

Land at Little Bushey Lane, Bushey:
Proof of Evidence on
Landscape, Visual and Green Belt Matters
of Patrick H. Clark BA, MA Lsc. Arch., CMLI

Application Reference: 22/1071/OUT

Appeal Reference: APP/N1920/W/23/3314268

Prepared on behalf of Redrow Homes Limited

April 2023

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- **Appendix PC-2 – Landscape Visual and Green Belt Methodology**
- **Appendix PC-3 – Landscape Effects**
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1.0 INTRODUCTION

- 1.1 My name is Patrick Harvey Clark and I am a Landscape Planning Associate Director in the specialist Landscape group of Barton Willmore now Stantec Ltd (BWnS). I work on landscape and townscape projects throughout the United Kingdom.
- 1.2 I hold a Master of Arts in Landscape Architecture from the University of Greenwich. I am a Chartered Member of the Landscape Institute.
- 1.3 I have over 13 years' professional experience in landscape planning and design. I have provided professional advice in relation to a wide variety of developments throughout the UK principally through landscape and townscape and visual impact assessment; and strategic landscape design. These developments include both small and strategic-scale residential, commercial, industrial, infrastructure, power generation and transport schemes for local authorities, public and private companies. I have dealt with sites within and adjoining Areas of Outstanding Natural Beauty, National Parks, Green Belt and local landscape designations.

Background and Scope

- 1.4 BWnS were commissioned by Redrow Homes Ltd ('the Appellant') in March 2022 to provide independent professional landscape and visual advice in relation to the development of land at Little Bushey Lane ('the Appeal Site') for predominantly residential use ('the Proposed Development'). BWnS provided landscape and visual input to the layout design and prepared a Landscape and Visual Impact Assessment (LVIA) (**Core Document (CD) A15**) (June 2022) to accompany the submission of an outline application (the 'Application') for the Proposed Development (ref: 22/1071/OUT). I reviewed the LVIA prior to submission.
- 1.5 Further description and illustration of the design approach is set out in the submitted plans and Design and Access Statement (DAS) (**CD B5**).
- 1.6 The Application had not been determined by Hertsmer Borough Council ('the Council') by the agreed time period ending in December 2022; and notification of an appeal against non-determination was submitted by the Appellant in December 2022.
- 1.7 In the Council Planning Committee of 23rd February 2023, the Council refused outline planning permission for three reasons, of which Reasons for Refusal 1 and 2 are of relevance to my evidence.
- 1.8 The second part of Reason for Refusal (RFR) 1 states:

'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, these benefits when taken together are insufficient to clearly outweigh the substantial harm to the Green Belt, by virtue of inappropriateness and due to the significant harm to openness that would arise.'

1.9 In relation to RFR1, my evidence will consider the degree of harm to the Green Belt that would arise from the Proposed Development, with reference to the contribution that the Appeal Site currently makes to the Green Belt.

1.10 RFR 2 states:

'...The proposed development is considered to result in harm to the character and appearance of the landscape; in particular, due to the visual impact of the development on existing open views with rural aspect from Little Bushey Lane and nearby Public Rights of Way, including those that cross through the application site (PRoW Bushey 033 and 040). In particular, views through and within the site from PRoW 040 would become enclosed and constrained by built form. Therefore, the proposed development is considered to be contrary to the NPPF (2021), Policy CS12 of the Hertsmere Core Strategy (2013) and Policy SADM11 of the Site Allocations and Development Management Policies Plan (2016).'

1.11 My evidence will address RFR 2.

1.12 The scope of my evidence will include consideration of the Appeal Site and its context, notably the urban setting of the Appeal Site at the edge of Bushey. I also consider the relationship of the Appeal Site and Bushey with the wider landscape to the north-east, which relationship is structurally severed by the M1 and A41 road corridors among other features.

1.13 I summarise those aspects of the Proposed Development of relevance to landscape, visual and Green Belt considerations and I then describe the limited and localised effects of the Proposed Development on landscape features and character and representative views.

1.14 I then consider the contribution of the Appeal Site to the purposes of the Green Belt, with reference to evidence prepared on behalf of the Council, which concluded that the Appeal Site could be considered for removal from the Green Belt as it performed only a moderate-limited role; and the degree of harm to the Green Belt.

1.15 I respond to the points in the RFRs, with reference to the considerations above.

1.16 I conclude that the Proposed Development can respond sensitively to baseline landscape and visual considerations and published landscape character guidance to result in a scheme which

can be accommodated acceptably in landscape and visual terms. It would form a logical but sensitive extension of built development in Bushey, coherent with the wider settlement pattern and existing influences of development; and physically, visually and perceptually contained from the wider landscape to the north-east. I conclude that whilst there would inevitably be some harm to the openness of the Green Belt within the Appeal Site, this would be localised and partly mitigated by a sensitive design approach; and there would be enhancements of access to and the quality of the land remaining in the Green Belt.

- 1.17 Much of my evidence is based on the content of the submitted LVIA (**CD A15**) which I adopt as a robust assessment of landscape and visual effects. However, my evidence is a free-standing analysis and therefore, whilst I have had regard to the LVIA, I have provided further detail on a range of points, including the baseline and the landscape and visual effects of the Proposed Development, and formed my own view on such points, which I shall make clear. As such, I do not repeat in full the information provided in the LVIA; and instead make reference to it and other documents where relevant. My evidence also reflects my consideration of points in a range of documents, including the Council's Committee Report (**CD C1**), the Council's Statement of Case (**CD D2**) and the Landscape Statement of Common Ground ('LSoCG') (**CD D9**).
- 1.18 I have liaised with the Council's landscape witness, Mr Peter Radmall, to progress the LSoCG, refining the scope of evidence where possible.
- 1.19 This Proof of Evidence should be read in conjunction with my Appendices which include, among other points, my illustrative material in **Appendix PC-1**.
- 1.20 My evidence should be read in conjunction with that of the other witnesses acting on behalf of the Appellant, notably that of Ms Kathryn Ventham of Barton Willmore now Stantec, who deals with planning and policy matters.
- 1.21 The evidence which I have prepared and provide for this Appeal in this Proof of Evidence has been prepared and is given in accordance with the guidance of my professional institution. I confirm that the opinions expressed are my true professional opinions.

Methodology

- 1.22 The BWnS LVIA methodology, used for the submitted LVIA and for this Proof of Evidence, is based on principles set out in 'Guidelines for Landscape and Visual Impact Assessment' (Landscape Institute and Institute for Environmental Management and Assessment), 3rd edition, 2013 (GLVIA3) (**CD K1**) and is set out in **Appendix PC-2**. The LVIA methodology enables the identification of the value and susceptibility of landscape and visual receptors. These factors are combined to provide the sensitivity of receptors to the type of development

proposed. The likely magnitude of change experienced by these receptors as a result of the Proposed Development is then considered and combined with the receptor's sensitivity, to identify a significance of effect.

- 1.23 The LSoCG (**CD D9**) confirms agreement with the Council that the methodology used for the LVIA is in accordance with the principles of GLVIA3. However, I note that Mr Radmall has stated in LSoCG correspondence that he has concerns about the application of the LVIA methodology and its terminology. Despite being requested to make these concerns clear in advance of the exchange of evidence, he has not done so.
- 1.24 The LSoCG also confirms agreement of the viewpoints to be used for consideration of visual effects for the purposes of this Inquiry.
- 1.25 The methodology in **Appendix PC-2** also includes BWnS' methodology for consideration of contribution of land to the purposes of the Green Belt.

2.0 SUMMARY OF APPEAL SITE CONTEXT

Location

- 2.1 As shown in **Figure PC-1**, the Appeal Site is located on the eastern edge of Bushey, which lies on the north-western periphery of London, between the key national movement corridors of the M1 motorway to the east; and the West Coast Mainline railway, which passes through Bushey station and Watford, to the west.

Topography and Drainage

- 2.2 As shown in **Figure PC-2**, the landform and drainage patterns of the wider area are important in determining the settlement pattern of Bushey. The overall landform pattern of the vicinity is of a series of valleys extending west and north-west towards the valley of the River Colne from a ridge to the south-east, which curves south and east from Bushey Heath to Elstree and beyond. The settlement is arrayed predominantly to flank roadways which follow the spurs of higher ground, such as Merry Hill Road to the south-west; A411 High Street and Herkomer Road, to the west; and Bushey Heath Lane, which extends north. Even where built development extends down the valley flanks, such as at The Moatfield, approximately 800 metres (m) to the west of the Appeal Site, the legibility of the valley floor is maintained in the form of undeveloped land.
- 2.3 The Appeal Site lies on the south-western flanks of the valley of the Bushey Heath Drain which flows to the east of the spur of landform extending north from Bushey Heath along an alignment broadly followed by Little Bushey Lane. This area of landform has been a focus for development throughout the twentieth and into the twenty first century, including extensive housing either side of Bushey Heath Lane to both the south and north of the Appeal Site, most recently in the form of development at Rossway Drive, to the north of the Appeal Site.
- 2.4 Within the Appeal Site, the landscape is given further definition by a small side valley extending south-west – north-east, including a field drain which meets the Bushey Heath Drain on the north-eastern edge of the Appeal Site. The route of this watercourse is marked by a hedgerow corridor. The landform of the Appeal Site rises to the north and south of this valley, notably in the form of a spur of elevated land to the north, as shown on **Figure PC-4**.

Settlement and Infrastructure

- 2.5 The Appeal Site is therefore set in the context of a settlement that has expanded rapidly onto this framework of landform. This has created an urbanised context in the form of residential development to the north, west and south of the Appeal Site and thus the Appeal Site forms part of an indentation in the settlement pattern. To the south-east of the Appeal Site, on

more elevated and steeper sloping land, there is less built development but nonetheless, development influences are present, in the form of sports pitches associated with Immanuel College; and extensive equestrian facilities, storage of trailers and vehicles and piling of spoil and other materials, to the south-west of Hilfield Lane South (see **Appeal Site Context Photographs 20** (left hand side) and **21**).

- 2.6 As is shown in **Figure PC-2**, the major road corridors of the M1 motorway and A41 have been aligned to pass over the Bushey Heath – Elstree ridgeline at its narrowest point; and the M1 follows the valley and valley flanks of the Bushey Heath Drain immediately to the north-east of the Appeal Site. These routes have introduced a notable infrastructural influence in the vicinity, in terms of their physical width; associated signage, lighting columns, traffic cameras, bridges and other infrastructure; and the noise and movement of the traffic flows along them. In addition, two routes of electricity cables supported by pylons extend through the vicinity, extending towards a sub-station approximately one kilometre (km) to the north of the Appeal Site.
- 2.7 Further to the north-east, beyond the road corridors, the landscape is subject of less development, albeit there are sporadic clusters of built forms and infrastructural influences; and more coherent and broader expanses of open agricultural land and woodland.

Vegetation

- 2.8 As shown in **Figures PC-1, PC-4 and PC-5**, the vicinity of the Appeal Site is well vegetated, in a variety of forms. This includes substantial hedgerows with canopy trees, such as those partly surrounding the Appeal Site; belts of woodland flanking road corridors, such as those adjoining the M1 and the A41 to the north-east of the Appeal Site; and blocks of woodland, notably on higher ground, such as at Hilfield Castle, around the reservoirs to the east of the Appeal Site and on the Bushey Heath – Elstree ridgeline. As a result of this wooded structure, vegetation accentuates the topographic containment of the valley of the Bushey Heath Drain in the vicinity of the Appeal Site.

Designations

- 2.9 The Appeal Site is not subject to any designation for landscape quality or character at any level in the hierarchy set out in the National Planning Policy Framework, paragraph 175. The Appeal Site lies within the area of the Watling Chase Community Forest – an initiative to create a multi-purpose wooded and enhanced environment.¹

¹ Watling Chase Community Forest Plan, 1995, paragraph 1.8.

