 and to Policies 1, 69 and 70 of the St Albans District Local Plan Review 1994.”*

5.04 Matters of ‘*appropriateness of development*’ are dealt with in the Planning Statement.

### Green Belt

#### Openness

5.05 Paragraph 137 of the NPPF sets out that: *“the essential characteristics of the Green Belt are their openness and their permanence.”* The NPPG at Paragraph 001 (reference ID:64-001-20190722) sets out that:

- *“Openness is capable of having both spatial and visual aspects – in other words, the visual impact of the proposal may be relevant, as could its volume;*
- *the duration of the development, and its remediability, taking into account any provisions to return land to its original state or to the equivalent (or improved) state of openness; and*

- *the degree of activity likely to be generated, such as traffic generation.”*

5.06 In both the Roundhouse and the Harpenden schemes the decisions/ recommendation, OR (8.2.11) diminish the role of that the sites play against the wider purpose of the Green Belt. This is primarily through their visual containment due to adjacent built form or boundary vegetation and thus their physical and visual dissociation from the wider assessed Green Belt parcels within which they sit. This approach is entirely relevant to the Burston Garden Centre Appeal Site. The Appeal Site is not a pristine rural landscape free from the influences of built form. Rather it is a derelict horticultural site set within an urban edge, surrounded by development edges on all sides, with woodland being a component of that developed edge. The woodland additionally visually contains the site and separates it from the wider Green Belt. In combination both the built and vegetative elements diminish contextual openness. Refer to the DAS internal viewpoints at page 11. The level of urbanisation is far more than at either the Roundhouse or Harpenden schemes. As is evident from section 2.0 of this proof. Additionally both of the other schemes, are further at odds with the Appeal Site, in that:

- they are both free from any built form
- they both adjoin open arable fields to one boundary
- the divisions between their open field edge and adjacent urban edges are over-mature hedgerows with some standard trees but also with some breaks in the hedgerow
- both adjoin rural arable fields.

5.08 In both instances the Inspector and the Officer understand the urban context and visual containment leading to them being able to limit any impact of the spatial aspect of openness to the site level only (ref para 8.2.4 Harpenden OR). This understanding of the urban context and level of visual containment allows leads them to subsequently limit harm on a number of purposes.

5.09 In relation to the Harpenden scheme it is of note that the Officer see the merits of not developing up to margins and providing '*sufficient space for such elements as soft landscaping and screening*', the provision of a '*green buffer*' (8.2.12) rather than maximising the site by developing up to the boundaries. (8.2.14). This is precisely what the Appeal scheme has achieved in pulling back from both the northern and western edges. In the instance of the Harpenden the scheme setbacks of a similar depth to the Appeal scheme were seen as successful providing a buffer to open countryside beyond. There is no such open landscape in relation to the Appeal site but the success in this instance is that more open space is provided adjacent to the

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soul PRow that lies adjacent to the Appeal Site and also to the southeast of Manor Farm, providing more open space between the mature boundary vegetation and the new homes on the Appeal Site. It is also the case that opening up of the core of the scheme also allows views all the way through the site, again improving openness and depth of view.

- 5.10 At odds with Roundhouse and Harpenden scheme the Appeal scheme has built form upon it. My contention is not that this is uncharacteristic (see previous Inspector's para 25), but that it is built form thus mass, which diminishes openness, and my view is that neither the previous inspector, nor the Officer took this into account. Thus, their baseline for harm to openness should be adjusted.
- 5.11 My view is that similar to the Roundhouse and Harpenden scheme any change is wholly limited to the Appeal Site and has no effect upon the wider Green Belt openness. Indeed, in the vicinity of the Appeal Site, far more so than the two other schemes, the landscape is less open nor does not have the open agricultural landscape that they do.
- 5.12 At the Appeal Site level openness has been improved by the Appeal scheme and this improvement has taken place in precisely the right locations. Adjacent to the western and northern boundaries. In relation to the latter this therefore means that the limited number of those who perceive change to openness will have a more open environment to the foreground of their view, through both the removal of the close board fencing and the revised scheme, reducing the quantum of the built form and setting it further away from this edge. Finally, views through the site providing a depth of openness across the Appeal Site.

