

**Planning and Economic Development**

**Hertsmere Borough Council  
Proof of Evidence – Planning  
Prepared by Georgia O’Brien MA**

**APP/N1920/W/22/3311193**

**March 2023**

**LPA reference:** 22/0971/OUT

**Appeal by:** Griggs (Options) Ltd

**Site Address:** Land Adjacent And To The Rear Of 52 Harris Lane,  
Shenley, WD7 9EG

**Proposal:**

Construction of up to 37 dwellings with associated landscaping and open space to include access from Harris Lane. (Outline Application with Appearance, Landscaping, Layout and Scale Reserved).

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## 1.0 Introduction, Qualifications & Experience

1.1 I hold a Masters degree in Town Planning from London South Bank University (LSBU) following completion of my studies in December 2022. I am preparing to submit for licentiate membership of the RTPI as part of my degree apprenticeship with Hertsmere Borough Council (HBC) and LSBU.

1.2 I am currently employed by HBC as a Senior Planner in Development Management. I have held this position since January 2023. Prior to this I was employed as a Planning Officer at HBC, though carrying out the duties of a Senior Planner in an acting up role since September 2021. I have worked as a Planner for a total of three years and seven months.

1.3 My evidence is provided in support of the Local Planning Authority (LPA's) decision to refuse Outline planning permission for the following single reason:

*Per paragraph 11 of the NPPF, the presumption in favour of sustainable development applies. Planning permission should therefore be granted, unless the application of policies within the NPPF that protect areas or assets of particular importance (which includes land designated as Green Belt) provides a clear reason for refusal.*

*The proposed development is considered to be inappropriate development in the Green Belt, given that it would fail to comply with any of the defined exceptions at paragraphs 149 and 150 of the NPPF. A case for Very Special Circumstances (VSCs) has been made by the applicant, outlining a number of benefits of the scheme. However, officers consider that these benefits when taken together are insufficient to outweigh the substantial harm to the Green Belt, by virtue of inappropriateness and due to the significant harm to openness that would arise. Accordingly, VSCs do not arise here.*

*Therefore, the proposed development is considered to be contrary to the NPPF (2021), Policies SP1, SP2, and CS13 of the Core Strategy (2013) and Policy SADM26 of the Site Allocations and Development Management Policies Plan (2016)."*

1.4 This Proof of Evidence pertains to Green Belt and planning balance matters and should be read in conjunction with the LPA's Planning Statement of Case (CDC.2), as well as

the separate evidence of Mr. Radmall and Mr. Silverman. It sets out the relevant policies and material considerations that are most pertinent to this appeal and assesses the appeal scheme against these. A planning balance exercise is undertaken in accordance with Section 70(2) of the Town and Country Planning Act 1990 (as amended).

- 1.5 Where relevant, this Proof will draw upon matters of housing land supply and landscape, including character and appearance, from the evidence of Mr. Silverman and Mr. Radmall respectively. When commenting on these matters, specific reference will be made to the respective Proofs and Statements of Common Ground. I adopt their conclusions and rely upon them for my own evidence, where relevant.

## 2.0 Policy Context

### The Development Plan

- 2.1 The policies relevant to this appeal are set out within the LPA's Statement of Case (CDC.2). For the avoidance of doubt, the development plan for Hertsmere comprises the following documents:

- Hertsmere Core Strategy (2013) (CDE.1)
- Site Allocations and Development Management Policies Plan (2016) (CDE.2)
- Elstree Way Corridor Area Action Plan (2015) (CDE.2.1)
- Shenley Neighbourhood Plan (2021) (CDE.3)

- 2.2 The policies considered by the Council to be of most relevance to the appeal are:

### Core Strategy

- SP1 Creating Sustainable development
- SP2 Presumption in favour of sustainable development
- CS1 The supply of new homes
- CS2 The location of new homes
- CS3 Housing delivery and infrastructure
- CS4 Affordable Housing
- CS13 The Green Belt

