



Hertsmere Borough Council

Planning Committee Agenda

Thursday, 16 July 2026 at 6.00 pm

Civic Offices, Elstree Way, Borehamwood, Hertfordshire, WD6 1WA

Membership

Councillor H Green (Chair)

Councillor M Amron
Councillor A Kaza
Councillor L Smith
Councillor G Briski
Councillor B Rosehill

Councillors C Gray (Vice-Chair), M Allen (Vice-Chair) and D Lambert (Vice-Chair)

Councillor M Handley
Councillor P Morris
Councillor N Susman
Councillor P Richards

Enquiries about this Agenda to:
Democratic Services

Phone: 020 8207 7550
Email: democratic.services@hertsmere.gov.uk

You can look at a paper copy of the non-confidential committee agenda and reports of officers at least five working days before the meeting at:

- The Civic Offices, Elstree Way, Borehamwood, Hertfordshire, WD6 1WA

Under the [The Openness of Local Government Bodies Regulations 2014](#), any member of the Public may record meetings provided it does not cause a disruption. As such, if you are attending a Council meeting physically you accept that you may be captured on their recording, or the Council's systems. Where Council meetings are webcast, you can watch them live on YouTube and they are normally available after the meeting: <https://www.youtube.com/@HertsmereWebcasts>

You can find out more and see papers at: <https://hertsmere.moderngov.co.uk/>

For directions to the meeting venue, please visit www.hertsmere.gov.uk/Contact-Us.aspx

Please see overleaf for details of how to register to speak at Planning Committee meetings.

Contact Democratic Services on 020 8207 7550 for any further information.

Chief-Executive

Civic Offices, Elstree Way, Borehamwood, Hertfordshire, WD6 1WA

Special Notice for members of the public

You may speak to the Committee for three minutes on any planning application shown in these papers to be determined at the meeting.

Please note that the order is indicative only and may be varied on the night by the Chair.

Ring 020 8207 7550 between 10am and 4pm on the day of the meeting

We will need to know:

The application on which you wish to speak

Your full name

Your address

Your telephone number

Whether you are in favour of or against the application

Whether you also represent anyone else

Whether we can pass your details on to any other caller with a similar point of view

This procedure allows for **ONE** person to speak in support of the application and **ONE** against the application. The applicant will be given first refusal and all other requests to speak shall be dealt with on a "first come, first served" basis. Therefore, if you have registered to speak, we ask if we may pass your details onto anyone else who phones with a similar point of view. This is so that you may take into account any issues they would have liked to raise. Only if you give your consent will we put others in touch with you prior to the meeting.

Each person making representations will be allowed a maximum period of three minutes in which to speak ***[advice on how to comment on proposals is overleaf]***. If you are speaking on behalf of others, for example, neighbours, you will need to provide a letter (or similar) signed by them authorising you to do so.

You are only permitted to speak. You are not permitted to circulate material, including photographs, to the Committee Members. All requests to circulate material will be refused.

Councillors who are not members of the committee may speak as **Community Advocates** for up to 5 minutes on behalf of others. They are required to ring the telephone line above between 10am and 4pm on the day of the meeting and shall also be limited to one speaker in support and one in objection.

At the meeting

- (a) The Planning Officer will present the application with the aid of slides;
- (b) The Chair will call upon the person representing objectors to speak for a maximum of 3 minutes;
- (c) The Chair will call upon the person representing supporters to speak for a maximum of 3 minutes;
- (d) The Chair will call upon the Community Advocate to speak in objection for a maximum of 5 minutes;
- (e) The Chair will call upon the Community Advocate to speak in support for a maximum of 5 minutes;
- (f) The Planning Officer will be invited to comment on any views expressed during the earlier stages;
- (g) Members will debate the application;
- (h) Officers will sum up the issues if this is necessary;
- (i) Members will reach their decision.

Your details, excluding your telephone number, may be given at the meeting to the Members of the Committee, the Press and any other members of the public present.

The number to ring is 020 8207 7550

The line will be open between 10am and 4pm on meeting days only - if the line is busy, please call back. Requests under these arrangements are dealt with only on this number on the day of the meeting.

Some advice on commenting on proposals

The Council must pay particular attention to the Development Plan for the area when considering planning applications. For applications validated on or after 17 January 2013 this comprises:

- the Hertsmere Local Plan Core Strategy Development Plan Document (adopted January 2013)
- saved policies in the Hertsmere Local Plan (adopted 2003) which have not been replaced by policies within the Hertsmere Core Strategy
- the draft Site Allocations and Development Management Policies 2015 (approved for interim use in the determination of planning applications)
- the Waste Core Strategy and Development Management Policies Development Plan Document prepared by Hertfordshire County Council (adopted November 2012)
- the Hertfordshire Minerals Local Plan Review prepared by Hertfordshire County Council (adopted March 2007 and saved March 2010)

The Council also produces additional guidance in the form of Supplementary Planning Documents (SPDs). Whilst these do not have Development Plan status they have been subject to public consultation and are taken into account as material considerations in dealing with planning applications.

Before deciding whether or not you wish to make representations to the Committee, we strongly advise you to read the officers' report on the application which is available on the council website.

You can look at a paper copy of the non-confidential committee agenda and reports of officers at least five working days before the meeting at:

- The Civic Offices, Elstree Way, Borehamwood, Hertfordshire, WD6 1WA

You can look at an electronic version of the non-confidential committee agenda and reports of officers at least five working days before the meeting at Aldenham Parish Council Offices, Aldenham Avenue, Radlett, WD7 8HL

Background papers used to prepare reports (including the application forms and plans) are public documents and can be inspected at the Civic Offices, on request.

Planning permission can be refused only if there are sound planning reasons for doing so. Problems are sometimes resolved without refusing planning permission. The Council often discusses problems with the applicant concerned, and amendments may be made to an application. One other way the Council addresses problems, is by granting planning permission subject to conditions. Your views are important and assist the Council in focusing on those aspects of an application that are not satisfactory. The following checklist may help you:

- *If the application is for a change of use, do you think the proposed use is a suitable one for this locality?*
- *Is the general appearance of the development, including its height and design, acceptable?*
- *Will the development affect you unreasonably because of over dominance, loss of day light or loss of privacy?*
- *Do you think the development will cause a nuisance [noise or fumes] to an unreasonable extent?*
- *Do you think that the development will give rise to unacceptable traffic congestion or traffic hazards?*
- *Do you think that the development will have any other unacceptable impact on the area?*

Please remember, that objections raised on non-planning grounds cannot be taken into account by the Committee when they determine a planning application. Examples of such reasons are that property values will be reduced; trade lost if a new business sets up; or that a familiar view will be lost. The Council cannot, and does not, involve itself in boundary disputes.

We hope you find this information useful.

Urgent Late Business

Members are requested to notify the Democratic Services Officer of any additional urgent business which they wish to be discussed by the Committee following the matters set out on either the Part I or Part II Agenda, so that their request can be raised with the Chair. Under the Access to Information Act 1985, Members must state the special circumstances which they consider justify the additional business being considered as a matter of urgency.

1. Membership

To receive details of any change in Membership of this Committee notified since the agenda was printed.

2. Communications and Apologies for Absence

- (a) Communications (if any) relating to business on the agenda.
- (b) Apologies for absence.

3. Declarations of Interest

Members are required to declare any Disclosable Pecuniary Interests they or their spouse/partner have in any matter which is to be considered at this meeting. Members must also declare any other pecuniary or non-pecuniary interests they have in any matter to be considered at this meeting.

The responsibility for declaring an interest rests solely with the member concerned. Members must clearly state to the meeting the existence and nature of any Disclosable Pecuniary Interest, Other Pecuniary Interest or Non-Pecuniary Interest and the agenda item(s) to which it/they apply.

Disclosable Pecuniary Interests are prescribed by the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 as follows:

a. Employment, office, trade, profession or vocation

Any employment, office, trade, profession or vocation carried on for profit or gain.

b. Sponsorship

Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by a member in carrying out duties as a member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.

c. Contracts

Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority— (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.

d. Land

Any beneficial interest in land which is within the area of the relevant authority.

e. Licences

Any beneficial interest in land which is within the area of the relevant authority.

f. Corporate tenancies

Any tenancy where (to the member's knowledge) - (a) the landlord is the relevant authority; and (b) the tenant is a body in which the relevant person has a beneficial interest.

g. Securities

Any beneficial interest in securities of a body where – (a) that body (to the member's knowledge) has a place of business or land in the area of the relevant authority; and (b) either (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

In cases of Disclosable Pecuniary Interest, Members must withdraw from the meeting room while the matter is being considered.

4. Minutes of the previous meeting

To confirm and sign the **ATTACHED** minutes of the meeting of the Committee held on 14 May 2026 **as amended** and the minutes **TO FOLLOW** of the meeting held on 18 June 2026.

(Pages 1 - 8)

In accordance with the Constitution no discussion shall take place upon the minutes, except upon their accuracy.

5. Planning Applications for Determination at the Meeting

All the recommendations set out in the reports on this agenda have been endorsed by a Development Team Manager.

(Page 9)

Note an update sheet **TO FOLLOW** may be issued after the publication of the main agenda to cover additional information.

5.A 25/1815/FUL Land West Of Robinson Crescent And South Of, Merry Hill Road, Bushey, Hertfordshire

The **ATTACHED** report proposes: 'Erection of residential units (Class C3), access alterations, new landscaping, car parking, cycle storage and other associated works. [For consultation purposes only: 28 homes proposed].'

(Pages 10 - 109)

5.B 26/0542/ADV 3 Leeming Road, Borehamwood, Hertfordshire, WD6 4EB

The **ATTACHED** report proposes: 'Installation of 1x non-illuminated fascia sign, and interior window stickers (Application for advertisement consent).'

(Pages 110 - 121)

5.C 26/0541/CLP 3 Leeming Road, Borehamwood, Hertfordshire, WD6 4EB

The **ATTACHED** report proposes: 'Use as a Nail & Beauty Salon (Class E). Certificate of lawful development (Proposed).'

(Pages 122 - 129)

5.D 25/1842/FUL Land Adjoining Patchetts Cottage, Hilfield Lane, Aldenham, Hertfordshire

The **ATTACHED** report proposes: 'Erection of building for a Stroke Rehabilitation Day Centre Clinic (Brian's House), together with detached stable building, detached store building (hay store and tractor store with manure bay), and external equestrian arena. Associated access arrangements, parking provision, covered bicycle store, landscaping, and biodiversity improvements.'

(Pages 130 - 178)

6. Planning Appeals: current position

To receive the attached lists for information.

(Pages 179 - 186)

7. Any Other Business that the Chairman considers Urgent

In accordance with Section 100B(4) of the Local Government Act 1972, amended by the Access to Information Act of 1985, no urgent business may be raised unless it has been approved by the Chairman. The item and reason for urgency must be announced at the start of the meeting.

8. Dates of Future Meetings

Future meetings are scheduled to take place at the Civic Offices, Elstree Way, Borehamwood, as follows:

- 20 August 2026
- 10 September 2026

Civic Offices,
Elstree Way
Borehamwood
HERTS WD6 1WA

7 July 2026

Hertsmere Borough Council

Planning Committee

Minutes of the meeting held in Civic Offices, Elstree Way, Borehamwood, Hertfordshire, WD6 1WA

Thursday, 14 May 2026

Present

Voting Members:

Councillors H Green (Chair), M Allen (Vice-Chair), D Lambert (Vice-Chair), M Amron, A Kaza, P Morris, L Smith, N Susman, G Briski, B Rosehill, C Shenton and P Kaza

Also Present:

Councillors N Oakley, J Newmark, L Sullivan, H Cohen and M Ponder

Officers:

S Bijle	Chief Executive Head of Paid Service
P Geraghty	Deputy Chief Executive Service Delivery
H Patterson	Assistant Director Legal & Democratic Services
F Churchill	Interim Director of Place and Transformation
M Kolaszewski	Interim Head of Planning, Economic Development & Climate Change
K Humphries	Principal Planning Officer
A Taylor	Principal Planning Officer
G O'Brien	Principal Planning Officer
L Page	Principal Planning Officer
W Clarke	Senior Planning Officer
H Holt	Planning Officer
A Storey	Highways Development Management Manager
A Witherick	Democratic Services Manager

782. Membership

Councillor C Shenton substituted for Councillor P Richards.

Councillor P Kaza substituted for Councillor C Gray.

783. Communications and Apologies for Absence

Apologies for absence had been received from Councillors M Handley, P Richards and C Gray.

784. Declarations of Interest

No Members had an interest to declare under any of the items of business on the agenda.

785. Minutes of the previous meeting

RESOLVED that the minutes of the meetings held on 19 March 2026 and 23 April 2026 be approved and signed as a correct record.

786. Planning Applications for Determination at the Meeting

Consideration was given to the planning applications listed at Item 5 of the agenda and the amendments and additions sheet as tabled by Officers.

786.1 25/1815/FUL Land West Of Robinson Crescent And South Of Merry Hill Road, Bushey

Members noted the receipt of additional information as set out in the update sheet.

The Planning Officer presented the application which was for: 'Erection of residential units (Class C3), access alterations, new landscaping, car parking, cycle storage and other associated works. [For consultation purposes only: 28 homes proposed].'

Mr M Dokelman spoke against the application on behalf of himself and local residents.

Mr R Henley spoke for the application as the agent.

Councillor M Ponder spoke as Community Advocate against the application.

Members were concerned that the Council had not sought Legal Counsel's opinion regarding the Grey Belt designation of the site. The Assistant Director of Legal & Democratic Services explained that Members had had sufficient time and information to make a judgement on this application. Previous advice taken from Counsel on various applications regarding the Grey Belt had produced opinions that validated Officers' professional Planning judgements which were based on Planning policy. They did not deem it necessary to seek Counsel opinion on every Grey Belt assessment. Clarification was given by Planning Officers that although the appellant had presented their own Counsel advice, this had not been used to inform the recommendations in the report. This was due to the professional judgement of qualified Planning Officers. Members were unsatisfied with this and a deferment on all grounds was proposed to allow for this information to be obtained for Members to be able to make an informed decision.

Some members were concerned about the impact on Hill Mead Nature Park and the wildlife on the site. Officers confirmed that Hertfordshire County Council Ecology had been consulted and had raised no objections to the scheme.

In response to Member questions regarding how the Transport Assessment was undertaken, clarification was given by the Highways

Officer that this was assessed using a national system called TRICS whereby structured surveys of sites were conducted throughout the UK across various use classes. This data allowed a prediction of the number of trips. A second methodology used was census data for the ward of the application site. These methods had shown that this site would generate 129 vehicle movements per day, including 4 inbound and 11 outbound vehicle trips in the morning (am) peak on average. Members were reminded that paragraph 116 of the National Planning Policy Framework (NPPF) required that development could only be refused on highways grounds where it had a severe impact. 15 additional vehicles in the morning peak could not justify severe impact. It was also clarified that no reportable accidents had occurred at the bend in 26 years, there were sufficient road traffic signs to warn drivers of the bend. In Highways safety terms the access was considered acceptable.

In response to Member questions regarding the objections raised by 2 local schools, the Highways Officer explained that whilst it was accepted that the scheme would generate extra traffic on site additional to existing congestion, the Highways Authority did work with schools to offer help with creation of Travel Management Plans to encourage alternative modes of transport or areas of drop-off and support was available from Hertfordshire County Council at any time, should schools wish to engage in this matter. They did not however deem this to constitute an unacceptable severe impact in Highways terms.

It was proposed by: Councillor P Morris, seconded by Councillor M Amron that the application be DEFERRED on all grounds; pending further information to be obtained.

For: (8 total) - Councillors G Briski, D Lambert, B Rosehill, C Shenton, N Susman, M Allen, M Amron, P Morris.

Against: (4 total) – Councillors A Kaza, P Kaza, L Smith, H Green

Abstain: (0 total) - No votes

Total votes cast: 12

RESOLVED that the application be DEFERRED on all grounds to allow for further information to be acquired.

[At 7.35 pm after the end of the previous item the Chair adjourned the meeting.]

[At 7.35 pm Councillor M Ponder left the meeting prior to the next Item having spoken as Community Advocate.]

[At 7.42 pm before the start of the next item the Chair resumed the meeting.]

786.2 24/1663/FUL Land Adjacent To Larksmead, Barnet Lane, Elstree

Members noted the receipt of additional information as set out in the update sheet.

The Planning Officer presented the application which was for:
'Demolition of existing stables and removal of associated hardstanding and the construction of an Integrated Retirement Community (IRC) of 90 extra care units (Use Class C2) with means of access; ancillary communal and care facilities; landscaping and open space; and all other associated works and infrastructure.'

Ms E Pearce spoke for the application on behalf of the applicant.

Councillor H Cohen spoke as Community Advocate against the application.

The Planning Officer clarified that this was a Green Belt site that did not comply with the Golden Rules as set out within the report and Very Special Circumstances (VSCs) did exist. Members were unconvinced that the Officer weightings in the Planning Balance showed that the benefits outweighed the harms of the proposal. In response to queries, The Planning Officer clarified that there would be a loss of an existing stable, where 3-4 horses were currently stabled. Officers considered this to be a small scale loss and thus not appropriate to ask for an equestrian needs survey.

In response to further member questions, Officer clarification was given that; although the report showed non-compliance with 10% Biodiversity Net Gain and there was not sufficient information to show that the Biodiversity condition could be discharged, government advice was clear that this could not be a reason for refusal of an application as it was a post-determination matter. Officers determined that the site was Grey Belt land but that it was inappropriate development, hence the Green Belt assessment of Very Special Circumstances which they deemed to exist. Therefore, if Members were minded to agree that the benefits outweighed the harms then they could approve the application as appropriate development or vice versa. Lack of provision of affordable housing would not constitute a reason for refusal given the other merits of the scheme.

It was proposed by: Councillor G Briski, seconded by Councillor B Rosehill that the application be REFUSED on all grounds; development constituted inappropriate development in the Green Belt owing to the harms outweighing the benefits. They afforded greater weight to those harms listed in the Officer report including harm to openness, harm to the Setting of the Conservation Area and the Landscape Impact.

For: (8 total) - Councillors G Briski, P Kaza, D Lambert, P Morris, B Rosehill, C Shenton, N Susman, H Green

Against: (3 total) - Councillors M Amron, A Kaza, L Smith

Abstain: (1 total) – Councillor M Allen

Total votes cast: 12

RESOLVED that the application be REFUSED on all grounds; that the development constituted inappropriate development in the Green Belt and Very Special Circumstances did not exist owing to the harms outweighing the benefits including harm to openness, harm to the Setting of the Conservation Area and the Landscape Impact.

[At 8.32 pm after the end of the previous item the Chair adjourned the meeting.]

[At 8.32 pm Councillor H Cohen left the meeting prior to the next Item having spoken as Community Advocate.]

[At 8.41 pm before the start of the next item the Chair resumed the meeting.]

786.3 25/1767/FUL 31 Tempest Avenue, Potters Bar, EN6 5JU

The Planning Officer presented the application which was for: 'Demolition of existing outbuilding; construction of part single, part two storey side and rear extension; conversion of loft to habitable space with associated roof alterations to include 2x rear dormers and insertion of 3x front rooflights; cycle and bin storage, alterations to fenestration, amenity space and front driveway; all to facilitate sub-division of dwelling into 3x flats. (Partially retrospective.) (ADDITIONAL DOCUMENTS RECEIVED: 16/03/2026 - BNG Metric and Report). (AMENDED PLANS RECEIVED: 18/02/2026 - alterations to internal layout and adjustment to vehicular crossover).'

Mr K Winchester spoke against the application as a local resident.

The Chair read out a speech on behalf of the applicant for this application.

Councillor L Sullivan spoke as Community Advocate against the application.

Officers stated for full disclosure that 2 further applications had since been received by the applicant since report publication, the first for a 10 bed House of Multiple Occupation (HMO) and the second for a 12 bed HMO. They reminded Members that this should not however affect their judgement when determining the application before them.

Some members were concerned about overdevelopment and impact on the street scene, sufficient bin storage and parking provision at the site. In response to questions, clarification was given that one Electric Vehicle (EV) charger would be allocated for flat 1, and another for flat 2. Flat 3 would not have an EV charger. Flats 1 and 2 would also have 2 parking spaces each whilst Flat 3 would have 1 allocated parking space and thus was considered to be policy compliant. Condition 7 of the report required that details of provision for refuse storage would be

submitted and approved in writing by the Local Planning Authority prior to occupation of the development. There would be no impact on the street scene given there were no significant external changes to the approved scheme. Members were reminded that they must consider the application as set out in the papers in front of them, it was not possible to speculate on intentions or future applications that may or may not be submitted by the applicant.

It was proposed by: Councillor M Allen, seconded by Councillor L Smith that the recommendations as set out in the Officer report be agreed.

For: (9 total) - Councillors M Allen, G Briski, A Kaza, P Kaza, D Lambert, P Morris, C Shenton, L Smith, H Green

Against: (3 total) – Councillors M Amron, B Rosehill, N Susman

Abstain: (0 total) - No votes

Total votes cast: 12

RESOLVED that permission be GRANTED subject to conditions as listed in the report and Biodiversity Net Gain (BNG) information being considered adequate.

[At 9.34 pm Councillor L Sullivan left the meeting prior to the next Item having spoken as Community Advocate.]

786.4 24/1363/FUL Village Hotel, Centennial Park, Centennial Avenue, Elstree, WD6 3SB

The Planning Officer presented the application which was for: 'Erection of a 48-bedroom extension with link bridge connecting to the existing Village Hotel Elstree, alterations to restaurant canopy to create additional internal floor space for the pub and grill and associated works.'

Ms Sshan Sshan Li spoke for the application on behalf of the agent.

Members welcomed the application.

It was proposed by: Councillor M Allen, seconded by Councillor D Lambert that the recommendations as set out in the Officer report be agreed.

For: (12 total) - Councillors M Allen, M Amron, G Briski, A Kaza, P Kaza, D Lambert, P Morris, B Rosehill, C Shenton, L Smith, N Susman, H Green

Against: (0 total) - No votes

Abstain: (0 total) - No votes

Total votes cast: 12

RESOLVED that the application be DELEGATED to the Head of Planning and Economic Development or Development

Management Team Manager to Grant Planning Permission, subject to conditions.

787. Planning Appeals: current position

Noted the current planning appeals and appeal decisions as set out at Item 6 of the agenda.