- 2.10 The Appeal Site lies within the Metropolitan Green Belt. I consider further the contribution of the Appeal Site to the purposes of Green Belt in my section 8, below.
- 2.11 As is set out in the LVIA, there are a number of designated heritage assets in the vicinity. Very few have any physical, visual or perceptual relationship with the site. As is set out in the Committee Report (**CD C1**), paragraph 7.6.7, the Council does not raise any objection to the development on the grounds of built heritage. From a landscape and visual perspective, I consider these assets in terms of the role they may play in terms of distinctive local character, notably the visually prominent Hilfield Castle, which lies approximately 680m to the north-east of the Appeal Site, set on elevated land, surrounded by wooded slopes.
- 2.12 As set out in the LVIA and as shown in **Figures PC-1** and **PC-4**, there is a limited Public Rights of Way (PRoW) network within the Appeal Site and its immediate vicinity. PROW 040 and 033 traverse the Appeal Site and link across the M1 and A41 corridors where, traversing the wider landscape to the east and north-east is a more extensive network of routes. I note that in damp conditions, in places the routes of the PROW within the Appeal Site are difficult to pass, owing to deep mud.

3.0 PUBLISHED CHARACTER ASSESSMENT AND ASSOCIATED STUDIES

Introduction

- 3.1 As set out in the LVIA (and in extracts of documents included in LVIA Appendix A2), the Appeal Site lies within the following character areas, as set out in published assessments:
- National Character Area (NCA) 111: Northern Thames Basin (2013), Natural England.
 - Hertfordshire Landscape Character Assessment (2000) Areas (LCA) 22: Borehamwood Plateau (includes the north-western part of the Appeal Site); and LCA 23: Elstree Ridge and Slopes (includes the south-eastern part of the Appeal Site), The Landscape Partnership, on behalf of Hertfordshire County Council.
- 3.2 **Figure PC-3** shows the extents of the landscape character areas in the vicinity of the Appeal Site. Extracts from the relevant documents are included in LSoCG (**CD D9**) Appendix 1. Of these areas, it is agreed in the LSoCG that assessment of effects on the county-level areas, as well as at the level of the Appeal Site Vicinity, is required for this Inquiry.
- 3.3 In addition, the Appeal Site lies within sub-areas of the county level assessment, subject to more detailed consideration in the report by Land Use Consultants, titled 'Landscape Sensitivity to Residential and Employment Development in Hertsmere' (September 2020) (**CD G5**) (LCAs 22c and 23c: Bushey Fringe). Finally, the Appeal Site has been considered as part of the 'Outline Landscape Appraisals for Potential Development Sites in Hertsmere' (October 2020) (**CD G6**), also prepared by Land Use Consultants.

National Character Area 111: Northern Thames Basin

- 3.4 In relation to **NCA 111**, the Appeal Site and the surrounding area reflect only a few of the identified Key Characteristics, including:
- Varied landform including hills, ridges and river valleys;
 - Springs and reservoirs;
 - Well-wooded;
 - Varied field pattern;
 - Grasslands in river valleys; and
 - Expansion of market towns, London suburbs and commuter settlements.
- 3.5 Owing to the characteristic settlement expansion, in this case of Bushey, as I have described above, the vicinity of the Appeal Site is no longer part of the identified '*medieval pattern*

of small villages and dispersed farming settlement [which] remains central to the character of parts of Hertfordshire... ’(p.8)

Hertfordshire Landscape Character Assessment LCA 22: Borehamwood Plateau

3.6 In relation to **Hertfordshire Landscape Character Assessment LCA 22**, the Appeal Site, whilst on gently undulating landform (see **Figure PC-4** and **Appeal Site Appraisal Photographs C, D and G**) and currently in use for horse pasture, is again, not particularly representative of many of the key characteristics identified, which include historic parkland, landscaped school grounds, reservoirs and a country park.

3.7 The assessment notes one key characteristic as being:

‘fragmentation and disruption by the M1/A41 corridor including pylons and associated built development’

3.8 This is highly relevant to the vicinity of the Appeal Site, where the influence of these features is pronounced. I note the near-constant noise of traffic on the main roads and the intermittent noise of aeroplanes using Elstree Aerodrome. There is very limited tranquillity in the area. See **Appeal Site Appraisal Photographs A, B and F**.

3.9 The assessment also notes the distinctive feature of Hilfield Castle, which is visible from the vicinity, protruding above its wooded setting. See **Appeal Site Appraisal Photographs B and E**.

3.10 The summary of landscape character on p.99 further notes in this respect that:

‘the integrity of the area is diluted on approaching the towns that enclose to the east, west and south.’

3.11 This is readily apparent in the vicinity of the Appeal Site where a range of built development associated with Bushey to the west; and other infrastructure and urban fringe activities extend into the landscape. See **Appeal Site Appraisal Photographs A-G**.

3.12 The summary on p.99 and commentary on Vegetation and Wildlife on p.100 note that:

‘A combination of tall bushy hedgerows and field trees contain views into and across the landscape...’

Hedges are very important in this landscape, but are in decline in places with gaps developing and infill fencing rather than replanting.’

3.13 This is apparent within the Appeal Site and its setting, including on Little Bushey Lane on the western boundary of the Appeal Site. See **Appeal Site Appraisal Photographs A and G**.

3.14 In terms of Settlements and Built Form, the assessment notes on p.100 that:

'The built edges of Bushey and Borehamwood form a stark line in places, contrasting with the rural landscape.'

3.15 These stark edges are apparent within the Appeal Site and its setting, most notably at Wayside Avenue (within LCA 23 – see below) and The Squirrels on the south-western edges of the Appeal Site (see **Appeal Site Appraisal Photographs A-G**); as well as at Rossway Drive to the north (see **Appeal Site Context Photographs 1 and 2**).

3.16 In terms of Visual and Sensory Perception, the assessment notes on p.101 that vegetation restricts views across the area. It also notes that:

'The area is generally coherent apart from to the south-west where there is a mix of recreational, industrial and agricultural uses and the noisy M1/A41 corridor contributes to the downgrading.'

3.17 The Appeal Site lies within this incoherent and 'downgraded' landscape in the south-western part of the LCA.

3.18 In terms of Rarity and Distinctiveness, the landscape type is noted to be frequent and the distinctive features are the reservoirs and schools set in parklands.

3.19 In relation to Community Views, the assessment notes on p.101 that:

'The lakesides at Aldenham and Hilfield are some of the county's most valued landscapes (B [second highest]). Otherwise, the area is largely unremarked upon for distinctiveness (E [lowest]).'

3.20 The condition of the landscape is noted overall to be Poor; and the strength of character to be Moderate. The overall Strategy recommendation is to Improve and Restore, confirming that there is potential to address key issues of character and condition.

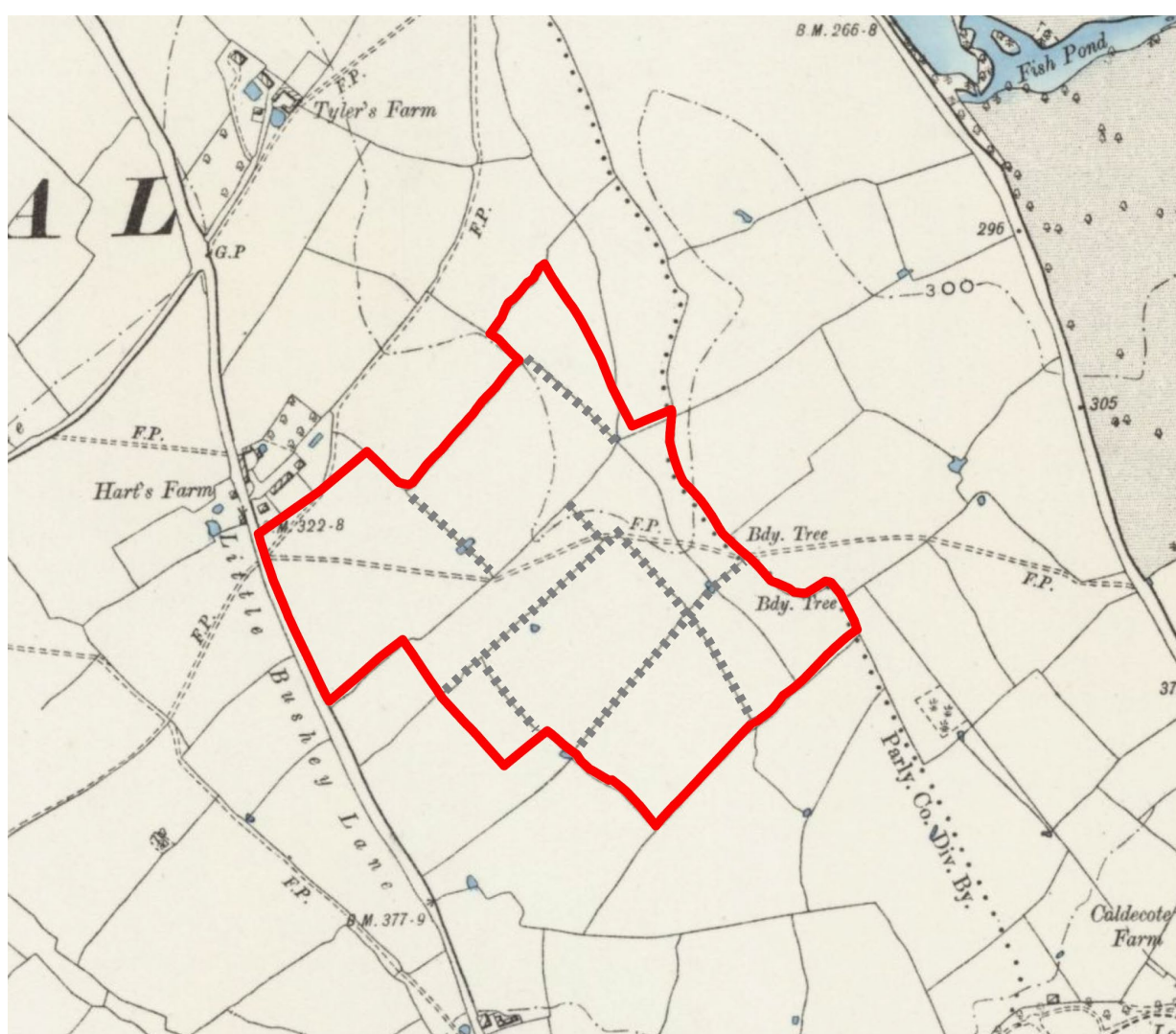
Hertfordshire Landscape Character Assessment LCA 23: Elstree Ridge and Slopes

3.21 Once again, the Appeal Site is not particularly representative of key characteristics identified, which include the prominent ridgeline, and attractive views to the north over Borehamwood Plateau. The description of landscape character on p.103 of the document notes the prevailing impact or presence of built development, notwithstanding vegetated containment. Reference is also made to the distinctive vegetated skyline of the ridge, but of greater relevance to the lower-lying Appeal Site is the observation that ***'pasture, with some over-grazing and poor fencing, dominates the side slopes'***, further described as the ***'increasing impact of horse grazing...'*** The summary also refers to the disruption from

the M1 corridor which it is further noted creates a '*major impact*'. The Key Characteristics include reference to the '*deterioration of many hedges and hedgerow trees*' (see **Appeal Site Appraisal Photographs A, F and G**).

- 3.22 The decline of hedgerow vegetation is further noted in terms of Historical and Cultural Influences. This decline can be seen within the Appeal Site with reference to the Ordnance Survey 1888-1913 series mapping, which includes many field boundaries now absent, shown with dashed lines in **Image PC-1** (see also **Appeal Site Appraisal Photographs A-G**).

Image PC-1: Historic Mapping – Ordnance Survey 1888-1913 series, showing subsequent hedgerow removal within the Appeal Site



- 3.23 The commentary on Visual and Sensory Perception on p.105 notes the noise disruption in this area from the major road corridors; and that in terms of Rarity and Distinctiveness, the landscape type is frequent and the wooded skyline is the most distinctive element.
- 3.24 In terms of Community Views, the document notes on p.105 that this is perceived as:

'An area of little distinction, although perceived to be of increasing value from Deacons Hill towards Scratchwood (D [second lowest]).'