### Site Allocations and Development Management Policies Plan

- SADM22 Green Belt Boundary
- SADM26 Development Standards in the Green Belt
- SADM40 Highway Access Criteria for New Developments

#### Shenley Neighbourhood Plan

- SH1 Rural Character
- SH3 Housing Mix & Choices
- SH4 Connecting Shenley
- SH6 Local Knowledge for Good Design
- SH7 Building for Life
- Shenley Parish Design Principles & Code

- 2.3 As noted at paragraph 3.5 of the LPA's Statement of Case (CDC.2), the Council are satisfied that the appeal scheme would not conflict with the policies of the Shenley Neighbourhood Plan, noting that these would be addressed at reserved matters stage.

#### Other material considerations

- 2.4 The National Planning Policy Framework 2021 is a key material consideration to this appeal, with particular regard to paragraph 11 (relating to sustainable development) and Chapter 13 (relating to Green Belt).
- 2.5 As has been set out in the Council's Statement of Case, the Council's now set-aside draft Regulation 18 Local Plan (2021) is not considered to carry any weight in the assessment of the appeal scheme. This is addressed further within the Planning Balance section of this Proof. However, the evidence base for the Local Plan is agreed to be a material consideration.

## 3.0 Green Belt

### Introduction

- 3.1 The key policy within the Development Plan is Policy CS13 of the Core Strategy. This policy states that "there is a general presumption against inappropriate development within the Green Belt, as defined on the Policies Map and such development will not be permitted unless very special circumstances exist". (CDE.1, p. 60). Whilst this policy refers to limited infilling within village envelopes, including Shenley, the proposed

development is sited outside of (though adjacent to) the village envelope of Shenley and in any case does not constitute limited infilling. This is agreed between the appellant and the Council. Thereafter, whether the proposals conflict with this policy turns on whether very special circumstances exist, which I address later. It is my view that they do not arise here, and on that basis, the proposed development conflicts with this policy and with the development plan read as a whole, as well as with national policy in the NPPF.

- 3.2 Chapter 13 of the NPPF is relevant. Per paragraph 137, the Government attaches great importance to Green Belts, and the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and their permanence. These proposals conflict with that policy aim: they do the opposite of keeping this piece of Green Belt land open.
- 3.3 The five purposes of the Green Belt are set out at paragraph 138 of the NPPF. Of particular relevance of this appeal is: c) to assist in safeguarding the countryside from encroachment.

### Harm by reason of Inappropriateness: Definitional Harm

- 3.4 It is accepted between the Council and the appellant that the appeal scheme constitutes inappropriate development in the Green Belt. Paragraph 147 of the NPPF confirms that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 of the NPPF requires that substantial weight be given to any harm to the Green Belt. Furthermore, '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.
- 3.5 The appeal scheme is therefore by definition harmful to the Green Belt, which carries substantial weight. This is the starting point for determining the harm to the Green Belt arising from the appeal scheme. Any other harm to the Green Belt identified will contribute additional weight, and to that must also be added 'any other harm', which I turn to later in this Proof.

### Harm to openness

- 3.6 Whilst there is no definition of openness provided either within the NPPF or the NPPG, it is broadly accepted that 'openness' is a concept which includes (or can include) both spatial and visual elements, and that refers to an absence of built development, including two-dimensional development such as hard standing.
- 3.7 The appeal site comprises a parcel of previously undeveloped (or greenfield) land adjacent to the village settlement of Shenley. Built form within the site is limited to a chicken coop and enclosure, and two timber outbuildings adjacent to the boundary of No. 52 Harris Lane. There is also a small electricity pylon in the south-western corner of the site behind No. 46 Harris Lane. The site's topography includes a gently sloping gradient away from Harris Lane towards the south-eastern boundary, such that the site's openness within the context of the surrounding countryside can be appreciated from Harris Lane. Mr. Radmall deals with the viewpoints from which the openness of the appeal site can be seen and appreciated, and I do not understand there to be any significant debate about the range of those viewpoints, or the visibility of the site.

