

## Christine Whyte

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**From:** Ian Stewart [REDACTED]  
**Sent:** 14 September 2015 09:26  
**To:** Local Plan  
**Subject:** SADM Response-form Mr and Mrs Ian Stewart  
**Attachments:** SADM-Response-form - Mr and Mrs Ian Stewart signed.pdf

Dear Sir / Madam

Please find attached our representation in relation to "HERTSMERE BOROUGH COUNCIL SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN".

I would be grateful if you could confirm receipt. If you would also like a copy in Word please let me know.

Yours sincerely

[REDACTED]

Ian Stewart

*Email:*

*Mobile:*

Emma Stewart

[REDACTED]



## Site Allocations and Development Management Policies Plan (SADM)

### Publication Stage Representation Form

For office use  
only

Reference No:

Date received:

**Please use this form to make Representations**

**Please return to Hertsmere Borough Council by 5pm on Monday 14 September 2015**

**By post:** Policy and Transport Team, Planning and Building Control, Hertsmere Borough Council, Civic Offices, Elstree Way, Borehamwood, Herts, WD6 1WA.

**By email:** local.plan@hertsmere.gov.uk

This form has three parts:

**Part A** – Personal details (only needed once).

**Part B** – Your representation(s). Please complete a separate sheet (Part B) for **every** representation you wish to make, remembering to insert your or your organisation's name at the top of the page.

**Part C** – What information you want the Council to provide you with about future progress of SADM (only needed once).

**Please read the guidance notes at the end before completing this form. They explain the terms used and will help you make your representation(s).**

Part A	1. Personal details*	2. Agent details (if applicable)
Title	Mr and Mrs	
First name	Ian	
Last name	Stewart	
Job title (where relevant)	N/A	
Organisation (where relevant)	N/A	
Address	[REDACTED]	
Post Code	[REDACTED]	
Telephone number	[REDACTED]	
Email address	[REDACTED]	

\*If an agent is appointed, please enter the person and/or organisation being represented in column 1 and complete all contact details in column 2.

**Please note that all representations received will be made publicly available and cannot be treated as confidential. This means that the names of all those making representations will be publicly available. Other personal information relating to private individuals, including Contact details, will not however be made publicly available.**

**Part B**

Name or organisation:

For office use only  
 Ref No:  
 support:  
 object:  
 change:

**IMPORTANT: Please use a separate Part B form for each representation**

**3. To which part of SADM ('the Plan') does this representation relate?**

Paragraph  Policy  Policies Map  Other part of Plan (specify)

**4. In relation to the part of the Plan you identified in 3, do you consider the Plan to be:**

Please tick which boxes apply

4(a) Legally Compliant      Yes       No       no comment to make

4(b) Compliant with the Duty to Co-operate      Yes       No       no comment to make

4(c) Sound      Yes       No       no comment to make

*If you have entered 'No' to 4(c), please continue to Q5. In all other circumstances, please go to Q6.*

**5. If you consider the Plan to be unsound is this because it is not:**

5(a) Positively prepared  Please tick which box(es) apply

5(b) Justified

5(c) Effective

5(d) Consistent with national policy

**6. If you consider the Plan is not legally compliant or fails to comply with the Duty to Co-operate or, having regard to the criteria you ticked at 5 above relating to soundness is unsound, please give details of why. Please be as precise as possible.**  
**If you wish to comment in support of the Plan's legal compliance, compliance with the Duty to Co-operate or soundness or wish to make any other comment, please also use this box.**

This representation relates to SADM policy 23 section 4.76 and associated policies Map C.

We consider that the SADM is unsound, illogical and not defensible with regard to 29, 31 and 37 Heath Road for these reasons:

- These properties do not appear in SADM section 4.76 (Green Belt) nor in Policies Map C.
- These properties have been treated differently from the adjoining property 9 Green Meadow and similar other cases in Hertsmere
- The SADM proposal for 29 Heath Road is not compliant with the NPPF guidelines
- The existing Green Belt line on these properties (particularly number 29) is a long-standing historical anomaly which is not justified.

