

CD11.26

Rebuttal Evidence

**Landscape, Character
and Appearance**

From

Greenbelt (Rule 6 Party)

Presented by Paul King
(Member and Advocate for Greenbelt)



In the appeal: APP/B1930/W/24/3343986

Planning Application Reference: 22/0267

Land between caravan site and Watling Street,
Park Street, St Albans, AL2 2PZ

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Personal Profile

I graduated from Liverpool University with an Honours degree in Engineering. I then spent 10 years in logistics and planning, running and designing transport systems and setting up distribution networks. After 10 years I moved into residential estate agency. I set up, and ran a sales and lettings company operating in the local area, which entailed undertaking every aspect of the business including sourcing land for development, interfacing with developers, but most of all ensuring that all clients received a professional service. I trained numerous staff to undertake their roles to a similar professional standard, including valuing properties and interfacing with clients and the public.

After 20 years I sold the business and became involved in addressing local issues relating to planning, specifically applications relating to Green Belt development. This included establishing the local campaign group *greenbelt* and forming a working relationship with other campaign groups around the district, to form the District Green Belt Alliance (DGBA) as well as interacting with local politicians, media outlets and of course supporters. I have been involved in this, on and off over the past 10 years, but have no professional qualification specific to planning issues.

I have lived in Park Street for 32 years and concurrent with all the above roles, I have been deeply involved in the residential rental market.

The evidence which I have prepared and provide for this appeal reference APP/B1930/W/24/3343986 in this proof of evidence, is true and I confirm that the opinions expressed are my true personal opinions.

1. Introduction

- 1.1 I address matters raised in the proof of evidence from Ian Dudley of Nicholsons (CD9.4), on behalf of the Appellant pertaining to Landscape matters.
- 1.2 I will only address additional matters, or such matters that appear to be additional to my Proof of Evidence, although there is inevitably some overlap.
- 1.3 Lack of comment about other matters, does not represent acceptance of those matters, rather a perception that these are already covered in my Proof of Evidence.



2. Effects on landscape character

Paragraph references relate to Mr Dudley's document references

3.15 The following opinion is expressed:

“the Site displays a transitional sub-urban character and feels more connected to the settlement edge than to the arable land to the west”

The numerous photographs in the appendices to my proof of evidence show this not to be the case. And the photograph below illustrates how it is very much connected to the farmland to the west:



The land is an integral part of the farmed fields that represent most of Strategic Land Parcel 28. Beyond the thin treeline in the valley, can be seen similar fields worked by the same farmer. The picture also shows how any dwellings built on this farmland, would be highly visible from all directions to the west, since they would sit on raised land, relative to the open countryside beyond.

3.20 Table 1 represents the writer's opinion of the impacts of the proposed scheme on the landscape. I see no synergy between the opinions presented in this table and the true situation.

3.21 The continual reference to “*urban edge location*” attempts to detract from the true characteristics of the land. In an appeal decision in January, four miles away at Radlett 3320599 (CD8.33), the Inspector at paragraph 43 said:

“The settlement edge does not affect the intrinsic pastoral open character of this agricultural field Green Belt, by definition, necessarily abuts settlement edges”

He also said in paragraph 22:

“by its nature the Green Belt consists predominantly of open countryside, including that part of it which directly abuts settlement boundaries. Green Belt policy seeks to preserve such countryside just as much as land within it that is not surrounded by settlements or built-up areas. If it did not there would be an inevitable incremental nibbling away of Green Belt fringes, which would cumulatively diminish its openness and permanence. That is why Green Belt policy has been such a successful planning tool since it was first introduced in 1947”.

4.8 A table of visual impacts has been produced, however it under-estimates to a large extent, the adverse effects that the development would have on receptors. The following is a more accurate summary:

Landscape Receptor	Susceptibility to Change	Value	Overall Sensitivity	Magnitude of Impact	Overall Impact Significance
Residents along Watling Street	High	High	High	High	Major
Residents along Mount Drive	High	High	High	High	Major
Pedestrian users of Watling Street	High	High	High	High	Major
Road users of Watling Street	High	High	High	High	Major
Residents along Old Orchard	High	High	High	High	Major
Residents along Hawfield Gdns	Low	Low	Low	Low	Minor adverse
Residents along Tippendell Lane	Low	Low	Low	Low	Minor adverse

4.9 The statement; *“that the proposed development will not result in any significant impacts upon the identified receptors”* is not at all representative of the actual situation, as the hundreds of local residents have already stated in their objections (along with other issues). There would be very significant impact on these people.

It is said that:

“the proposed planting associated with the scheme is anticipated to reduce the overall significance of impact to no greater than Minor adverse when mature”.