#### Openness: Spatial Impact

- 3.8 The spatial impact of the appeal scheme arises from the introduction of up to 37 dwellings, of up to 2.5 storeys in height, together with internal road infrastructure, car parking, landscaping, boundary treatments, and other residential paraphernalia. This would introduce a substantial amount of footprint and volume of built form on a site otherwise devoid of development, save some timber outbuildings on the site boundary and an electricity pylon. The effect of this built form would be to significantly erode the spatial openness of the site.
- 3.9 Accordingly there would be a significant spatial impact arising from the proposed development, which would result in harm to the openness of the Green Belt.

#### Openness: Visual Impact

- 3.10 The site's visual openness is appreciable from a number of both localised and longer-ranging views. Of particular note are views across the site south-east and into the countryside beyond from the site's gate on Harris Lane, and views north-west towards the site from Public Rights of Way (PROW) Shenley 018 and 019.
- 3.11 A Landscape and Visual Impact Assessment (LVIA) was submitted at application stage (CDA.20). Mr. Radmall addresses the conclusions of the LVIA, and explains where he differs from them, and why, and I adopt his evidence. I agree that the site is not visually contained to the extent that the appellant reports. The visual impact of the appeal scheme on Green Belt openness would be appreciable from views along

Harris Lane, from within the Recreation Ground on the opposite side of Harris Lane, and from vantage points along the aforementioned public footpaths (018 and 019). This visual impact could not be suitably mitigated by landscape screening or planting. The loss of openness would remain visible and perceptible even after that planting has matured.

- 3.12 For a detailed assessment of the proposed development's visual impact, I would refer the Inspector to the Council's Landscape Proof prepared by Mr. Radmall. Whilst Green Belt and landscape are separate planning matters, there is crossover where the visual impact on Green Belt openness is concerned; hence, assessments of visual impact on Green Belt openness often rely on LVIA. Mr. Radmall's Proof evidences that the site meets the test of Green Belt openness and is spatially open. As a result of the development, 'the openness of the site would be lost, and would decrease further over time as landscaping matures' (para. 5.4). Additionally, the LVIA itself notes in regards to visual effects that 'the Y1 effects would be overwhelmingly adverse and would remain so at Y15' (para 5.7).
- 3.13 The effect of the proposed development in reducing the openness of the appeal site would be visible and appreciable from a range of viewpoints, which adds to the overall harm. It is more harmful than a (hypothetical) site of similar size in which the reduction in openness could not be seen or appreciated from the same range of viewpoints.

### Other harm: Green Belt purposes

- 3.14 In addition to the definitional harm arising from the proposed development, and the visible loss of openness, the development would conflict with the purposes of including land in the Green Belt. Mr. Radmall addresses this issue in his proof and I adopt his conclusions.
- 3.15 I agree with him that the proposed development would not conflict on a strategic level with purposes a), b), or d), given that Shenley cannot be considered a 'large built-up area', or an 'historic town', and that the development would not result in the merging of neighbouring towns. However, I would concur with the view of Mr. Radmall that on a local level, the development would 'undermine the aim of checking unrestricted development (Purpose (a)) and of preserving the setting and special character of the historic village, as represented by its Conservation Area (Purpose (d))' (para. 5.11).

- 3.16 The development would directly undermine purpose (c) of the Green Belt, which relates to safeguarding the countryside from encroachment. The proposed development of up to 37 homes, including internal road infrastructure, car parking, and residential paraphernalia would have an urbanizing effect on the site and would result in an encroachment of built form into the countryside. Overall it is a feature of this case that the proposals conflict with at least one of the identified purposes of including land in the Green Belt, and at a local level also cause harm to a number of others.
- 3.17 Taking all of this together, and noting that national policy requires no less than substantial weight to be given to any harm to the Green Belt, in my view this is a case in which the harm caused is well above the minimum, or lowest end of the scale. The spatial reduction in openness is significant, and can be observed from a number of viewpoints. The proposals also conflict with at least one identified 'purpose' for including land in the Green Belt. While I do not consider that, overall, the harm requires very substantial weight to be afforded to it, it remains worthy of substantial weight, and considerably more than the minimum level within that category.