Resolved that under Section 100A(4) Local Government Act 1972, the public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Part I, Schedule 12A to the said Act:-

	Part II Agenda Item	Paragraph in Schedule 12
6A	24/1101/OUTEI - LAND WEST OF BARNET ROAD AND EAST OF BAKER STREET, POTTERS BAR	3, 5

[The Chair adjourned the meeting at 22:55 during the next item.]

[The Chair resumed the meeting at 23:08 during the next item.]

787.1 24/1101/OUTEI Land West of Barnet Road and East of Baker Street Potters Bar

The Chair introduced the appeal update which had been circulated to Members as a late item. The Assistant Director Legal & Democratic Services provided a briefing on the item and explained that additional information had been received relating to the appeal for 24/1101/OUTEI - Land West of Barnet Road and East of Baker Street, Potters Bar, Herts, EN8 2ES. The original application had been heard by the Planning Committee on the 1 December 2025 where it had been rejected.

Subsequently the applicant had appealed to the Planning Inspector (PINS Ref: 6004002) and an appeal had been scheduled to start on the 19 May 2026 hence the urgency of the item.

A supplementary report had been provided by Officers which set out the current position and changes since the decision made by the Planning Committee. Members queried the basis on which the report and session were confidential when the original decision had formed part of a public meeting. A Member proposed that any agreement should be conditional upon residents being informed about what had occurred. Officers responded that they had taken this into consideration and had explored options for the meeting to have remained in open session, however as the papers were focussed around legally privileged information it would have been difficult to hold the session in public where Members would have been unable to ask specific questions or make direct reference to the content. Consideration had also been

given as to whether the decision could be delayed, but as the Inquiry was due to start within 5 days this had not been considered viable.

Members debated the report and appendix including the potential implications both for Potters Bar and the wider area. They reiterated the concerns which had been raised in response to the original application and considered options and assurances. This included a Member calling for the vote to be conditional on the Cabinet portfolio holder resigning their position due to the issue, however it was highlighted that this could not be considered as it was not a material planning consideration.

The proposal was that the Chief Executive Officer, who was present to hear the concerns raised by Members, be delegated to find the most appropriate approach for the Council in the planning appeal.

It was proposed by: Councillor C Shenton, seconded by Councillor A Kaza that the recommendations as set out in the report be agreed.

For: (7 total) - Councillors M Allen, M Amron, H Green, A Kaza, P Kaza, C Shenton and L Smith.

Against: (5 total) – Councillors G Briski, D Lambert, P Morris, B Rosehill, N Susman

Abstain: (0 total) – No Votes

Total votes cast: 12

RESOLVED that the Planning Committee:

1. **Had considered the advice of Robin Green KC in relation to the appeal by Bloor Homes Limited against the refusal of planning permission, scheduled to begin on 19 May 2026.**
2. **Delegated to the Chief Executive the power to determine the Council's approach to the appeal in consultation with the Council's external legal advisor.**

788. Any Other Business that the Chairman considers Urgent

There was none.

789. Dates of Future Meetings

The next meeting was scheduled for 18 June 2026.

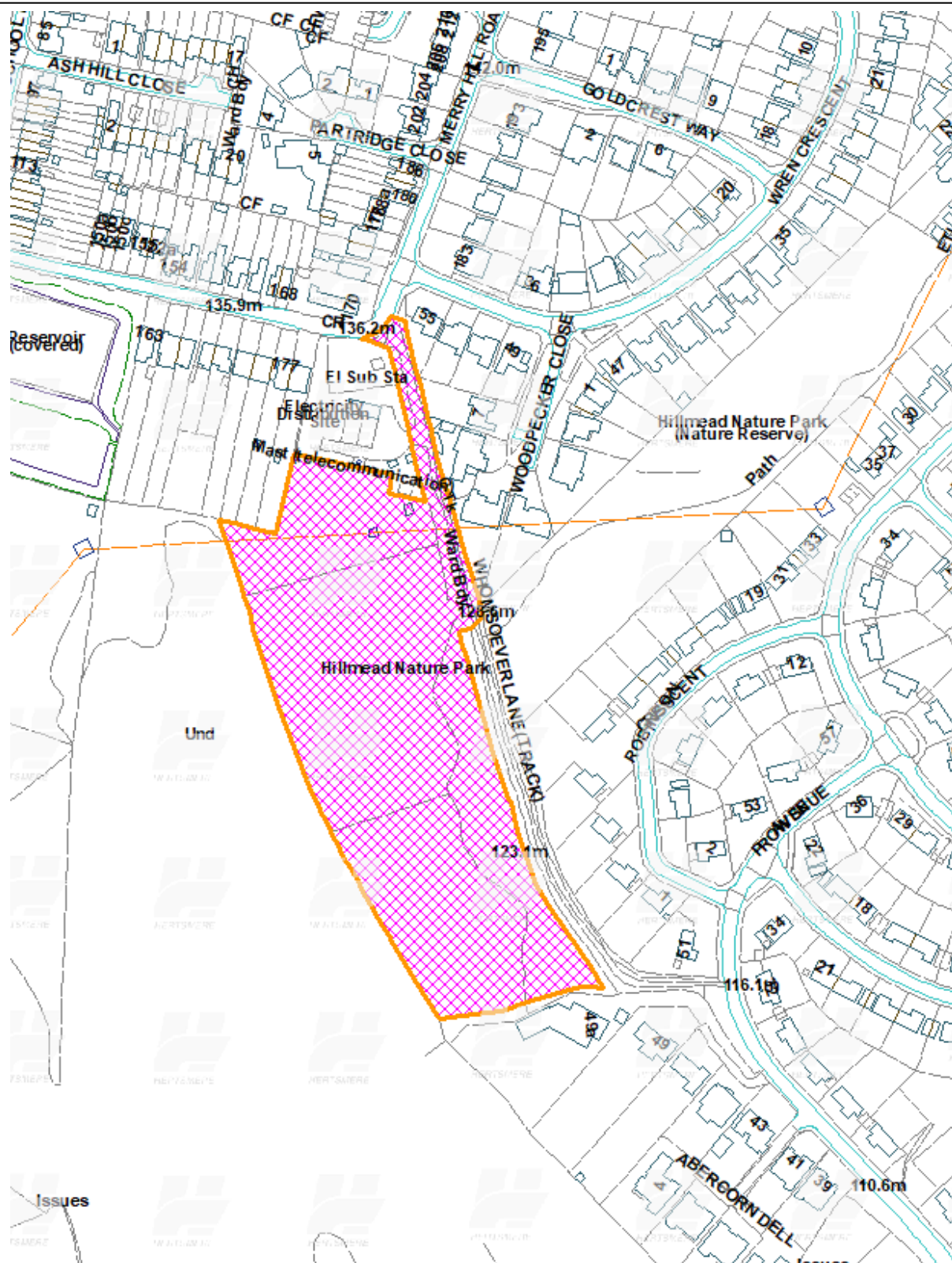
Closure: 11.40 pm

Chair

Items for Hertsmere Planning Committee

16/07/2026

Pages	Item No.	Application No.	Site Address	Proposal	Case Officer	Recommendation
	A	25/1815/FUL	Land West Of Robinson Crescent And South Of Merry Hill Road Bushey Hertfordshire	Erection of residential units (Class C3), access alterations, new landscaping, car parking, cycle storage and other associated works. [For consultation purposes only: 28 homes proposed].	Holly Holt	Permission subject to/linked to Sect 106
	B	26/0542/ADV	3 Leeming Road Borehamwood Hertfordshire WD6 4EB	Installation of 1x non-illuminated fascia sign, and interior window stickers (Application for advertisement consent).	Brian Kam	Grants Consent
	C	26/0541/CLP	3 Leeming Road Borehamwood Hertfordshire WD6 4EB	Use as a Nail & Beauty Salon (Class E). Certificate of lawful development (Proposed).	Brian Kam	Grant Lawful Certificate (Proposed Dev)
	D	25/1842/FUL	Land Adjoining Patchetts Cottage Hilfield Lane Aldenham Hertfordshire	Erection of building for a Stroke Rehabilitation Day Centre Clinic (Brian's House), together with detached stable building, detached store building (hay store and tractor store with manure bay), and external equestrian arena. Associated access arrangements, parking provision, covered bicycle store, landscaping, and biodiversity improvements.	Caitlin Ellis	Grant Permission



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Date of Meeting: 16 July 2026

Case Officer: Holly Holt

APPLICATION NO: 25/1815/FUL

DATE OF APPLICATION: 18 December 2025

STATUTORY START DATE: 18 December 2025

SITE LOCATION

Land West Of Robinson Crescent And South Of, Merry Hill Road, Bushey, Hertfordshire.

DEVELOPMENT

Erection of residential units (Class C3), access alterations, new landscaping, car parking, cycle storage and other associated works. [For consultation purposes only: 28 homes proposed].

AGENT

Mr Paul Reeves
13-14 Welbeck Street
London
W1G 9XU

APPLICANT

ACRE Bushey Limited
C/O Agent

WARD: Bushey Park & Bushey Heath

GREEN BELT: Yes

CONSERVATION AREA: No

LISTED BUILDING: Adjacent – Myholme Building (Grade II)

TREE PRES. ORDER: Adjacent – TPO/57/2007 and TPO/219/1990

REASONS FOR COMMITTEE CONSIDERATION

This is a major development exceeding the threshold of delegated authority in the constitution.

1.0 RECOMMENDATION

- 1.1 Delegate to the Head of Planning & Economic Development to grant planning permission subject to the following conditions and following the completion of a suitably worded s106 Planning Agreement.

2.0 EXECUTIVE SUMMARY

- 2.1 This addendum report should be read in conjunction with the original Committee Report dated 26 May 2026, where the application was presented to

Members and subsequently deferred for further consideration on all grounds. The original Committee Report is appended to this report.

- 2.2 The purpose of this addendum is to update Members on specific matters raised at Committee, namely the classification of the site as grey belt following the receipt of independent legal advice, and the potential impact of the proposed development on Hillmead Nature Park. The legal advice note received is also appended to this report.
- 2.3 In respect of the Green Belt position, Counsel has reviewed the Council's original assessment and concluded that the site does not make a strong contribution to Green Belt purposes (a), (b) or (d). The advice confirms that the classification of the site as grey belt is a reasonable and robust exercise of planning judgment, with no evidential basis to support an alternative conclusion.
- 2.4 The advice further confirms that there are no constraints under footnote 7 of the National Planning Policy Framework that would provide a strong reason for refusing or restricting development. In addition, the proposal is considered to meet the requirements of paragraph 155 of the NPPF, including the demonstration of unmet housing need, the sustainability of the site, and compliance with the 'Golden Rules'.
- 2.5 With regard to Hillmead Nature Park, the addendum considers the potential effect of the development on the setting of the designated open space. Whilst it is acknowledged that the proposal would form development along the eastern boundary, views of the site from within the park would be limited and localised due to existing vegetation and changes in ground levels. The development would not result in the loss of any part of the park, which would remain publicly accessible and continue to function as open space within the wider green infrastructure network.
- 2.6 The park is already experienced within a contained, semi-urban context, being bordered by residential development on other sides. The proposal would therefore represent a continuation of this established pattern. Furthermore, the scheme incorporates a landscape-led approach, retaining existing vegetation and introducing new planting to provide a soft, verdant edge where the development abuts the nature park. As such, the development would not result in significant harm to the character, appearance or function of the Nature Park.
- 2.7 Overall, having regard to the matters set out within this addendum, officers remain satisfied that the conclusions of the original Committee Report are unchanged. The proposal would not constitute inappropriate development in the Green Belt, and whilst some harm has been identified, the benefits of the scheme would significantly and demonstrably outweigh that harm in the planning balance.

- 2.8 Accordingly, the recommendation remains to delegate approval subject to the completion of a Section 106 Agreement and the imposition of appropriate conditions.

3.0 INTRODUCTION

- 3.1 This addendum report should be read in conjunction with the Committee Report from 26 May 2026, which was presented to Members and deferred for further consideration on all grounds.
- 3.2 The purpose of this addendum is to update Members on specific matters arising since the publication of the original report. In particular, the Council has obtained legal advice in respect of the Green Belt assessment, and further consideration has been given to the potential impact of the proposed development on Hillmead Nature Reserve. Additional information has also been provided in respect of highway related matters.
- 3.3 Following receipt of the Counsel opinion, small recommendations for amendments were made to the Officer's original report. An updated copy of this report is available to members with the suggested changes underlined for clarity.

4.0 GREEN BELT ASSESSMENT

- 4.1 The application site lies wholly within the Metropolitan Green Belt. The original Committee Report concluded that the site does not make a strong contribution to Green Belt purposes (a), (b) or (d), and therefore considered the land to be grey belt.
- 4.2 Since the deferral of the application, Officer's Green Belt Assessment was reviewed by Cornerstone Barristers (CB) on 19 June 2026 with focus on whether the site comprises grey belt.
- 4.3 The full legal opinion is available to view on the Council's website, and is appended to this report. However a summary of the advice is set out below.

4.4 Grey Belt

Purpose (a) Check unrestricted sprawl of large built-up areas

- 4.5 The legal opinion notes that the Council commissioned a Green Belt Assessment produced by AECOM in April 2026. The report identified that only Borehamwood was considered to be a large built up area. Bushey/Bushey Heath is not considered to be a large built-up area.

- 4.6 If the Council were to argue that Bushey is a large built up area then the above AECOM report would be evidence to contradict this.
- 4.7 CB concludes, that based on the evidence given, *“the site is likely to make a weak or no contribution to purpose A because it is not adjacent to a large built up area”*.
- 4.8 Should Members reach the conclusion that Bushey could be considered as a large built-up area, despite the Council's own evidence base concluding that it is not, the proposal would not result in an incongruous pattern of development regardless. Therefore, it would be difficult to reasonably argue that the site strongly contributes to purpose (a).

Purpose (b) To prevent neighbouring towns merging into one another

- 4.9 The advice given by CB regarding purpose (b) has been based on the assumption that Bushey is a Town.
- 4.10 The site forms part of the gap between Bushey and South Oxhey, and Bushey and Watford. CB sets out that based on the evidence available, *“the site can be regarded as part of a gap between towns potentially engaging purpose (b)”*. It is concluded that the site is only a small part of the gap between South Oxhey and Bushey. The PPG guidance suggests that its contribution to purpose (b) is at best moderate.
- 4.11 Officers' conclusions that the site makes a weak contribution to purpose (b) is reasonable and consistent with the AECOM Green Belt Assessment. CB advise that they *“do not think Hertsmere can credibly conclude that the site strongly contributes to purpose (b)”*.

Purpose (d) Preserve the setting and special character of historic towns

- 4.12 CB concluded that there is no evidence to call Bushey an historic town and therefore Bushey cannot make a strong contribution to purpose (b).

Footnote 7

- 4.13 CB sets out that *“in light of the above the Officer's conclusion that the site does not make a strong contribution to any of purposes (a), (b) or (d) is an entirely reasonable one which is consistent with the evidence and reached on appropriate criteria. I have no evidence that would support an alternative conclusion”*. The site should therefore be regarded as grey belt unless there are

any areas or assets in footnote 7 which provide a strong reason for refusing or restricting development.

- 4.14 The most relevant policies to this site are heritage assets and areas at risk of flooding.
- 4.15 CB concluded that they do not consider the heritage policies in the NPPF would provide a strong reason for refusal.
- 4.16 With regards to flooding, the Senior Flood Risk and SuDS Officer offered no objection to the development subject to conditions and informatives. CB advised that *"it was entirely open to officers to conclude that NPPF policies on flooding would not provide a strong reason for refusing or restricting development"*.
- 4.17 To conclude, CB considered that based on the evidence provided there are no footnote 7 policies which would provide a strong reason for refusal.
- 4.18 **Other paragraph 155 considerations**
- 4.19 CB note that the conclusion of the site constituting as grey belt *"does not by itself mean that the application can be regarded as not inappropriate in the Green Belt. All of the four criteria in paragraph 155 have to be met"*.

Paragraph (a)-the development would utilise grey belt land and would not fundamentally undermine the purposes (taken together of the remaining Green Belt across the area of the plan

- 4.20 CB have reviewed both the applicant's and Officer's report regarding the five purposes. Their assessment is set out below for clarity (verbatim):-

"The applicant has carried out an assessment of the contribution of the Site to all five purposes and concluded that the Site makes no contribution to purposes (b), (d) and (e) and limited contribution to purposes (a) and (c). Officers concluded that the site make no contribution to purposes (a), (b), (d) and (e), and its effect on purpose (c) is contained. Although those conclusions are not identical they both fall very far short of providing any evidence that the proposal would fundamentally undermine the purposes of the remaining Green Belt across the plan area.

Both conclusions are also supported by the AECOM Green Belt Assessment which considered which areas of the Green Belt in Hertsmere played a fundamentally important role in the maintenance of the Green Belt in the plan

area. While it does identify an area of fundamental importance to the west of Bushey that does not include the Site. The AECOM Green Belt Assessment also acknowledges that if all of Sites BU-015 to BU-018 were developed this could fundamentally undermine the remaining Green Belt. As the Site is BU-016 it is included in that consideration. However it seems to me that the authors of the review are not suggesting that the development of any one of the sites would, by itself, fundamentally undermine the remaining Green Belt in the area.”

- 4.21 Counsel advises that, based on the available evidence, there is no basis on which the Council could reasonably argue that development of the site would materially affect the ability of the remaining Green Belt in Hertsmere to serve the Green Belt purposes in a meaningful way.

Paragraph (b) – demonstrable unmet need

- 4.22 CB sets out that the council does not have a 5 year housing land supply and therefore there is undoubtedly an unmet need as defined in the NPPF.

Paragraph (c) - The development would be in a sustainable location with particular reference to paragraphs 110 and 115 of the NPPF

- 4.23 There were some errors in paragraph 8.30 of the previous report. Bushey Train Station is located within an 8-minute cycle or short bus ride. The station provides National Rail services which run on a regular basis providing routes to London Euston, Milton Keynes Central and Watford Junction.
- 4.24 The Counsel opinion notes that there are no objective standards for what constitutes as a sustainable site, however it would be difficult to persuade an Inspector that a site is not sustainable.

Paragraph (d) – the development meets the ‘golden rules’

- 4.25 The development would provide 50% affordable housing which would be secured by a section 106 agreement.
- 4.26 With regards to necessary improvements to local or national infrastructure, Counsel advise that although only very localised infrastructure is proposed there is no evidence to suggest that there are any ‘necessary improvements’ that the scheme is not providing. The scheme is also CIL liable which can be used towards infrastructure requirements.
- 4.27 Finally, in relation to the provision of new or improvements to existing green spaces, Counsel notes that the landscape strategy includes a central green, an

orchard and woodland edge space. There are also links to the adjoining Hill Mead Nature Park. Therefore, Officers were entitled to conclude that new residents would be able to access good quality green space within a short walk of their home.

- 4.28 CB therefore concludes *“In the circumstances officers were plainly entitled to conclude that the criteria in paragraph 155 are met and again I consider on the evidence that I have seen that it would be difficult to run a sustainable argument contrary”*.

5.0 IMPACT ON HILL MEAD NATURE RESERVE

- 5.1 A further concern raised by Members during the May Committee meeting was the impact the on Hill Mead Nature Reserve, in particular concerns that the development would enclose the park with residential development on all sides.
- 5.2 Hill Mead Nature Park is located to the east of the site, adjacent to the proposed access. The park is currently bounded by residential development to all sides from Woodpecker Close, Wren Crescent, Larken Drive, The Comyns and Robinsons Crescent, with the exception of the entrance to the park fronting onto Whomsoever Lane and the application site.
- 5.3 The park is designated as an open space, covered under SADM34 of the Site Allocations Development Management Plan (2016). SADM34 seeks to ensure that development does not result in a negative impact on designated open space, including harm to its character, appearance, accessibility or function. Paragraph 104 of the NPPF sets out that existing open space should not be built on unless there are extenuating reasons to do set out between a) – c).
- 5.4 The development does not directly extend into or result in the loss of any part of Hillmead Nature Park. The park would continue to function as a publicly accessible open space. In this context, the key consideration is to the extent to which the proposed development would affect the setting of the Nature Park.
- 5.5 The views from the park onto the site would be localised and would only be visible when members of the public when walking back towards the entrance. The ground levels from the park rise quite significantly from the entrance towards the rear of the park. Views of some of the rear elevations along Robinson Crescent, to the north, were visible from inside the park. When looking south-west from inside the park, towards the site, due to the existing mature screening only the pylon was readily visible. The site only starts to become visible towards the exit path, when the ground levels start to flatten out.

- 5.6 The views of the development from the park are therefore considered to be limited and localised and would only become visible as members of the public leave the park, with the only material change to the immediate setting of the western edge of the park. The site would not be visible from anywhere else in the park due to the existing mature screening around the park. Figure 1 below shows the visibility of the new development from within the park.

Figure 1 - views of development from within the park



- 5.7 Hillmead Nature park is already contained and has a semi-urban context due to the site being bounded by residential development to the other sides, with the exception of the western boundary. The proposal would form a continuation

of this established pattern rather than introducing an incongruous development which would appear at odds with the surrounding area. Whilst it is accepted that the development would bound the park by residential development to all sides, this would follow the existing pattern of development within the area. An excerpt from the submitted landscape framework is set out below, detailing the soft landscaped buffer proposed to adjoin the nature park allowing for a green corridor from the nature park towards the south of the site:



- 5.8 It should also be noted that there are examples including King George Recreation Ground, Moatfield Recreation Ground and Windmill Park, where existing parks are surrounded by residential development. This is also a common occurrence for parks within the Borough.
- 5.9 Furthermore, the scheme has been designed with a soft-landscaped led approach, which would ensure existing vegetation along the boundary adjacent to the park would be retained and supplemented with new planting where required. Whilst the development would introduce built form, which would change the character of the site, the proposed landscaping would provide a soft

and verdant transition between the site, Whomsoever lane and the adjacent Nature Park, thereby avoiding a harsh urban edge, such as brick walls.