This fails to recognise that even if additional planting managed to lessen some of the worst effects of the introduction of substantial built form, that the increased screening would remove the openness that is very apparent on the land.

5.5 The Council approached three landscape consultants and reported that only one was able to provide an opinion. In this circumstance, it might be expected that they approach two more in order to conform to the wishes of the vote at the August meeting. However they did not do this and instead quoted the one respondent.

The consultant made two points, neither of which is pertinent to landscape matters, and the second is not a material consideration in the determination of a planning application in any event:

- 1) SADC does not have an adequate land supply
- 2) The land in question was included in the Regulation 18 process

As a consequence he stated that he could not defend a decision at appeal. Planning officers then used this response to attempt to force through the application at the January meeting.

Thus no professional opinion was ever obtained in relation to Green Belt and Landscape matters, despite it being requested at the August planning meeting.

It should be noted that Mr Dudley has misrepresented the consultant's statement regarding Bullens Green Lane.

He omitted the last few words of the sentence, which changes the meaning from the consultant deciding that the site would have "*more favourable features*", to the fact that the planning department had decided that it had "*more favourable features*".

The full wording was:

"as in light of the Bullens Green decision this site would appear to have more favourable features that are accepted by the Council (in light of its draft allocation)" (My emphasis)

The reality is that the consultant never assessed the land in its own right in landscape terms.

5.7 This paragraph states that the planning officers have been very supportive of this planning application and 5.8 mentions, once again that the Council has decided to offer no evidence in the defence of their decision to refuse permission.

Both of these statements are correct and one might ask why planning officers have been so supportive of the decision over a two and a half year period. They have gone to extraordinary lengths to have it passed, in the face of considerable opposition from within the planning committee and outside (CD3.6 & CD3.7), and then question why, most unusually, the



Council later resolved not to offer any evidence. Indeed the journey of this application through SADC's process is intriguing.

5.12 The Planning Policy and Climate Change committee passed a resolution to enter the Regulation 18 process in 2023, including the sites suggested in Arup's Green Belt Review. However, no scrutiny of the Arup report was undertaken prior to "lifting" its findings into the Draft Local Plan.

5.16 Does the thin line of trees at the bottom of the valley in the picture on page 3, isolate the land in the foreground, from the land beyond? The farmer doesn't think so when he drives his machinery through the large sections of open space in it.

5.17 The opinions expressed by the writer in the Visual Impacts Assessment are not representative of reality. The true impacts can be seen in the earlier table. The land displays a rural character, with nothing sub-urban about it. Since their "3 out of 5" assessment was arrived at by comparing this land, with the church and graveyard as detailed in the Nicholsons Letter of Recommendation mentioned in 5.1, dated 8th August 2023 (CD2.22), it is of little surprise that they arrive at a spurious conclusion.

5.19 Mr Dudley quotes paragraph 22 of the specified case (CD8.21), which says nothing to contradict the commonly held definition of openness. In fact in the very next paragraph, the Judge quotes Lindblom LJ, in the Lee Valley Regional Park Authority v Epping Forest District Council case, who said:

"The concept of 'openness' here means the state of being free from built development, the absence of buildings - as distinct from the absence of visual impact." (para 7, cited by him in his present judgment at para 19)

We are blessed in this case, that they are one and the same.

5.20 The approach taken in the case quoted (CD8.22), is that built form will damage openness and the more built form, the more the damage would be. In paragraph 25, the judge said:

"This remains relevant guidance in relation to the concept of openness of the Green Belt in the NPPF. The same strict approach to protection of the Green Belt appears from para. 87 of the NPPF. The openness of the Green Belt has a spatial aspect as well as a visual aspect, and the absence of visual intrusion does not in itself mean that there is no impact on the openness of the Green Belt as a result of the location of a new or materially larger building there".

In the Watling Street case there is an infringement of both spatial and visual openness, so it is hard to understand what point Mr Dudley is trying to make.



5.22 The statement that this development would somehow “round-off” Park Street does not stand up to scrutiny. The proposed development would be a standalone group of dwellings, unconnected to other residences as detailed in my proof of evidence. The perpetual claim that there is a connection to Old Orchard to the south is false, as is the connection to the properties on Watling Street. These properties are either in-accessible without crossing a busy road, or for many residents, inaccessible without walking along a dangerous track. As a consequence this development would represent a “Residential Island” just outside the village of Park Street which would compromise the Green Belt and its objectives, as well as suffering from sustainability shortcomings.