- 3.25 The condition of the landscape is noted overall to be Moderate; and the strength of character to be Strong. The overall Strategy recommendation is to Conserve and Restore, again confirming that there is potential to address key issues of character and condition.

Published Character Guidance

- 3.26 I note that overall the published assessments identify the potential to restore character and condition. I set out below guidance from the published assessments of relevance to the Appeal Site and Proposed Development.
- 3.27 **NCA 111** includes Statement of Environmental Opportunity (SEO) 1, seeking enhancement of riparian landscapes; SEO3, seeking enhancement of access to the urban edge through green infrastructure links; and SEO4, seeking the expansion of woodland and tree cover.
- 3.28 For **LCA 22** the Strategy is to Improve and Restore; and for **LCA 23** the Strategy is to Conserve and Restore. The guidelines for these areas of particular relevance include:
- Support Watling Chase Community Forest objectives;
 - Create new woods focusing on screening harsh built edges of settlements and expand woodlands, including at Bushey, and focusing restoration and expansion on hedge and field boundaries;
 - Hedgerow retention and restoration and enhanced habitat and visual linkage through restoration of the network of hedges and hedgerow trees;
 - Improve grassland management; and
 - Create new ponds.

Landscape Sensitivity to Residential and Employment Development in Hertsmere (September 2020) (CD G5)

- 3.29 This study, prepared by Land Use Consultants (LUC) on behalf of Hertsmere Borough Council to help inform decisions on the allocation for sites in the new Local Plan, among other purposes, locates the northern part of the Appeal Site within the south-western part of Landscape Character Area (LCA) 22c Bushey Fringe (Borehamwood Plateau); and the south-eastern part of the Appeal Site within the north western part of LCA 23c Bushey Fringe (Elstree Ridge and Slopes). These areas are subdivisions of the Hertfordshire County level assessment (see above).

- 3.30 The commentary in relation to **LCA 22c Bushey Fringe (Borehamwood Plateau)** notes the residential edge of Bushey, partially enclosed by vegetation. I note that in this respect, adjoining the Appeal Site there is limited vegetation enclosing the existing residential edge. See **Appeal Site Appraisal Photographs A, D, E, F and G**.
- 3.31 The Sensitivity Analysis notes: the enclosure of the area by the M1 to the east; and factors raising sensitivity including the ecologically valued meadows (not applicable within the Appeal Site as established by the Ecological Appraisal (**CD A14**) paragraph 4.4.5, which notes the grassland to be 'species-poor semi-improved grassland'), public access and the contribution to the rural setting of Bushey. Factors reducing sensitivity include the relatively flat landform and sense of vegetated enclosure.
- 3.32 I note that in the vicinity of the Appeal Site, there is limited appreciation of the countryside around Bushey from PROW owing to the range of development influences present, as identified in published assessments and through my own appraisal (see my section 5).
- 3.33 In terms of guidance for development of relevance to the Appeal Site the document notes the need to avoid loss of mature trees; retain / restore field patterns; use existing vegetation to integrate development into the landscape; retain or replace hedgerows; and preserve or enhance opportunities to access and enjoy the landscape.
- 3.34 The commentary in relation to **LCA 23c Bushey Fringe (Elstree Ridge and Slopes)** describes the residential edge of Bushey and Bushey Heath as generally two storey residential houses, in places very low density, although that is not the case adjoining the Appeal Site; and that the edge is generally well contained by trees and other vegetation. I note that this vegetated enclosure is evident further to the south of the Appeal Site, but not adjoining the Appeal Site where there is limited vegetation enclosing the existing residential edge. See **Appeal Site Appraisal Photographs A, D, E, F and G**.
- 3.35 Sensitivity factors relevant to the Appeal Site are similar to those for LCA 22c with the exception of '*visually prominent open slopes*', although these slopes to the south of the Appeal Site are heavily disrupted by sports pitches and vehicle and material storage. See **Appeal Site Appraisal Photograph F** and **Appeal Site Context Photograph 20**.
- 3.36 Guidance for development notes the following:

'Any development should be located on flatter land where it can be integrated into the existing urban edge or located in enclosed areas where it will have least impact on the wider landscape. The scale of development should respect the scale and grain of the landscape (including its field pattern). Any plans for development should retain all deciduous woodlands, orchards and ecologically valued grasslands and use vegetation

that is in character with the locality to integrate any new development into the landscape so that the rural character of the landscape character area is retained, and landscape structure improved. Local features such as orchards and historic farmsteads should be preserved and restored/enhanced. Long views should be preserved and opportunities to experience these provided where possible. Maintain a rural setting to Bushey.'

- 3.37 The assessment notes the landscape sensitivity of both areas to residential housing development up to two/two and a half storey houses to be Moderate. Moderate is defined in Table 2.2 as:

'Landscape and visual characteristics/ values of the assessment unit are susceptible to change. It may have some potential to accommodate the relevant type of development if sited and designed sensitively. Thresholds for significant change are intermediate'

- 3.38 In conclusion, of the 38 areas assessed across the Borough, for residential development, four were identified to be Lower-Moderate sensitivity, 14 Moderate, 17 Moderate-Higher and three Higher. Both areas covering the vicinity of the Appeal Site are therefore identified to be in the relatively less sensitive areas of the Borough for this type of housing; and both are identified to have some potential for development, subject to sensitive design.

Outline Landscape Appraisals for Potential Development Sites in Hertsmere (October 2020) (CD G6)

- 3.39 This document, also prepared by LUC on behalf of Hertsmere Borough Council, follows on from the Landscape Sensitivity Assessment (LSA) to provide further consideration of the development potential of individual sites. The Appeal Site is considered as Site HEL201, forming part of Site 4.
- 3.40 In respect of avoiding or minimising effects on key sensitivities (as noted above), the Appraisal notes:
- ***'Retaining public access with opportunities for countryside experience and providing opportunities to experience longer views from elevated areas; [these areas are identified as 'notable views' in the plan on p.20]***
 - ***Retaining all existing vegetation as far as possible and especially mature trees;***
 - ***Enhancing the on-site water course, floodplain character and valley landform within the site.'***
- 3.41 In terms of Settlement Pattern and Separation between Settlements, the Appraisal notes:

'Development on this site would expand Bushey towards the M1, reducing the rural setting to the existing settlement. Further development either side of the recent development off Rossway Drive would result in a larger urban expansion in this location. Development in this area already crosses to the east of Little Bushey Lane, and development of this site would reinforce that.'

'Although development on the site would result in a general expansion in the size of Bushey to the east, this would not impact on the separation between key settlements.'

3.42 I agree with these points and note that the Summary goes on to state:

'The analysis above indicates that this site has the potential to accommodate some residential housing and smaller flats if new development is carefully integrated using vegetation that is in character with the locality so that the rural character of the wider landscape character area is retained, public access is retained with opportunities for countryside experience and long views from elevated areas, existing vegetation is retained (especially mature trees), the on-site water course and its floodplain is preserved and enhanced, and any development responds to the valley landform.'

3.43 I note in my section 6 below how the Proposed Development responds to all of these points. The Appraisal goes on to identify the Appeal Site as being one of thirteen of Moderate sensitivity, where nine of the 23 areas assessed are of Moderate to Higher sensitivity and only one is of Low sensitivity. The Appeal Site is therefore identified overall to be one of the less sensitive areas for development.

3.44 Table 1.1 on p.3 of the report defines Moderate Sensitivity as:

'site (or part of the site) could be developed, being aware of constraints and sensitivities – care with design and mitigation required.'

Conclusion in relation to published character studies

3.45 The Council's published Landscape Character Assessment identifies in the area of the Appeal Site a fragmented and disrupted 'downgraded' landscape; the declining condition of the landscape, including hedgerow deterioration and loss, and as a result of horse-grazing; the stark edges of existing development; and the limited distinctiveness of the Appeal Site vicinity. The assessment provides guidance to Improve, Conserve and Restore the landscape, confirming that there is potential to address key issues of character and condition, through a number of measures set out in published guidance. Furthermore, I note that LUC, on behalf of the Council, have identified in two separate reports that the Appeal Site has potential for sensitively designed development.

4.0 SUMMARY OF RELEVANT POLICY

4.1 I note below the key policies of relevance to consideration of landscape, visual and Green Belt matters:

- National Planning Policy Framework (NPPF) (2021) (**CD E1**) Section 12, in relation to design, notably paragraph 130 in relation to key design objectives.
- NPPF Section 13, in relation to Green Belt, noting in particular paragraphs 137 and 138 in terms of the aim and purposes of Green Belt; and paragraph 145, in respect of the positive use and quality of the Green Belt.
- NPPF Section 15, in relation to the Natural Environment, notably paragraph 174b and paragraph 175.
- Hertsmere Core Strategy (2013) (**CD F1**), Policy CS12: The Enhancement of the Natural Environment; Policy CS13: The Green Belt; and Policy CS22: Securing a high quality and accessible environment. I note that Policy CS22 was not cited in RFR 2, from which I conclude that the Council does not consider the Proposed Development to conflict with it.
- Hertsmere Site Allocations and Development Management Policies Plan (2016) (SADMPP) (**CD F2**), Policy SADM11: Landscape Character; Policy SADM12: Trees, Landscaping and Development; Policy SADM26: Development Standards in the Green Belt; Policy SADM28: Watling Chase Community Forest; and Policy SADM30: Design Principles. I note that none of policies SADM12, SADM26, SADM28 or SADM30 were cited in RFR2, from which I conclude that the Council does not consider the Proposed Development to conflict with them (albeit noting that consideration of Policy SADM26 follows consideration of Policy CS13).

4.2 I also note the contents of the National Design Guide (2021) (**CD E5**), notably the 10 Characteristics of Well-Designed Places, which include the following of particular relevance to landscape and visual considerations:

- *'Context (enhances the surroundings);*
- *Identity (attractive and distinctive);*
- *Built form (a coherent pattern of development);*
- *Movement (accessible and easy to move around); and*
- *Nature (enhanced and optimised)'*

4.3 I note that the NDDG and the NPPF are informed by the Building Better Building Beautiful Commission Report (2020) (**CD E6**) which seeks design that responds to context to provide 'somewhere not anywhere' (p.22); and on p.10 seeks Beauty at Three Scales, including: Beautifully Placed (sustainable settlement patterns sitting in the landscape); and Beautiful Places (streets, squares and parks, the 'spirit of place').

- 4.4 I note that the UK Government Environmental Improvement Plan 2023 (**CD E7**) sets out a key action to Improve Access to Nature, and on p.251, to ensure access to green or blue space within 15 mins from home.
- 4.5 I note that the Landscape Character evidence base considered above, including the Landscape Sensitivity and Landscape Appraisal reports undertaken on behalf of the Council, underpinned the draft allocation of the Appeal Site in the Draft Hertsmere Local Plan (Regulation 18) (**CD G4**).
- 4.6 Furthermore, despite the subsequent 'setting-aside' of the Regulation 18 Local Plan in April 2022, I note that in proposing the Appeal Site as a draft allocation, the Council came to the view, based on extensive published evidence, that it is an acceptable site for Green Belt release, and that the Appeal Site could accommodate development on landscape and visual grounds. I consider further the Green Belt evidence base in my section 8, below.

5.0 APPEAL SITE APPRAISAL AND VISUAL APPRAISAL

- 5.1 I have undertaken landscape and visual appraisal fieldwork at the Appeal Site and in the surrounding area, in February 2023, to consider the character and features of the Appeal Site, as well as views towards it from the surrounding area. The character and physical features of the Appeal Site are described below with reference to **Appeal Site Appraisal Photographs A-G**. The locations of photographic viewpoints are illustrated on **Figure PC-4**.

Appeal Site Features

- 5.2 The principal **landscape features** of the Appeal Site, which covers approximately 18.2ha, includes three grassland fields bounded by a combination of substantial native hedgerow with hedgerow trees, and lengths of timber post and rail/post and wire fencing located where the vegetation has been lost/removed, notably in two areas along Little Bushey Lane, as well as fencing dividing the northern field into two. Hedgerow removal in the southern field has not been replaced with fencing. Field drains are present, including the Bushey Heath Drain.
- 5.3 For each of the features of the Appeal Site **Appendix PC-3** sets out their Value and Susceptibility to the type of development proposed. The combination of these factors results in their Sensitivity to the type of development, summarised here for ease of reference:
- open pasture grassland fields (medium sensitivity);
 - hedgerow and hedgerow trees (up to medium sensitivity);
 - field trees (medium sensitivity);
 - watercourses (low sensitivity); and
 - landform (medium sensitivity).