#### Purposes

- 5.13 As stated in Chapter 4.0 the effect of the purpose is as follows.
- a) to check the unrestricted sprawl of large built-up areas
- 5.14 The wider Green Belt parcel plays a limited role in relation to this purpose and at the site level there is no contribution. As such the effect on this purpose is neutral. This outcome is reaffirmed through reference to the Harpenden scheme where both the level of enclosure of a site and its layout have influenced outcomes in relation to this purpose. In the case of the Harpenden scheme, a site visually enclosed by a far lesser green margin and a site that has a visual relationship with an open landscape, the outcome against this purpose is reported by the Officer as being low to moderate. It has been shown in this proof that the Appeal Site is far more significantly enclosed by

mature woodland, (as opposed to an over mature hedge with standard trees) and that there is no relationship with an open agricultural landscape. Rather the wider adjacent townscape/landscape is occupied by the commercial/ retail-built form of the Burston Garden Centre and the homes at How Green. Such comparison allows the neutral outcome to be substantiated.

b) to prevent neighbouring towns merging into one another

- 5.15 The wider Green Belt parcel partially contributes to this purpose but at the Appeal Site level there is little to no contribution. The Appeal Site is set back from the A405, with woodland to the east and south, mature trees to the north and northwest and development to the west. There is currently no intervisibility between the Appeal Site and publicly accessible viewpoints beyond the extent of the immediate setting. As such the Appeal Site makes a limited contribution to the visual openness within this section of parcel 26. At the most local of settlement levels, in an urbanised/ urban edge environment, whilst the previous inspector did accept that (para 40) *“there would not be direct coalescence as a result of the proposal between How Wood and Chiswell Green”*, the Inspector did find that the scheme would: *“form a perceptible adjunct to How Wood village and would diminish the gap and the open nature of the green belt in this location between the villages, accordingly there will be a degree of sprawl and the merger of harm to the perception of settlements.”* My view is that whilst I agree with the former point re no direct coalescence, I think that the Inspector, at odds with the Inspector of the Roundhouse scheme and the Officer in relation to the Harpenden scheme, underplayed the urbanised role of the adjacent landscape. In doing so, the findings of *“a degree of sprawl and merger of these and harm to the perception of settlement”* need to be further qualified. My view is that in this instance is that in relation to sprawl, the outcome (as per para 5.14 above) is neutral and in relation to merger the outcome is very limited to neutral.

c) to assist in safeguarding the countryside from encroachment

- 5.16 The Inspector of the previous Appeal found that , *“by virtue of its open nature the site contributes to characteristic openness of the green belt in my view the proposed development could therefore do little else but encroach into the countryside as established above, the buildings and polytunnels which form part of the horticultural use of the site are not inappropriate in the green belt the structures are also not comparable to that being proposed there can be no doubt that the development would have an urbanising effect in this location that cannot be said to safeguard from encroachment.”*....

- 5.17 However, in the Roundhouse scheme, an open field entirely free from built form, a site less enclosed than the Appeal Site, the Inspector came to a very different conclusion. The Inspector separated the site from its adjacent open countryside, reported how the site was influenced by surrounding development (on three sides) and concluded that the Appeal proposal would have a localised effect on the Green Belt. Also, that *“the broad thrust of function and purpose of the Green Belt in this location would remain and there would be no significant encroachment into the countryside. I therefore conclude that the appeal proposal would not result in harm in terms of encroachment of the green belt in this location. This is a neutral factor which weighs neither in favour nor against the appeal proposals.”*
- 5.18 My view is that this approach is more relevant to the Appeal Site, one that has built form upon it, one that is surrounded by development, one that is wholly separated from open countryside. As with the Roundhouse Inspector my conclusion of effect for the Burston Appeal Site is neutral on this purpose.
- d) to preserve the setting and special character of historic towns
- 5.19 The wider Green Belt parcel has a limited to no contribution in relation to this purpose and at the site level there is no contribution. There will be no harm to this purpose. There is common ground on this point.
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land
- 5.20 Whilst neither the previous Inspector, nor the Officer find harm to this purpose, my view is that both the Appeal scheme will provide new homes on derelict urban fringe land and in this way will positively respond to this purpose.
- 5.21 It is evident from a thorough review, that the Appeal Site is a small piece of a Green Belt parcel that plays a limited role in terms of the purposes. The Appeal Site itself makes no contribution to purposes a) and d) and a limited or no contribution to purposes b) and c).
- 5.22 In this context, through a review of the two other schemes and their assessment of effect my view is that the effects attributed by both the previous Inspector and the Officer, overstate harm to both the openness of the Green Belt and the Green Belt purposes. The review illustrates that the Appeal Scheme proposes change to a very small part of the Green Belt, which is well contained by woodland and is influenced by the urban-fringe and built development. The Appeal Site has a more limited role than the two comparison sites, and as consistent with both the Roundhouse and Harpenden