- 5.10 HCC Ecology were consulted on the application and advised that the one tree on site (T10) had the potential to roost bats. However, this tree is proposed to be retained and at this stage no further survey is required. Commuting bats are likely due to the nearby woodland and therefore a condition for a scheme of sensitive lighting and species enhancement plan is conditioned. The scheme will include details of bird boxes, bat boxes, reptile hibernacula, deadwood features for invertebrates, hedgehog highways, and wildlife kerbs.
- 5.11 In addition to HCC Ecology raising no objection, the applicant also instructed their Ecologist to prepare a report on Hillmead Nature Park. The executive summary of the report's findings are set out below and the full report is publicly available to view on the Council's website.
- 5.12 Ecology Solutions completed habitat survey work within Hillmead Nature Park in June 2026 to ascertain its ecological value. The survey found that:
- **a) Badgers** No active badger setts have been recorded. Badgers use the nature park for foraging and commuting purposes only. Connectivity between the nature park, the application site and the wider area will remain unhindered post-development. Green infrastructure corridors to the north and south of the development zone maintains commuting routes for badgers within the local area.
 - **b) Reptiles** The nature park provides a suitable habitat for reptiles. Connectivity between the nature park, the application site and the wider area will be retained post-development. Green infrastructure corridors to the north and south of the application site will provide continued dispersal routes for reptiles.
 - **c) Bats** Habitats are present for roosting, foraging and commuting bats in the local area. No changes proposed to the Nature Park. All existing habitats retained. The existing habitats that the Nature Park provides for bats will continue post-development. No change proposed.
 - **d) Amphibians** No waterbodies are present within or immediately adjacent to the Nature Park. The park is highly unlikely to support amphibian species (including great crested newts) due to isolation from off-site ponds by existing residential development and a golf course. Green infrastructure in the northern and southern zones will maintain existing terrestrial connectivity.
 - **e) Birds** The woodland and scrub provide suitable nesting opportunities, though significant value for rare or protected species is unlikely due to

the surrounding urban context. New seed and berry-bearing planting, alongside the provision of nesting boxes and bricks on the application site, will deliver enhanced foraging and nesting opportunities post-development.

- 5.13 Every existing habitat within Hillmead Nature Park — including all woodland, scrub, and grassland — will be fully retained and left completely untouched by the adjacent development. Protections will be established as part of a Construction Environment Management Plan (CEMP) that will be secured as part of the proposed development.
- 5.14 Existing commuting links between the site and the wider area will be retained. Although the proposed development will introduce some built development directly to the east, it will not physically enclose the Nature Park. The landscaping proposals include green linkages to the north and south of the development, which will support commuting habits.
- 5.15 Furthermore, the landscaping proposals on the Application Site deliver new diverse and species-rich habitats, thereby offering an enhancement in the immediate vicinity of the Nature Park. The creation of 1.1ha of new community green space, along with enhancements to the north of the development zone, will increase the range of habitat opportunities within the application site. The detailed design of the landscaping proposals includes species and planting arrangements specifically designed to support and enhance commuting, foraging, roosting and nesting opportunities.
- 5.16 Should members consider that the proposal gives rise to harm to the setting of Hillmead Nature Park, it is not considered the limited harm to arise would outweigh the benefits of the development when assessed in the planning balance.

6.0 TRANSPORT STATEMENT

- 6.1 A further technical note has been provided by EAS Transport Planning Ltd on behalf of the applicant. This note is readily available on the Council's website for members to review in full prior to the meeting, however a summary of its contents are set out below.
- 6.2 The note provides clarification on highways related matters which were raised by the Objector and Members. The note provides clarification on the following 3 themes:

- 1) Junction Safety at Merry Hill Road

2) Shared Use and Safety along Whomsoever Lane

3) Verification of measured survey

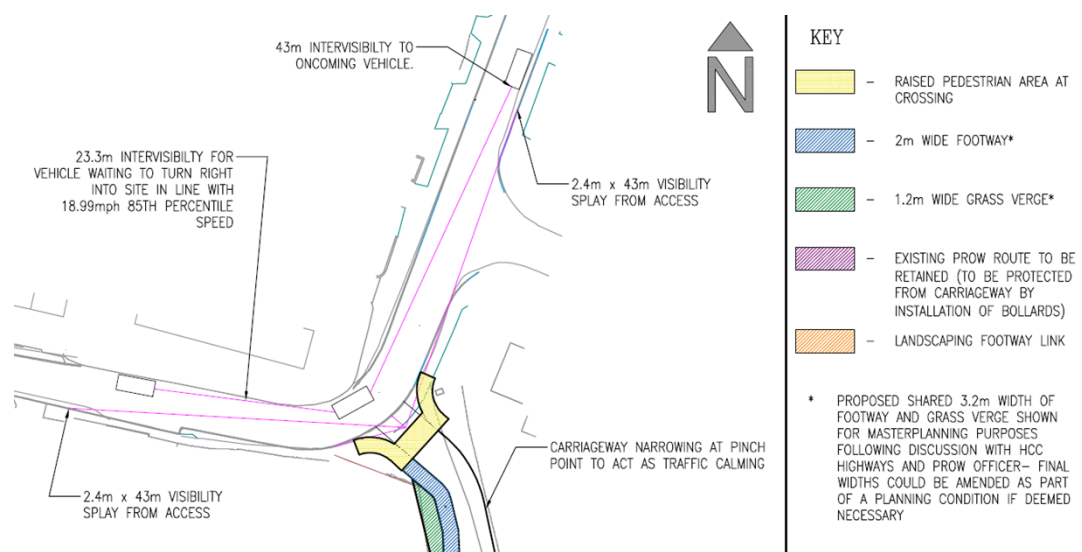
6.3 These matters above are addressed below in further detail.

Merry Hill Road – Visibility and Geometry

6.4 Concerns were raised with regards to the bend on Merry Hill Road, adjacent to the proposed access.

6.5 Visibility splays were provided in accordance with the Manual for Streets (MfS) standards (2.4m x 43m in both northerly and westerly directions). This is demonstrated in figure 2 below. These visibility splays were considered acceptable by HCC Highways, who raised no objection to the proposed access arrangements.

Figure 2 – Visibility Splays



6.6 A site visit was conducted at 11:00 on Thursday 11 June with the HCC Highway Officer. Figure 3 below shows that the required visibility splays would be achieved.

Figure 3 – Visibility sightline



Image 1 – Visibility sightline (from west)



Image 2 – Visibility Sightline (from east)

- 6.7 Intervisibility was also reviewed, which indicated the development would exceed the 23.3m requirement, and was estimated at circa 40m.
- 6.8 Furthermore, it was confirmed at May Committee by HCC Highways that there were no recorded personal injury collisions at or in the vicinity of the access bend from recorded police collision reports.
- 6.9 No alterations are proposed to Merry Hill Road itself.
- 6.10 A Swept Path analysis has been submitted to demonstrate that vehicles, including fire tenders and refuse vehicles, can turn safely and practically into and out of the site.

Whomsoever Lane – Safety of Users

- 6.11 Members raised concerns regarding the safety of pedestrians, including school children, using Whomsoever Lane following the proposed access improvements.
- 6.12 The access improvements were developed in collaboration with HCC Highways and the HCC PROW Officer. Both HCC Highways and the PROW Officer raised no objection to the proposed improvements. These improvements are detailed in full within the main committee report.

6.13 *Whomsoever Lane – Width and Deliverability of Proposed Access*

- 6.14 It was further queried at committee was the physical width of Whomsoever Lane and whether there is sufficient space to deliver the proposed access improvements.
- 6.15 Members raised concerns regarding the width of the access road due to the current overgrown appearance of the lane, which has significantly narrowed the full useable width of Bridleway 052. These widths would be reinstated, improving accessibility for all users.
- 6.16 EAS Transport Planning Ltd visited the site with HCC Highways Officer present to verify the width along the key sections of Whomsoever Lane. It was concluded that the available widths would be sufficient to deliver the proposed access, subject to a S278 agreement. Figure 4 shows the widths below.

Figure 4 – Access widths with photos



Whomsoever Lane – Ownership

- 6.17 At the May committee it was queried regarding the ownership of Whomsoever Lane and whether the applicant could deliver the improvements.
- 6.18 The applicant, ACRE Bushey Limited, has the necessary land ownership to deliver the proposed access works. Any works to the public highway would be secured by a section 278 agreement, and necessary works are secured by planning conditions.

Pedestrian Cross Facilities

- 6.19 The proposed access treatment at the junction of Whomsoever Lane and Merry Hill Road would comprise of a raised table crossing. This would prioritise pedestrians over vehicles.
- 6.20 Off-site pedestrian improvements are proposed from the site to the nearest bus stops which include tactile paving on the crossing points on Wren Close and Goldcrest Way and a new dropped kerb crossing with tactile paving on Merry Hill Road, positioned approximately 20m north of the junction with Wren Crescent. This would allow pedestrians to transition between footways on the eastern and western side of Merry Hill Road.
- 6.21 *Other Matters*
- 6.22 The traffic survey data in the transport statement was captured over 24hrs for 7 days. Therefore, data includes school drop off and pick up times.

7.0 CONCLUSION

- 7.1 Taking into account the addendum report above, Officers still concur with the original overall planning balance set out within the original committee report. There are no changes to any conditions set out within the previous report, though the Hillmead Nature Park Ecological Assessment Technical Note is added to the approved plans/ documents condition for completeness. Counsel opinion on the initial assessment has been sought, and consequently the conclusions of the assessment are found to be legally sound.
- 7.2 The proposed development is situated on grey belt land and does not constitute inappropriate development in the Green Belt. Whilst landscape harm and moderate harm to private amenity have been identified, the benefits arising from the development would be substantial such that they clearly and demonstrably outweigh the harms. Consequently, the proposal would therefore

comply with the requirements of the NPPF, the Core Strategy 2013, Site Allocations and Development Management Policies Plan 2016, and the relevant supplementary planning documents.

8.0 RECOMMENDATION

Delegate to the Head of Planning, Economic Development and Climate Change to approve subject to the following conditions (or as amended) and following the completion of a suitably worded s106 Planning Agreement;

In the event of a suitably worded s106 agreement not being agreed within six months, or a longer time frame agreed in writing where realistic progress has been made, delegate to the Head of Planning, Economic Development and Climate Change to refuse planning permission.

The conditions as listed below, subject to any minor changes as may be agreed with the Head of Planning, Economic Development and Climate Change.

9.0 GENERAL REASON(S) FOR GRANTING PERMISSION

1. The proposed development is situated on grey belt land and does not constitute inappropriate development in the Green Belt. Whilst landscape harm and moderate harm to private amenity have been identified, the benefits arising from the development would be substantial such that they clearly and demonstrably outweigh the harms. Consequently, the proposal would therefore comply with the requirements of the NPPF, the Core Strategy 2013, Site Allocations and Development Management Policies Plan 2016, and the relevant supplementary planning documents.

10.0 BACKGROUND PAPERS

1. The Planning application (25/1815/FUL) comprising application forms, certificate, drawings and any letters from the applicant in support of the application.
2. Replies from Statutory consultees and correspondence from third parties.
3. Any other individual document specifically referred to in the agenda report.
4. Published policies / guidance

Date of Meeting: 16 July 2026

APPLICATION NO: 25/1815/FUL

DATE OF APPLICATION: 18 December 2025

STATUTORY START DATE: 18 December 2025

SITE LOCATION

Land West Of Robinson Crescent And South Of, Merry Hill Road, Bushey, Hertfordshire.

DEVELOPMENT

Erection of residential units (Class C3), access alterations, new landscaping, car parking, cycle storage and other associated works. [For consultation purposes only: 28 homes proposed].

AGENT

Mr Paul Reeves
13-14 Welbeck Street
London
W1G 9XU

APPLICANT

ACRE Bushey Limited
C/O Agent

WARD: Bushey Park & Bushey Heath

GREEN BELT: Yes

CONSERVATION AREA: No

LISTED BUILDING: Adjacent – Myholme Building (Grade II)

TREE PRES. ORDER: Adjacent – TPO/57/2007 and TPO/219/1990

REASONS FOR COMMITTEE CONSIDERATION

This is a major development exceeding the threshold of delegated authority in the constitution.

1.0 RECOMMENDATION

- 1.1 Delegate to the Head of Planning & Economic Development to grant planning permission subject to the following conditions and following the completion of a suitably worded s106 Planning Agreement.

2.0 EXECUTIVE SUMMARY

- 2.1 This report should be read in conjunction with the addendum report. All changes to this report are underlined for clarity.
- 2.2 The application seeks full planning permission for the erection of 28 dwellings (Use Class C3), with associated access alterations, landscaping, car parking,

cycle storage and other related works on land west of Robinson Crescent and south of Merry Hill Road. The proposal is a major development and is therefore referred to the Committee, with a recommendation for delegated approval subject to the conditions as listed and the completion of a suitably worded S106 Agreement.

- 2.2 The application site extends to 2.01 hectares of grassland on the western edge of the Bushey Heath urban area and lies wholly within the Metropolitan Green Belt. The site is adjacent to existing residential development and is bounded by Whomsoever Lane (a public bridleway), Hill Mead Nature Park, Hartsbourne Golf Club and mature vegetation. A Grade II listed building (Myholme) is located opposite the proposed site access.
- 2.3 The proposal seeks to deliver 28 homes, including 50% affordable housing (14 units), alongside publicly accessible green space, sustainable drainage features and highway and pedestrian improvements. The development proposes 2 – 2.5 storey, sensitively designed dwellings arranged around landscaped streets and open spaces, informed by a landscape-led approach.
- 2.4 The key considerations include the principle of development, Green Belt and grey belt assessment, landscape impacts, heritage, highway safety, residential amenity, ecology, flood risk, and the overall planning balance.
- 2.5 Having regard to the National Planning Policy Framework (2025), the adopted Development Plan and other material considerations, Officers conclude that the site does not make a strong contribution to Green Belt purposes (a), (b) or (d) and is therefore appropriately classified as grey belt land. Furthermore, the proposal meets all requirements of paragraph 155 of the NPPF, including compliance with the Golden Rules, and is therefore not inappropriate development in the Green Belt. No definitional or other Green Belt harm is identified.
- 2.6 The development would deliver significant public benefits, including:
 - Delivery of market and affordable housing in a borough with a severe shortfall in housing land supply.
 - Compliance with the Golden Rules, to which significant weight is afforded per the requirements of the NPPF.
 - Provision of publicly accessible open space, biodiversity net gain and landscape enhancements.
 - Highway, pedestrian and PROW improvements, delivering a net public benefit.
 - Employment and additional spend in the local economy.
- 2.7 Identified harms are limited and include moderate harm arising from sub-standard private garden sizes for two dwellings and some localised landscape impacts, both of which carry limited to moderate weight.
- 2.8 When assessed in the planning balance, Officers conclude that permission should be granted unless the harms significantly and demonstrably outweigh

the benefits. On a flat balance the benefits significantly outweigh the harms and therefore in accordance with paragraph 11(d)(ii) of the NPPF permission should be granted. Even if the development were deemed inappropriate in the Green Belt, Officers consider that very special circumstances would exist to justify a grant of planning permission.

- 2.9 Accordingly, the recommendation is to delegate approval to the Head of Planning, Economic Development and Climate Change, subject to conditions and the completion of a Section 106 agreement securing affordable housing, biodiversity net gain delivery and monitoring, open space provision and maintenance, highway works, education and healthcare contributions, carbon offset contributions and other necessary infrastructure obligations.

3.0 APPLICATION SITE AND SURROUNDINGS

- 3.1 The application site comprises a broadly rectangular parcel of land, which measures 2.01 hectares, located on the western edge of the Bushey Heath urban area. The site comprises of a grassed field which was last used for grazing horses, however that use has since ceased.
- 3.2 The site sits adjacent to Whomsoever Lane, a bridleway (Bushey 052) linking Prowse Avenue with Merry Hill Road, with an additional footpath access from Robinson Crescent.
- 3.3 To the immediate north of the site, there is a small grassed field containing an electricity pylon, with overhead power lines running east-west, and a telecommunications mast. To the east, there are residential dwellings and Hill Mead Nature Park, which is a designated Local Green Space. To the south is a small field with trees, with more residential dwellings beyond this, and to the west lies Hartsbourne Golf Club.
- 3.4 Part of Hillmead Nature park is covered by a Tree Preservation Order (TPO) (TPO/57/2007) where it abuts Whomsoever Lane, and the western boundary of the site also adjoins another TPO covering the golf course (TPO/219/1990).
- 3.5 The site is located on the edge of the settlement of Bushey, within the Metropolitan Green Belt. The surrounding residential area is characterised by predominantly two storey detached and semi-detached dwellings set within verdant plots. To the north of the site, where the proposed site access would be located, there is a Grade II listed dwelling known as Myholme Building (listing no. 1295951).

3.0 THE PROPOSAL

- 3.1 Full Planning Permission is sought for the erection of residential units (Class C3), comprising of 28 homes (including 50% affordable dwellings), and associated landscaping, car parking and cycle storage.

- 3.2 A single pedestrian and vehicular access point is proposed from Merry Hill Road. This access will make use of the existing dropped kerb used to access the electric sub-station, though alterations are proposed to the existing public bridleway (Bushey 052) to allow for the construction of a full access road and pedestrian footpath.
- 4.3 A soft landscaped public open space is proposed to the south of the site with SuDS basin which would be available for the general public to use in addition to future residents of the development.
- 4.4 The scheme proposes two storey semi-detached dwellings. Materials proposed include a mixture of light and dark soft brick, red clay tiles and timber doors and windows.
- 4.5 The proposed site plan is set out below:

Figure 1: Proposed site plan



5.0 RELEVANT PLANNING HISTORY:

- 4.1 No relevant planning history

6.0 CONSULTATION & RESPONSES

6.1 Notices

Site Notice (Generic) Expiry Date: 10th February 2026

Watford Observer 16th January 2026 Expiry Date: 6th February 2026

6.2 Summary of consultation responses

Consulted:

Consultee	Date Consulted
Thames Water Development Planning	17 February 2026
Asset Management	7 January 2026
National Grid	7 January 2026
Parks & Cemeteries - Waste & Street Scene	7 January 2026
Arboriculture- Place Services- Essex County Council	7 January 2026
Climate Change	7 January 2026
Hartsbourne Manor Association	7 January 2026
Elstree Aerodrome	7 January 2026
Met Office	7 January 2026
CPRE Hertfordshire	13 March 2026
Thames Water Development Planning	20 March 2026
Landscape Consultant-Place Services-Essex County Council	13 March 2026
Building Control	7 January 2026
Senior Traffic Engineer	7 January 2026
Environmental Health & Licensing	7 January 2026
Waste Management Services	7 January 2026
Tree Officer	7 January 2026
Highways	7 January 2026
Uk Power Networks	7 January 2026
Cadent Gas Limited (Prev National Grid Company Plc)	7 January 2026
Thames Water Development Planning	7 January 2026
Affinity Water Limited	7 January 2026
HCC Minerals And Waste Planning Team	7 January 2026
Herts & Middlesex Wildlife Trust	7 January 2026
Ecology	7 January 2026
NHS England	7 January 2026
NHS 1	7 January 2026
Health & Community Services Management Board (HCC)	7 January 2026
Senior Flood Risk And SuDS Officer	7 January 2026
National Highways	7 January 2026
CIL	7 January 2026
Policy & Transport - Majors Only	7 January 2026
Transport For London	7 January 2026
Policy & Transport - Majors Only (GP)	7 January 2026
Hertfordshire Fire & Rescue Service - Hydrants Only Catherin	7 January 2026
HCC Growth & Infrastructure	7 January 2026
NHS East Of England Ambulance Service	7 January 2026
Economic Development Officer - Lesley Crisp	7 January 2026
S106	7 January 2026
CIL2 -	7 January 2026
Urban Design Officer	7 January 2026

Consultee	Date Consulted
East Of England Ambulance Service	7 January 2026
Housing	7 January 2026
HCC Growth & Infrastructure - (S106)	7 January 2026
Rights Of Way Countryside Access Officer	7 January 2026
HCC Growth And Infrastructure Team (South West)	7 January 2026
Natural England Consultation Service	7 January 2026
Parking Operations	7 January 2026
Landscape Consultant-Place Services-Essex County Council	7 January 2026
Conservation Advice-Place Services-Essex County Council	7 January 2026
The Hertfordshire Environmental Records Centre	7 January 2026
Senior Flood Risk And SuDS Officer	11 March 2026

Responses:

NOTE: Consultee comments are summarised in the below table. Full comments can be found on the application file on the Council's website.

Consultee	Comment
Thames Water Development Planning	No objection subject to the inclusion of a sewage treatment works condition and informatives. <i>Officer comment: The suggested informatives have been included below.</i> <i>Grampian Condition – having regard to appeal decision APP/A4520/W/25/3365110, Officers consider the condition would fail to meet the 6 tests set out within the PPG. The appeal concluded that the planning system should not be used to resolve infrastructure matters that are governed by separate, dedicated regulations. Accordingly, the Grampian condition is not attached in this instance.</i>
National Grid	No comment – there are no National Grid Electricity Transmission assets in the application area.
Arboriculture- Place Services- Essex County Council	No objection subject to conditions for arboricultural method statement and arboricultural site supervision.
Met Office	No objection.
CPRE Hertfordshire	Objection raised on Green Belt grounds, with no very special circumstances

Consultee	Comment
	identified; the site is not considered 'grey belt' and the proposal is said to result in urban sprawl, cumulative Green Belt harm, and loss of valued open countryside.
Environmental Health & Licensing	No objection subject to noise condition and associated informatives.
Highways	No objection subject to conditions for construction management plan, access and offsite highway improvements. Associated informatives have also been suggested.
Uk Power Networks	No objection – note overhead cables nearby to the development and therefore have recommended an informative.
Affinity Water Limited	No objection.
HCC Minerals And Waste Planning Team	No objection subject to condition for Site Waste Management Plan (SWMP).
Ecology	No objection subject to conditions and informatives.
Senior Flood Risk And SuDS Officer	No objection subject to conditions and informatives.
National Highways	No objection.
CIL	Proposal is CIL liable.
Transport For London	No objection – welcome proposed improvements to the walking and cycling route between the bus stops on Sparrows Herne and the site.
Hertfordshire Fire & Rescue Service - Hydrants Only Catherin	No objection subject to condition requiring fire hydrants.
HCC Growth & Infrastructure	No objection subject to financial contributions.
Natural England Consultation Service	No objection.
Parking Operations	No comments.
Conservation Advice-Place Services-Essex	No objection raised on heritage

Consultee	Comment
County Council	grounds. Condition for detailed design of access, including surface treatment, is recommended.
Place Servies Landscape	<i>First comment</i> LVIA methodology broadly accepted; however, clarification requested regarding landscape character effects, tree losses, layout, access, SuDS and the central 'Homezone' to ensure alignment with landscape-led aspirations and mitigation of impacts from Whomsoever Lane. <i>Second comment</i> Further information required; amendments are minimal and do not resolve concerns regarding the landscape-led design, Homezone, tree protection, SuDS impacts or response to Whomsoever Lane.
East of England Ambulance Service NHS Trust	No objection subject to contributions for additional emergency ambulance health services and a contribution for sufficient defibrillators are provided for the new community. This is to be secured by S106 contributions. Total contribution: £9,520

6.3 Neighbour responses

In Support	Against	Comments	Neighbours Notified	Contributors Received
34	239	5	359	278

6.4 Summary of neighbour representations

6.5 A large number of representations have been received in relation to the proposal. The main points are summarised below.