Character of the Appeal Site Vicinity

- 5.4 I have also considered the **character of the Appeal Site Vicinity**, in greater detail than the LVIA. I broadly define this area as extending to: residential areas to the north, west and south; and major road corridors to the north-east, as shown on **Figure PC-5**.
- 5.5 I note that there are a series of layers of landscape and infrastructure between the Appeal Site and the wider landscape to the north-east, in addition to the physical structure of the roadways themselves and the traffic movements associated with them. These layers are shown on **Figure PC-5** and include:
- hedgerows on the north-eastern boundary of the Appeal Site;
 - embankment planting along both sides of the M1;
 - substantial hedgerows with trees/tree belts along both sides of the A41;

- two pylon routes;
- Hilfield Reservoir and associated woodland; and
- elevated wooded landform in the vicinity of Hilfield Castle to the north-east.

5.6 These features have also created a clear distinction in landscape character, split by the roadway corridors, as illustrated on **Figure PC-5**. To the north, west and south of the Appeal Site there are extensive built and other development influences, enclosed by the major roadway and infrastructure corridors to the north-east. The wider landscape further to the north-east, whilst still influenced by pylon routes and air traffic associated with Elstree Aerodrome and including small clusters of development, is notably more rural and tranquil in character, predominantly comprising agricultural fields and areas of woodland.

5.7 To the south and south-east, further containment of the Appeal Site Vicinity is provided by the elevated landform of the Bushey Heath – Elstree ridgeline.

5.8 In considering the character of the Appeal Site Vicinity I agree with many points made in published character assessment and other studies as set out in my section 3. In addition, I note the following points in relation to the character of the Appeal Site Vicinity.

- The existing settlement edge of Bushey adjoining the Appeal Site dates from different periods of the 20th Century and continues to develop and extend its influence, including recent development at Rossway Drive to the north (joined to the Appeal Site by substantial built development at Harts Farm Stables); and extension of housing on Wayside Avenue, including recent replacement of vegetation with an exposed and prominent built edge. See **Appeal Site Appraisal Photographs E and F**.
- Within the urban area, buildings are typically of two storeys but also up to three storeys, notably at Rossway Drive. One and one and a half storey buildings are also present, including as part of residential developments at Oundle Avenue, within the urban area to the west; and Caldecote Gardens, on the ridgeline to the south.
- Residential development on the urban edge and other development in the vicinity of the Appeal Site has a notable influence on the adjacent landscape such that I agree with the appraisal in the Council's Green Belt Stage 2 assessment (**CD G8** and **CD G9** (see my section 8) that the open land in the vicinity has a 'semi-urban character'. I note these developments don't provide any material enhancement in access to and enjoyment of the landscape at the urban edge, as is sought by NCA 111 guidance and the Council's 2020 Landscape Appraisal (**CD G6**).
- A softer context of the Appeal Site is evident to the south, where there is less built development on the rising lower slopes of the Bushey Heath – Elstree ridgeline, albeit storage of materials and vehicles and sports facilities are present in this area. See **Appeal Site Appraisal Photograph E** and **Appeal Site Context Photograph 20**.

- For these reasons, whilst the land to the west of the roadways in the Appeal Site vicinity is open, it is heavily influenced by adjacent areas of residential development and does not have a rural character, in contrast to the prevailing characteristics of land to the north-east of the roadways.
- There is a pattern to the topography within the Appeal Site, reinforced by the vegetation following the ditch boundary across the centre of the Appeal Site. See **Figure PC-4** and **Appeal Site Appraisal Photographs C and G**.
- The course of the Bushey Heath Drain in the north-eastern part of the Appeal Site is ill defined from more than near distance, as its route appears to be tightly controlled and is partly culverted; and there is barely any riparian vegetation associated with it. See **Appeal Site Appraisal Photograph D**.
- Vegetation extending towards distinctive features in the more elevated landscape east of the M1 creates a sense of visual connection with that landscape, including views along the northern and southern hedgerows to Hilfield Castle amid a wooded skyline. See **Appeal Site Appraisal Photograph B and E**.

5.9 I note that the Council's Landscape Consultant commented post-submission that further narrative detail was required in respect of the different elements of landscape value and their ratings on a verbal scale. I note that the LVIA (**CD A15**) provided a detailed assessment of the sensitivity of the character of the vicinity to the type of development proposed in LVIA Appendix A.3, which included extensive narrative commentary on such elements, as well as rating on a verbal scale. Whilst therefore I do not agree that further detail was required as the Council alleged and I agree with and have adopted the sensitivity rating provided in the LVIA Appendix A.3 (Low), I have in any case included my own refinements to this commentary within my **Appendix PC-3**.

5.10 It is agreed between the parties in the LSoCG (**CD D9**) that the Appeal Site does not constitute a Valued Landscape as set out in NPPF paragraph 174a.

Visual Appraisal

5.11 Topography, vegetation and built development provide extensive containment such that the Appeal Site has a very limited visual envelope, as illustrated on **Figure PC-6**. As a result, as agreed within the LSoCG (**CD D9**), there is a limited scope of visual receptors and associated effects, namely: LVIA (**CD A15**) visual receptor locations 1-6; 14, 17, 18, 20 and 21 (14 and 17 have limited visibility of the Appeal Site but are representative of the different types of landscape to the north-east of the M1-A41 corridor). Views from these locations, in winter conditions (February 2023) are shown in my **Appeal Site Context Photographs**.

- 5.12 Views from along **Little Bushey Lane** are only from adjacent to the Appeal Site and then only where gaps in the substantial hedgerow vegetation allow: at the northern and southern extents of the Appeal Site edge to roadway, where hedgerow is lacking any shrub or tree vegetation (north) or is entirely absent (south). Views from the perpendicular Mendip Road are largely screened, even in winter, by existing vegetation and the recently-completed built form at the junction with Little Bushey Lane. See **Appeal Site Context Photographs 3-5**.
- 5.13 From **PROW 033 to the north**, views are only obtained from south of Rossway Drive (**Appeal Site Context Photograph 2**). In these views, the existing extent of residential development in Bushey Heath/Bushey is visible extending across the backdrop to the Appeal Site. There is limited vegetation along the edge of Rossway Drive which appears stark as it adjoins further Green Belt land to the north-east, in the form of three storey development (**Appeal Site Context Photograph 1**).
- 5.14 Only momentary glimpsed lateral views are obtained from the **A41 corridor**, where vegetation and landform allow, including on the M1 overbridge to the north (**Appeal Site Context Photograph 18**) and in filtered views through limited gaps in vegetation flanking the roadway further south. The Appeal Site is barely seen and is perceived in the context of the wider urban area, extending onto higher ground to the south-west and south and at Rossway Drive to the north.
- 5.15 From **PROW 040 to the east**, including on the M1 overbridge, the storage of materials and vehicles adjoining Hilfield Lane South, equestrian infrastructure, pylon route and the M1 corridor infrastructure all combine to diminish visual amenity. Views are seen in the context of the existing residential edge. See **Appeal Site Context Photographs 20 and 21**.
- 5.16 From **residential areas to the south** of the Appeal Site, there are sporadic and limited transient glimpsed views between built forms. See **Appeal Site Context Photograph 6**.
- 5.17 The overall impression gained in near-distance views is of land which, whilst open, does not contribute notably to visual amenity as a result of infrastructure; fenced enclosures through loss of hedgerow (including at the roadside on the south-western edge of the Appeal Site); and stark edges of built development.
- 5.18 Further away, from **north-east of the A41**, the Appeal Site ground plane is not perceptible but built form in Bushey Heath/Bushey is seen to the north, west and south, including the prominent Rossway Drive. See **Appeal Site Context Photographs 14 and 17**.
- 5.19 In summary, there is very limited visibility of the Appeal Site and where it is seen, is in the context of the existing development edge to the north-west, west and south, as well as infrastructure passing through and adjoining the Appeal Site.

6.0 PROPOSED DEVELOPMENT AND LANDSCAPE STRATEGY

6.1 The Proposed Development has been designed to reflect considerations in the Landscape and Visual Opportunities and Constraints Plan (LVIA Figure 6) (**CD A15**) and is illustrated in the submitted parameter plans (**CD D4-D6**) and DAS (**CD B5**). The Proposed Development includes:

- **primary mitigation (mitigation/optimisation by design):** the development parameters which are the subject of this application; and
- **secondary mitigation:** the illustrative proposals, which can be secured by the Council through suitably worded conditions/reserved matters applications)

Primary Mitigation (Mitigation/Optimisation by Design)

6.2 As shown in the parameters plans (February 2023) (**CD D4-D6**), which represent the maximum parameters that may be allowed, the Proposed Development responds to landscape and visual considerations in a number of ways through **primary mitigation**, of which the following are particularly important.

6.3 The proposed built form responds to the landform pattern within the Appeal Site, echoing the pattern of development in Bushey by being set back from watercourses onto higher ground, both to the west of the wider valley of the Bushey Heath Drain; and to the north-west and south-east of the central side-valley drain landform.

6.4 Related to this, the Proposed Development uses existing watercourses and vegetation as a framework for the built development area, most notably in the form of retained, reinforced and in some cases, restored substantial hedgerow corridors; as well as the enhanced wetland corridor in the eastern area of the Appeal Site, associated with the Bushey Heath Drain and further accentuated through use of this area for SuDS.

6.5 The use of existing vegetation and watercourses to structure the layout creates a pattern of interlocking of the urban area with its landscape setting, resulting in physical, visual and perceptual links through the built development and a sense of permeability to the wider landscape, as shown on the Composite concept on p.31 of the DAS (**CD B5**). In this respect, I note that residential development to the west and south of the Appeal Site includes unbroken edges of private residential properties to the adjoining landscape; and limited legibility of natural features, including the Bushey Heath Drain which to the south of the Appeal Site is set between back gardens and provides no sense of connection to the wider landscape.

- 6.6 This interlocking is emphasised further by the retention of the corridor of PROW 040 as another such link. This corridor would culminate in a substantial open space at the eastern edge of the Appeal Site, which offers more potential for enjoyment of moving through a variety of landscaped spaces than the existing single PROW across the Appeal Site.
- 6.7 The corridor of PROW 033 would pass along a landscaped route, at the edge of the Proposed Development, to reach a parcel of open landscape south-east of Rossway Drive, further accentuating the perception of the interlocking of the urban area and its landscape setting.
- 6.8 As part of this interconnection with the wider landscape, view corridors to specific features have been allowed for in the parameters, including: to Hilfield Castle along the northern boundary and across the eastern part of the Appeal Site; and south to Immanuel College.
- 6.9 As shown on the parameters plans, maximum building heights would typically be at two storeys, including on the more elevated land. On lower land to the east a positive sense of place in the expanded riparian setting would be emphasised by 2.5 storey frontages to the residential area. These frontages are in the lower-lying parts of the Appeal Site so would be less visually prominent. Otherwise, greater height is provided only where it serves legibility, including at the mobility hub; and adjoining the entrance and access route to the west.

Secondary Mitigation

- 6.10 As shown on LVIA Figure 7 (**CD A15**) and in the landscape character zones set out in the DAS section 3.5 (**CD B5**), as part of a comprehensive landscape strategy of **secondary mitigation** measures, the Bushey Heath Drain corridor would be enhanced and its sense of place reinforced, through introduction of ponds and swales, a variety of wildflower types, reedbeds and additional tree and woodland/meadow planting. The built frontage would be set beyond a hedgerow, which would soften the interface with the built edge. I consider that the combination of structural landscape features in this space will provide a notable enhancement of the stream corridor in terms of legibility, structural variety and visual interest (as shown in the precedents in **Images PC-2a and 2b** below); as well as physical, visual and perceptual integration of the built development.