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schemes, the impacts of the proposals would be limited in terms of the impact on the wider integrity of the Green Belt.

- 5.23 Furthermore, the Appeal Scheme responds positively to the fifth purpose of the Green Belt through recycling derelict land to provide the new high-quality care village and associated homes.

### **Character**

- 5.24 Neither the Appeal Site nor the adjoining context are covered by any national level landscape designations. At the Appeal Site level, the landscape is of low value. It is common ground that the buildings on site are of *'poor quality' and 'dilapidated'*. It is not pristine rural landscape free from the influences of built form. It is as site that was part of a Landscape Development Area (a previous Local Plan Policy 105). Such improvement has not occurred, and the site remains a derelict horticultural site set within an urban edge, surrounded by development edges on all sides, with woodland being a component of that developed edge. The woodland additionally visually contains the site and separates it from the wider landscape context. In combination both the built and vegetative elements diminish contextual openness. (Refer to the DAS internal viewpoints at page 11, CD2.36). As such, the Appeal Scheme proposes to develop land which is of a low environmental and amenity value.
- 5.25 The Appeal Site's existing fencing *'contains the site from the woodland areas beyond'*. In relation to para 8.6.8 of the committee report, the Appeal Site is geographically related to the settlement edge, and it is visually well contained by adjacent woodland and built form. The existing fencing truncates views into the Site through the woodland from properties at Walnut Close and Spruce Way currently and once the proposed vegetation matures this will provide natural screening.
- 5.26 In terms of visual perception, the Appeal Site has a very limited visual envelope, as demonstrated within the LVIA (CD 2.39) and Appendix 5 of this proof. As such, any perceived change to the character and appearance on the Site is limited to its immediate setting of the adjacent PRow, the new bridleway and the existing BGC. Wider than this the woodland and adjacent Burston Garden Centre disassociate the site from the wider townscape urban edge context.
- 5.27 The beneficial role of the boundary vegetation is described by the Inspectors/Officer in relation to both the Roundhouse Scheme and the Harpenden scheme. In these schemes over mature hedgerows, in some instances with gaps and elsewhere with associated standard trees, perform that role. In the case of the Appeal Site such

vegetated boundaries exist to the west but to the north and east the woodlands are of a considerable depth. These enclosing features mean that the Appeal Site is visually disassociated from the wider area. As such there is no harm to the wider area. As shown at section 4.0 of this proof.

- 5.28 Indeed the proposed scheme is characteristic of the wider area. In both the more immediate and wider context, there is a mix of built form in both footprint, scale and mass. Whilst the Inspector recognises that the *“formality to the layout would not be out of place with the general layout of the building form of the area”* additionally that *“* (para 45) the Inspector finds at para 45 and 46 that scale and mass of the larger buildings and the buildings and parking take up a large proportion of the site giving a distinctly urban form in contrast to the context character. Whilst the Officer recognised the many changes of the scheme (as listed at para 4.04 of this proof), the assertion of the urbanising effect remains at odds with contextual character and adverse effect of the assisted living building has been taken forwards by the Officer.
- 5.29 In response, to the immediate south there is the Burston Garden Centre (it is common ground that the adjacent buildings associated with Burston Garden Centre (BGC) have a *‘large footprint and are modest in scale’* (OR para 8.6.2), beyond the woodland there are the homes at How Green, in the wider context there are both other buildings of comparable scale to those proposed by the Appeal scheme. These include Allington Court and Tenterden House Care Homes at Lye Lane and the Horseshoe Business Park to the south of the M25. These examples of built development within the Green Belt demonstrate comparable areas of hardstanding for carparking, deemed ‘urbanising features’ by Officers, in relation to the Appeal proposals.
- 5.30 Into this context and in response to the Inspectors comments, the care facility building has been removed. The Appeal scheme locates the new homes and care facilities on the areas that are currently occupied in part by existing built form, and in locations set back further from the Grade II\* Listed dwelling and PRoW to the northeast of the Site, than in the previous scheme. The proposed built form reduced in of a quantum, from the previous scheme, resulting in a looser grain and reduction in massing. The spatial changes result in a more permeable proposal, with improvements to the amount of internal open space, green and blue infrastructure. This allows the scheme to be more open with views out the vegetation backdrop to the northwest and east and the glasshouse and garden centre to the south. The assisted living building is to the interior of the new scheme. It will be experienced set back into the Appeal Site, set behind and amongst other built form and visually integrated through the extensive structural landscape, where trees will have space to thrive and be of a scale that will visually