Two neutral comments requested that the development include integrated swift bricks.

Support comments

- Need for more affordable housing.
- Support the proposal to help local people.
- Help people to get onto the property ladder.
- Beneficial open space.
- 50% affordable housing sounds brilliant.
- Everyone needs a home.
- There is not too much congestion and the current infrastructure is probably enough to support the development.
- Support for accessible walking paths.

Objection comments

Principle of Development / Green Belt

- The site is described as open, undeveloped farmland within the Green Belt and currently used for grazing.
- The proposal is considered to represent inappropriate development, with insufficient justification to demonstrate very special circumstances.
- Concerns are raised regarding conflict with Green Belt purposes, including safeguarding the countryside from encroachment and preventing urban sprawl.
- It is stated that the site does not constitute 'Grey Belt' land and is not allocated for development in either the adopted or emerging Local Plan.
- The development is considered to result in loss of both spatial and visual openness and harm the rural setting of the area.
- Concerns are expressed regarding incremental erosion of the Green Belt if similar sites were developed in future.

Character and Appearance

- The proposal is considered to represent overdevelopment of a sensitive edge-of-settlement location.
- It is stated that the development would suburbanise a rural area and erode the character of Merry Hill Road as a country lane.
- The site is considered to provide an important visual break between built development and open countryside, which would be lost.

Residential Amenity

- Concerns are raised regarding potential loss of privacy, overlooking, noise and light disturbance to neighbouring properties.
- Particular impact is identified from the proposed access road and turning head adjacent to existing rear gardens.
- Increased traffic noise and vehicle movements are cited as detrimental to the quiet enjoyment of nearby homes.

Highway Safety and Accessibility

- Significant concerns are raised regarding existing congestion on Merry Hill Road and Whomsoever Lane, particularly at school peak times.
- The proposed access is considered to be poorly located, close to a bend with restricted visibility and limited road width.
- Safety concerns are raised for pedestrians, cyclists and school children using nearby footpaths, bridleways and routes to schools.
- It is stated that the Transport Assessment does not reflect real-world traffic conditions and that surveys were undertaken outside peak periods.
- Construction traffic is also considered likely to exacerbate existing highway conditions.

Public Rights of Way

- Whomsoever Lane and nearby routes are currently used by pedestrians, cyclists and horse riders.
- Concerns are raised that the proposal would urbanise a semi-rural route and reduce safety and amenity for users.
- Potential impacts on access to Hill Mead Nature Park are highlighted.

Parking and Sustainable Transport

- Parking provision is considered insufficient, particularly for visitor parking.
- Concerns are raised regarding reliance on private vehicles due to limited public transport and local services, resulting in potential on-street parking pressures.

Ecology, Trees and Biodiversity

- The site is considered to form part of a wider green corridor supporting wildlife.
- Concerns are raised regarding loss of habitats, hedgerows and mature trees, including impacts on protected species.
- It is stated that ecological surveys are incomplete or undertaken at inappropriate times of year, with insufficient certainty that biodiversity impacts can be fully mitigated.

Flood Risk and Drainage

- Instances of existing surface water flooding on Whomsoever Lane and surrounding land are reported.
- It is suggested that additional hard surfacing could increase local flood risk.

Heritage Assets

- Concerns are raised regarding the impact of the development and proposed access on the setting of the nearby listed building, Myholme.

Consultation Process

- Consultation process concerns, including claims that some properties did not receive notification. – *all nearby neighbours were consulted on the application and site notices were displayed around the area.*

Infrastructure

- Pressure on infrastructure

Non-Material planning considerations

- Property values
- Loss of private views
- Health impacts associated with overhead pylons and telecommunications equipment

Officer comments: The comments above have been addressed within the body of the report.

7.0 PLANNING POLICY CONTEXT

7.1 The Development Plan consists of the Core Strategy (2013), Site Allocation and Development Management SADM Policies Plan (2016) and Policies Map (2013), the Elstree Way Corridor Area Action Plan (2015) (although the site is not within the Elstree Corridor) and any Neighbourhood Plan (none of which are relevant to the proposal).

7.2 National Policy/Guidance

- Listed Building and Conservation Area Act 1990
- National Planning Policy Framework 2024
- Planning Practice Guidance
- National Design Guide 2021

7.3 The Development Plan

Adopted Hertsmere Local Plan:

Development Plan Document Core Strategy 2013

- SP1 Creating Sustainable Development
- SP2 Presumption in Favour of Sustainable Development
- CS1 The Supply of New Homes
- CS2 The Location of New Homes
- CS3 Housing Delivery and Infrastructure
- CS4 Affordable House
- CS7 Housing Mix
- CS12 The Enhancement of the Natural Environment
- CS13 The Green Belt
- CS14 Protection or Enhancement of Heritage Assets
- CS15 Promoting Recreation Access to Open Spaces and the Countryside
- CS16 Environmental Impact of New Development
- CS17 Energy and CO2 Reductions
- CS18 Access to Services
- CS21 Standard Charges and Other Planning Obligations
- CS22 Securing High Quality and Accessible Environment
- CS24 Development and Accessibility to Services and Employment
- CS25 Accessibility and Parking
- CS26 Promoting Alternatives to the Car

Site Allocations and Development Management Policies Plan 2016

- SADM3 – Residential Developments
- SADM10 – Biodiversity and Habitats
- SADM11 – Landscape Character
- SADM12 – Trees, Landscaping and Development
- SADM13 – The Water Environment
- SADM14 – Flood Risk
- SADM15 – Sustainable Drainage Systems
- SADM17 – Water Supply and Waste Water
- SADM19 – Waste Storage in New Development
- SADM20 – Environmental Pollution and Development
- SADM26 – Development Standards in the Green Belt
- SADM29 – Heritage Assets
- SADM30 – Design Principles
- SADM35 – Local Green Space
- SADM37 – New and Improved Public Open Spaces
- SADM40 – Highway and Access Criteria for New Development

7.4 Supplementary Planning Guidance / Documents

- Part D: Guidelines for High Quality Sustainable Development (draft 2016)
- Hertsmere Local Plan Parking Standards SPD (2014)

- Parking Standards Draft Supplementary Planning Document (2022)
- Draft Carbon Offset Fund Supplementary Planning Document (2022)
- Biodiversity, Trees and Landscape SPD (2010)
- Waste Storage Provision Requirements for New Residential Developments
- Affordable Housing SPD 2015
- Green Belt Assessment 2026

7.5 Other Material Considerations

- Community Infrastructure Levy Regulations
- Equality Act 2010
- Planning Practice Guidance

8.0 ASSESSMENT AND REASONED JUSTIFICATION

8.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that *'If regard is to be had to the development plan for the purposes of any determination to be made under the Planning Acts, the determination must be made in accordance with the development plan unless material consideration indicate otherwise'.*

8.2 The key issues associated with this development are as follows:

- Principle of residential development
- Principle of development in the Green Belt
- Landscape impacts
- Impact on heritage assets
- Visual amenity & urban design
- Impact on residential amenity
- Affordable Housing
- Car parking provision and highways safety
- Public open space
- Trees, landscaping and ecology
- Flood risk and drainage
- Air quality and contaminated land
- Climate change and sustainability
- Planning balance
- Planning obligations
- CIL
- Equalities and diversity

Principle of Residential Development

8.3 The relevant policies are the NPPF (2025), and policies SP1 and SP2 of the Core Strategy 2013. Policies CS1 and CS2 of the Core Strategy outline the

LPA's considerations on the supply of new homes, noting that priority will be given to residential development in accessible locations within the main settlements of the borough. In terms of the Green Belt assessment, policy CS13 of the Core Strategy, and policy SADM26 of the Site Allocations and Development Management Policies Plan are relevant.

- 8.4 The development proposes the construction of 28 dwellings, including affordable dwellings, with associated parking, private amenity space, and public open space. The principle of development therefore has regard to the relevant policies for a residential development. The Council cannot demonstrate a five year housing land supply with the current supply at 0.98 years as confirmed within the Longview and Shenley Hill appeal, which is one of the worst in the country. The NPPF requires that in such cases, planning permission should be granted unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework when taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

- 8.5 Areas or assets of particular importance are defined at footnote 7 of the NPPF. For the purposes of this application, the relevant ones are land designated as Green Belt, designated heritage assets, and areas at risk of flooding. Each are considered in full in this report. As such, the principle of development must determine whether the proposals are inappropriate in the Green Belt and if so, whether there are very special circumstances to warrant a grant of permission; whether any heritage harm arises that is not outweighed; and whether there would be an unacceptable risk of flooding that would warrant refusal.

Principle of development in the Green Belt

- 8.6 The application site is located wholly within the Metropolitan Green Belt. The NPPF states the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
- 8.7 Paragraph 153 of the NPPF states that substantial weight must be given to any harm to the Green Belt, including harm to its openness. All development in the Green Belt is inappropriate, unless it complies with one of the defined exceptions set out in the NPPF. Paragraph 153 states that inappropriate

development is by definition harmful and should not be approved except in very special circumstances.

- 8.8 The proposed development would not comply with any of the exceptions set out at paragraph 154 of the NPPF. Paragraph 155 relates to development proposed on land identified as grey belt and sets out a list of requirements for such development to be not inappropriate (verbatim):

- a. The development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan;*
- b. There is a demonstrable unmet need for the type of development proposed;*
- c. The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework; and*
- d. Where applicable the development proposed meets the ‘Golden Rules’ requirements.*

- 8.9 It must first be established whether the site comprises of grey belt. Grey Belt is defined in the glossary of the NPPF as:

- 8.10 *“For the purposes of plan-making and decision-making, ‘grey belt’ is defined as land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of purposes (a), (b), or (d) in paragraph 143. ‘Grey belt’ excludes land where the application of the policies relating to the areas or assets in footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development.”*

- 8.11 The application site comprises of existing grassland, previously used for horse grazing, with mature trees and hedgerows along the boundaries. The UKPN pylon to the north of the site is the only existing structure within the red line boundary. Thus, it is not considered the site would constitute previously developed land. The assessment must therefore determine whether the site contributes strongly to purposes (a), (b) or (d) of the Green Belt set out under paragraph 143 of the NPPF, and whether there are any footnote 7 policies that would provide a strong reason for refusing or restricting development. Guidance is set out within the planning practice guidance (PPG) on how an assessment is made against these purposes, which is set out below.

- 8.12 Green Belt purpose (a) is to check the unrestricted sprawl of large built-up areas. The PPG states that villages should not be considered large built-up areas. The purpose is described to avoid an extended finger of development

into the Green Belt. The PPG criteria for purpose A is set out in the table below (verbatim).

Contribution	Illustrative features
Strong	Assessment areas that contribute strongly are likely to be free of existing development, and lack physical feature(s) in reasonable proximity that could restrict and contain development. They are also likely to include all of the following features: - be adjacent or near to a large built up area - if developed, result in an incongruous pattern of development (such as an extended “finger” of development into the Green Belt)
Moderate	Assessment areas that contribute moderately are likely to be adjacent or near to a large built up area, but include one or more features that weaken the land’s contribution to this purpose a, such as (but not limited to): - having physical feature(s) in reasonable proximity that could restrict and contain development - be partially enclosed by existing development, such that new development would not result in an incongruous pattern of development - contain existing development - being subject to other urbanising influences
Weak or None	Assessment areas that make only a weak or no contribution are likely to include those that: - are not adjacent to or near to a large built up area - are adjacent to or near to a large built up area, but containing or being largely enclosed by significant existing development

- 8.13 The site sits immediately adjacent to the existing edge of the settlement boundary of Bushey Heath, which is surrounded on three sides by built development. Hartsbourne Golf Club is located on the western boundary of the site and acts as a permanent and defensible boundary. With reference to figure 2, it is also considered that the development would read as an edge-of-settlement development rounding off due to the scheme infilling an area of land which is bounded by an existing residential development. As such, the development would not result in an incongruous “finger” extending into the Green Belt.
- 8.14 Notwithstanding the above, the Green Belt Assessment concludes that Bushey is not a large built up area and as such, paragraph 81.12 does not apply.

Figure 2 – Infill site (images used from applicant’s design and access statement).



- 8.15 Therefore, with reference to the PPG table above, the site is considered to make a weak contribution to purpose (a). This is also supported by the Council’s Green Belt Assessment (2026) which sets out for the site (BU-16) that the area does not contribute towards purpose A because it is not adjacent or near to a large built-up area.
- 8.16 With regard to purpose (b), this purpose seeks to prevent neighbouring towns merging into one another. The PPG criteria is set out below:

Contribution	Illustrative features
Strong	Assessment areas that contribute strongly are likely to be free of existing development and include all of the following

	features: - forming a substantial part of a gap between towns - the development of which would be likely to result in the loss of visual separation of towns
Moderate	Assessment areas that contribute moderately are likely to be located in a gap between towns, but include one or more features that weaken their contribution to this purpose, such as (but not limited to): - forming a small part of the gap between towns - being able to be developed without the loss of visual separation between towns. This could be (but is not limited to) due to the presence or the close proximity of structures, natural landscape elements or topography that preserve visual separation.
Weak or None	Assessment areas that contribute weakly are likely to include those that: - do not form part of a gap between towns, or - form part of a gap between towns, but only a very small part of this gap, without making a contribution to visual separation

8.17 The application site is located within Bushey which is considered to be a town and therefore an assessment against purpose B is made.

8.18 The proposal forms a very small part of the gap between Bushey and Watford, and Bushey and South Oxhey. As such, it is not considered that the development would form part of a gap between towns. A detailed Landscape Visual Impact Assessment (LVIA) was also submitted, which shows that no long-distance views are visible towards the site from the wider landscape due to the existing mature vegetation. The views of the site are therefore considered to be enclosed and localised. The presence of the golf course and existing tree belts also preserves the visual separation between the two settlements. Therefore, Officers consider that the proposal would make a weak contribution to purpose B.

- 8.19 Purpose (d) is intended to preserve the setting and special character of historic towns. The PPG is explicit that this relates to historic towns and not villages. The PPG criteria is set out below:

Contribution	Illustrative features
Strong	Assessment areas that contribute strongly are likely be free of existing development and to include all of the following features: - form part of the setting of the historic town - make a considerable contribution to the special character of a historic town. This could be (but is not limited to) as a result of being within, adjacent to, or of significant visual importance to the historic aspects of the town
Moderate	Assessment areas that perform moderately are likely to form part of the setting and/or contribute to the special character of a historic town but include one or more features that weaken their contribution to this purpose, such as (but not limited to): - being separated to some extent from historic aspects of the town by existing development or topography - containing existing development - not having an important visual, physical, or experiential relationship to historic aspects of the town
Weak or None	Assessment areas that make no or only a weak contribution are likely to include those that: - do not form part of the setting of a historic town - have no visual, physical, or experiential connection to the historic aspects of the town

- 8.20 Having regard to purpose (d), the site is not located adjacent to or within the setting of a historic town. The Green Belt Assessment (2026) also concludes that the development would make no contribution to purpose (b).

- 8.21 The application site does not make a strong contribution to any of purposes (a), (b), or (d). therefore, the site would be grey belt unless the application of

policies relating to areas or assets of particular importance identified in footnote 7 of the NPPF would provide a strong reason for refusing or restricting development. As set out previously, the relevant policies in this case are those relating to heritage assets and areas at risk of flooding. This is now considered.

- 8.22 The site is located in close proximity to the Grade II listed building Myholme which sits opposite the Whomsoever Lane access on Merry Hill Road. Place Services were consulted and have provided comments in relation to the impact of the development on the setting of the listed building. This is set out in more detail in the relevant section of the report below, but in summary the proposed development is not considered to result in harm to the significance of the listed building through changes in its setting. It is noted that neighbour comments⁷ disagreed with this view. However, as detailed in the Heritage section of this report, Officers find no material reason to disagree with the advice of its Heritage advisors.
- 8.23 In terms of flood risk, the scheme has been subject to consultation with Hertfordshire County Council as the Lead Local Flood Authority (LLFA). The site falls entirely in Flood Zone 1 (low probability of flooding). However, there is a small area of low-medium surface water flood risk to the south of the site, and an area of low risk surface water flooding to the north-western corner. Initially the LLFA raised an objection requesting additional information in the drainage strategy. The assessment process is set out in more detail in the relevant part of this report. Ultimately, the LLFA's objections were resolved by the applicant and the LLFA have recommended that permission can be granted subject to conditions. As such flood risk would not give rise to reason for refusing or restricting development.
- 8.24 It is therefore Officers' view that the site is grey belt. However, the proposed development must comply with the other requirements of NPPF paragraph 155 to not be inappropriate development in the Green Belt. Namely, it must not undermine the purposes (taken together) of the remaining Green Belt across the area of the plan; there must be a demonstrable unmet need for the type of development proposed; the development must be in a sustainable location; and the development must comply with the Golden Rules. These are assessed below.

Undermining the purposes of the remaining Green Belt

- 8.25 In order to undermine the purposes of the remaining Green Belt the proposed development would have to compromise the strategic function of Hertsmere's Green Belt as a whole, having regard to all Green Belt purposes.

- 8.26 The proposal would be constructed on an enclosed, 2.01 hectare edge-of-settlement parcel. Having regard to the submitted LVIA and Green Belt Assessment, Officers consider that the change to the appearance of the Green Belt would be localised, and views of the site from longer views would not be possible due to the existing vegetation and typology of the site. Officers are in agreement with the conclusions that the proposal would have a moderate impact on the openness of the Green Belt. When taking the Green Belt as a whole, there would be no conflict with 4 of the 5 purposes, and the effect on purpose (c) is considered to be contained. Therefore, the remaining Green Belt would continue to perform its strategic function if the site is developed.

Demonstrable unmet need

- 8.27 The application proposes for 28 dwellings, 14 of which would be affordable tenure. The tenure mix has been agreed with the Council's Housing team to ensure that it would meet the identified need of the borough, including five two-bedroom social rented units which would be used as family homes. There would also be four shared ownership units and five affordable rent units, with the remainder being market housing (14 units). As set out in the previous section of this report, the Council has a very low housing land supply and housing delivery has been historically low, which has contributed to the ongoing shortage of housing in the borough.
- 8.28 Having regard to footnote 56 that when considering the 'demonstrable unmet need' for housing, this '*means the lack of a five year supply of deliverable housing sites, or where the Housing Delivery Tests was below 75% of the housing requirement over the previous three years*'. The Council does not have a five year housing land supply and therefore there is a demonstrable unmet need for housing. Accordingly, this criterion is met.

Sustainable location

- 8.29 The site is located in a sustainable location, immediately adjacent to the existing settlement of Bushey Heath/Sparrows Herne.
- 8.30 The site is within a six minute walk (from the entrance of the site) to the nearest bus stops along Sparrows Herne, providing services to Watford, Brent Cross and South Harrow. These services run regularly with approximately 10 services in each direction in peak hour. There is also immediate access to schools and shops which are all within walking distance from the site.
- 8.31 Bushey Train Station is located slightly further afield, however is within an eight minute cycle or a short bus ride. The station provides National Rail

services which run on a regular basis providing routes to London Euston, Milton Keynes Central and Watford Junction.

- 8.32 The proposed highway improvements, including dropped kerbs and tactile paving would ensure that new residents would have safe access to the nearest amenities and bus stops, in accordance with paragraph 155 of the NPPF. These improvements would also be secured by a condition and S278 agreement.
- 8.33 Therefore, Officers consider that the development would be within a highly sustainable location and meets paragraph 155(c). Lastly, the development must comply with the Golden Rules in order to be considered not inappropriate development in the Green Belt. These are set out at paragraph 156 of the NPPF:

Where major development involving the provision of housing is proposed on land released from the Green Belt through plan preparation or review, or on sites in the Green Belt subject to a planning application, the following contributions ('Golden Rules') should be made:

- a. affordable housing which reflects either: (i) development plan policies produced in accordance with paragraphs 67-68 of this Framework; or (ii) until such policies are in place, the policy set out in paragraph 157 below;*
- b. necessary improvements to local or national infrastructure; and*
- c. the provision of new, or improvements to existing, green spaces that are accessible to the public. New residents should be able to access good quality green spaces within a short walk of their home, whether through onsite provision or through access to offsite spaces.*

- 8.34 In respect of 156(a), the proposal would provide 50% affordable housing units which would satisfy the criteria for the golden rules. The tenure mix has also been supported by the Council's housing officers, where social and affordable rent is proposed.
- 8.35 156(b) requires necessary infrastructure improvements. Improvements to infrastructure would be delivered on a local level. This includes works to the Whomsoever Lane access, traffic calming measures, pedestrian crossing and tactile paving. These measures would be captured in S106 agreement, CIL contributions and highway agreements. The key design works to infrastructure are summarised below as set out within EAS Transport Planning Ltd letter:-
- a) Dedicated footway – a 2.0m wide raised footway would be provide along the western side of Whomsoever Lane. This will be constructed to Highway standards, with details secured through a S278. A raised

kerb is proposed to provide physical separation from the carriageway, in accordance with HCC Highways guidance.

- b) Grass verge – 1.2m grass verge will be provided adjacent to the footway, offering additional clearance for equestrian users, pedestrians and cyclists.
- c) Carriageway width – the 4.8m wide carriageway is appropriate to allow for two-way vehicle movements. Swept path analysis shows that refuse vehicles and fire tenders can safely access without conflicting with the footway or verge. The internal layouts would be subject to robust parking management to ensure they remain permanently clear for all vehicles, including emergency services.
- d) Traffic calming measures – two raised tables and two areas of localised carriageway narrowing have been proposed along Whomsoever Lane. These are designed to promote slow vehicle speed along the access route, with an anticipated operating speed of 20mph.
- e) Raised Access Table – a raised table access treatment is proposed at the junction of Whomsoever Lane and Merry Hill Road to facilitate safe pedestrian movements across the access point. The proposed access encourages pedestrian priority.
- f) Full Bridle Width Retained – the full width of Whomsoever Lane will retain its designation as a public bridleway. The proposal would not result the legal extent of Bridleway 052. The development would deliver a public benefit through the restoration and enhancement of an existing Public Right of Way, improving accessibility for all users.