Image PC-2a and 2b: Bushey Heath Drain riparian landscape – precedent images



- 6.11 I also note that the route of PROW 040 has potential to be incorporated along a further green corridor, including tree planting and a series of open spaces along it and the orientation of the proposed street patterns towards the wider landscape to the north-east and east. As a result, whilst inevitably this route would be more enclosed than at present, it would nevertheless have a distinct identity of linking a series of green spaces; and providing close and legible physical and visual links to the wider green and blue infrastructure, both along the principal route east-west, as well as along side-routes to the north-east, as shown below.

Image PC-3: PROW Corridors in Illustrative Masterplan



- 6.12 The appearance of this corridor could readily be designed to provide an inviting, softened 'green' route, either along corridors, or at nodal points with more focal qualities, as the following images showing footway/cycleways in landscaped urban corridors illustrate.

Images PC-4a and 4b: PROW 040 corridor – precedent images



Landscape Management

- 6.13 The submitted Landscape and Biodiversity Management Strategy (LVIA Appendix A5) (**CD A15**) provides a framework for ongoing management of existing and proposed structural landscape features, to secure their successful establishment and ongoing contribution.

Benefits of the Proposed Green and Blue Infrastructure

- 6.14 In addition to the mitigation of landscape and visual effects in terms by the proposed green and blue infrastructure, I also note that it would result in a range of likely benefits.

- 6.15 The UK Government's 'Enabling a Natural Capital Approach' guidance (last updated August 2021 and which supersedes previous guidance on Ecosystem Services)², includes Annex 2: Environmental Effects Categories. These include a number of 'regulating' services, including flood management, as well as cross-cutting benefits including biodiversity. The guidance also highlights a number of 'cultural' benefits of multi-functional landscapes, which include: enhanced environmental settings for recreational use; physical activity; mental health; and education.
- 6.16 I also note that, with reference to comments from the Interested Parties (see also section 10), that whilst I am not a specialist in mental health, high quality natural spaces are recognised as being of particular importance for mental health benefits. Research published by the Mental Health Foundation³ sets out that key elements of this are: spaces that have higher biodiversity and variety of planting, inclusive access to nature and, most importantly, enabling connection with nature close to home, including through the use of green corridors. I note that the Proposed Development would retain and enhance such green corridors, as shown in the parameters as part of the primary mitigation, enriched with reinforcement of structural planting as shown in the illustrative design.
- 6.17 In this respect, I recognise that the development of the Appeal Site would result in the loss of open views across the Appeal Site from a limited number of locations outside the Appeal Site and from the PROWs within the Appeal Site; and that there would be some harm associated with this. However, aside from the mitigation of this harm, I consider that there is potential for wider benefits to arise from the type of spaces and connecting green corridors provided, particularly in terms of the variety and natural qualities of the green and blue infrastructure.
- 6.18 For these reasons, as well as contributing to mitigating potential landscape and visual effects (see section 7 for further detail), I consider that the design of the Proposed Development would also provide for a range of beneficial changes.

² <https://www.gov.uk/government/publications/enabling-a-natural-capital-approach-enca-guidance/enabling-a-natural-capital-approach-guidance#introduction-to-natural-capital>

³ <https://www.mentalhealth.org.uk/our-work/research/nature-how-connecting-nature-benefits-our-mental-health>

7.0 SUMMARY OF LANDSCAPE AND VISUAL EFFECTS

Introduction

7.1 My consideration of the landscape and visual effects of the Proposed Development, reflecting the approach taken in the LVIA (**CD A15**), assesses effects at year 1 on the basis of the development parameters forming the primary mitigation. The residual effects, including for the secondary mitigation approaches, subject of the Council's control, are assessed at year 15 to allow for consideration of the growth of planting over this period, as is standard good practice (and which is noted in GLVIA3, paragraph 4.31). A broad assumption is made of approximately 1m growth every 3 years (with some variance above and below this). Therefore, substantial hedgerows with standard trees can be assumed to reach approximately 6-8m in height by year 15.

7.2 I consider the effects in the following sequence:

- **Effects on landscape features** – to understand the changes taking place within the Appeal Site;
- **Visual effects** – to understand how these changes are appreciated from the surrounding area;
- **Effects on landscape character** – to understand changes in the character of the vicinity, accounting for changes in features and views as part of a set of further considerations around other aspects of landscape character.

Effects on Landscape Features

7.3 Reflecting what is set out in the LVIA (**CD A15**) and given further detailed consideration within my **Appendix PC-3**, I consider that there will be beneficial effects on the majority of landscape features within the Appeal Site, notably through the reinforcement of vegetation and watercourses (for which my assessment differs from that in the LVIA), of up to minor-moderate significance by year 15. There would be very limited change to the landform of the Appeal Site, to create domestic residential development platforms, such that any adverse effect on this feature would be of negligible significance. I note that the overall legibility of the topographic and drainage patterns within the Appeal Site would be emphasised by the proposed layout, as explained above, and enhancement of the stream corridor to the east.

7.4 I note that inevitably, there would be loss of just over half of the existing open grassland fields within the Appeal Site. However, this is species poor semi-improved grassland and the remaining area would be replaced with a more varied grassland and wildflower treatment, as part of a range of structural landscape proposals, subject of positive management.

Accounting for these enhancements in the balance of change, I consider that by year 15, residual effects on the grassland fields would be minor adverse.

Visual Effects

- 7.5 As has been set out in section 5, it has been agreed with the Council in the LSoCG (**CD D9**) that visual effects are localised to the Appeal Site and its vicinity, largely contained within the area broadly to the south-west of the road corridors of the M1/A41, and nearby parts of the settlement edge.
- 7.6 Reflecting what is set out in the LVIA (**CD A15**) but given further detailed consideration within my **Appendix PC-4**, I consider that visual effects would not only be localised but would also be limited.
- 7.7 I note further that my assessment is based on views in winter conditions – in summer, visual effects would typically be lower than those I have set out.
- 7.8 My conclusion of localised and limited visual effects are due to a number of factors including:
- the topographic containment of the Appeal Site from the wider landscape, accentuated by extensive structural vegetation and built development, the combination of which results in a very limited visual envelope;
 - the existing context of extensive residential development, including 'stark' development edges, which reduces the magnitude of change in views; and
 - the proposed structural planting, including reinforcement of the north-eastern boundary with a woodland/meadow mix, which will further integrate and soften the built development in views.
- 7.9 As a result of these considerations, as set out in **Appendix PC-4**, there would be negligible or no visual effects from anywhere to the north-east of the M1/A41 road corridors; as well as from publicly accessible locations within the residential areas to the north, west and south.
- 7.10 As set out in **Appendix PC-4**, a greater significance of visual effects would inevitably be experienced from near distances, including on PROW within and adjoining the Appeal Site; from residential properties adjoining the Appeal Site (albeit noting that in the table under paragraph 5.3 of the Officers' Report to Committee, it is noted that such effects are '*not a material planning consideration*'); and from Little Bushey Lane.
- 7.11 These effects would be mitigated by the proposed structural planting, as explained on pp.42 and 43 of the DAS (**CD B5**), which would:

- reinstate substantial hedgerow cover with canopy trees along Little Bushey Lane, with the exception of the entrance, where an entrance green with canopy trees would provide softening of the proposed built form;
- reinstate and reinforce vegetation along the other boundaries of the Appeal Site, including the edges of residential built development; and
- provide robustly landscaped corridors extending through the Proposed Development, notably in the form of a series of open spaces along the route of PROW 040, as well as tree planting along this route.

7.12 These structural planting interventions would all be greatly strengthened by year 15, through their ongoing growth secured by a positive landscape and biodiversity management regime.

7.13 As a result, I consider that whilst there would be adverse effects on views from these locations of up to moderate-major significance at year 1, by year 15, the residual adverse effects would be reduced to moderate significance from PROW 033 north of the Appeal Site (visual receptor 2); Little Bushey Lane at the Appeal Site entrance (visual receptor 3); and residential properties adjoining the Appeal Site (visual receptor 6).

7.14 Residual adverse effects of up to minor-moderate significance would be experienced in winter conditions from PROW 040 immediately to the east of the Appeal Site (visual receptor 20); and Little Bushey Lane at the southern extent of the Appeal Site frontage (visual receptor 4), for which my assessment differs from that in the LVIA. All other residual visual effects would be of negligible significance or neutral.

7.15 The consideration of effects from Little Bushey Lane at the Appeal Site entrance (viewpoint 3) is representative of the experience for users of PROW 040 at the same location. Inevitably, on moving through the Proposed Development along this route, there would continue to be adverse effects in relation to the existing open views across the Appeal Site, albeit these would be mitigated by the proposed landscape design of the route (as described above) and a series of corridor views would be retained to the landscape setting. In addition to the assessment set out in the LVIA, I therefore consider that at year 1 for these medium sensitivity receptors, within the built development area there would be a large magnitude of change, resulting in adverse effects of moderate-major significance; and at 15, there would be a medium-large magnitude of change, resulting in residual adverse effects of moderate significance.

Effects on Landscape Character

7.16 Reflecting what is set out in the LVIA (**CD A15**) and detailed in LVIA Appendix A3; and given further detailed consideration within my **Appendix PC-3**, I consider that there would be very limited and localised effects on landscape character as a result of the Proposed Development.

- 7.17 Effects would be localised owing to the degree of containment by topography, infrastructure vegetation and built form. Accordingly, it is agreed in the LSoCG (**CD D9**) that the Proposed Development would result in localised effects on landscape character, contained within the area broadly to the south-west of the road corridors of the M1/A41, albeit that these effects would also have implications for the relevant Hertfordshire landscape character areas, which I have also considered in my assessment.
- 7.18 Effects would be limited by a number of factors. I set out the key points below.
- 7.19 The Proposed Development would be set within a context heavily influenced, disrupted and fragmented by existing built development and infrastructure, as recognised by published character assessment and Green Belt appraisal at a detailed local level, including the 'semi-urban character' and the influence of existing 'stark' built edges.
- 7.20 The landscape condition of the Appeal Site vicinity has deteriorated through vegetation loss and grazing (and is identified as poor/moderate condition in published assessment) and guidance sets out the potential for restoration and enhancement of landscape character.
- 7.21 The design of the Proposed Development responds to topography, vegetation patterns and settlement pattern to be readily integrated into the existing settlement edge; as well as retaining views to the wider landscape, notably to existing distinctive features.
- 7.22 The structural landscape proposals would further integrate the Proposed Development in this setting and would restore landscape features and notably enhance the legibility, visual interest and structural diversity of the Bushey Heath Drain stream corridor.
- 7.23 Therefore, whilst there would be a notable change to the existing open character of part of the Appeal Site, when considered at the level of the Appeal Site Vicinity, accounting for the context to the Appeal Site, this would not be out of keeping and would be readily integrated.
- 7.24 I conclude that, reflecting the LVIA, there would be adverse effects on the Appeal Site Vicinity of moderate significance at year 1, reducing to minor significance at year 15, which includes accounting for the beneficial changes in character arising from the enhanced access to and quality of open space in the eastern area of the Appeal Site.
- 7.25 In relation to published character assessments for the wider **LCAs 22 and 23**, reflecting the LVIA, I consider that there would be adverse effects of minor-negligible significance at year 1, reducing to neutral effects by year 15, accounting not only for the reduction of adverse change through the establishment of the primary and secondary mitigation planting, but also for the balance of beneficial changes in the landscape, notably in terms of enhancing the 'stark' residential edges identified in the published assessments. Further beneficial changes

would result from a positive response to published guidance, notably through: creation of new woodland at the edge of Bushey, restoring and expanding existing field boundary vegetation, new pond creation and improved grassland management.