diminish the scale of this particular built element. As part of a composition and in conjunction with the maturation of the structural elements of the landscape, the residual impact of the assisted living block will have only a very limited impact. The trees on the village green to its west and those of the woodland edge will aid its visual assimilation as will the lower built form of the cottages to its north (ref para 4.17 of this proof). This impact will not be experienced at all by visual receptors in the wider urban edge context due to the visual containment of the Appeal Site. In the immediate vicinity such change will only be experienced by a limited number of receptors, those that use the PRoW to the north.

- 5.31 In addition, the balance of the new homes will also sit well within the landscape and are respectful of the treed skyline, they do not result in a relentless unbroken mass. Rather they are sensitive to the current level of openness, within the context of the mature woodland backdrop. Refer to proposed site sections at Appendix 3.
- 5.32 In relation to the District Local Plan 1994 Policy 69, the proposals have a high standard of design and take context and materials into consideration. Furthermore, and in relation to Policy 70, the design and layout of the new homes proposes a massing and siting of built form which will create safe, attractive spaces of human scale. In addition, proposals cater for a range of needs and provide a variety of care types, which are designed to avoid domination of public services, with careful consideration of extent of hard surfaces, vehicular access and the interface between public and private open space, to ensure privacy for residents occupying ground floor accommodation.
- 5.33 In relation to Para 131 – a new insertion into the NPPF, again even this most recent of policies is met through the provision of the landscape design associated with the Appeal Scheme.
- 5.34 In relation to Para 132 of the NPPF, the scheme has evolved as a result of positive consultation. To the extent that support was given by Parish Council, with 22 letters of support received and only seven letters of objection. This is at odds with Roundhouse and Harpenden where no such support exists. Indeed, they have a significant number of objectors.
- 5.35 In relation to para 134 it is right that '*significant weight*' should be given to '*outstanding or innovative designs which promote high levels of sustainability or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.*' This is precisely what the Appeal Scheme does. The Appeal scheme takes a derelict site in need of improvement and places and

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- outstanding design upon it, that raises the standard of design in the area and seeing new homes and public realm that are assimilated well into their urban edge context.
- 5.36 In relation to the natural environment and in particular para 174 the scheme has '*recognised the intrinsic character and beauty of the countryside and the wider benefits form natural capital and ecosystems services*', it has provided significant benefits for biodiversity net gain (refer to para 4.27 of this proof). Again, a positive response.
- 5.37 As with any development site, there will ultimately be a change in character to the Appeal Site. In this instance the residual effects are positive. The scheme will provide new assisted living apartments and bungalows plus support facilities which are reflective of their context, improved movement and legibility, major positive effects in term of open space, major positive effects in terms on green infrastructure and biodiversity. Overall, a landscape in need of improvement, is improved.
- 5.38 Furthermore, and in relation to para 174, proposals recognise the intrinsic character of the immediate setting and seek to enhance the natural environment through the proposed landscape strategy which incorporates green and blue infrastructure and contributes towards biodiversity net gain. The proposed landscape strategy positively responds to para 175, where this para seeks to maintain and enhance networks of habitats and green infrastructure, which connect with adjacent woodland and a wider catchment of natural capital.
- 5.39 In summary the character of the Appeal Site will change, and the effect will be positive on a site that has formerly been the subject of a policy requiring 'Landscape Improvement. Such effects will only be experienced in the immediate vicinity, there will be no effect to wider landscape or visual receptors.
- 5.40 My view is that the landscape and visual context of the site, its urban edge, character, its visual containment, are underplayed and are the benefits of the scheme. Subsequently the harm arising from the development overall and from the assisted living building is overplayed. The Appeal Scheme has recognised its urban edge context and has positively responded, creating a place where residual effects on the wider contextual landscape are negligible and at the site level the residual effects on character range from minor to major beneficial.