8.36 156(c) requires the provision of new, or improvements to existing green spaces that are accessible to the public. The development would deliver a landscape-led plan which would include a public open space to the south, a central green, orchard, footpath links and enhanced access to Hillmead Nature Park. This space is within walking distance of the proposed development and indeed existing dwellings in the vicinity of the development. They are proposed to be soft landscaped with trees, including an orchard, hedgerow, native shrubs, and water compatible landscaping around the SuDS pond. As such, it is considered the development would meet the criteria set out for 156(c).

8.37 The proposed development is therefore considered to provide good quality on-site green spaces that would be accessible to residents on foot, and which would be landscaped to a high quality. This criterion is met.

- 8.38 To conclude on Green Belt matters, the site is considered to comprise Grey Belt; it does not make a strong contribution to Green Belt purposes a), b), or d), and there are no footnote 7 policies that would give a strong reason for refusing or restricting development. Furthermore, the proposed development is not inappropriate in the Green Belt due to full compliance with paragraph 155 of the NPPF, including compliance with the Golden Rules which in itself is afforded significant weight. As such, no harm to the Green Belt arises.
- 8.39 This view is also supported by the Counsel view from Landmark Chambers, representing the applicant, on 16 March 2026 which can be viewed on the Council's website.

Landscape Impacts

- 8.40 Paragraph 187 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by, among other things, protecting and enhancing valued landscapes and by recognising the intrinsic character and beauty of the countryside.
- 8.41 Policy CS12 of the Core Strategy requires development to conserve and enhance the natural environment of the borough, including landscape character. Policy SADM11 states that development will be managed to help conserve, enhance, and/or restore the character of the wider landscape across the borough. Individual proposals will be assessed for their impact on landscape features to ensure that they conserve or improve the prevailing landscape quality, character, and condition.
- 8.42 Place Services were consulted on the application and have provided comments. Amended and additional information was provided in response to their initial comments, including an updated proposed site plan and letter responding to their concerns. This was a request for greater landscape provisions to the centre of the site, particularly the 'Homezone' Character Area and surrounding T10 at the access point.
- 8.43 Further comments were received which set out that whilst some amendments have been made to the scheme, including limited additional planting to certain plots, the submitted revisions have not fully addressed Place Services previously raised landscape concerns. In particular, they consider that the proposal does not demonstrate a sufficient landscape-led approach within the central areas of the site, most notably the Homezone, where the layout is more dominated by vehicles. As such, they concluded that the development would not adequately achieve the softer, verdant character, nor fully align with the principles set out in the site's landscape framework.

- 8.44 Furthermore, concerns remain regarding the treatment of key landscape features, including the setting of the veteran tree at the site entrance, SuDS detailing and proposed foraging trail.
- 8.45 On the whole, Place Services were not opposed to residential development of the site. They were also broadly satisfied with the findings in the LVIA and expect the proposal to respond proactively and sensitively with the conclusions which identify moderate effects, particularly from Whomsoever Lane. However, having regard to the concerns raised above, moderate negative weight is given in the planning balance in respect of landscape harm. However, the harm identified is not considered so significant as to outweigh the benefits of the scheme when assessed in the overall planning balance.

Impact on Heritage Assets

- 8.46 The specific historic environment policies within the NPPF are contained within paragraphs 202-214. Paragraph 207 of the NPPF states that in determining planning applications, Local Planning Authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
- 8.47 In similar regard, Policy CS14 of the Core Strategy (2013) and Policy SADM29 of the Site Allocations and Development Management Policies Plan (2016) requires development to conserve or enhance the historic environment. Proposals should be sensitively designed to a high quality and not cause harm to identified, protected sites, buildings or locations of heritage.
- 8.48 The proposed access to the application site lies within the immediate setting of the Grade II listed building, Myholme (List Entry No. 1295951). The significance of the listed building is primarily derived from its architectural interest as an Arts and Crafts style house and its important historic association with the architect C.F.A. Voysey.
- 8.49 Place Services Built Heritage were consulted on the application. They have not raised any objection, and considered the proposed access would not detract from the appreciation of the listed building or to cause harm to its significance.
- 8.50 Comments received from residents have raised concerns that the development would be harmful to the setting of the Listed Building due to inappropriate density and design. However, the building's inherent setting has been substantially eroded by surrounding residential development. The main concern arises from transforming the historic lane into a formal junction. Place

Services Heritage response advises that the changes to the junction do not affect the significance of the listed building. On this basis, the Heritage Officer and Officers consider that the proposed access would not detract from the listed building or cause harm to its significance.

- 8.51 Officers are wholly satisfied that Place Services' assessment is sound and that the scheme would not give rise to heritage harm. This would not form a reason for refusal, and does not contribute harm to the planning balance.

Visual Amenity and Urban Design

- 8.52 The NPPF places great importance on design quality, noting that good design is a key aspect of sustainable development. Policy CS22 of the Core Strategy 2013 also requires that all development should be of a high-quality design which ensures the creation of attractive and useable spaces. Policy SADM30 states that development will be permitted provided it recognises and complements the particular local character of the area and results in a high quality design. In order for a development to be of high-quality design it must respect, enhance and improve the visual amenity of the area by virtue of its scale, mass, bulk, height and urban form.
- 8.53 The scheme design proposed is the result of previous pre-application advice. Figure 3 and 4 shows the evolution of the scheme and amendments.

Figure 3 – Pre-application scheme (June 2025)



8.54 *Figure 4 – Current scheme*



Site Context

- 8.55 The site comprises of an elongated area of grassland with established trees and hedgerows around its boundaries. Hillmead Nature Park is located immediately to the east of the site and Hartsbourne Golf Course & Country club to the north. There is an existing pylon and substation to the west of the site. The existing powerlines run east to west.
- 8.56 There is an existing bridleway (Bushey 052), known as Whomsoever Lane, which links Merry Hill Road with Prowse Avenue and Robinson Crescent. This footpath is verdant in nature and is bounded on both sides with mature vegetation and there is a joining path which provides a route through to Hillmead Nature Park.
- 8.57 The topography of the site currently means the site slopes downwards by 15m from the north to south boundary, and 5m from east to west towards the golf

course. The development has been sensitively designed to ensure that the site follows the existing topography of the area.

- 8.58 There is existing housing to the northern and eastern boundaries of the site which are all suburban in nature. The sizes of the plots and built form vary within the immediate locality, and there is a mixture of two storey or 2.5 storey and single storey detached/semi-detached dwellings with pitched roofs. The existing dwellings within the locality feature render, brick and tiles. Therefore, the character of the area is mixed in terms of its existing architecture, built form and plot sizes.
- 8.59 Figure 5 below shows the context of the existing site and the locality of nearby amenities.

Figure 5 – Aerial view of the site



Layout and entrance

- 8.60 The primary vehicular access to the site is from Whomsoever Lane, via Merry Hill Road, which is proposed to be widened and enhanced to serve the development. The access would require the removal of some trees and shrubbery along the eastern edge of the access, with the larger and more mature trees retained adjacent to the substation. A new native hedgerow is proposed as a soft boundary to the bridleway. Figure 6 shows a comparison of the existing and proposed view of the access from Merry Hill Road.

Figure 6 – CGI of existing and proposed view of access from Merry Hill Road



- 8.61 The residential development is primarily arranged in the northern and central parts of the site, where the dwellings would be integrated on shared surface streets. The dwellings would be semi-detached and the dwellings have been orientated to ensure the front facades face the roads and rear gardens would maximise views over the golf course, and landscaped areas. This has prevented a back-to-back arrangement, which cohesively integrates with nearby residential development in the locality, including Wren Crescent.

- 8.62 The dwellings positioned to the eastern side of the site, closest to Whomsoever Lane have been suitably set back from the bridleway. This is to ensure the development would minimise the visual impact of the development when viewed from the PROW. High quality boundary treatments are also proposed together with garden studios which would improve the visual impact of the development on Whomsoever Lane, whilst also providing passive surveillance to the east.
- 8.63 The development would incorporate a central landscaped 'Homezone' area, which is intended to act as a focal space within the site. This is designed as a shared space which prioritises people over vehicles, rather than functioning as a conventional road. This is bounded by residential plots and internal streets, with hard surfacing, visitor parking and areas of planting.
- 8.64 The southern and proportions of the east of the site would be retained as open space and green infrastructure. These areas would be verdantly landscaped, with pedestrian routes, tree retention, and surface water attenuation features, including a pond and associated SuDS basin. A continuous landscaped buffer is also proposed along Whomsoever Lane, providing visual separation from the development and the PROW. This approach helps to limit the visual spread of built form across the site and provides a softer transition to Whomsoever Lane and surrounding areas.
- 8.65 Pedestrian connections throughout the site would link the residential development to the surrounding open space and Whomsoever Lane, with footpaths extending through the southern open space and connecting to existing routes.
- 8.64 In terms of the relationship with the pylon, all new dwellings would avoid direct views onto the pylon, located to the northern end of the site. There is also a 9m buffer zone to ensure the dwellings are positioned an adequate distance away from the pylon. Hedgerow trees are also proposed on the northern boundary between the pylon and the properties to soften the views for future residents.

Form and scale

- 8.65 The new dwellings would be two to 2.5 storeys in height, which is considered to be commensurate with the prevailing scale of development in the surrounding area. The height ensures the development would not appear unduly prominent and allows the development to blend in with the established built context when viewed from within the site and nearby streets.
- 8.66 The dwellings are arranged as semi-detached pairs. Their spacing and plot widths create a domestic grain which is broadly in line with the surrounding

context. The development ensures that the appearance of the site would have individual dwellings rather than identical looking dwellings.

- 8.67 Architecturally, the buildings draw formally from an Arts and Crafts tradition, expressed through the use of articulated rooflines, prominent chimney stacks, projecting gables and dormer features. This provides visual interest, legibility and a degree of hierarchy within the streetscape, while referencing locally characteristic detailing.
- 8.68 Roof forms comprise a combination of traditional pitched roofs and hipped crown roofs. While crown roofs are generally discouraged by Part D of the SPD Draft (2016), it is noted that examples do exist within the wider locality, along Merry Hill Road. Furthermore, owing to the site's topography and the proposed screening provided by retained trees and new landscaping, it is unlikely that the crown roof elements would be visible in wider public views beyond the site.
- 8.69 Single-storey timber garden studios are proposed to the rear of Units 27 and 28. These structures are modest in scale and subordinate to the main dwellings. Their positioning adjacent to open space is intended to increase activity and enhance the perception of natural surveillance without introducing additional massing or visual intrusion into the landscape.

Appearance and Materiality

- 8.70 The design approach draws inspiration from the work of C.F.A. Voysey, with the applicant seeking to reinterpret key Arts and Crafts principles in a manner that is contemporary and appropriate to the site's semi-rural context. Rather than replicating historic detailing, the proposals focus on simplified forms, strong roof-led silhouettes and balanced proportions, expressed through articulated rooflines, generous eaves, grouped window openings and clearly defined facades.
- 8.71 A restrained palette of materials is proposed, including brickwork, timber doors and complementary metalwork, selected in warm, natural tones intended to reflect the surrounding landscape and reinforce a coherent streetscape. The use of subtle material variation is intended to provide visual interest, supporting a calm and cohesive architectural character.
- 8.72 A condition is proposed to remove permitted development rights under Class A to protect the uniformity of the design, noting this is one of the key benefits as per paragraph 11 d ii of the NPPF, which amongst other things seeks to secure high quality places.

Figure 7 – CGIs of proposed development

1. View of proposed site from the corner of Whomsoever Lane and proposed pedestrian crossing.



2 – View towards Units 1 and 2



3 – View showing the rear of units 27 & 28 and the front elevations of units 24-26



- 8.73 Overall, it is considered that the proposal is compliant with regards to its appearance when assessed against the policies set out above.

Impact on Residential Amenity

- 8.74 The NPPF outlines the importance of planning in securing high standards of amenity for existing and future occupiers of land and buildings. Policy SADM30 of the Site Allocations and Development Management Policies Plan states that development must have limited impact on the amenity of occupiers of the site, its neighbours, and its surroundings in terms of outlook, privacy, light, nuisance and pollution.

Impact on existing properties

- 8.75 Part D (draft) of the Planning and Design Guide states that where front or rear elevations with habitable room windows are proposed, facing the rear elevation of an existing dwelling, the recommended separation distance is 28m.
- 8.76 The nearest neighbouring properties along Woodpecker Close is approximately 31m from the nearest new dwelling, there would be a separation distance of approximately 70m from Robinson Crescent and 80m Merry Hill Road. Furthermore, only six of the 28 units would have views towards Merry Hill Road and Woodpecker Close, however there would be a separation distance of over 28m from these dwellings. Therefore, it is not considered the development would result in any undue harm to overlooking. It should also be noted the site is bounded by mature vegetation which would further mitigate potential overlooking concerns. This boundary treatment would be conditioned within a site-wide landscaping plan, to ensure that it would remain in perpetuity.
- 8.77 Concerns have been raised that the development would result in overshadowing, however due to the properties being located on a lower ground level and their distance away from the nearest neighbours, the development would not result in overshadowing.
- 8.78 With regards to the noise from the nearby pylon, a Noise Impact Assessment (NIA) was submitted following a further response received by Environmental Health. The NIA concludes that all proposed dwellings would meet stringent noise targets, set 5dB lower than standard BS 8233 guidelines to account for the nearby substation, by using standard thermal double glazing and trickle ventilators. No specialist mitigation is required. Existing noise levels in garden areas are already within the acceptable design range of 5-55dB.
- 8.79 Assessments of potential noise effects upon existing dwellings in the area, most notably those which back onto Whomsoever Lane, will continue to enjoy

a good quality of amenity. Worst-case modelling of potential vehicle movements along the lane result in "No Observed Adverse Effect Level" upon the neighbouring dwellings.

- 8.80 Environmental Health have been re-consulted for their views on the NIA and Officers will update members once a response has been received.

Impact on Future occupiers

- 8.81 In terms of future occupants of the dwelling, each of the dwellings have been assessed against the Nationally Described Space Standards. All proposed dwellings comply with, or exceed, the minimum required floor areas as set out in the Standards.
- 8.82 In terms of external amenity space, Part D (draft) of the Design Guide sets out minimum private amenity space requirements. For a 3-bed dwellings 60sqm of private amenity space is required and for a 4-bed dwelling 80sqm is required.
- 8.83 Units 11 and 28 would have a garden space of between 47-50sqm, which is less than 60sqm as required for a three bed dwelling. All other gardens which achieve the minimum space standard for a three or four bed dwelling. Whilst this is unfortunate, Officers note there would be a public open space within walking distance from the site which the residents would be able to access. Therefore, Officers would afford this moderate harm in the planning balance.
- 8.84 Mutual overlooking has also been considered. The layout of the proposed development is considered to achieve appropriate separation distances and where dwellings would have side windows overlooking another dwelling, or its amenity space, these are noted as obscurely glazed. For the avoidance of doubt, a condition is attached to ensure that all first floor windows on side elevations (to non-habitable rooms) are obscurely glazed and non-opening above 1.75m.
- 8.85 On the whole, the scheme is considered to provide a good quality of living space for future occupiers. However, harm has been found that units 11 and 28 would not meet the required garden space which is attributed moderate weight in the planning balance.

Affordable Housing

- 8.86 Policy CS4 of the Core Strategy seeks provision of 35% affordable housing on qualifying sites. This scheme comprises a major development and as such affordable housing would be required in line with this policy and the Council's Affordable Housing SPD. In this instance, the application proposes 50%

affordable housing, comprising 14 units. This is in excess of the requirements of CS4, and is proposed to comply with the Golden Rules.

- 8.87 The proposed mix comprises social rent, affordable rent and shared ownership. This is broken down below:

Tenure	Bedrooms/Persons	Units	% Tenure Total
Affordable Housing		14	50%
Shared Ownership	2 Bed / 4 Person	4	29%
Social Rent	3 Bed / 5 Person	5	36%
Affordable Rent	3 Bed / 5 Person	1	7%
Affordable Rent^{tt}	4 bed / 6 Person	4	29%

- 8.88 The Housing team were consulted and the above mix was agreed with them to reflect local need. The dwellings would also be M4(2) compliant.
- 8.89 Officers are satisfied that the scheme would be tenure blind, noting that the affordable homes are located at various points across the site and that they would not appear materially different from the market homes in terms of materials and finish. They would also benefit from the shared public open space on site.
- 8.90 Consequently, no objection has been raised and the above mix is considered to be acceptable. It is proposed to secure this as part of the s106 agreement.

Car Parking Provision and Highways Safety

- 8.91 The NPPF, SADM40 of the Site Allocations and Development Management policies 2016, Policy CS25 of the Core Strategy 2013 and the draft Parking Standards 2022 seek to ensure that new development provides a suitable access, and car and cycle parking provision. Policy CS26 states that the Council will support a wide range of measures to provide safer and more reliable alternatives to the car for accessing new and existing development. This includes improved public transport facilities, additional public transport routes and stops, enhanced and new non-motorised links which increase walking, cycling, or riding opportunities. Measures to promote alternatives to the car will need to be provided as part of a proposed scheme.

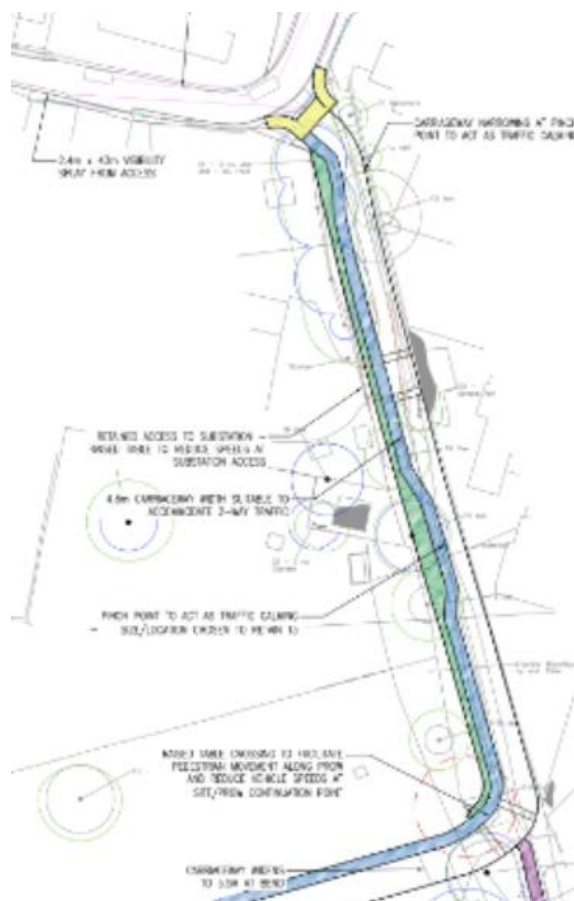
8.92 Paragraph 116 of the NPPF states:

Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highways safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all future reasonable scenarios.

Access

- 8.93 The site is currently accessed by the dropped kerb from Merry Hill Road to the north, along the existing bridleway known as Whomsoever Lane (Bridleway 052). It is noted that the current lane is not built to existing vehicular standards, however nonetheless can still be used by vehicles in an informal manner. The existing junction between Whomsoever Lane and Merry Hill Lane has a width of 5.5m.
- 8.94 The applicant notes that the access lane is in private ownership and within the applicant's control. The existing dropped kerb would be retained and the only access would be from Merry Hill Road.
- 8.95 HCC Highways were consulted on the application for their views on the access and raised no objection subject to the inclusion of an access condition to ensure that the access would be constructed in accordance with the approved drawings. The proposed access is show below.

Figure 8 – Proposed Access



- 8.96 The application proposes a raised table pedestrian crossing at the site access location to facilitate pedestrian movements along Merry Hill Road. The junction would have achievable levels of inter-visibility between drivers existing the site and other highway users, as displayed on the submitted plans. There would be a visibility splay of 43m in each direction which is consistent with HCC's guidance for a 30mph speed environment. Therefore, the scheme would have sufficient visibility splays to prevent potential conflicts at the access point.
- 8.97 The proposed access route would have a 4.8m carriage width. There would be two pinch points which would help with traffic calming, and the priority of movement for vehicle traffic in these locations would be given to ingoing vehicles. The swept path tracking demonstrates that there would be availability for opposing vehicle to vehicle passing within the site and the carriageway widens to 5.5m further into the site.
- 8.98 Additional traffic calming measures are also proposed to include 2 raised tables along the access route to ensure vehicles do not exceed 20mph. The raised table into Whomsoever Lane would act as a pedestrian crossing point for pedestrian permeability across the site and to allow continuation of the Whomsoever Lane route further to the south of the site.
- 8.99 A section of 3.2m has been dedicated for pedestrians, cyclists and equestrians to the eastern side of the 4.8m wide carriageway access route. This would consist of a shared footway/cycleway and grass verge. HCC Highways consulted the Public right of way (PROW) team for their views who confirmed the suitability of this arrangement. Additionally, the 2m wide footway would accord with HCC's guidance in the Place and Movement Planning and Design Guide.
- 8.100 The Highway Authority considers the internal visibility splays which have been provided for a design speed of 15mph is acceptable, with the traffic calming measures also.
- 8.101 In terms of access for refuse vehicles, a vehicle swept path has been submitted with the application to show that a 10.2m refuse vehicle can access and turn around in the site, and egress in forward gear. This has also been shown for a fire vehicle.
- 8.102 Accordingly, taking into account HCC Highways and the HCC's PROW team comments, Officers consider that the proposed access provides safe access and egress for all users.