Reference to published guidance/advice

- 7.26 I consider that the Proposed Development would respond positively to published character guidance including increasing wooded cover; hedgerow retention and restoration and enhancement of the network of linkages they provide; and the enhancement of riparian habitats.
- 7.27 The beneficial changes in the landscape also reflect a positive contribution to the objectives of the Watling Chase Community Forest, as sought by published character guidance and set out in the Council's WCCF Supplementary Planning Guidance (**CD F18**), paragraph 6.1, notably in terms of improving public access to the landscape and providing for long term management.
- 7.28 The Proposed Development also responds directly to the Council's Landscape Appraisal for the Appeal Site (**CD G6**), which concludes that the Appeal Site has potential to accommodate residential development and seeks retention of public access including for countryside experience; providing opportunities for longer views out; retaining existing vegetation including trees; and enhancing the watercourse, valley landform and associated character.
- 7.29 I also note that in 2016, LDA Design provided a landscape and visual appraisal, (**CD K3**), which indicated potential for residential development within the Appeal Site.
- 7.30 I consider that the Proposed Development would provide a positive response to its context, as required by the National Design Guide (**CD E5**). It also meets the requirement for sensitive setting of settlement pattern in the landscape, as set out in the Building Better Building Beautiful Commission Report (**CD E6**) through its framing within, and reinforcement of, existing landform and vegetation patterns; and the ready accessibility of Green and Blue Infrastructure required by the Environmental Improvement Plan (**CD E7**).

8.0 CONSIDERATION OF GREEN BELT CONTRIBUTION AND POTENTIAL HARM

- 8.1 The Council's Green Belt evidence base concluded that the parcel including the Appeal Site should be considered for removal from the Green Belt. This supported the draft allocation of the Appeal Site. Given that the local plan has since been 'set aside' and therefore no allocation has been made for the Appeal Site for removal from the Green Belt and allocation as part of a Local Plan review, I note that the Proposed Development is, by definition, inappropriate development within the Green Belt.
- 8.2 Given the structural separation of the Appeal Site from the wider landscape, as I have described, I do not consider the Appeal Site plays an important role in the wider strategic function of the Green Belt. I note that the Council's Green Belt Assessment Stage 2 (**CD G8** and **G9**), prepared by ARUP on behalf of the Council in 2019, sets out in relation to parcel SA-57, which contains the Appeal Site, that there is *'a less important contribution to the wider strategic Green Belt'* (p.101). I therefore focus my review on the specific Stage 2 Assessment, given that the Green Belt Assessment Stage 1 (**CD G7**) looked at a much larger area around the eastern and northern sides of Bushey and concluded on p.67 that there *'... is clear scope for sub-division. The area to the south of Little Bushey Lane, which may score less strongly, should be considered further'*.
- 8.3 Even given the sub-division in Stage 2, the Appeal Site is considerably smaller than sub-area SA-57 which extends as far as Elstree Road to the south and development at Rossway Drive to the north. As shown on **Figure PC-7**, the Appeal Site comprises approximately 18.2ha out of 57.03ha of SA-57, or 32%. The area of the Proposed Development proposed for built form and infrastructure is 10.4ha or approximately 18% of SA-57. My consideration of contribution of the Appeal Site to the Green Belt purposes, as well as the potential harm arising from the Proposed Development, accounts for this smaller scale. My consideration of contribution to the Green Belt reflects the methodology set out in **Appendix PC-2**, which also notes that the contribution to Purpose 5 is not assessed, just as it is not in the Council's evidence base.
- 8.4 My consideration of harm to the Green Belt uses the contribution rating as a starting point, before refining this through further consideration of the nature of the Proposed Development within the Appeal Site (including factors such as form and extent of development and structural landscape). The extent of Green Belt in the vicinity, and its relationship with the Appeal Site and the proposed area of built development, is illustrated on **Figure PC-7**.

Purpose 1 (check unrestricted sprawl of large built-up areas)

- 8.5 The Stage 2 Assessment (pp.100 and 101 of the document) sets out that there is **no contribution** of parcel SA-57 in terms of **Purpose 1** as Bushey is not considered to be a large built-up area. I note this and furthermore consider that in any event, the Appeal Site is robustly contained from the wider landscape by the adjacent road corridors; is set within built development to the north, west and south, and through definition and reinforcement of the corridor of the Bushey Heath Drain as a further structural edge feature, would have a coherent edge to the wider landscape.
- 8.6 In terms of harm to purpose 1, given that Bushey is not considered in the Council's evidence base to be a large built-up area, there can be **no harm to Purpose 1**. In any event, I consider that any perception of sprawl would be limited as the Proposed Development would not extend further than nearby development to the south and north-west. The eastern boundary of the Proposed Development is angled back to meet the existing development edge in a coherent pattern. This would be reinforced by the proposed restoration of the Bushey Heath Drain corridor, on the eastern edge of the Appeal Site, which would form a robust and legible containing feature. The Proposed Development would therefore reflect an existing pattern in Bushey of development set on more elevated land, contained and framed by valley floors. I note that the Stage 2 assessment notes that the M1 to the north-east would provide a recognisable and durable Green Belt boundary.

Purpose 2 (prevent neighbouring towns merging into one another)

- 8.7 In terms of **Purpose 2** the Stage 2 assessment notes this contribution to be moderate, stating in the Annex to the Report, on p.262 that:

'The sub-area forms a less essential part of the gap between Bushey Heath/Bushey Village and Radlett and a wider part of the gap between Bushey Heath/Bushey Heath and Elstree, maintaining the overall openness and scale of the gap. The M1 to the north-east of the sub-area provides an additional buffer which would limit the perceptual coalescence of these settlements.'

- 8.8 I consider that the contribution of the Appeal Site would be less than the assessment rating and would instead be a **limited contribution**. I note that the Appeal Site extends much less than sub-area SA-57 towards the western edge of Elstree, which represents the nearest extent of a neighbouring town used in the assessment. As shown on **Figure PC-7**, only approximately 1.7km lies between the eastern edge of Bushey Heath to the south-east, along Elstree Road (which broadly coincides with the eastern extent of sub-area SA-57) and Elstree. There is approximately 2.2km between the Appeal Site and Elstree. The gap to Elstree to the east of the Appeal Site is very strongly defined by the roadway corridors and

other features forming the series of layers of landscape between the Appeal Site and the wider landscape, as shown on **Figure PC-5**. In addition, the Appeal Site Vicinity is contained to the south-east by steep landform, whereas the south-eastern edge of SA-57 is not, being set on a ridgetop plateau.

- 8.9 In terms of harm to purpose 2, in addition to the existing separating features described above, I consider that the containing of the Proposed Development west of the stream corridor; and not extending further east than the existing extent of development at Wayside Avenue (a total of 2.4km from Elstree) would further reduce any perception of reduction of the gap between Bushey Heath and Elstree.
- 8.10 Therefore, whilst the Proposed Development would extend east into open land from Little Bushey Lane, including flanking the corridor of PROW 040 on its eastward route, and as perceived through existing gaps in hedgerow vegetation flanking Little Bushey Lane; owing to the structural features separating the Appeal Site from Elstree, there would be minimal overall perception of any merging between Bushey Heath and Elstree as a result of the Proposed Development. The proposed built form would not extend further east than existing development in the immediate vicinity; and much less far towards Elstree than the extent of parcel SA-57 and, beyond that, the extent of existing development in Bushey Heath. I therefore consider that there would be only **very limited harm to Purpose 2**.

Purpose 3 (safeguarding the countryside from encroachment)

- 8.11 In terms of **Purpose 3**, the Stage 2 assessment notes on p.101 of the main Report that:

'The sub-area performs weakly against Purpose 3 as a result of existing built form, urbanising influences of the M1 and direct visual links to Bushey Heath/Bushey Village, contributing to a semi-urban character'

- 8.12 The more detailed assessment on p.262 of the Annex to the Report states:

'Approximately 8% of the sub-area is covered by built form. The sub-area is characterised by both rural and urban land uses. The sub-area is tightly bounded by urbanising features including the M1 to the north-east and the back of residential properties and gardens to the south-west, which the sub-area has strong visual connections with, and contributes to a contained feeling. There is a concentration of existing built-form in the south-east of the sub-area comprising farms and stables, the Nilan Conference Centre, the Rosary Priory Convent and Immanuel College, and in the north-west of the sub-area comprising a farm and residential properties. The built form and the noise of the M1 to the north-east contribute to an urban feel. Much of the remainder of the sub-area is characterised by rural land uses. This comprises low-grade open fields, paddocks, some arable farming with public rights of way. There

are some views to wider countryside to the north-east of the subarea due to the rising topography in adjacent countryside, views onto and the noise of the M1 diminishes a wholly rural feel.

Overall, the sub-area has a semi-urban character.'

- 8.13 I agree with this assessment and consider that the Appeal Site makes **limited contribution** to this purpose as, whilst it does not include any built form and comprises field parcels with some remaining hedgerow containment that has not been removed; it is nevertheless subject to a range of influences that diminish the perception of countryside; and it is less than a third of the size of SA-57. The most notable of the urbanising influences are the extensions of relatively exposed edges of built development into the adjoining landscape, to both south and north (the '*direct visual links to Bushey Heath/Bushey Village*' and '*... the back of residential properties and gardens to the south-west, which the sub-area has strong visual connections with, and contributes to a contained feeling*' noted in the Stage 2 assessment).
- 8.14 This impression of containment by built form is less evident immediately to the east and south-east of the Appeal Site, which has a more robust and intact vegetation network (see **Appeal Site Appraisal Photograph D**, left hand side) including many canopy trees reflecting the intact nature of these historic hedgerow boundaries. As the Stage 2 assessment also notes, parcel SA-57 is also tightly bounded by the M1 corridor. This, in combination with the A41 corridor and other features as I have described, creates a strong impression of enclosure from the less developed and more rural wider landscape to the north-east. As a result, development within the Appeal Site would not result in any perceptible urbanising influence over the wider landscape beyond these road corridors. The identified '*semi-urban character*' of the parcel reflects the character of the vicinity, as also described in published character assessments and reflected in my own appraisal; and I note that this is not a term readily associated with Green Belt.
- 8.15 In terms of harm to this purpose, I consider that in this context and given the sensitive arrangement of the built form extent to reflect the extents of development to the north and south, whilst inevitably there would be encroachment into open land within the Appeal Site, this would not unduly undermine the already limited contribution the Appeal Site makes to the Green Belt. Only just over half of the Appeal Site (approximately 57%) would be developed and a substantial belt of open landscape would be preserved between the edge of development and the M1 corridor, just as it is already to the north-east of Rossway Drive. There would be no further urbanising influence over the wider landscape, from which the Appeal Site is strongly separated by significant structural features. I therefore consider that **harm to Purpose 3 would be limited.**

Purpose 4 (preservation of the setting and special character of historic towns)

- 8.16 I note that the Stage 2 report concludes that the sub-area makes **no contribution** to Purpose 4. I agree with this appraisal and consequently consider that the Proposed Development would **result in no harm to Purpose 4**.

Openness

- 8.17 In addition to the purposes of the Green Belt, an essential characteristic of the Green Belt as set out in NPPF paragraph 137, is its openness. Openness can be considered by definition (absence of built development in principle); spatially/volumetrically (how much openness is taken up by built development); or in terms of a visual aspect (how the openness or its loss is perceived visually).
- 8.18 In terms of harm to this characteristic, inevitably, there would be some harm from the Proposed Development **by definition**, as a result of the loss of openness of part of the existing Appeal Site, to built form.
- 8.19 However, **spatially**, as shown on **Figure PC-7**, this constitutes only 10.4ha, or 57% of the Appeal Site, to be occupied by built form or infrastructure; and only 18% of the parcel SA-57. In terms of quantity of land to be removed, the Council's Green Belt Stage 2 report recommends on p.101 that SA-57 be considered for removal from the Green Belt in combination with SA-54 (land to the north of SA-57 including development at Rossway Drive), as RS-3, which would form a significantly larger area than SA-57 alone.
- 8.20 As both my appraisal and the Council's Green Belt Assessment Stage 2 report (**CD G8** and **G9**) set out, the openness of the Appeal Site is in the context of significant urbanising features surrounding and traversing the Appeal Site, resulting in a limited sense of countryside, to the point that the Stage 2 report describes a '*semi-urban character*'.
- 8.21 These features also impinge on the perception of **visual openness** of the countryside in this location – as well as the enclosure by built development evident along Little Bushey Lane, there is a strong perception of visual enclosure when looking from the Appeal Site north towards development at Rossway Drive (see **Appeal Site Appraisal Photographs E** and, to a greater extent, **G**); and south and south-west towards development at The Squirrels and Wayside Avenue (see **Appeal Site Appraisal Photographs A, B, D, E** and **F**).
- 8.22 The visual openness of the Appeal Site, as experienced from Little Bushey Lane, is only as a result of the decline of the substantial hedgerow vegetation in two locations, reflecting a deterioration in character noted in published assessments. The visual openness of the Appeal Site experienced from adjoining residential properties is largely as a result of the lack of

substantial landscaped boundaries, resulting in the 'stark' edges of built development, as identified in published character assessments; which in turn contributes to the 'semi-urban' character identified in the Council's Stage 2 Green Belt evidence base. The Proposed Development would reinforce these edges with robust new planting.