5.24 The claim that “*There are no views of the Site from Public Rights or Way or publicly accessible spaces*”, is not correct, since there are widespread views from various points along Watling Street, including the long length of pavement shown on the left, as can be seen in this photo taken by the Appellant in August 2024 from the pavement at the north end of Watling Street. In addition to demonstrating that the statutory notice had been displayed, it shows clear open views, yet little indication of any built form at Old Orchard on the southern end of the land.



5.25 The relationship with the adjacent Green Belt can clearly be seen in the picture on page 2 of this document.

5.26/7 It is inappropriate to suggest that the creation of this “Residential Island” would in any way “round-off” the village. It would represent a segregated housing scheme north of Park Street. It would reduce the rural gap between Park Street and St Albans from 575m to 165m west of Watling Street. The low profile (predominantly) bungalows on the eastern side of Watling Street are well set back and do not display intrusive characteristics. The perception is that the residential area of Park Street ends at the brow of the hill adjacent to Mount Drive, where the continuous rows of housing end.

In the appeal decision for the adjacent 0.45 ha of land immediately to the south, which is now a wildlife reserve, (CD8.9) at paragraph 6, the inspector stated:

“Beyond the site’s northern boundary the land is in agricultural use and is open in character. By virtue of its openness and the absence of built development therefore, the appeal site has a greater affinity with the agricultural land to the north than the residential area to the south. As such, it contributes to the openness of the Green Belt”.

If the 0.45 has a greater affinity to the countryside than the built development that it is adjacent to, how can this field have a stronger affinity with the built development that it is not adjacent to, than the land that it very much is attached to?

5.28 Park Street is a second tier settlement and it is purpose b of the green belt is to avoid such settlements merging into other settlements, as opposed to Larger towns “sprawling”, which is covered in purpose a.

The Arup Green Belt Review (**CD6.7**) assesses each sub-area against purpose b and quotes:

“Restricts development that would result in merging of or significant erosion of the gap between neighbouring built-up areas.”

With SA-108, it then goes on to assess compliance with purpose b, in relation to the effect on the gap between Park Street and St Albans, as well as Park Street and How Wood. Thus, if Mr Dudley’s interpretation of purpose b were adopted, most of the findings of the Arup review would be void.

The Bushey Heath appeal (**CD8.19**) discusses this issue in paragraphs 49 and 50. In the Shepperton decision (**CD8.32**), the small village of Upper Halliford extending to Sudbury-on-Thames is regarded as contravention of purpose b. At paragraph 50, the Inspector says:

“Thus, the appeal site currently contributes strongly to Purpose b). When considering the appeal scheme in this context the impact would be harmful because there would be a clear perception of neighbouring towns merging.”



The decision on 2/8/24 refusing permission due to conflict with three purposes of the Green belt, including b, involving the coalescence of the second tier settlement of Great Barr with View Tree West Bromwich, demonstrated the relevance of purpose b in relation to second tier settlements at paragraph 29 (CD8.39):

“I have additionally found that this sprawl would involve encroachment into the adjacent open countryside, resulting in a reduction of the existing gap between adjacent settlements. Insofar as the above would strongly offend 3 of the 5 purposes of including land within the Green Belt, I attach little weight to appellant’s opinion that the housing development would have a limited effect.”

5.29 There is no proposal for the new dwellings “to be set back behind a strip of public open space”, in the latest indicative layout plan (CD2.1). There is a small piece of open space adjacent to the entrance, under which the foul drain would run, but no properties set back. In any event there is a proposal to increase the hedging on the eastern side of the site. This would have the effect of creating a “closed in” feel to road users and pedestrians along Watling Street, thus eliminating openness.

5.31 There was considerable disagreement at both planning meetings with Officer’s views on the point of coalescence. Ultimately this was one of the Council’s “Reason for refusal” as stated in paragraph 2.4 of Mr Dudley’s proof:

*“We do not consider that the benefits outweigh the harm caused by this proposed development due to the harm to the Green Belt **openness, coalescence and merging of towns**”* (My emphasis)

5.37 There would be severe encroachment into the countryside, with this section of the Strategic Land Parcel 28 being eradicated as far as landscape character, openness and its role of avoiding the coalescence of communities is concerned. There would then be an attempt to increase the hedging on the eastern side, to avoid the damage done being too obvious. The replacement of the strong defensible boundary that has existed for well over 2000 years, with a thin line of trees at the bottom of the valley, would represent a severe encroachment and decimation of part of the countryside.

This encroachment into the countryside by breaching the existing defensible boundary, will give rise to further issues associated with the management of the remaining farmland. The occupiers of the adjacent new dwellings will need to be attuned to normal countryside management practices such as the use of fertilisers, pest control including shooting and the use of heavy machinery close by.