For further details please see below.  
 (continue on a separate sheet/expand box if necessary)



**Section 6 continued**

We consider that the SADM is unsound, illogical and not defensible with regard to 29, 31 and 37 Heath Road for the reasons stated below (and we request that the Inspector undertakes a site visit of the relevant properties before making his/her final assessment in respect of these issues):-

**1. These properties have been treated differently from the adjoining property 9 Green Meadow and similar other cases in Hertsmere.**

In the 2003 Local Plan the Green Belt boundary was shown as cutting across the gardens of four adjoining properties in Little Heath: 9 Green Meadow, 29,31 and 37 Heath Road. In the 2015 SADM maps the Green Belt boundary has been moved to go round the garden of 9 Green Meadow, but no justification is given for this in the accompanying documentation for this differential treatment. Although Hertsmere originally proposed to redraw the boundaries on the other three properties, following local consultation they now propose that the Green Belt remains unaltered on those properties, though it is clear from the Council's reasons that this decision was a finely balanced one overall. It is evident from examination of plans, however, that, if anything, 9 Green Meadow makes a greater contribution to Green Belt purpose than the others, and therefore the planning reasons why Green Belt has been moved for one property and not the other three need to be fully justified.

Hertsmere are asked to give fully justifiable explanations for the following:

- a. The planning reasons behind the decision to move the Green Belt boundary for one property but not for the neighbouring three properties; and
- b. Why the change of Green Belt boundary for the one property is not identified in SADM section 4.76 as a change when Hertsmere have identified similar minor Green Belt changes in other parts of the borough.

**2. The SADM proposal for 29 Heath Road is not compliant with the NPPF guidelines**

Paragraph 85 sets out that boundaries should be clearly defined, using physical features that are readily recognisable and likely to be permanent. This is clearly not the case with regard to 29 Heath Road; the green belt boundary runs straight across the lawn and flower beds. Paragraph 85 also states that the Green Belt should not include land which it is unnecessary to keep permanently open. Hertsmere had previously acknowledged that *the openness of the Green Belt would not be unduly affected by realigning it as suggested. None of the 5 objectives for the Green Belt will be compromised by a change to the Green Belt boundary. There are no current conflicts with the land use objectives for Green Belt in this locality.* We support those earlier conclusions in support of this minor realignment of the Green Belt boundary in this location.

**3. The existing Green Belt line on these properties (particularly number 29) is a long-standing historical anomaly which is not justified.**

We are aware that this was the subject of a previous inquiry in 2001 but it is clear from the Inspector's reasoning that he did not have the full historical evidence available to assist his decision on what was, even then, clearly a finely balanced question. Most crucially we can demonstrate that the Green Belt boundary was actually drawn in the wrong place from its very inception, due to the formal grant of permission for development of a detached bungalow and garage at no.29 on 31 August 1953 (ref: 2527/-/920), i.e. before the end of the lengthy process towards adoption of the County of Middlesex Development Plan:-

We can now provide documentary evidence which shows the existence of a domestic garden before the formal adoption of the Green Belt in 1956. Ordnance Survey maps from 1955 clearly show the garden of 29 as an L shape, extending below the current Green Belt boundary, demonstrating that from its inception the Green Belt followed an arbitrary path across 29 Heath Road, not following any pre-existing garden boundary. The hedge at 33-35 Heath Road which marks the line of the Green Belt (cutting across the gardens of 31 and 37) was at no time continued across number 29. On the contrary, the garden of 29 extended seamlessly beyond this hedge and behind the property now 31-37 Heath Road from 1955 (see attached annotated 1955 OS map). This hedge was therefore a hedge dividing two gardens, not garden and field as has been stated. Indeed the garden path going down 29's garden can still clearly be seen continuing seamlessly into and across what is now 31's garden.

The situation on the ground today is also significantly changed from when the Green Belt was first formally adopted in 1956. Of the four original houses then existing (Meadow House, Mowbray Lodge, 29 Heath Road and Chidham), only 29 Heath Road remains. The other three houses have been replaced by some 25 smaller detached houses (see attached map).