- 8.23 I consider that if the landscape of these edges to the Green Belt were in better condition, reflecting considerations set out in published character assessments and guidance, the experience of the visual openness of the Appeal Site from these locations would be only limited. I furthermore consider that, in the context of a development proposal, the potential to reduce the harm to visual openness of the Green Belt resulting from built development, through re-instatement of characteristic vegetated features, which also reduce visual impact, should be seen as complementary rather than competing objectives.
- 8.24 I therefore consider that the principal receptors of harm to visual openness would be users of the PROW through the Appeal Site, notably PROW 040. The route of this PROW would be retained through the Proposed Development and would therefore be changed from a visually open experience to one largely enclosed by built form along that part of the route extending through the area of built development. However, consideration has been given in the design process to maintaining a perception of visual openness along this route.
- 8.25 As shown in the Access concept plan on p.31 of the DAS (**CD B5**) and in the revised parameters and illustrative masterplan (February 2023) (**CD D3**), the PROW corridor is relatively straight, enabling views to be retained along the corridor between areas of built form, towards the structural landscape to the east, as well as in lateral views along the retained and reinforced green/blue corridor crossing the centre of the Appeal Site. As shown in **Image PC-3**, by way of secondary mitigation, the PROW corridor would be punctuated by a series of open spaces, each providing a degree of visual openness, as well as, in combination with lateral views along street corridors, a sense of visual and physical progression to the landscape beyond the development edge.
- 8.26 Finally, as shown in the Ordering Principles concept on p.30 of the DAS, views to the wider landscape would be obtained along the northern boundary of the Appeal Site, towards Hilfield Castle; along the central hedgerow corridor, towards the stream corridor to the north-east; and across the wider natural open space in the eastern area of the Appeal Site. This series of design features would provide some mitigation of the loss of visual openness experienced from the PROW route.
- 8.27 Accounting for this range of considerations I consider that overall **harm to the openness characteristic** of the Green Belt would be localised in extent and partly mitigated through a sensitive design approach.

Benefits to Remaining Green Belt

- 8.28 Reflecting paragraph 145 of the NPPF, I have considered the potential for enhancement of access to, functionality of and quality of the landscape remaining within the Green Belt.
- 8.29 As part of Green and Blue Infrastructure totalling approximately 7.84ha or approximately 43% of the Appeal Site, the Proposed Development offers the potential for enrichment of green and blue infrastructure at the urban edge, notably in the form of a more structurally varied, visually interesting and locally distinctive riparian corridor which would remain within the Green Belt. This is a notable enhancement in the context of the existing 'stark' edges or residential development identified in published character assessments.
- 8.30 The Proposed Development also provides open and readily passable access to, across and around this land, rather than solely walking along the confined route of PROW which can be difficult to pass in wet conditions. Further opportunities to reach this area of open space are provided along other green and blue infrastructure routes through the built development.
- 8.31 Consideration of the wider benefits of the Proposed Development are considered further in the evidence of Ms Ventham.

Conclusion in relation to potential Green Belt harm

- 8.32 In conclusion, I note that as a result of the Proposed Development there would be no harm to purpose 1 (checking sprawl of large built up areas), very limited harm to purpose 2 (preventing merging of towns), limited harm to purpose 3 (safeguarding the countryside from encroachment) and no harm to purpose 4 (preserving the setting of historic towns). There would inevitably be harm to the openness of that part of the Appeal Site to be replaced by built development. However, I conclude that this harm would be localised and partly mitigated by a sensitive design approach. I furthermore note the potential for benefits arising from the enhanced access to and quality of land remaining within the Green Belt.
- 8.33 I also note that in 2016, LDA Design prepared a Green Belt review of the Appeal Site, appended to the submitted Planning Statement (Appendix 4 of **CD A4**), which concluded that removal from the Green Belt would be justifiable (p.12).
- 8.34 Finally, I note that on the basis of its own evidence base, prepared by ARUP, the Council proposed to release the Appeal Site from the Green Belt and allocate it for residential development. I therefore conclude that the Council clearly considered that development within the Green Belt was acceptable in this location.

9.0 RESPONSE TO COUNCIL'S REASONS FOR REFUSAL

RFR 1: Green Belt

'Significant harm to openness'

- 9.1 As I have set out above, I conclude that whilst there would be some localised harm to openness within the Appeal Site, including visual openness, this harm would be localised in extent and partly mitigated through a sensitive design approach.
- 9.2 As I have also set out, I consider harm to the purposes of the Green Belt in this location would range from none to limited and that the wider strategic function of the Green Belt would be maintained, as the Council's evidence base concludes would be the case. I note that the RFR does not refer to harm to the purposes for inclusion of land within the Green Belt, from which I conclude that the Council does not consider that sufficient harm would occur in this respect to merit inclusion in the RFR.
- 9.3 In relation to the Committee Report (**CD C1**), paragraph 7.5.10 of which notes in respect to the openness of the Green Belt, *'sweeping views ... from Little Bushey Lane'*, I note that this visibility into the Appeal Site is only as a result of hedgerow deterioration or removal, which is an aspect of landscape character deterioration noted in the Council's published assessments.
- 9.4 In this respect, I also note that under paragraph 5.3 (Neighbour Responses), in relation to the concern raised of *'spoil of [sic] views from properties on Little Bushey Lane'*, the Officer notes that this is *'not a material planning consideration'*.
- 9.5 Paragraph 7.5.11 notes *'a significant reduction in the openness of the site'*. I accept that 57% of the Appeal Site would be developed, but this should be considered in the context of the Green Belt evidence base setting out the limited contribution the Appeal Site makes to the Green Belt purposes; and also my conclusion that harm to the physical and visual openness of the Appeal Site would be localised and partly mitigated by a sensitive design approach.
- 9.6 In respect of visual openness, I note that the Council's Statement of Case (**CD D2**) paragraph 4.33 notes that:

'...the development would be visually prominent from the immediate public realm and public rights of way both through and within the vicinity of the site....'

- 9.7 Paragraph 7.5.20 of the Committee Report also notes that:

'...erosion of visual openness principally from the immediate environs and with some, though lesser impact, further afield.'

9.8 I conclude from this that the Council accepts that the loss of openness would only be from localised viewpoints. This accords with my view, albeit, as I have noted, the loss of visual openness to built form would be mitigated from a number of locations by restoration of characteristic structural hedgerow vegetation, the lack of which currently allows this visual openness.

9.9 Paragraph 7.5.20 also concludes a ***'significant impact on the openness of the Green Belt'***, but as noted above, this impact is in reality localised and partly mitigated by a sensitive design approach; would result in only limited harm to the purposes of the Green Belt; would not harm the strategic function of the Green Belt and would occur in a location the Council's evidence base describes as having a ***'semi-urban character'***.

RFR 2: Character and Appearance

'Harm to the character and appearance of the landscape'

9.10 As I have set out above, I consider harm to the character of the landscape and views to be limited and localised, as a result of the contextual conditions and the considered design approach.

9.11 In relation to paragraph 7.5.17 of the Committee Report (**CD C1**), as I have explained, the LVIA judgements of susceptibility, value and sensitivity were all set out clearly and in detail. It is accepted that the Council's landscape consultant may come to a different judgement but should that be the case, the judgement should be set out, rather than merely alleging on unsubstantiated grounds that ***'the overall significance... may differ from that stated'*** and ***'"moderate" adverse effects identified are likely to be significant.'*** I note that the Council confirmed that there was no requirement for EIA which confirms that the requirement to state whether or not effects are significant is not applicable.

9.12 The Council's landscape consultant confirmed in consultation response, also quoted in paragraph 7.5.17, general agreement with the judgement of effects, albeit then noted that ***'we would judge the adverse impacts to be greater'***. This assertion is contradictory and unsubstantiated.

'In particular, due to the visual impact of the development on existing open views with rural aspect from Little Bushey Lane...'

9.13 As I have set out, views from Little Bushey Lane into the Appeal Site are only obtained as a result of hedgerow deterioration or removal, which is an aspect of landscape character

deterioration noted in the Council's published assessments. I also note that in paragraph 7.5.13 the committee report notes that views from local roads are 'heavily restricted' by built form.

- 9.14 I consider that the views from the locations noted in the RFR are only partly 'rural in aspect'. As published character assessments and the Council's Green Belt evidence base have made clear; and as I have set out, there are extensive urbanising and infrastructural influences in these views, to the point that the published Green Belt Review Stage 2, identifies this area as having a 'semi-urban' character.

'...and nearby Public Rights of Way, including those that cross through the application site (ProW Bushey 033 and 040). In particular, views through and within the site from ProW 040 would become enclosed and constrained by built form.'

- 9.15 I accept that there would be harm to views from the PROW traversing the Appeal Site. However, this harm is localised and will be mitigated by creating a route along the northern edge for PROW 033; and a series of green spaces and visual links along the route of PROW 040. While inevitably these routes will change in character, measures are proposed to maintain the sense of inviting, useable pedestrian routes with strong sense of connection to the wider landscape. Whilst views from PROW 040 will be constrained in their horizontal field of view, there will nevertheless be a series of views retained to the structural landscape setting, both along and to either side of the PROW corridor. In particular, the substantial open space at the eastern end of PROW 040 will provide a positive setting for the PROW and will provide considerable benefits for public usage.

- 9.16 In paragraph 7.15.12 of the Committee Report, the Officer accepts this point in noting that:

'The proposed public open space to the south-east of the site with soft landscaping, pathways and SuDS features would represent a social benefit both for future occupants of the development and existing residents, particularly as the existing ProW 040 would be incorporated into this open space and connect it with Little Bushey Lane. However, this is tempered by the fact that a large portion of ProW 040 would become urbanised as a result of the development whereas now this PwoW [sic] is of rural character and outlook. Nonetheless, the public green space proposed contributes to retaining some GB openness'

- 9.17 Finally, I note that the Committee Report did not recommend a Reason for Refusal related to Character and Appearance, from which I conclude that Officers did not consider that the harm in this respect was adequate to constitute an RFR.

Policy Response – summary

- 9.18 I consider that the Proposed Development would provide a positive response to key design objectives in NPPF paragraph 130, notably by taking a sympathetic approach to the locally-characteristic inter-relationship of built form and landform in the settlement of Bushey; and by using existing retained, reinforced and extended landscape features as framing elements to the proposed built form, creating a strong sense of place, reflecting requirements in the BBBBC Report (**CD E6**) and National Design Guide (**CD E5**).
- 9.19 I consider, in relation to NPPF Section 13 relating to the Green Belt (and in turn Hertsmere Core Strategy Policy CS13), that the Appeal Site makes only a limited contribution to Green Belt purposes and that harm to these purposes arising from the Proposed Development would range from none to limited. I consider that harm to the openness of the Green Belt would be localised and partly mitigated by a sensitive design approach. In relation to paragraph 145 of the NPPF, I consider that there is potential to enhance the use and quality of the land remaining within the Green Belt.
- 9.20 In terms of NPPF paragraph 174a it is agreed between the parties that the Appeal Site does not constitute a Valued Landscape. In relation to paragraph 174b the Proposed Development recognises the intrinsic character and beauty of the countryside, primarily by being located in an area where such qualities are limited, as recognised by published character assessments; and furthermore, by respecting the existing landscape framework and using it as a setting for built development. With regard to paragraph 175, the Appeal Site is not designated for landscape quality at any level in the hierarchy; and makes a strong contribution to maintaining and enhancing networks of green infrastructure.
- 9.21 In terms of Hertsmere Core Strategy Policy CS12, I consider that the Proposed Development would provide a robust, linked and extensive green and blue infrastructure network.
- 9.22 With regard to Hertsmere SADMPP Policy SADM11, I consider that the Proposed Development would enhance the quality, character and condition of existing structural landscape features, following guidance in published character assessments.