### Other harm: Landscape impacts

- 3.18 The Council's Planning Statement of Case (CDC.2) states at paragraph 4.10: 'the development would result in harm to the character and appearance of the landscape, with a change to the perceived rural landscape character due to existing open views from the aforementioned vantage points becoming enclosed and constrained.'
- 3.19 Landscape harm is addressed separately by the Council's Landscape witness, Mr. Radmall. The Inspector is therefore referred to Mr. Radmall's Proof for a full assessment, the conclusions of which I adopt and rely upon in my own evidence. In summary: 'The proposed development would transform the character of the site from being part of the countryside to part of the settlement. Its openness would be lost and its contribution to the purpose of the Green Belt would be compromised. The urbanizing influence of the development would harm the character and appearance of the locality, the countryside setting of the village and the amenity of local views' (para. 6.4).
- 3.20 Accordingly, in addition to the harm to the Green Belt, the Council considers that the development would result in harm to the character and appearance of the landscape in conflict with the NPPF, Policy CS12 of the Core Strategy (CDE.1), and Policy

SADM26 of the Site Allocations and Development Management Policies Plan (CDE.2). This additional, and separate, measure of harm carries significant weight.

### Very Special Circumstances

- 3.21 As set out previously, the proposed development is inappropriate development which is harmful by definition and should not be approved except in very special circumstances, per the requirements of NPPF paragraph 147. Paragraph 148 of the NPPF stipulates that in order for very special circumstances to exist, the potential harm to the Green Belt together with any other harm must be clearly outweighed by other considerations.
- 3.22 The proposed development would result in definitional harm to the Green Belt, a reduction in Green Belt openness (both spatial and visual) and conflict with Green Belt purposes. Per the requirements of NPPF paragraph 148, these harms are afforded substantial weight. In terms of other harms, this is limited to landscape character and appearance (significant weight). It must be determined whether the benefits of the scheme would clearly outweigh these harms.
- 3.23 A breakdown of the suggested benefits of the appeal scheme, and the weight the Council attributes to these, are set out in the Council's Statement of Case (CDC.2, paras. 4.23-4.31). Further justification for these are now provided.

### **Economic Benefits**

- 3.24 The chief benefit of the scheme is agreed to be the delivery of housing (market/general, affordable and self-build) in the absence of a five year housing land supply. The Council calculates the housing land supply to be 2.25 years, as set out within the Five Year Housing Land Supply 2021/22 (September 2022) (CDE.10). The Appellant says the supply is less, and a Statement of Common Ground between the Council and the appellant (CDD.4) sets out the differences between the two parties as to the extent of the shortfall. Further justification is provided by the Council as to the inclusion of specific sites within the Housing Land Supply Proof of Mr. Silverman.
- 3.25 The appeal scheme would contribute up to 37 dwellings towards the borough's housing stock. Of these, 40% would be affordable and 8% would be self-build. The Council are satisfied that the affordable housing proposed would exceed the requirements of Policy CS4 of the Core Strategy.
- 3.26 Though the Council does not have a five year housing land supply, it has delivered more than 75% of its housing in the last three years. Whilst there is dispute between

the Council and the appellant as to the extent of the shortfall, the range of difference between the two positions is unlikely to be significant as to impact materially on the level of weight to be afforded to the shortfall. In any case, this will be determined through separate testing of the Housing Land Supply Proof. For my own planning balance, whether I assess this benefit on the basis of 2.25 years of supply or the Appellant's figure makes no difference to the weight I attach to this benefit. The shortfall is significant on either case, and the contribution made by the proposals would in that sense be welcome and helpful.