Further evidential material in support of these points is given below,

**Section 6 continued**

**OS Map survey date 1955 or earlier, prior to formal adoption of Green Belt**

**29 Heath Road showing garden in an L shape below Chidham**

**Existing Green belt boundary running along bottom of Chidham**

**Chidham (which is now 31 to 37 Heath Road)**



**Meadow House (now replaced)**

**Mowbray Lodge (now replaced)**

**Note: Of the four houses which existed when the Green Belt was formally adopted in 1956, only 29 Heath Road remains, Chidham, Mowbray Lodge and Meadow House have all been demolished and replaced by 25 more modern houses.**



View: TL20 (includes: Hatfield; London; Potters Bar) - Ordnance Survey 1:25,000 maps of Great Britain, 1937-1961  
<http://maps.nls.uk/view/94815819>

Section 6 continued Current plan of Heath Road and Green Meadow Potters Bar

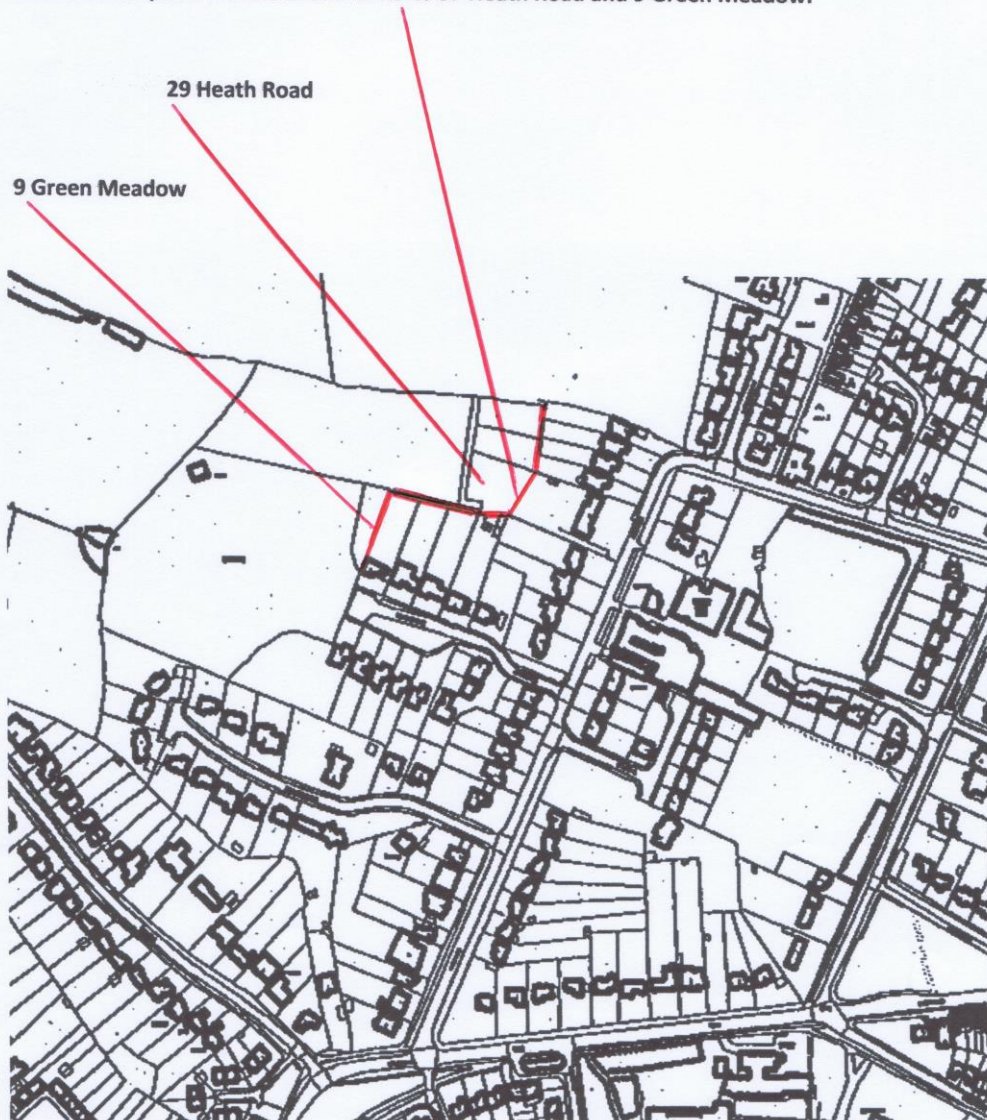
Extract from Hertsmere Borough Council Local Plan Review of Selected Green Belt Sites and Boundaries.



Section 6 continued Current plan of Heath Road and Green Meadow Potters Bar

Extract from Hertsmere Borough Council Local Plan Review of Selected Green Belt Sites and Boundaries.