10.0 RESPONSE TO INTERESTED PARTIES

- 10.1 I have considered the representations of further Interested Parties, as they related to landscape, visual and Green Belt considerations; and have summarised my responses below, by the themes raised.
- 10.2 In terms of the PROW routes across the Appeal Site, these routes would not be removed but would partly change in character, albeit as I have described, the secondary mitigation approach to PROW 040 would introduce a series of green spaces along the route, as well as maintaining forward and lateral visibility of structural landscape. In addition, the extensive green and blue infrastructure on the eastern edge of the Appeal Site would provide access around a large area of natural landscape focused on the stream corridor, rather than PROW users being confined to the existing route across a grazed pasture.
- 10.3 With regard to the alleged removal of 'beautiful' Green Belt, I acknowledge that the Appeal Site is currently open Green Belt land. However, as identified in published character assessments and through my own appraisal, it is heavily influenced by existing built development and infrastructure and is subject of deterioration of landscape condition, in the form of hedgerow loss and grazing. The Council's evidence base describes the character of this area as '*semi-urban*'.
- 10.4 In terms of the identified loss of green space on the edge of a housing estate, the proposed green and blue infrastructure, at 7.84 hectares, would provide extensive green space which is not currently available for the benefit of existing as well as proposed residents, including a natural environment around which people could explore, rather than only walk along two PROW routes. I consider this to be an enhancement of access to and quality of land remaining within the Green Belt, providing benefits to existing as well as proposed residents.
- 10.5 With regard to the contribution the Proposed Development can make to good mental wellbeing: as I have set out above, it is well-established that natural greenspace contributes positively in this respect and the Proposed Development will reinforce the natural qualities of existing green and blue infrastructure for the benefit of both existing and future residents.
- 10.6 In relation to the views across the Appeal Site, views to distinctive features on the skyline including Hifield Castle and Immanuel College would be retained as framed along corridors within and on the edges of the proposed built form. Views across open fields from The Squirrels are currently open because of hedgerow degradation and loss. The Proposed Development would restore these hedgerows, thereby enhancing landscape character as well as mitigating adverse effects on views. As I have set out above, I note that the Committee Report states that the loss of private views is '*not a material planning consideration*'.

11.0 SUMMARY AND CONCLUSION

- 11.1 The Appeal Site lies on the eastern edge of Bushey and, like much of the settlement, is arrayed on a spur of higher ground between valleys extending north-west from a more elevated south-west – north-east ridgeline. Little Bushey Lane follows this landform which comprises the south-western flanks of the valley of the Bushey Heath Drain which flows north from Bushey Heath. This spur of landform has been a focus for development throughout the twentieth and into the twenty first century, including extensive housing either side of Bushey Heath Lane to both the south and north of the Appeal Site. Within the Appeal Site, the landscape is given further definition by a small side valley extending south-west – north-east, including a field drain which meets the Bushey Heath Drain on the north-eastern edge of the Appeal Site.
- 11.2 The major road corridors of the M1 motorway and A41 pass immediately to the north-east of the Appeal Site, the M1 following the valley of the Bushey Heath Drain. These routes have introduced a notable infrastructural influence in the vicinity, accentuated by two routes of cables supported by pylons. Vegetation in the form of woodland blocks and belts accentuates the topographic containment of the valley of the Bushey Heath Drain in the vicinity of the Appeal Site.
- 11.3 The Appeal Site is not subject to any designation for landscape quality or character at any level in the hierarchy set out in the National Planning Policy Framework; and it is agreed between the parties that the Appeal Site is not a Valued Landscape in the terms of NPPF paragraph 174a. The Appeal Site lies within the Green Belt. The designated routes of PROW 033 and 040 extend across the Appeal Site from Little Bushey Lane.
- 11.4 Published character assessments highlight the fragmentation, disruption and lack of coherence in the vicinity of the Appeal Site, caused by the M1/A41 corridor, the pylon routes and built development (described as having 'stark' edges in places); the decline and removal of hedgerows to be replaced by fencing; and the increasing impact of horse grazing. Published character guidance focuses on landscape restoration, including increasing wooded cover; hedgerow retention and restoration and enhancement of the network of linkages they provide; and the enhancement of riparian habitats.
- 11.5 The Council's Landscape Sensitivity Assessment (2020) notes that there is potential for development at the Appeal Site subject to a sensitive siting and design approach, including reflecting the grain of the landscape, retaining long views and enhancing opportunities to access and enjoy the landscape; and that the Appeal Site lies in relatively less sensitive areas of the Borough for this type of housing. The Council's Landscape Appraisal for the Appeal Site (2020), concludes that:

'The analysis ... indicates that this site has the potential to accommodate some residential housing and smaller flats if new development is carefully integrated using vegetation that is in character with the locality so that the rural character of the wider landscape character area is retained, public access is retained with opportunities for countryside experience and long views from elevated areas, existing vegetation is retained (especially mature trees), the on-site water course and its floodplain is preserved and enhanced, and any development responds to the valley landform.'

- 11.6 I noted that the Proposed Development responds positively to all of these points.
- 11.7 Policy themes of relevance include in relation to locally-characteristic design approach; green infrastructure provision, including ready access from where people live; and Green Belt. I note that the Council's landscape and Green Belt evidence base supported a draft allocation (now part of a 'set aside' draft local plan) for removal of the Appeal Site from the Green Belt for residential development.
- 11.8 The Appeal Site includes three horse pasture fields bounded by a combination of substantial native hedgerow with hedgerow trees, and lengths of fencing where the vegetation has been lost/removed (including in two areas along Little Bushey Lane) reflecting deterioration in landscape condition noted in published character assessments. There are a series of layers of landscape and infrastructure between the Appeal Site Vicinity and the wider landscape to the north-east, in addition to the physical structure of the roadways themselves and the traffic movements associated with them. These layers include:
- hedgerows on the north-eastern boundary of the Appeal Site;
 - embankment planting along both sides of the M1;
 - substantial hedgerows with trees/tree belts along both sides of the A41;
 - two pylon routes;
 - Hilfield Reservoir and associated woodland; and
 - elevated wooded landform in the vicinity of Hilfield Castle to the east.
- 11.9 To the south, further containment of the Appeal Site Vicinity is provided by the elevated landform of the Bushey Heath – Elstree ridgeline where storage of materials and vehicles and sports facilities are present.
- 11.10 As a result of the containment by landform, built development and vegetation, the Appeal Site is only seen in near distance views and where it is seen, it is in the context of the existing development edge, as well as infrastructure passing through and adjoining the Appeal Site.

- 11.11 The Proposed Development parameters (primary mitigation) respond to the landform pattern within the Appeal Site, echoing the pattern of development in Bushey by being set back from watercourses onto higher ground, both to the west of the wider valley of the Bushey Heath Drain; and to the north-west and south-east of the central side-valley drain landform. The use of existing landform, watercourses and vegetation to structure the layout creates a pattern of interlocking of the urban area with the wider landscape setting, including physical, visual and perceptual links through the built development.
- 11.12 The varying types of structural landscape shown in the illustrative proposals (secondary mitigation) would not only aid the physical, visual and perceptual integration of the built development but would also notably enhance the sense of place of the Bushey Heath Drain corridor, through introduction of ponds and swales, a variety of wildflower types, reedbeds and additional tree and woodland/meadow planting. The route of PROW 040 has potential to be incorporated along a further green corridor with a distinct identity of linking a series of green spaces; and providing close and legible physical and visual links to the wider green and blue infrastructure, both along the principal route east-west, as well as along side-routes to the north-east.
- 11.13 In terms of effects on landscape features, I consider there would be beneficial effects on the majority of landscape features within the Appeal Site, notably vegetation and watercourses; and that the replacement of just over half of the open grassland fields by built development would partly be mitigated by the introduction of structural diversity of the remaining land, such that residual effects would be limited.
- 11.14 As agreed in the LSoCG (**CD D9**), visual effects would be localised to include near distance views from PROW within and adjoining the Appeal Site; from residential properties adjoining the Appeal Site (albeit the Officers' Report to Committee notes that these effects are '***not a material planning consideration***'); and from Little Bushey Lane. These effects would be mitigated by the proposed structural planting, which would:
- reinstate substantial hedgerow cover with canopy trees along Little Bushey Lane, with the exception of the entrance, where an entrance green with canopy trees would provide softening of the proposed built form;
 - reinstate and reinforce vegetation along the other boundaries of the Appeal Site, including the edges of residential built development; and
 - provide robustly landscaped corridors extending through the Proposed Development, notably in the form of a series of open spaces along the route of PROW 040, as well as tree planting along this route.

- 11.15 Accounting for these approaches, the residual visual effects, on near-distance views only, would not be of more than moderate significance.
- 11.16 Landscape character effects would be localised owing to the degree of containment by topography, infrastructure vegetation and built form. Accordingly, it is agreed in the LSoCG **(CD D9)** that the Proposed Development would result in effects on landscape character being contained within the area broadly to the south-west of the road corridors of the M1/A41. The Proposed Development would form a logical but sensitive extension of built development in Bushey, coherent with both the wider settlement pattern in relation to topography and with existing influences of development; and physically, visually and perceptually contained from the wider landscape to the north-east. Effects would be limited by the context of extensive development influences; the deteriorated landscape structure of the Appeal Site; and the sensitive design response to the landform and vegetation framework. I consider that by year 15, residual adverse effects on the Appeal Site Vicinity would be of minor significance and on the wider landscape character areas from published assessment, of neutral significance, including accounting for beneficial changes in the landscape such as enhancement of the Bushey Heath Drain riparian corridor.
- 11.17 The Council's Green Belt evidence base, prepared by ARUP, identified that the Appeal Site (which lies within a parcel described as 'semi-urban' in character) should be considered for removal from the Green Belt and underpinned the draft allocation of the Appeal Site by the Council. I note that as a result of the Proposed Development there would be no harm to Green Belt purpose 1 (checking sprawl of large built up areas), very limited harm to purpose 2 (preventing merging of towns), limited harm to purpose 3 (safeguarding the countryside from encroachment) and no harm to purpose 4 (preserving the setting of historic towns). There would inevitably be harm to the openness of that part of the Appeal Site to be replaced by built development, including visual openness for near distance receptors and for users of the PROW within the Appeal Site.
- 11.18 As a result of the sensitive design approach, including integrating physical and/or visual corridors to the structural landscape setting, along and either side of the corridor of PROW 040, which would also comprise a series of open spaces, I conclude that this harm would be localised in extent and would be partly mitigated. I furthermore note the potential for benefits arising from the enhanced access to and quality of land remaining within the Green Belt.
- 11.19 I also note that in 2016, LDA Design prepared a Green Belt review of the Appeal Site, appended to the submitted Planning Statement, which concluded that removal from the Green Belt would be justifiable.

11.20 I therefore conclude that in relation to the Council's reasons for refusal, harm to the openness of the Green Belt would be localised in extent and partly mitigated by a sensitive design approach and only experienced as a visual aspect from localised viewpoints. I consider that harm to the character of the landscape and in views would also be limited and localised. I also note that the landscape structure, notably the substantial open space at the eastern end of PROW 040, will provide a positive setting for development and will provide a considerable range of benefits. As a result, I consider that the Proposed Development would be accommodated acceptably in landscape and visual terms and in relation to the function of the Green Belt. I note that this is also the conclusion reached by the Council when draft allocating the Appeal Site, based on its evidence on both Green Belt and Landscape, prepared by consultant landscape practices.