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## 6.0 Summary and Conclusions

- 6.01 This proof responds to Reasons for Refusal No. 1 as set out in the Decision Notice.
- 6.02 This statement has provided an overview of landscape related policy, supporting evidence base and relevant comparison schemes; has described the landscape/ urban edge setting to the Appeal Site; has described the Appeal Site; has described the Appeal Proposals; has set out a summary of the landscape and visual effects; and has finally considered the key landscape issues relevant to the Decision Notice and related policy themes.
- 6.03 The Appeal Site is a landscape that is of low value, one that is already occupied by some built form, structures and hardstanding which are of a poor quality and are dilapidated. The Site lies within land that was previously identified as a “Landscape Improvement Area” by the 1994 Local Plan - Policy 105. Whilst this policy has subsequently been deleted, since the policy was written, no improvement has occurred, nor will it occur without planning permission for the proposed Appeal Scheme. It is also apparent that the context of the Appeal site is predominantly urban edge consisting of major highway infrastructure, and both residential and commercial/ retail built form.
- 6.04 It has also been shown that the Appeal Site is visually very well contained by the adjacent built form (as reported above) and by mature woodlands. This has the effect of both visually separating the site from its wider Green Belt parcel, thus limited any change to Openness to the Appeal Site level only and additional diminishing any effect on Green Belt purpose. It has been shown that this visual dissociation and urban edge context and outcomes in relation to matters of green Belt has similarly been understood by Officer in relation the recommended Harpenden scheme and the Inspector in relation to the allowed Roundhouse Appeal.
- 6.05 The outcomes in relation to this Appeal is that my view is that the Officer have underplayed the urban edge nature of the Appeal Site context, have underplayed the high level of visual containment, have underplayed the increase in the openness of the scheme through its positive revisions and has thus overplayed the effect upon both the openness and purposes of the Green Belt.
- 6.06 In relation to character, again the Officers, through not readily understanding the urban edge context and the high level of visual containment have underplayed how well the Appeal scheme responds to its character and how well the high-quality design sits into

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its context. Their outcome that *'the proposed development by reason of quantum of development together with the size of the assisted living building would be harmful to the character of the wider area'* it quite simply, overstated. The Appeal Site's visual containment limit the perception of any change the immediate vicinity. The scheme amends has seen much improved open green space in this location as well as through the site.

- 6.07 As well as the overstated harm above, the Officers have also overstated harm associated with the assisted living buildings. In an improved scheme, once with more open space, more green infrastructure, a more open and carefully considered composition of new homes, the Officers have not understood how the composition allows the assisted living building to be successfully assimilated into the scheme.
- 6.08 As with the development of any site, landscape and visual change will occur. This landscape and visual proof has shown that the harm to the Openness of the Green Belt (a matter that relates to the Site level only) is reduced since the previously dismissed scheme, that the effect on purposes is very limited. In relation to character the residual effects of the Appeal scheme are neutral on the contextual landscape receptors and range from negligible to major positive on the landscape receptors of the Appeal Site. In relation to visual receptors, removal of unattractive built form and replacement with high-quality homes as part of a well-designed place, will see predominantly negligible residual effects to visual receptors, plus moderate negative to the limited number of receptors using the PRow immediately adjacent to / within the Site.
- 6.09 The Appeal Scheme proposals will result in the provision of a new retirement community, with homes that are reflective in form and materiality of the landscape setting; beneficial improvements to green infrastructure; the enhancement of natural capital; and the creation of a high-quality new place that raises the standard of design in the area, resulting in improvements to landscape character and associated visual benefits.
- 6.10 It is my view that the OR conclusions as to the scale of impact upon openness, purposes and upon the character and appearance of the wider area are overstated.