- 3.27 I refer to a recent appeal in the neighbouring authority of St. Albans (appeal ref. APP/B1930/W/20/3260479, CDJ.17). The development proposed up to 100 homes in the Green Belt, with part of the site being brownfield land. In this case the authority had a housing land supply of 2.4 years as well as a very out of date local plan. Efforts to produce a new Local Plan had not been successful, with two emerging plans found to be unsound. Furthermore, as with Hertsmere, almost all the undeveloped land in the district outside of the built-up areas fell within the Metropolitan Green Belt. The Inspector determined that for the proposed number of units, and noting that the NPPF seeks to significantly boost the supply of housing land, significant weight should be afforded to the contribution of up to 100 units towards housing land supply. Very significant positive weight was attributed to the proposed 40 affordable units.
- 3.28 Hertsmere has a broadly similar housing land supply position and furthermore the draft (Regulation 18) Local Plan for the borough has been set-aside, thus carrying no weight in the determination of planning applications, with the adopted local plan long out of date. On the other hand, the number of homes proposed by the appellant for this case is significantly fewer than 100. On the matter of self-build dwellings, it is acknowledged that there are no policies within the adopted Local Plan that address this housing need. However, there is not huge demand for self-build in Hertsmere; the Council's Self Build Register has a total of 76 individuals and 4 group entries up to 30/10/2022. One further individual has been added since this date though notably 13 homes were permitted for self-build in 2021/22. Of those on the register, only two are residents of Shenley and only six have listed Shenley as their preferred location. In this context, the provision of 8% (total 3no. units) for self-build is therefore considered to make a limited positive contribution to the weighting afforded to housing delivery as a whole. Nonetheless, with the above considerations, the Council suggests that the attribution of significant weight to the contribution of up to 37 homes is proportionate.

- 3.29 In respect of affordable housing, the appeal scheme proposes 40% (max. 15no units). This would be in excess of the policy requirement of 35%. In the context of the Council's HLS position, and the clear identified need for affordable homes in the borough, this is a noted benefit of the scheme that would contribute positively to the case for VSCs. The Council's affordable housing completions exceed those set out by the appellant in their Statement of Case (CDC.1); from year 2013/14 to 2020/21 there have been 428 affordable completions which is 102 more than the appellant claims. With the above matters considered I would attribute significant weight to the contribution of 15 affordable dwellings.
- 3.30 In terms of other economic benefits, these are noted by the appellant to be employment generation at construction stage (estimated approximately 85 jobs), increased expenditure in the area supporting local FTE jobs, 'first occupation' expenditure estimated at £202,094, and household expenditure. These are considered to be benefits that could arise from development in any location and, whilst still very much benefits of the scheme, I afford them limited weight in the VSCs case.
- 3.31 Overall the Council therefore suggest that significant weight can be afforded to the economic benefits of the scheme.

### **Social Benefits**

- 3.32 The appellant suggests that future residents would be within easy walking and cycling distance of local and higher order services and facilities in Shenley. They would also be able to access bus services on London Road which provide access to Borehamwood. This is not disputed by the Council, but is tempered as a benefit due to the lack of cycle infrastructure in the village and the limited service offered by the bus services on London Road; two services are offered with one (service 357) being hourly and the other (service 358) being a single departure school service during week days only.
- 3.33 Also included as a suggested benefit is the range of housing types and sizes and a high quality design. The proposals are in outline, and due to this, and the requirement of both local and national policy that development be of a high quality design, I afford this aspect limited weight.
- 3.34 On this basis the Council contend that overall no more than moderate weight should be afforded to the suggested social benefits of the scheme.