Highway Safety

- 8.103 HCC Highways noted that the TRICS has been used to forecast development trip generation, indicating that two-way vehicular trips during AM peak and the PM peak are expected to be 15 and 14. 129 trips are anticipated to be generated over the day. This is considered to be a robust assessment, and the impact on the strategic road network would unlikely result in a material increase in additional vehicle trips to and from the site.
- 8.104 It should also be noted that the application would need to enter into a Section 278 agreement with HCC as Highway Authority in relation to the new bellmouth and pedestrian raised table crossing, an associated informative has been attached in this respect. HCC will secure offsite improvement works including dropped kerbs and tactile paving to create a continuous route between the site access and the nearest bus stops via a S278 Agreement. A Stage One Road Safety Audit and Designers Response would also be required as part of the agreement and a condition has been imposed to this affect.
- 8.105 The proposed pavement would also provide safe pedestrian crossing for local residents using Whomsoever Lane and the connecting pathways to Robinson Crescent and Merry Hill Road. Both of the tables would be raised to act as calming measures and slowing vehicles down. This would be secured in the S278 agreement.
- 8.106 Officers note the concerns regarding traffic congestion from vehicles during peak school hours and as such, due to the location of nearby schools, there is gridlock traffic at these times. While it is not considered that the development itself would result in a material increase in additional vehicle trips to and from the site (TRICS), Officers note traffic from construction vehicles could cause problems should they attend the site at the same time as school hours. As such, a condition has been imposed requiring the submission of a construction management plan owing to the size of the development and to mitigate construction effects on the surrounding area.

Public Right Of Way (PROW)

- 8.107 Concerns have been raised by neighbours with regards to the PROW. Officers note from internal correspondence between HCC Highways and HCC PROW Team that there are no concerns with regards to the arrangement. The proposed alterations to the PROW are considered to be an improvement to the existing arrangement.
- 8.108 Nonetheless, during the consultation process consideration was given to the width left for the public bridleway. Following clarification from the PROW, legally the public bridleway will remain the recorded detailed width, however a safety off carriageway path with grass margin for horse riders is also being

offered. Walkers, cyclists and horse riders still legally have the right to use the full width of the route and can use the carriageway as well should they wish.

- 8.109 It is appreciated the proposal would change the nature of the route, however it is not uncommon for public bridleways to run along private roads. The maintenance of any new surface and features associated with the proposal would be the responsibility of the landowner. A condition is recommended to provide a landscape management plan to ensure the new surfaces and associated works are looked after by the landowner.

Parking

- 8.110 The 2022 draft parking standards set out the required levels of car and cycle parking for new development. The scheme provides a number of off-street car parking spaces for the dwellings, in addition to visitor parking. Each of the plots has been assessed against the parking standards. The site is not located within a defined Accessibility Zone and therefore the scheme would be expected to comply with the required number of parking spaces.

- 8.111 Each of the plots provides car parking spaces in compliance with the 2022 Parking Standards SPD with two spaces per dwelling and four visitor parking spaces. The Parking SPD states that:

There is not considered to be significant need for additional visitor parking to be required over and above the general residential standards set out in Table 1. However, on major applications sites (10 or more units) with unallocated parking, particularly in areas of parking stress, visitor parking of up to 0.2 spaces per unit may be sought.

- 8.112 The scheme is major development, though the majority of car parking provided is allocated or on plot rather than communal. The development would have a shortfall of 1.6 visitor parking spaces. However, it is noted that visitors are most likely to attend the development on evenings and weekends, outside of peak hours including school pick-up and drop-off times. Furthermore, the shortfall of 1.6 visitor spaces carries limited negative weight and would not justify a reason for refusal.

- 8.113 The proposed site plan indicated where the cycle parking would be located for each plot. Provision has been made for one cycle parking space per bedroom, in accordance with the Parking Standards SPD Draft (2022). The cycle parking would be positioned in the curtilage of each residential unit's garden space.

- 8.114 The proposed car and cycle parking is considered therefore to be policy compliant. A condition is proposed to secure details of cycle stores, to ensure

that secure and suitable storage is provided for every dwelling. There are no further concerns on the grounds of parking or highways safety.

- 8.115 Electric Vehicle provision would meet the sustainability standards by including one EV charging space per unit.

Public Open Space

- 8.116 The development proposes for a public open space to the south of the site. Policy SADM3 states:

Developments in excess of 50 residential units or 2,500 sq.m gross external floorspace, or where a specific need has been identified by the Council, are required to provide open space on site. This shall be provided in addition to private amenity space and landscaping; it shall be fully accessible without any restrictions and maintained in perpetuity unless otherwise agreed with the Council. [...]

- 8.117 The application proposes fewer than 50 units and therefore the provision of public open space on site arises from the requirement to meet the Golden Rules which require the provision of new, or improvements to existing, public open spaces that are accessible to the public. It is specified that the public open space must be good quality and within a short walk of their home.
- 8.118 The proposed public open space would cohesively merge in with the landscape-led approach of the development. There would be surfaced pedestrian paths which would be readily accessed from the site itself and Whomsoever Lane for all members of the public. The public open space at the bottom of the site would include a large SuDS basin serving the development, which would be soft landscaped. Though this public open space would be maintained by the development's management company at residents' cost, it would be open to the wider public.
- 8.119 Full details of the hard and soft landscaping for the public open spaces has been provided with the application. They would be finished with a variety of planting including natural and amenity grasses, shrubs, hedgerow, and trees. The details are considered to comprise a high-quality scheme that would be appropriate within a Green Belt setting. The spaces on the whole would be within walking distance of all residents within the development, as well as neighbouring residents. It is also positive that the pedestrian access would be connected to the existing public bridleway.
- 8.120 On the whole, the public open space is considered to be accessible and high quality. There are no concerns in this regard.

Trees, Landscaping and Ecology

- 8.121 Policy SADM12 of the Site Allocations and Development Management Policies Plan sets out the Council's requirements for trees and landscaping. Planning permission will be refused for development that would result in the loss or likely loss of healthy, high-quality trees subject to a Tree Preservation Order (TPO); or otherwise any healthy, high quality trees and/or hedgerows that make a valuable contribution to the visual amenity or environment of their location. If any such loss would occur through approved development, replacement planting would be required.
- 8.122 Additionally, Policy CS12 of the Hertsmere Local Plan Core Strategy states that all development proposals must conserve or enhance the natural environment of the Borough, including biodiversity, habitats, protected trees, landscape character, and sites of ecological and geological value. Paragraph 187 of the NPPF is clear that development should achieve net gains for biodiversity. The Biodiversity Net Gain SPD was adopted in January 2024 and requires major developments to achieve a biodiversity net-gain of 10%, in line with the mandatory requirements of the Environment Act 2021.

Trees

- 8.123 There are two TPOs to the east and the west of the site. The application is accompanied by an Arboricultural Impact Assessment and Method Statement. This identifies and assesses the quality of trees within and adjacent to the development, and likely effects resulting from the proposed development. The assessment has been considered by the Council's Arboricultural advisors at Place Services.
- 8.124 An Arboricultural Impact Assessment (AIA), Method Statement (MS) and Tree Protection Plan (TPP) have been submitted to support the application. The survey identifies the presence of 26 individual tree, 9 groups of trees and 2 hedges which have the potential to form a constraint on the proposal.
- 8.125 T10, T21, G6 and G6 fall under category U and as such will require removal on health and safety grounds. Of the trees within the AIA 12 individual trees, 1 group of trees and trees with 2 groups will be removed to facilitate the proposal. It is recognised the majority of the trees to be removed are identified as category C with the exception of G6, which is a category B tree and will be removed to facilitate the SUDs basin. Place Services raise no objection to the removal of the trees proposed and the principle of development is acceptable. The TPP shows the housing construction would fall outside the majority of root protection areas.
- 8.126 The submitted AIA outlines that some of the retained trees may be impacted by the site access and footpath installations, however the use of no-dig working practices will be used in this instance. In any case, it is recommended that a

site supervision condition and AMS is attached to ensure the information within the report by David Clarke is met.

- 8.127 Subject to the conditions proposed and noted above, there are no concerns on Arboricultural grounds.

Ecology

- 8.128 There are no statutory designations covering any part of the site. Hillmead Nature Park is located within the immediate vicinity of the site off Whomsoever Lane.
- 8.129 HCC Ecology were consulted on the submitted ecological assessments and BNG metric.
- 8.130 There is one tree on site (T10) as having the potential to roost bats. However, this tree is proposed to be retained and as such no further surveys are required. Commuting bats are likely due to nearby woodland and therefore a condition for a scheme of sensitive lighting and species enhancement plan is conditioned. This is separate to the requirement for BNG, and shall include details of bird boxes, bat boxes, reptile hibernacula, deadwood features for invertebrates, hedgehog highways, and wildlife kerbs.
- 8.131 In terms of BNG, the metric calculation tool shows base line value of 21.04 habitat units and 3.69 hedgerow units. HCC Ecology are satisfied that the General Biodiversity Gain Plan (BGP) Condition can be discharged for this application, and therefore recommend that this is secured by condition together with a Habitat Monitoring and Management Plan (HMMP). Whilst it was recommended that these be secured via the s.106 Agreement due to comprising significant on-site gains, Officers have consulted the PPG and together with approaches taken on other sites, are satisfied that this can be secured by conditions.
- 8.132 On the basis that the development can achieve the required BNG, and that on-site species enhancements will also be sought. There are no concerns on the grounds of ecology subject to conditions.

Flood Risk and Drainage

- 8.133 Paragraphs 170-182 of the NPPF contains the relevant information under “Planning and Flood Risk”, while Policy CS16 of the Core Strategy 2013, and Policies SADM13 and SADM14 of the Site Allocations and Development Management Policies Plan 2016 also set out the requirements and constraints for development within Flood Zones.

- 8.134 Environment Agency mapping shows there are small areas of low-medium surface water flood risk to the south of the site, and an area of low-risk surface water flooding to the north-west corner. The entirety of the site falls in Flood Zone 1. A Flood Risk Assessment and Drainage Strategy were submitted with the application, and HCC as Lead Local Flood Authority (LLFA) were consulted.
- 8.135 The initial comments from the LLFA raised an objection on the grounds that further information was required in relation to the drainage strategy which set out that detailed drainage layout and hydraulic calculations had not been provided to show that the risk of flooding can be adequately managed. The applicant submitted a further drainage strategy and detailed response letter to overcome the objection.
- 8.136 The additional information was reviewed by the LLFA who removed their objection subject to conditions. These conditions have been attached within the report.
- 8.137 Subject to the proposed conditions, there are no concerns on the grounds of flood risk and drainage.

Air Quality and Contaminated Land

- 8.138 Policies CS16 and SADM20 seek to ensure that the environmental impacts of development are minimised. This includes ensuring that contamination of land, air and water are identified and remediated where necessary. Section 15 of the NPPF supports these policies in preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution, and remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.
- 8.139 Environmental Health were consulted and have not raised any objections on the grounds of air quality or contaminated land. The site is not located within an Air Quality Management Area (AQMA) and the addition of 28 dwellings was considered unlikely to have a noticeable impact on air quality.
- 8.140 In the absence of any objections, there are no concerns on the grounds of air quality or contaminated land.

Climate Change and Sustainability

- 8.141 Following the 2019 Climate Emergency declaration by the Council, all new developments are encouraged to incorporate energy from decentralisation and renewable or low carbon sources. Furthermore, in accordance with Section 14 of the NPPF and Policy CS17 of the Core Strategy (2013),

development proposals should support the transition to a low carbon future in a changing climate and achieve CO₂ emission reductions. Development should have regard to the Council's Interim Position Statement on Sustainability and Climate Change.

8.142 Policy CS16 further requires proposals to incorporate sustainable development measures including, amongst others, efficient use of resources, sustainable drainage, remediation, use of energy efficiency design and use of renewable energy sources.

8.143 The Climate Change and Sustainability Officer was satisfied with the initial statement. However, raised concerns that only 68 solar panels for 28 homes are proposed. Furthermore, the ASHPs are 200-400% efficient as standard, however the proposed ASHPs would have a 170% efficiency. A condition has been imposed requiring further information to be submitted within the sustainability statement to ensure the points raised by the Officer are met.

8.144 Subject to a proposed condition, no further concerns are raised.

Refuse Storage & Collection

8.145 Policy SADM19 requires adequate provision for the storage of waste for new developments. Policy SADM20 states that development should not result in any adverse impact to public health or wellbeing, or significantly add to contamination or pollution, taking into account the situation following any mitigation and remediation measures.

8.146 The planning guidance document, Waste Storage Provision Requirements for New Residential Developments, sets out the bin storage requirements for housing developments. For houses, it is recommended that provision is made for 3no. 240L wheelie bins. For flats with five or more individual properties, each property must have an allocated capacity of 140L for general waste, 80L for food and garden waste, 240L for comingled recycling, and 55L for future storage provision.

8.147 A bin and cycle storage plan was submitted with the application, which shows that each individual house would have space within its rear garden for a refuse store comprising three bins.

8.148 As noted within the comments from HCC Highways, vehicle tracking was provided to demonstrate that a standard refuse collection vehicle would be able to access the site and collect waste, turn with the site, and exit in forward gear. On the whole there are no concerns with regards to refuse storage and collection.

Planning Balance

8.149 Per paragraph 11 of the NPPF, given the Council cannot demonstrate a five-year housing land supply, the presumption in favour of sustainable development applies unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusal, or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

8.150 As detailed in this report, the application site is considered to comprise grey belt land. It does not make a strong contribution to Green Belt purposes a), b), or d).

8.151 Consequently, the development is not inappropriate in the Green Belt, and no Green Belt harm arises as a result. The report has concluded that the development would not trigger a footnote 7 reason for refusal; it is not inappropriate development in the Green Belt, and there are no heritage or flood risk grounds on which to refuse or restrict the development. There are no other areas or assets of particular importance that would provide a strong reason to refuse the development, meaning that paragraph 11 (d) (i) is not triggered. The application therefore falls to be considered under paragraph 11 (d) (ii), and planning permission should be granted unless:

any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

8.152 The harms identified in this instance are considered to arise from the substandard amenity spaces for units 11 and 28, which is afforded moderate weight.

8.153 The benefits of the scheme are summarised in the tables below and the benefits are discussed in more detail thereafter.

Benefit	Officer weight
Delivery of market housing	Substantial
Delivery of affordable housing	Substantial
Compliance with the Golden Rules	Significant
Provision of public open space and contributions to off-site open space improvements	Moderate

Highways improvements – net benefit	Moderate
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Harm	Officer weight
Private amenity space for units 11 & 28	Moderate
Landscaping Impacts	Moderate

Delivery of market housing

- 8.154 Recent appeal decisions have demonstrated that the Council's housing land supply is significantly below the five year requirement. Most recently, the Longview appeal decision, appeal decisions have demonstrated that the Council's housing land supply is significantly below the five-year requirement, and indeed one of the worst in the country. The Longview appeal decision found the supply to be just 0.98 years. This is in part due to the significant increase, from December 2024 onwards, in the Borough's housing requirement – comprised of the standard method figure and the 20% buffer (imposed as consequence of the Housing Delivery Test measurement. The Council is seeking to resolve this through its plan-making activities. Nevertheless, in the interim the absence of a five-year housing land supply does place a responsibility on the Council to positively consider speculative proposals subject to them demonstrably meeting national policy requirements for sustainable development. Positively considered and consented proposals will count towards future housing land supply.
- 8.155 This scheme proposes to deliver a total of 28 homes, 14 of which will be market homes.
- 8.156 The emerging local plan remains at Regulation 18 stage and is unlikely to be adopted for some time. A number of appeal decisions have been made in the borough since the Harris Lane appeal, including (but not limited to) at Little Bushey Lane (appeal 3314268); Land South of Shenley Road (3320599); Land East of Hartfield Avenue (3329947); and Longview (3365681). The Inspectors for each of these afforded substantial or very substantial weight to the provision of market housing. Whilst it is noted that these schemes were larger in scale than the scheme proposed, in spite of recently allowed appeals and granted permissions, the Council is still substantially short of having a five year housing land supply. For this reason, and for consistency, it would be reasonable to afford substantial weight to the delivery of market housing.

Delivery of affordable housing

- 8.157 The development would provide 50% affordable housing. The Council's supply of homes including affordable homes is still substantially short of requirements. The Inspectors for each of the above referenced appeals afforded either substantial or very substantial weight to the provision of affordable housing. In light of this, and considered against the ongoing need plan-wide for affordable homes, Officers deem it reasonable and appropriate to afford substantial weight to this benefit.

Compliance with the Golden Rules

- 8.158 The proposed development meets the 'Golden Rules' as set out in paragraph 156 of the NPPF. Paragraph 158 of the NPPF advises that "a development which complies with the Golden Rules should be given significant weight in favour of the grant of permission". Accordingly, significant weight should be assigned to this.

Provision of public open space and contributions to off-site open space improvements

- 8.159 The proposed development includes two areas of public open space on site, with a variety of soft landscaping including orchard trees, fruit trees, a pond and a natural SuDS basin. Therefore, it is proportionate to afford this moderate weight.

Highway improvements – net benefit

- 8.160 The application proposes for a section of the access to be dedicated for pedestrians, cyclists and equestrians to the eastern side of the 4.8m wide carriageway access route. This would consist of a shared footway/cycleway and grass verge. HCC Highways and Public right of way (PROW) team are both in support of this benefit. Furthermore, raised pedestrian crossings are also proposed around the site to further improve its safety. This is considered to present a net benefit to pedestrians more broadly, and accordingly is afforded moderate weight.
- 8.161 Officers consider that the benefits are numerous and significant. Per paragraph 11 (d) (ii), planning permission should be granted unless the adverse impacts would significantly and demonstrably outweigh the benefits. The adverse impacts of landscape harm and private amenity space, would not in the opinion of officers significantly and demonstrably outweigh the benefits. Accordingly, per the NPPF, planning permission should therefore be granted.
- 8.162 Officers have clearly set out in this report why the site is considered to be grey belt and why the development is not inappropriate development in the Green

Belt. Accordingly, no harm would arise to the Green Belt as a result. However, if the committee do consider the proposal to be inappropriate development in the Green Belt, then the harm arising would need to be considered in the above planning balance and consideration given to whether there are very special circumstances that justify the granting of planning permission, as per paragraph 153 of the NPPF.

8.163 Paragraph 153 of the NPPF advises that:

When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt, including harm to its openness. Inappropriate development is, by definition harmful to the Green Belt.

8.164 As such, if the scheme were considered to be inappropriate development, this would carry substantial weight against it as definitional harm would occur. Added to this, there would be harm to the openness of the Green Belt as a result of the proposed development eroding visual and spatial openness within the site. Per paragraph 153 of the NPPF, these harms would be afforded substantial weight in the planning balance. Nevertheless, even if this harm was considered alongside the other harms identified in the planning balance, Officers are content that the benefits taken cumulatively would clearly outweigh this harm. In such a scenario, very special circumstances would arise that would justify the grant of planning permission.

Planning Obligations

8.165 The grant of planning permission would be subject to securing a suitably worded s.106 agreement.

- Affordable Housing provision, transfer and management
- Implementation, monitoring and management of BNG strategy
- Off-site highway improvements
- Carbon Offset Fund Contribution
- Provision and maintenance of proposed on-site public open space
- HCC Growth and Infrastructure Contributions for:
 - Special Educational Needs and Disabilities Contribution £54,570
 - Waste Service Transfer Contribution £3,726
 - HCC Monitoring Fees - £420

Community Infrastructure Levy

- 8.166 The Community Infrastructure Levy (CIL) is a charge to support the delivery of funds to infrastructure in Hertsmere. The Planning Authority became a CIL charging authority as of 1st December 2014. This development is CIL liable.

Equalities and Diversity

- 8.167 The Equality Act 2010 came into force in April 2011. Section 149 of the Act introduced the public sector equality duty, which requires public authorities to have 'due regard' to the need to eliminate discrimination on the grounds of the relevant protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion and belief, sex and sexual orientation, and to advance equality of opportunity. In relation to this specific application due regard has been made to the protected characteristics and it is considered that there would be no adverse impact caused following this development.

9.0 CONCLUSION

- 9.1 The proposed development is situated on grey belt land and does not constitute inappropriate development in the Green Belt. Whilst landscape harm and moderate harm to private amenity have been identified, the benefits arising from the development would be substantial such that they clearly and demonstrably outweigh the harms. Consequently, the proposal would therefore comply with the requirements of the NPPF, the Core Strategy 2013, Site Allocations and Development Management Policies Plan 2016, and the relevant supplementary planning documents.

10.0 RECOMMENDATION

Delegate to the Head of Planning, Economic Development and Climate Change to approve subject to the following conditions (or as amended) and following the completion of a suitably worded s106 Planning Agreement;

In the event of a suitably worded s106 agreement not being agreed within six months, or a longer time frame agreed in writing where realistic progress has been made, delegate to the Head of Planning, Economic Development and Climate Change to refuse planning permission.

The conditions as listed below, subject to any minor changes as may be agreed with the Head of Planning, Economic Development and Climate Change.

CONDITIONS/REASONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

2. The development hereby permitted shall be carried out in complete accordance with the approved plans and drawings listed in this decision notice, other than where those details are altered pursuant to the conditions of this planning permission.

- Application form dated 17/02/2025
- 000001 - Existing site location plan
- 000002 - Existing site block plan
- 000003 - Existing ground floor plan
- 000004 - Existing site sections
- 000005 - Existing site long sections
- 010000 - Proposed site location plan
- 010001 - Proposed site plan – Rev 1 (Received 12/03/26)
- 010002 - Housing site plan (portrait)
- 010003 - Proposed site sections
- 010004 - Proposed site long sections
- 030001 - Proposed house type a - 2b4p
- 030002 - Proposed house type b - 3b5p
- 030003 - Proposed house type c - 4b6p
- 030004 - Proposed house type d - 3b6p
- 030005 - Proposed house type e - 4b7p
- 220000 - Proposed refuse store
- 220001 - Proposed cycle store (2b)
- 220002 - Proposed cycle store (3b)
- 220003 - Proposed cycle store (4b)
- 800000 - Proposed garden studio
- Sk02 rev f - Proposed access road
- Sk04 rev a - Swept path analysis
- Sk07 - Internal road layout - forward visibility
- Transport statement
- TPP/IMHRBH/010C - Tree Protection Plan
- Arboricultural Report: incorporating Arboricultural Impact Assessment and Arboricultural Method Statement
- Biodiversity Net Gain report
- Biodiversity Net Gain metric
- Energy and Sustainability Statement
- Ecological assessment
- Flood risk assessment
- Heritage impact assessment
- Landscape Framework (CLPD 260 R03 - Dec 2025)
- Landscape Visual Impact Assessment (Parts 1 - 3)
- Green belt openness statement
(Received: 18/12/2025)
- Letter response to Thames Water
(Received: 16/02/2026)
- CGI showing proposed view from Merry Hill Road

- CGIS of proposed scheme
- Highway note for ward members
(Received: 19/02/2026)
- Unit schedule
(Received: 20/02/2026)
- Planning statement v1
- Planning Statement Addendum (Received: 02/04/2026)
- Planning Statement Further Addendum (Received 28/03/2026)
- Design and access statement
(Received: 03/03/2026)
- 260304 - Whomsoever Lane - Response to Thames Water (Received: 04/03/2026)
- Thames water consultation response Rev A
(Received: 04/03/2026)
- Drainage objection response letter 1/2 (Received: 09/03/2026) Drainage objection response letter 2/2
(Received: 09/03/2026)
- Drainage strategy
- Drainage Strategy Addendum (Received: 11/03/2026)
- Response letter to Place Services Landscaping
(Received: 12/03/2026)
- Noise impact assessment
(Received: 17/04/2026)

Reason: For the avoidance of doubt and in the interests of proper planning.