Green Belt as per 2003 Local Plan for 29 to 37 Heath Road and 9 Green Meadow.



**Section 6 continued – Additional information**

<b>Key point</b>	<b>Summary of documentation</b>
The green belt runs arbitrarily across the garden at 29 Heath Road	Hertsmere local plan 2003.
In 2003 the green belt also cut across the adjoining property 9 Green Meadow	Hertsmere local plan 2003
Hertsmere have moved the green belt elsewhere in the district as part of the local plan review. Heath Road is now an anomaly.	SADM (July 2015) section 4.76 page 43 Similar minor adjustments: the boundary around Oakbank; 5-23 (odd nos.) Watling Street; First Place Nursery; and 10 Cobden Hill to form a more logical boundary.
Hertsmere have realigned the green belt boundary at 9 Green Meadow	SADM policies map C but not SADM section 4.76
Hertsmere planning officers have previously documented their position in favour of moving the Green Belt boundary at 29, 31 and 37 Heath Road	Review of Selected Green Belt Sites and boundaries (March 2014) Table 7.12 pages 85-86: <i>The Green Belt boundary ... does now appear to be a little arbitrary... It is not normally considered to be good practice to have the Green Belt Boundary cut through the rear of domestic curtilages... The openness of the Green Belt would not be unduly affected by realigning it as suggested... None of the 5 objectives for the Green Belt will be compromised by a change to the Green Belt boundary... There are no current conflicts with the land use objectives for Green Belt in this locality... The proposed boundary is logical and defensible.</i>
Hertsmere have previously indicated no significant adverse sustainability effects from moving the boundary	Hertsmere sustainability appraisal (March 2014) SADM 19 page 37: <i>None of the boundary adjustments ... conflict with the purpose of the Green Belt as set out in the NPPF. There are a series of logical reasons for making the Green Belt boundary more defensible in certain locations, and removing sites from the Green Belt which are now significantly developed. The policy and the proposed adjustments will be subject to testing against Sustainability Objectives. Notwithstanding, no significant adverse effects are identified in sustainability terms.</i>



**Section 6 continued – Additional information**

<b>Inaccuracies</b>	<b>Evidence contradicting</b>
<p>Summary of Representations and Responses June 2015:  <i>“the existing long-standing boundary is evident on site”</i>  <i>“boundary well known locally”</i></p>	<p>These statements are incorrect for 29 Heath Road. Evidence from the 1953 Land Registry and 1955 OS map indicates no such boundary ever existed diagonally across 29s garden. The 1955 OS map shows the garden in a L shape below Chidham’s boundary</p>
<p>Summary of Representations and Responses June 2015 (Local objection):  <i>“create a precedent for further Green Belt change”</i></p>	<p>Hertsmere has been following the practice for some years that green belt should not cut across gardens. As such this change is following existing good practice not creating a precedent</p>
<p>Summary of Representations and Responses June 2015 (Local objection):  <i>“detriment of residential amenity and road safety”</i></p>	<p>Rectifying this green belt anomaly does not in itself have any material impact on residential amenity or road safety.</p>
<p>Review of selected green belt sites and boundaries – March 2014  <i>“Numbers 31 and 37 Heath Road in 1986 purchased half the field each at the rear of the houses numbered 31-37 Heath Road and altered their property boundaries accordingly”</i></p>	<p>These properties purchased part of 29’s existing garden (not field). There is a path down 29s garden which still very clearly continues across 31’s garden, well below the current green belt boundary.</p>
<p>Inspectors Report - Green Belt boundary rear of 29 - 37 Heath Road Potters Bar - 2001  <i>“there is no certainty as to what form it took and how it related to the buildings in the area and what physical features there were on the ground at that time.”</i></p>	<p>OS map surveyed 1955 (or earlier) which predates the formal adoption of the Middlesex Plan clearly shows the house and garden at 29 Heath Road</p>
<p>Inspectors Report - Green Belt boundary rear of 29 - 37 Heath Road Potters Bar - 2001  <i>“Although the boundary is not wholly defined on the ground I consider that the original line properly marks the interface of the urban edge with the open land beyond. I do not believe that the absence of a clear physical feature on the ground across the whole length of this site, nor any of the other arguments put forward, provides the justification for the revised line sought by the objector. “</i></p>	<p>Evidence is that there never has been a physical feature across 29. The hedge line referred to (originally the boundary of Chidham) has been the boundary between two adjoining gardens since 1955, or earlier, and never extended across 29. It therefore did not mark the urban edge, when the Green Belt boundary was formally adopted in 1956. Neighbouring properties to the south had larger gardens which were included within the urban area.</p>

<b>Section 6 continued – Additional information</b>
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<b>Timeline</b>
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This timeline shows that 29 Heath Road gained planning permission in the period between the green belt map being drafted and the plan being formally adopted (1956). This created the anomaly of the Green Belt cutting across a pre-existing garden which still persists today.