### **Environmental Benefits**

- 3.35 The appellant suggests that the site is not located within a valued landscape, and that there would be no material impact on ecology with the development achieving a 10% Biodiversity Net Gain (BNG). Furthermore it is suggested that homes would be sustainable.
- 3.36 As set out within this Proof, the appeal scheme would result in harm to its environment both in terms of the impact upon the Green Belt and its purposes, in addition to harm to landscape character and appearance. It is not a 'benefit' of the scheme that the site is not in a valued landscape: if it were, the harm would no doubt be increased. The delivery of 10% BNG is a benefit, though the Council would suggest that this makes a limited contribution to the balance, particularly in light of a recent appeal decision (APP/B1930/W/21/3279463) whereby even an extraordinarily high BNG of over 137% for habitats and over 7600% for hedgerows was afforded only moderate weight by the Inspector (CDJ.18, para. 75). Limited information was provided with the application as to the sustainability credentials of the development, as such details cannot be known until reserved matters stage. Nonetheless, I accept the development has the potential to deliver sustainable homes.
- 3.37 The Council therefore consider that overall, the appeal scheme results in environmental harm rather than benefit, but would afford limited weight to the benefit of BNG in the VSCs case.

### **Conclusion**

- 3.38 The Council acknowledges that there are benefits to the appeal scheme, particularly the contribution towards the borough's housing stock and delivery of affordable homes in excess of policy requirements. Nonetheless, I do not consider that these benefits either individually or cumulatively clearly outweigh the harm to the Green Belt, and the other harm arising. Accordingly very special circumstances do not exist.

## **4.0 Planning Balance & Conclusion**

- 4.1 Section 70(2) of the Town and Country Planning Act 1990 (as amended) requires that planning applications be determined in accordance with the development plan, unless material considerations indicate otherwise. Paragraph 11 of the NPPF stipulates that planning decisions should apply a presumption in favour of sustainable development, which means approving development proposals that accord with an up-to-date development plan without delay. However, where the most important policies for

determining the application are out of date, permission should be granted unless the benefits are significantly and demonstrably outweighed by the adverse effects; or the application of NPPF policies that protect areas or assets of particular importance provides a clear reason for refusing the development proposed. Footnote 7 of the NPPF establishes that the Green Belt is an 'area or asset of particular importance'.

- 4.2 As is the case with this appeal, the Council cannot demonstrate a five year housing land supply and accordingly the development plan policies most important to the determination of the appeal may be considered to be out of date. For the avoidance of doubt, these policies are:

**Hertsmere Core Strategy (2013)**

- SP1 Creating Sustainable development
- SP2 Presumption in favour of sustainable development
- CS1 The supply of new homes
- CS2 The location of new homes
- CS3 Housing delivery and infrastructure
- CS4 Affordable Housing
- CS13 The Green Belt

**Site Allocations and Development Management Policies Plan (2016)**

- SADM26 Development Standards in the Green Belt

- 4.3 Policies which are deemed to be out of date do not necessarily attract no weight at all in planning decisions, noting that weight is a matter of planning judgement for the decision-maker depending on the circumstances of each case, rather than one of policy or law. In my view, the policies above relating to Green Belt (CS13 and SADM26) may be considered out of date insofar as they relate to the restriction of development (for housing or otherwise), though should continue to carry weight as they are broadly consistent with NPPF Green Belt policy (per NPPF paragraph 219). Ultimately, if the proposals comply with national Green Belt policy (i.e. there are very special circumstances here), they will warrant permission, and if they do not, they will not, so the relative importance of local plan policies which mirror that national policy test is diminished somewhat.

- 4.4 The appeal site was allocated for housing development (up to 50 dwellings) within the draft Local Plan (Regulation 18, dated September 2021) under policy H10 (CDE.20). This site was known as HEL390. However, I would draw attention to the fact that the test of 'exceptional circumstances' to alter Green Belt boundaries as part of the Local

Plan process is lesser than the test of ‘very special circumstances’ which must be met here ([2019] EWHC 3242 (Admin)) (CDI.9). The set-aside plan, and the draft allocation, should not carry any weight because it has been set aside. There is no prospect of it ever being adopted. Paragraph 48 of the NPPF states that LPAs may give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging local plan (the more advanced its preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies, and;
- the degree of consistency of the relevant policies in the emerging plan to the NPPF.