3. The Recommendations in section 5.3.13 of the Ecological Assessment by Ecology Solutions (report date December 2025) relating to the removal of trees G1-1 and G1-2 represent precautionary measures and best practice which should be followed to avoid the risk of harm to extant protected species.

Reason: Reason: To limit potential ecological impact and to comply with Policy CS12 of the Core Strategy and SADM10 of the Site Allocations and Development Management Policies Plan.

4. Static surveys shall be completed in strict accordance with the recommendations in Section 4.5 of the report (Ecological Assessment, Ecology Solutions, December 2025). All the recommendations shall be implemented in full according to the timescales laid out in the recommendations, unless otherwise agreed in writing by the Local Planning Authority

Reason: Reason: To limit potential ecological impact and to comply with Policy CS12 of the Core Strategy and SADM10 of the Site Allocations and Development Management Policies Plan.

5. The development shall be carried out in accordance with the biodiversity mitigation measures relating to lighting in sections 5.3.20 of the Ecological Assessment (Ecology Solutions, December 2025) and be informed by the

Guidance Note 08/23: Bats and artificial lighting in the UK, (BCT & ILP, 2023). The Dark corridors should relate to the key navigational routes for foraging and commuting bats as informed by the complete set of Bat activity surveys and Monthly static detector surveys for October 2025, and April - September 2026 unless varied with the agreement of the LPA. All the measures and features listed shall be implemented in full, unless otherwise agreed in writing by the local planning authority, and all the measures and features shall thereafter be permanently retained.

Reason: Reason: To limit potential ecological impact and to comply with Policy CS12 of the Core Strategy and SADM10 of the Site Allocations and Development Management Policies Plan.

6. Prior to commencement of development (including vegetation clearance, demolition and ground works), a Habitat Monitoring and Management Plan will be submitted and approved by the Local Planning Authority. This shall demonstrate how the habitat enhancement and creation, and subsequent target habitat conditions will be created, enhanced, and monitored over 30 years following the completion of the capital works required to create them.

Reason: To safeguard and enhance the character and amenity of the area, to provide ecological, environmental and biodiversity benefits and to enhance its setting within the immediate locality in accordance with Policies SP1 and CS12 of the Hertsmere Local Plan and S3.2.6 of the Biodiversity, Trees and Landscape SPD.

7. No development shall commence until a Biodiversity Gain Plan (BGP) has been submitted to and approved in writing by the Local Planning Authority. The BGP shall be completed using the latest DEFRA Biodiversity Gain Plan template and shall include:
 1. A fully completed statutory biodiversity metric demonstrating how a minimum of 10% biodiversity net gain will be achieved;
 2. Confirmation of the off-site biodiversity units to be used to achieve the required net gain, including the relevant off-site land registration reference(s) on the Biodiversity Gain Site Register;
 3. If an off-site provider cannot be found, Biodiversity Credits would need to be purchased. If this applies, the applicant must demonstrate, to the satisfaction of the Local Planning Authority, that all other options have been fully explored and that the BNG hierarchy has been followed.

The development shall thereafter be carried out in full accordance with the approved Biodiversity Gain Plan and metric.

Reason: To comply with the Environment Act 2021.

8. No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan: The Construction

Management Plan shall include details of:

1. Construction vehicle numbers;
2. Access arrangements to the site;
3. Traffic management requirements;
4. Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);
5. Siting and details of wheel washing facilities;
6. Timing of construction activities to avoid school pick up/drop off times;
7. Provision of sufficient on-site parking prior to commencement of construction activities.

Reason: In order to protect highway safety, the amenity of other users of the public highway and rights of way. To comply with Policies CS16 and SADM40 of the adopted Development Plan.

9. Prior to the first occupation of the development hereby permitted the vehicular access shall be completed and thereafter retained as shown on in-principal drawing number (SK02) (including the relocation of existing street furniture and reinstatement of existing dropped kerb section) in accordance with details/specifications to be submitted to and approved in writing by the Local Planning Authority in consultation with the highway authority. Prior to use appropriate arrangements shall be made for surface water to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

Reason: To ensure construction of a satisfactory development and in the interests of highway safety and amenity in accordance with Policies SP1, CS25 and SADM40 of the adopted Development Plan.

10. Highway Improvements - Offsite

a) Design Approval

Notwithstanding the details indicated on the submitted drawings, no on-site works shall commence until a detailed scheme for the offsite highway improvement works (tactile paving on Wren Close and Goldcrest Way crossing points, pedestrian dropped kerbs and tactile crossing point on Merry Hill Road - providing safer pedestrian access to the Merry Hill Road Bus stops) as indicated in the submitted Transport Statement (18/12/2025) have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.

b) Implementation / Construction Prior to the first use of the development hereby permitted, the improvement works referred to in part A of this condition shall be completed in accordance with the approved details.

Reason: To ensure construction of a satisfactory development and in the interests of highway safety and amenity in accordance with Policies SP1, CS25 and SADM40 of the adopted Development Plan.

11. No development shall take place until a Site Waste Management Plan (SWMP) for the site has been submitted to the Local Planning Authority and approved in consultation with the Waste Planning Authority. The SWMP should aim to County of opportunity reduce the amount of waste produced on site and should contain information including estimated types and quantities of waste to arise from construction and waste management actions for each waste type. The development shall be carried out in accordance with the approved SWMP.

Reason: To promote the sustainable management of waste arisings and contribution towards resource efficiency, in accordance with Policy 12 of the Hertfordshire Waste Core Strategy and Development Management Policies Development Plan Document (2012).

12. The development hereby permitted shall be carried out in strict accordance with the Arboricultural Report (comprising the Arboricultural Impact Assessment and Arboricultural Method Statement) prepared by DCCLA (December 2025) and the Tree Protection Plan (Ref: TPP/LMHRBH/010 Rev C). The tree protection measures, including the installation of protective fencing and the use of 'no-dig' construction techniques for any hard surfacing within Root Protection Areas (RPAs), shall be implemented in full before any equipment, machinery, or materials are brought onto the site for the purposes of the development. These measures shall be maintained in situ until all equipment, machinery, and surplus materials have been removed from the site upon completion of the works.

Reason: Required to safeguard and enhance the character and amenity of the site and locality and to avoid any irreversible damage to retained trees pursuant to section 197 of the Town and Country Planning Act 1990 in accordance with (Policies SP1 and CS12 of the Hertsmere Local Plan).

13. Noise from plant and equipment associated with the development shall be 10dB (LAeq) below the background noise level (LA90) at the nearest residential properties (5dB below the background noise level if evidence is provided which shows that no tonality or other character is present).

Reason: To satisfactorily protect the residential amenities of nearby occupiers. To comply with Policies SADM3 and SADM30 of the Site Allocations and Development Management Policies Plan 2016 and Policy CS22 of the Hertsmere Core Strategy 2013.

14. Prior to first occupation of the development, a scheme and strategy of implementation for the provision of adequate water supplies and fire hydrants, necessary for firefighting purposes shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented in accordance with the approved details. The measures shall be implemented in accordance with the approved strategy for implementation and retained in perpetuity.

Reason: To ensure adequate water infrastructure provision is made on site for the local fire service to discharge its statutory firefighting duties, as required by Policy SP1 of the Core Strategy 2013.

15. Prior to the commencement of development (excluding site clearance, but prior to and including any alterations of existing ground levels), detailed levels, diagrams and sections, showing the existing and proposed levels throughout the site and finished floor levels in relation to a fixed datum point shall be submitted to and approved in writing by the planning authority. Thereafter the development shall be constructed in accordance with the approved levels, diagrams and sections.

Reason: To ensure that the levels are acceptable at this location and would not result in harm to visual or residential amenities, as required by policies SP1, CS22 and SADM30 of the adopted Development Plan.

16. Prior to the commencement of works above damp proof course (excluding demolition) a scheme of landscaping and boundary treatments, phased in relation to any phasing of the development, which shall include details of both hard and soft landscape works, earthworks, and boundary treatments have been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be in accordance with the principles established within the Landscape Framework and shall include:

- o Planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants noting species, plant sizes and proposed numbers/ densities;

- o A statement explaining how the species and provenance of the proposed tree and hedgerow planting has been selected to be resilient to climate change and biosecurity;

- o Existing and proposed finished levels and contours showing earthworks and mounding (where appropriate); surfacing materials; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulations areas; hard surfacing materials; minor artefacts and structures (for example refuse and/or other storage units, lighting and similar features); proposed and existing functional services above and below ground (for example drainage, power, communications cables and pipelines, indicating lines, manholes, supports and other technical features); details of play area, including play equipment; retained historic landscape features and proposals for restoration where relevant;

Any hard surfaces included within the landscaping scheme shall be porous unless otherwise agreed by the Local Planning Authority.

Reason: To ensure a suitable scheme of soft and hard landscaping works and replacement tree planting in accordance with the requirements of Policy CS12 of the Hertsmere Core Strategy 2013 and Policy SADM12 of the Site Allocations and Development Management Policies Plan 2016.

17. Prior to first occupation of the development a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas (other than small, privately owned, domestic gardens) shall be submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved management plan.

Reason: To ensure satisfactory landscape treatment of the site which will enhance the character and appearance of the site and the area. To comply with Policy SADM12 of the Site Allocations and Development Management Policies Plan 2016 and Policies CS12 and CS22 of the Hertsmere Core Strategy 2013.

18. Prior to the commencement of works above damp proof course a scheme of landscaping, phased in relation to any phasing of the development shall be submitted, which shall include details of both hard and soft landscape works and earthworks, has been submitted to, and approved in writing by, the Local Planning Authority. The scheme as approved shall be carried out in the first planting season following the completion of each development phase. Any trees, shrubs or plants that die within a period of five years from the completion of each development phase, or are removed and/or become seriously damaged or diseased in that period, shall be replaced (and if necessary continue to be replaced) in the first available planting season with others of similar size and species, unless the Local Planning Authority gives prior written permission for any variation.

Reason: To ensure satisfactory landscape treatment of the site which will enhance the character and appearance of the site and the area. To comply with Policy SADM12 of the Site Allocations and Development Management Policies Plan 2016 and Policies CS12 and CS22 of the Hertsmere Core Strategy 2013.

19. Prior to their first use on site, a detailed schedule of materials to be used on the external surfaces of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved materials schedule.

Reason: To ensure a suitably high quality finish is achieved in the interests of visual amenity. To comply with Policies CS22 and SADM30 of the Development Plan

20. Any windows serving non-habitable rooms (such as a bathroom or hallway) to be created on the first and/or second floor side elevations of the development hereby approved shall be fully obscure glazed (to Pilkington Level 3 or equivalent) and non-opening below a height of 1.75 metres measured from the internal finished floor level. The windows shall be retained in their approved form in perpetuity.

Reason: To satisfactorily protect the residential amenities of nearby occupiers. To comply with Policies SADM3 and SADM30 of the Site Allocations and Development Management Policies Plan 2016 and Policy CS22 of the Hertsmere Core Strategy 2013.

21. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order with or without modification), no development of the types described in Schedule 2, Part 1, Classes B, D and F shall be carried out without the grant of planning permission from the Local Planning Authority.

Reason: To ensure that the finished appearance of the development will enhance the character and visual amenities of the area, and to protect neighbouring amenity and the amenity of future occupiers. To comply with Policies CS22 and SADM30 of the Development Plan.

22. The development shall hereby be carried out in accordance with the submitted details of bicycle, refuse and recycling storage facilities unless otherwise agreed in writing by the Local Planning Authority. The facilities hereby approved shall be implemented in full accordance with the approved details and retained in perpetuity.

Reason: To ensure a choice of sustainable transport options are provided, to ensure that the future occupiers have a practical means of waste disposal and recycling, and in the interests of the character and appearance of the area, in accordance with Policies SP1, CS16, CS22, CS25, CS26 of the Hertsmere Local Plan Core Strategy (2013), Policies SADM19, SADM30 and SADM40 of the Site Allocations and Development Management Policies Plan (2016) and the National Planning Policy Framework (2024).

23. Notwithstanding the provisions of Schedule 2, Part 2, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), no gate, fence, wall or other means of enclosure shall be erected or constructed along the front boundary of the site without the prior written permission of the Local Planning Authority.

Reason: To ensure that the finished appearance of the development will enhance the character and visual amenities of the area, and to protect neighbouring amenity and the amenity of future occupiers. To comply with Policies CS22 and SADM30 of the Development Plan.

24. Prior to the commencement of development, the following will be undertaken:

1. Evidence of an agreement in principle from the landowner to cross 3rd party land to discharge to the Thames Water sewer for the

gravity option.

2. OR . In the event that an agreement in principle could not be secured, and the pumped system is the only viable solution, the residual risk of flooding associated with pump failure must be assessed. The following information will be required: A detailed drainage layout plan clearly identifying:
 - o The location of the pumping station.
 - o The point of discharge (outfall) to the receiving Thames Water surface water sewer.

Construction drawings of the surface water drainage network, associated sustainable drainage components and flow control mechanisms and a construction method statement, this should include all new residential dwellings to have a finished floor level raised a minimum of 300mm above any flood level and 150mm above the surrounding proposed ground level unless otherwise first approved and agreed in writing by the local planning authority. The scheme shall then be constructed as per the agreed drawings, method statement, FRA & Drainage Strategy (Land at Whomsoever Lane, Bushey, WD23 1LD, Flood Risk Assessment and SuDS Report, Land South of Merry Hill Road, Bushey, Hertfordshire, February 2026, reference - FRA & SuDS | Land at Whomsoever Lane, revision - E), and remaining in perpetuity for the lifetime of the development unless agreed in writing by the Local Planning Authority. No alteration to the agreed drainage scheme shall occur without prior written approval from the Local Authority.

Reason: To ensure that the development achieves a high standard of sustainability and to comply with NPPF and Policies of Hertsmere Borough Council.

25. The development hereby approved shall not be occupied until details of the maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall be implemented prior to the first occupation of the development hereby approved and thereafter managed and maintained in accordance with the approved details in perpetuity. The Local Planning Authority shall be granted access to inspect the sustainable drainage scheme for the lifetime of the development. The details of the scheme to be submitted for approval shall include:
 - I. a timetable for its implementation.
 - II. details of SuDS feature and connecting drainage structures and maintenance requirement for each aspect including a drawing showing where they are located. Hertfordshire County Council
 - III. a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable

drainage scheme throughout its lifetime. This will include the name and contact details of any appointed management company.

Reason: To ensure that the development achieves a high standard of sustainability and ensure the flood risk is adequately addressed for each new dwelling and not increased in accordance with NPPF and Policies of Hertsmere Borough Council.

26. Development shall not commence until details and a method statement for interim and temporary drainage measures during the demolition and construction phases have been submitted to and approved in writing by the Local Planning Authority. This information shall provide full details of who will be responsible for maintaining such temporary systems and demonstrate how the site will be drained to ensure there is no increase in the off-site flows, nor any pollution, debris and sediment to any receiving watercourse or sewer system. The site works and construction phase shall thereafter be carried out in accordance with approved method statement, unless alternative measures have been subsequently approved by the Planning Authority.

Reason: To prevent flooding and pollution offsite in accordance with the NPPF.

27. Upon completion of the surface water drainage system, including any SuDS features, and prior to the first use of the development; a survey and verification report from an independent surveyor shall be submitted to and approved in writing by the Local Planning Authority. The survey and report shall demonstrate that the surface water drainage system has been constructed in accordance with the details approved pursuant to condition 24. Where necessary, details of corrective works to be carried out along with a timetable for their completion, shall be included for approval in writing by the Local Planning Authority. Any corrective works required shall be carried out in accordance with the approved timetable and subsequently re-surveyed with the findings submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the flood risk is adequately addressed, not increased and users remain safe for the lifetime of the development in accordance with NPPF and Policies of Hertsmere Borough Council.

GENERAL REASON(S) FOR GRANTING PERMISSION

1. The proposed development is situated on grey belt land and does not constitute inappropriate development in the Green Belt. Whilst landscape harm and moderate harm to private amenity have been identified, the benefits arising from the development would be substantial such that they clearly and demonstrably outweigh the harms. Consequently, the proposal would therefore comply with the requirements of the NPPF, the Core Strategy 2013, Site Allocations and Development Management Policies Plan 2016, and the relevant supplementary

planning documents.

INFORMATIVES

1. This development will involve the numbering of properties and/or the naming of new streets. The applicant **MUST** apply to the Borough Council's Street Naming and Numbering Section before any number or name is used. This is a requirement of the Public Health Act 1925 (sections 17-19) and Town Improvement Clauses Act 1847 (Section 64-65).
2. The Council has determined that your proposal is a chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended). Should your development be liable for a payment, the Council will shortly write to you with a CIL Liability Notice. The notice will contain details of any sums owed, the collection process and details of relief that may be applicable.
3. To obtain advice regarding current Building Regulations please contact Hertfordshire Building Control Ltd. by emailing us at buildingcontrol@hertfordshirebc.co.uk or phoning us on 01438 879990. To make a building regulations application please apply through our website portal at <https://www.hertfordshirebc.co.uk/contact-us/payment> can be made online or by phoning the above number after the application has been uploaded. Please phone us for fees guidance on 01438 879990.

We can also be contacted by post at Hertfordshire Building control Ltd., 4th Floor, Campus West, Welwyn Garden City, Hertfordshire, AL8 6BX. Once a building regulations application has been deposited with relevant drawings and fee building work may commence. You will be advised in our acknowledgement letter of the work stages we need to inspect but in most instances these are usually:

- Excavation for foundations
- Damp proof course
- Concrete oversite
- Insulation
- Drains (when laid or tested)
- Floor and Roof construction
- Work relating to fire safety
- Work affecting access and facilities for disabled people
- Completion

Please phone 01438 879990 before 10.00am to ensure a same day inspection (Mon - Fri).

Party Wall etc. Act 1996

Any work that affects a party wall, including foundations dug within 3.0m of a neighbouring building, may be controllable under the Act and may require approval from the adjoining owner(s). Party Wall Act matters are always civil matters and it is neither Hertsmere Borough Council's nor Hertfordshire Building Control Ltd's remit to control or enforce Party Wall act matters. Please refer to the Government's explanatory booklet The Party Wall etc. Act 1996, a copy of which is available online at <https://www.gov.uk/government/publications/the-party-wall-etc-act-1996-revised-explanatory-booklet>

4. If bats, or evidence of them, are discovered during the course of works, work must stop immediately, and advice sought on how to proceed lawfully from an appropriately qualified and experienced Ecologist or Natural England to avoid an offence being committed.
5. In order to protect breeding birds, their nests, eggs and young, development should only be carried out during the period October to February inclusive. If this is not possible then a pre-development (i.e. no greater than 48 hours before clearance begins) search of the area should be made by a suitably experienced ecologist. If active nests are found, then works must be delayed until the birds have left the nest or professional ecological advice taken on how best to proceed
6. UK Power Networks note there are overhead cables on the site running within close proximity to the proposed development. Prior to commencement of work accurate records should be obtained from Plan Provision Department at UK Power Networks, Fore Hamlet, Ipswich, IP3 8AA.

In the instance of overhead cables within the vicinity, All works should be undertaken in line with GS6 guidelines as published by the HSE

Should any diversion works be necessary because of the development then enquiries should be made to the Customer Connections department. The address is UK Power Networks, Metropolitan house, Darkes Lane, Potters Bar, Herts, EN6 1AG.

The applicant can also find support and application forms on their website [Moving electricity supplies or equipment | UK Power Network](#)

7. AN1) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence.
Further information is available via the website:
<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

8. AN2) Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website:
<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.
9. AN3) Debris and deposits on the highway: It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made-up carriageway, or any or other debris on a highway to the interruption of any highway user. Section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development and use thereafter are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available by telephoning 0300 1234047.
10. AN4) Avoidance of surface water discharge onto the highway: The applicant is advised that the Highway Authority has powers under section 163 of the Highways Act 1980, to take appropriate steps where deemed necessary (serving notice to the occupier of premises adjoining a highway) to prevent water from the roof or other part of the premises falling upon persons using the highway, or to prevent so far as is reasonably practicable, surface water from the premises flowing on to, or over the footway of the highway.
11. AN5) Works within the highway (section 278): The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the County Council website at:
<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx> or by telephoning 0300 1234047.

12. AN6) The Public Footpath: Should remain unobstructed by vehicles, machinery, materials, tools and any other aspects of the construction during works. Safe passage past the site should be maintained at all times for the public using this route. The condition of the route should not deteriorate as a result of these works. Any adverse effects to the surface from traffic, machinery or materials (especially overspills of cement & concrete) should be made good by the applicant to the satisfaction of the Highway Authority. No materials shall be stored or left on the Highway including Highway verges. If the above conditions cannot reasonably be achieved, then a Temporary Traffic Regulation Order (TTRO) would be required to close the affected route and divert users for any periods necessary to allow works to proceed, for which a fee would be payable to Hertfordshire County Council. Further information is available via the County Council website at <https://www.hertfordshire.gov.uk/services/recycling-waste-and-environment/countryside-access/rights-of-way/rights-of-way.aspx> or by contacting Rights of Way, Hertfordshire County Council on 0300 123 4047
13. Noise control
1. All works and ancillary operations which are audible at the site boundary, or at such other place as may be agreed with the Council, shall be carried out only between the hours of :
8.00am and 6.00pm on Mondays to Fridays
8.00am and 1.00pm Saturdays
and at no time on Sundays and Bank Holidays
 2. The best practicable means, as defined in section 72 of the Control of Pollution Act 1974, to reduce noise to a minimum shall be employed at all times
 3. All plant and machinery in use shall be properly silenced and maintained in accordance with the manufacturers instructions
 4. All compressors shall be sound reduced models, fitted with properly lined and sealed acoustic covers, which shall be kept closed whenever the machines are in use. All ancillary pneumatic percussive tools shall be fitted with mufflers or silencers of the type recommended by the manufactures.
 5. All machines in intermittent use shall be shut down during intervening periods between work, or throttled down to a minimum. Noise emitting equipment, which is required to operate continuously, shall be housed in suitable acoustic enclosures.
 6. Items of plant and equipment shall be maintained in good condition so that extraneous noise from mechanical vibration, squeaking or creaking is reduced to a minimum.
 7. All pile driving shall be carried out by a recognised noise reducing system.
 8. Where practical, rotary drills and bursters, actuated by hydraulic or electric power shall be used for excavating hard material
 9. In general, equipment for breaking concrete and the like, shall be hydraulically actuated.
 10. BS 5228 Noise Control on Construction Sites should be referred to for guidance in respect of all work carried out by the developer, their main

contractor and any sub contractors.