**1951:** The plot which is now 29 Heath Road was not built on in 1951 when the green belt was mapped. An arbitrary line was drawn not following any boundaries.

County of Middlesex Development Plan 1951 draft map (based on 1947 survey).  
*Source: London Metropolitan Archives MCC/PL/DP/01 Middlesex County Council*

**1953 August:** Land Registry initial registration of title for 29 Heath Road

Title number HD49204

**1953 August:** Planning permission for 29 Heath Road was granted in August 1953. This was some 3 years prior to the formal adoption of the County of Middlesex Development Plan, and some months before the Development Plan enquiry was completed

Detached bungalow and garage, 31/8/1953 (ref 2527/-/920). *Source: Hertfordshire Archives and Local Studies Off Acc 717 Potters Bar Urban District Council.*

**1953 November:** County of Middlesex Development Plan enquiry completed

**1955:** Four properties were in the area; Chidham, 29 Heath Road, Mowbray Lodge and Meadow House. The OS map shows the boundary of Chidham and shows the garden of 29 Heath Road as an L shape going below this

OS survey of 1955, published 1957 (supplied)

**1956:** County of Middlesex Development Plan formally signed by the Minister of Housing and Local Government in 1956 (maps based on 1947 OS survey)

*Source: London Metropolitan Archives MCC/PL/DP/01 Middlesex County Council*

**7. Please set out as precisely as possible what change(s) you consider necessary to make the Plan**

- **legally compliant or**
- **sound (having regard to the criteria you ticked at 5 above relating to soundness).**

**You will need to say why this change will make the Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text.**

The following changes are required to make the SADM sound, by removing inconsistencies and anomalies outlined in section 6 and by bringing it into line with NPPF guidelines:

1. Update SADM section 4.76 (minor changes to Green Belt) to include 9 Green Meadow, 29, 31 and 37 Heath Road.
2. Update SADM Map C (Potters Bar) so that the Green Belt boundary is aligned with the bottom boundary of the gardens of 29, 31 and 37 Heath Road thereby forming a logical and defensible boundary line.

(continue on a separate sheet/expand box if necessary)

***Please note** your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested change, as there will not normally be a subsequent opportunity for further submissions based on the representation you are currently making. **After this current publication stage, further submissions will only be able to be made at the Inspector's request, based on the matters and issues he/she identifies for Examination.***

**8. If you do not consider the Plan to be sound and the Council is prepared to make changes to the Plan which reflect your suggested change, would you be prepared to enter into a 'Statement of Common Ground' with this Council?**

Yes  No

**9. If your representation is seeking a modification/change to the Plan, do you consider it necessary to participate at the oral part of the Examination?**

No, I do not wish to participate at the oral Examination  Yes, I wish to participate at the oral Examination

**10. If you wish to participate at the oral part of the Examination, please outline why you consider this to be necessary:**

When this change was reviewed by the previous inspector certain factual information was either not presented or overlooked and certain assumptions had to be made. As the owners of 29 Heath Road, we would wish to be present at the inspection to answer any questions the inspector may have and assist the inspector in reaching his/her decision.

(continue on a separate sheet/expand box if necessary)

***Please note:** the Inspector will determine the most appropriate procedure to hear those who have indicated that they wish to participate at the oral part of the Examination.*

Signature: 

Date: 14 Sep 2015

**Part C**

**(Only needed once)**

Name (Print): Mr and Mrs Ian Stewart

If you wish to be informed of the date of the submission of the Plan to the Secretary of State, please tick this box.

If you wish to be informed of the recommendations of the Inspector appointed by the Secretary of State to carry out the independent Examination of the Plan, please tick this box.

If you wish to be informed of the adoption of the Plan by Hertsmere Borough Council please tick this box.

If you no longer wish to receive communications from the Council on SADM please tick this box.