4.5 The set-aside Local Plan was, in any event, at an early stage of preparation (Regulation 18). The public consultation drew almost 18,000 responses, a significant proportion of which raised objections relating to the draft housing allocations, proposed alterations to Green Belt boundaries, and housing projections. Accordingly, the decision was taken by Full Council on 27 April 2022 to ‘set-aside’ the emerging Local Plan. With particular regard to the first two bullet points of NPPF paragraph 48, the draft local plan is therefore considered not to carry any weight for the purposes of this appeal. It is clear, though, that even before it was set aside, its provisions would not have attracted very much weight at all, in line with the approach mandated by NPPF paragraph 48. It was at a very early stage, and there were very significant unresolved objections to the draft housing allocations.

4.6 The planning balance therefore rests on the test at paragraph 148 of the NPPF. An assessment of the benefits of the scheme has been made at Section 3 of this Proof and is summarised within Table 1 below:

| <b>Benefit</b>                                                                                                                                                | <b>Weight</b>      |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|
| Economic benefits: market and self-build housing                                                                                                              | Significant weight |
| Economic benefits: affordable housing                                                                                                                         | Significant weight |
| Economic benefits: employment generation at construction stage, increased expenditure in the area, ‘first occupation’ expenditure, and household expenditure. | Limited weight     |
| Social benefits: walking/ cycling access to services, access to bus routes, high quality design, range of housing types and sizes.                            | Moderate weight    |

|                                                                  |                |
|------------------------------------------------------------------|----------------|
| Environmental benefits: sustainable homes, biodiversity net gain | Limited weight |
|------------------------------------------------------------------|----------------|

Table 1: Public Benefits

- 4.7 The development would be inappropriate development in the Green Belt, which is harmful by definition. This harm is required to carry substantial weight per NPPF paragraph 148. Further harm to the Green Belt has been identified in addition to this definitional harm; harm to Green Belt openness (visual and spatial) and conflict with Green Belt purposes. Overall I consider that the harm to the Green Belt must carry substantial weight. In terms of 'other harm', harm to the character and appearance of the landscape has been identified. This harm is considered to carry significant weight.
- 4.8 In my view the test at paragraph 148 is failed: the benefits of the scheme, taken together, do not clearly outweigh the harm that has been identified. Accordingly, very special circumstances do not exist. NPPF paragraph 147 therefore indicates that planning permission be refused, and that is my recommendation to this Inquiry. The proposals should be determined in accordance with the development plan here, and permission refused.

## 6.0 Summary

- 6.1 This Proof relates to Green Belt and planning balance matters, and should be read alongside the Council's Statement of Case, as well as the Landscape Proof of Evidence provided by Mr. Radmall and the Housing Land Supply Proof of Evidence provided by Mr. Silverman.
- 6.2 Section 2.0 of the Proof sets out the key policies and material considerations relevant to this appeal. Section 3.0 sets out the Green Belt assessment, including identification of Green Belt harm and any other harm before approaching the appellant's case for very special circumstances. I conclude that the scheme would result in definitional harm to the Green Belt, as well as harm to Green Belt openness (spatial and visual) and conflict with Green Belt purposes. These are afforded substantial weight in line with the requirements of NPPF paragraph 148. 'There is also harm to character and appearance, as described by Mr. Radmall, and to which significant weight is attached.
- 6.3 The applicant's case for very special circumstances is addressed in full and justification is set out for the weighting that the Council affords to each of the cited benefits. The economic benefits arising from the provision of market housing (including self-build homes) is afforded significant weight, and the provision of affordable housing is afforded significant weight. Economic benefits arising from construction employment and expenditures are afforded limited weight. Social benefits considered by the appellant to arise from a high-quality design, a range of housing types and sizes, access to public transport, and walking/ cycling access to local services are considered to carry moderate weight. The environmental benefits of biodiversity net gain and sustainable homes are afforded limited weight.
- 6.4 A planning balance is set out at section 4.0 of this Proof. I consider that the balance rests on the test at paragraph 148 of the NPPF, and that this test is failed given that the benefits of the scheme do not clearly outweigh the harms as I have identified and analysed them. There are therefore no very special circumstances. Accordingly the appeal should be dismissed.