11. Any emergency deviation from these conditions shall be notified to the Council without delay

12. Any planned deviations from these conditions for special technical reasons, shall be negotiated with Council at least 14 days prior to the commencement of the specific work.

13. Permissible noise levels are not specified at this stage.

14. Dust control

1. All efforts shall be made to reduce dust generation to a minimum.

2. Stock piles of materials for use on the site or disposal, that are likely to generate dust, shall be sited so as to minimise any nuisance to residents or neighbouring businesses. Materials for disposal shall be moved off site as quickly as possible.

3. Water sprays shall be used, as and when necessary, to reduce dust from particularly "dusty" activities or stock piles

15. A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing trade.effluent@thameswater.co.uk . Application forms should be completed on line via www.thameswater.co.uk. Please refer to the Wholesale; Business customers; Groundwater discharges section.

16. The proposed development is located within 15 metres of Thames Waters underground assets and as such, the development could cause the assets to fail if appropriate measures are not taken. Please read our guide 'working near our assets' to ensure your workings are in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures.

<https://www.thameswater.co.uk/developers/larger-scale-developments/planning-yourdevelopment/working-near-our-pipes> Should you require further information please contact Thames Water. Email: developer.services@thameswater.co.uk Phone: 0800 009 3921 (Monday to Friday, 8am to 5pm) Write to: Thames Water Developer Services, Clearwater Court, Vastern Road, Reading, Berkshire RG1 8D

17. Planning permission has been granted for this proposal. The Council acted pro-actively through engagement with the applicant during the application which lead to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the National Planning Policy Framework (paragraph 39) and in accordance with The Town and Country Planning (Development Management Procedure) (England) Order 2015.

18. In accordance with Section 93G of the Town and Country Planning Act 1990 (as amended). Notification must be given of commencement of the development hereby approved. Before the development is begun, the person proposing to carry out the development must give a notice to the Local Planning Authority specifying the date on which the person expects the development to be begun. Further details can be found online.
Town and Country Planning Act 1990 (legislation.gov.uk)
Notifications should be sent to planning@hertsmere.gov.uk
19. The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition)" that development may not begin unless:
(a) a Biodiversity Gain Plan has been submitted to the planning authority, and
(b) the planning authority has approved the plan.
The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Hertsmere Borough Council.

Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements listed below are considered to apply.

Case Officer Details

Holly Holt - email address holly.holt@hertsmere.gov.uk

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IN THE MATTER OF LAND WEST OF ROBINSON CRESCENT AND SOUTH OF MERRY HILL
ROAD, BUSHEY, HERTFORDSHIRE

ADVICE

1. I am asked to advise Hertsmere District Council in relation to a planning application 25/1815/FUL (“the Application”) that has been submitted for Land West of Robinson Crescent and South of Merry Hill Road, Bushey (“the Site”). The Application went to planning committee on 14 May 2026 with an officer recommendation for approval. Members were not satisfied and voted to defer the application in part because they wanted a legal opinion on whether the Site represents grey belt¹.
2. I am asked to advise on whether the Site constitutes grey belt land. That question is ultimately in many respects a question of planning judgment not a question of law. This advice therefore focusses on whether officer’s conclusion that the Site is grey belt properly applies the policy tests and is consistent with the evidence. I also consider whether there is any evidence that could support a conclusion that the Site is not grey belt.

SUMMARY OF ADVICE

3. I have considered the officer’s recommendation against the evidence provided in the LVIA, Built Heritage Report, Planning Statement, and Design and Access statement. I have also watched the webcast of the Application being considered

¹ A legal opinion has been provided by Gwion Lewis KC on behalf of the applicants but I understand that members wanted an opinion from someone instructed by the Council. I have obviously read the opinion provided by the developers and reached my own view.

by Hertsmere's Planning Committee in May to understand the concerns that were being raised. In light of all of those factors:

- a. The officer's conclusion that the Site constitutes grey belt applies the correct criteria, is consistent with the evidence and is an entirely reasonable exercise of officer's planning judgment. Any other conclusion would, on the evidence I have seen, be very difficult to sustain.
 - b. Similarly officer's conclusions that the Site meets the other criteria in paragraph 155 of the NPPF is soundly based and I have seen no evidence or sustainable arguments which suggest any other conclusion should be reached.
4. In the circumstances I think that an inspector on appeal would be very likely to conclude that the proposal is not inappropriate in the Green Belt. It follows that the tilted balance in paragraph 11 of the NPPF is applicable and permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits assessed in line with paragraph 11(d)(ii).

BACKGROUND

5. The Site is located in the Green Belt, by the Bushey Heath urban area. Access to the Site is from Merry Hill Road to the north. On the other side of Merry Hill Road from the proposed access is a Grade II listed building Myholme.
6. The Site has existing residential development on Merry Hill Road to the north along with an electricity substation. To the east is development at Woodpecker Close and Robinson Crescent, along with the Hill Mead Nature Park. To the south is residential development at Prowse Avenue. To the west is the Hartsbourne Golf Course.
7. The entirety of the Site falls within Flood Zone 1. There are small areas of low-medium surface water flood risk to the south of the site and an area of low surface water risk to the north-west of the Site.

8. The Application is for:

“erection of residential units (Class C3), access alterations, new landscaping, car parking, cycle storage and other associated works”

9. The Application is a full application for 28 homes.

IS THE APPLICATION FOR INAPPROPRIATE DEVELOPMENT IN THE GREEN BELT

Policy Guidance

10. NPPF paragraph 153 provides that inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. Therefore it is important to understand whether a proposal is inappropriate development. Pursuant to NPPF paragraph 154 development in the Green Belt is inappropriate unless one of a number of exceptions apply. None of the exceptions apply in this case.

11. Importantly paragraph 155 of the NPPF now provides that the development of (inter alia) homes in the Green Belt should not be regarded as inappropriate where the following apply:

- a. The development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan;
- b. There is a demonstrable unmet need for the type of development proposed;
- c. The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework; and
- d. Where applicable the development proposed meets the ‘Golden Rules’ requirements set out in paragraphs 156-157 below.

Grey Belt

12. Therefore the first question is whether the proposal constitutes grey belt land.

Grey belt land is defined in the glossary of the NPPF as follows (emphasis added):

Grey belt: *For the purposes of plan-making and decision-making, ‘grey belt’ is defined as land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not **strongly contribute** to any of purposes (a), (b), or (d) in paragraph 143. ‘Grey belt’ excludes land where the application of the policies relating to the areas or assets in footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development.*

13. It is common ground that the site does not constitute previously developed land.

Therefore the question is whether the Site **strongly contributes** to purposes (a) (b) or (d) in paragraph 143. Paragraph 143 provides:

Green Belt serves five purposes:

- a) to check the unrestricted sprawl of large built-up areas;*
- b) to prevent neighbouring towns merging into one another;*
- c) to assist in safeguarding the countryside from encroachment;*
- d) to preserve the setting and special character of historic towns; and*
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.*

Purpose (a) Check unrestricted sprawl of large built-up areas

14. The Planning Practice Guidance (PPG) sets out some considerations for considering the contribution that schemes make to purpose (a). It provides:

Purpose A – to check the unrestricted sprawl of large built up areas

This purpose relates to the sprawl of large built up areas. Villages should not be considered large built up areas.

Contribution	Illustrative features
Strong	Assessment areas that contribute strongly are likely to be free of existing development, and lack physical feature(s) in reasonable proximity that could restrict and contain development. They are also likely to include all of the following features: - be adjacent or near to a large built up area - if developed, result in an incongruous pattern of development (such as an extended “finger” of development into the Green Belt)
Moderate	Assessment areas that contribute moderately are likely to be adjacent or near to a large built up area, but include one or more features that weaken the land’s contribution to this purpose a, such as (but not limited to): - having physical feature(s) in reasonable proximity that could restrict and contain development - be partially enclosed by existing development, such that new development would not result in an incongruous pattern of development - contain existing development - being subject to other urbanising influences
Weak or None	Assessment areas that make only a weak or no contribution are likely to include those that: - are not adjacent to or near to a large built up area - are adjacent to or near to a large built up area, but containing or being largely enclosed by significant existing development

15. The Council have commissioned a Green Belt Assessment produced by AECOM in April 2026. That assessment sought to classify the settlements in the Hertsmere Borough Council area. It identified that the only Borehamwood was considered to be a large built up area (§2.3.5). Bushey/Bushey Heath was not considered to be a large built up area.
16. I have been provided with no evidence to explain why Bushey should be regarded as a large built up area and I note that if the Council were to argue that Bushey should be regarded as a large built up area they would be contradicting evidence they have commissioned as part of their emerging local plan.
17. Therefore it seems to me that on the evidence I have been given the Site is likely to make a weak or no contribution to purpose A because it is not adjacent to a large built up area. That is also the conclusion that AECOM reached when assessing the Site in the Green Belt Assessment. The Site is Assessment Area BU-016 within that report. The AECOM Green Belt Assessment concludes that the Site “does not contribute towards purpose A because it is not adjacent to or near to a large built up area”.
18. Even if contrary to the above Bushey could be regarded as a large built up area, the PPG indicates that a location is only likely to strongly contribute to purpose (a) if it lacks physical features in reasonable proximity that could restrict and contain the development and also if developed is likely to result in an incongruous pattern of development such as an extended ‘finger’ of development into the Green Belt.
19. Officers have assessed those factors. They conclude that the Application (if permitted) would read as an edge of settlement development rounding off the settlement. In my view that is an entirely reasonable judgment applying the correct criteria. Figure 2 of the Officer’s Report shows clearly using images from

the applicant's design and access statement how the proposal would represent a rounding off of the settlement.

20. I note that at the Committee Meeting local residents produced their own drawing showing that the development would not be exactly aligned with properties on Prowse Avenue and Merry Hill Road. That may well be the case but it seems to me that evidence falls significantly short of showing that the Site if developed would represent an incongruous pattern of development which is what the PPG refers to.

21. Officers have also concluded that the Golf Course represents a physical feature in reasonably proximity that could restrict and contain development. I also consider that to be a reasonable judgment. I was initially slightly concerned on this point given that the Golf Course has been assessed in the Green Belt review and it is possible it may be proposed for development (although so far as I am aware it is not included in the draft HELAA 2024 and there is no planning application on it so as far as I am aware there is no particular reason to conclude it is likely to come forwards). Even if the Golf Course were to be proposed for development it is clear from the photographs that there is significant vegetation both on the boundary between the Site and the Golf Course (albeit it appears to be gappier in places) and to the west of the Golf Course. Therefore in my view the assessment that the Site is part of a stretch of land that has physical features that could restrict and contain development is a reasonable one.

22. Even if that were not the case in my view it would remain very difficult to argue that this Site strongly contributes to purpose (a) for the reasons I have discussed above.

23. Based on all of the evidence I have seen, even if Hertsmere were to argue contrary to their own evidence base that the Site was adjacent to a large built up area, I have not seen any evidence which could found a case that the proposal would result in an 'incongruous pattern of development'. The evidence strongly supports officer's judgments that it would not result in an incongruous pattern of

development. In the circumstances it would be very difficult to argue it ‘strongly contributes’ to purpose (a).

Purpose (b) To prevent neighbouring towns merging into one another

24. As set out above the AECOM report assesses Bushey/Bushey Heath to be a town. I note that is disputed in the applicant’s planning statement (§6.26). The planning statement does not explain why it considers that Bushey is not a town. Given that the AECOM report provides a reasoned justification on the classification of various settlements I have written this advice on the assumption it could, if necessary, be shown that Bushey is a town. I should emphasise that I am not reaching a conclusion on this point.

25. The PPG again provides guidance on when an area of Green Belt land may strongly contribute to the aim of preventing neighbouring towns from merging into one another. That provides:

This purpose relates to the merging of towns, not villages.

Contribution	Illustrative Features
Strong	Assessment areas that contribute strongly are likely to be free of existing development and include all of the following features: - forming a substantial part of a gap between towns - the development of which would be likely to result in the loss of visual separation of towns
Moderate	Assessment areas that contribute moderately are likely to be located in a gap between towns, but include one or more features that weaken their contribution to this purpose, such as (but not limited to):

Contribution	Illustrative Features
	- forming a small part of the gap between towns - being able to be developed without the loss of visual separation between towns. This could be (but is not limited to) due to the presence or the close proximity of structures, natural landscape elements or topography that preserve visual separation
Weak or None	Assessment areas that contribute weakly are likely to include those that: - do not form part of a gap between towns, or - form part of a gap between towns, but only a very small part of this gap, without making a contribution to visual separation

26. As set out in the Officer's Report, the Site does form part of the gap between Bushey and South Oxhey and Bushey and Watford. The AECOM Report identifies that Watford is to be regarded as a large built up area and South Oxhey as a town (Table 2.1 and §2.3.6). Therefore on the evidence I have seen the Site can be regarded as part of a gap between towns potentially engaging purpose (b).

27. It is, however, clear that officer's judgment that the Site only comprises a small part of the gap between the towns is a reasonable one. Plan 1 in the LVIA shows the extent of the gap between the towns adjacent to the Site and makes the point very clear. Although I do not believe I have seen it measured anywhere the gap between South Oxhey and Bushey looks to be a kilometre or more at this point and the Site is only a small part of that gap.

28. Given that I do not think that the Site can credibly said to form any more than a small part of the gap between towns the PPG guidance suggests that its contribution to purpose (b) is at best moderate. I do not see that there is any way that Hertsmere can sensibly argue that the Site forms a ‘substantial part’ of the gap between Bushey and South Oxhey nor between Bushey and Watford.
29. Furthermore I have been provided with no evidence that developing the Site would be likely to result in a loss of visual separation between the towns. The evidence I have seen suggests that it would not result in a loss of visual separation. The LVIA does not specifically contain a viewpoint from the edge of South Oxhey but it is clear from the assessment in that document that the Site is visually well contained (§4.38) and it specifically states that there are no longer distance views possible (§4.45). Viewpoint 9 is a mid distance view that is closest to South Oxhey and the LVIA concludes that the completed development would not be visible from this viewpoint due to the presence of intervening boundary woodland.
30. On the evidence I have seen officer’s conclusions that the Site makes a weak contribution to purpose (b) is entirely reasonable. It is also consistent with the assessment of the Site in the AECOM Green Belt Assessment which concludes that the Site “comprises a very small part of the gap between Bushey and Watford, and Bushey and South Oxhey” and that the Site “does not make any contribution to visual separation”.
31. In light of the above I do not think that Hertsmere can credibly conclude that the Site strongly contributes to purpose (b).

Preserve the setting and special character of historic towns

32. The AECOM Green Belt Assessment concludes that Bushey is not a historic town so this criteria cannot be relevant (§2.4.1). I have been provided with no evidence to call that conclusion into question and I do not think that any of the objectors

who spoke at the Committee Meeting were seeking to argue that Bushey should be regarded as a historic town.

33. In the circumstances Bushey cannot make a strong contribution to criteria (d).

Footnote 7

34. In the light of the above the Officer's Conclusion that the Site does not make a strong contribution to any of purposes (a) (b) or (d) is an entirely reasonable one which is consistent with the evidence and reached on appropriate criteria. I have seen no evidence that would support an alternative conclusion. Therefore the Site is to be regarded as grey belt unless "the application of the policies relating to areas or assets in footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development".

35. Footnote 7 provides:

The policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 194) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, a National Landscape, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 75); and areas at risk of flooding or coastal change.

36. The only policies potentially relevant are those relating to designated heritage assets and those relating to areas at risk of flooding or coastal change.

37. In respect of heritage assets the Site is in proximity to the Grade II listed building Myholme. The applicant assessed the impact of the proposal on the significance of Myholme in a heritage impact assessment. They concluded that the proposal brings about a change in the setting of Myholme but that change is not considered

harmful and that the significance of Myholme remains wholly unaffected (§4.15). Place Services provided Hertsmere with historic buildings advice on the application. They expressed no concerns about the impact of the proposed houses on Myholme due to the changes that have already occurred in the setting and intermediate vegetation. However, they were initially concerned about the impact of the changes to the access to the Site. Having regard to a CGI of those changes Place Services conclusion was that the proposed access did not detract from appreciation of the listed building or cause any harm to its significance.

38. Therefore both heritage professionals who have considered this application have concluded that the Application will cause no harm to the significance of Myholme. I have seen no evidence which calls into doubt those conclusions. In the absence of such evidence I do not consider that heritage policies in the NPPF would provide a 'strong reason' for refusing or restricting development.

39. In relation to flooding, the Site is in flood zone 1. In respect of pluvial flooding the Site is partially at low to medium risk of flooding. There are two areas shown to be at risk, a slim section running through the centre of the site and a southern flow path. The Flood Risk Assessment identifies mitigation measures for the identified risks and concludes that with the application of mitigation measures site occupiers and users will remain safe from current and future surface water flood risk.

40. The PPG makes it clear that where site specific flood risk assessment demonstrates clearly that occupiers and users would remain safe from current and future surface flood risk for the lifetime of the development without increasing flood risk elsewhere the sequential test need not be applied.

41. In light of the Flood Risk Assessment the Senior Flood Risk and SuDS officer offered no objection to the development subject to conditions and informatives.

42. In the circumstances it seems to me that it was entirely open to officers to conclude that NPPF policies on flooding would not provide a strong reason for refusing or restricting development.

43. Therefore I do not consider on the evidence that I have been provided with that there are any footnote 7 policies which would provide a strong reason for refusing or restricting development. In the circumstances it is my view that officers were clearly entitled to conclude the Site is grey belt and I have seen no evidence to support a sustainable argument that the Site is not grey belt.

Other paragraph 155 considerations

44. It is of course right that a conclusion the Site constitutes grey belt land does not by itself mean that the Application can be regarded as not inappropriate in the Green Belt. All of the four criteria in paragraph 155 have to be met. I turn to each of these.

Paragraph (a)-the development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan

45. I have dealt with the question of grey belt above. In respect of the second part of the criteria officers conclude that the Application would not fundamentally undermine the purposes taken together of the remaining Green Belt across the area of the plan.

46. The PPG provides at Paragraph: 008 Reference ID: 64-008-20250225:

How can the impact of releasing or development on the remaining Green Belt in the plan area be assessed?

A Green Belt assessment should also consider the extent to which release or development of Green Belt land (including but not limited to grey belt land) would

fundamentally undermine the purposes (taken together) of the remaining Green Belt across the plan area as whole.

In reaching this judgement, authorities should consider whether, or the extent to which, the release or development of Green Belt Land would affect the ability of all the remaining Green Belt across the area of the plan from serving all five of the Green Belt purposes in a meaningful way.

47. While that part of the PPG on its face applies to the carrying out of a Green Belt Assessment, the PPG at paragraph 9 makes it clear that when determining an application involving grey belt land authorities should consider in light of the PPG and the NPPF whether the proposal would fundamentally undermine the purposes of the remaining Green Belt across the plan area. Therefore it seems to me that part of the PPG is relevant to consideration of individual applications.

48. The applicant has carried out an assessment of the contribution of the Site to all five purposes and concluded that the Site makes no contribution to purposes (b), (d) and (e) and limited contribution to purposes (a) and (c). Officers concluded that the site make no contribution to purposes (a), (b), (d) and (e), and its effect on purpose (c) is contained. Although those conclusions are not identical they both fall very far short of providing any evidence that the proposal would fundamentally undermine the purposes of the remaining Green Belt across the plan area.

49. Both conclusions are also supported by the AECOM Green Belt Assessment which considered which areas of the Green Belt in Hertsmere played a fundamentally important role in the maintenance of the Green Belt in the plan area. While it does identify an area of fundamental importance to the west of Bushey that does not include the Site. The AECOM Green Belt Assessment also acknowledges that if all of Sites BU-015 to BU-018 were developed this could fundamentally undermine the remaining Green Belt. As the Site is BU-016 it is included in that consideration. However it seems to me that the authors of the review are not suggesting that the development of any one of the sites would, by itself, fundamentally undermine the remaining Green Belt in the area.

50. While I recognise that there are elements of judgment in the extent to which development of a Site would harm the Green Belt purposes, it seems to me it is a high test to meet. I cannot see anything on the evidence that would allow Hertsmere to make a case that development of the Site would affect the ability of the remaining Green Belt in Hertsmere to serve the Green Belt purposes in a meaningful way.

Paragraph (b)-demonstrable unmet need for the type of development proposed

51. Footnote 56 of the NPPF explains that in the case of applications including the provision of housing, demonstrable unmet need means the lack of a five year supply of deliverable housing sites. It is agreed that Hertsmere do not have a five year housing land supply. In the circumstances there is undoubtedly unmet need as defined in the NPPF.

Paragraph (c) The development would be in a sustainable location with particular reference to paragraphs 110 and 115 of the NPPF

52. As set out in the applicant's planning statement, there are a number of shops and services on High Road Bushey, which they state is around a 15 minute walk from the Site. They also point out that Merry Hill Infant School is a 7 minute walk and that there are bus stops within 400m which provide links to higher order settlements they also point out that Bushey Railway Station is an 8 minute cycle or a short bus ride away.

53. Officers do not dispute those distances and on the basis of those matters reach the judgment that the Site is in a sustainable location. In my view that is an entirely reasonable judgment. While there are no objective standards for what constitutes a sustainable site in my view it would be difficult to persuade an Inspector on appeal that a site with the above characteristics was not sustainable.

Paragraph (d)-the development meets the ‘golden rules’

54. The golden rules are set out at paragraph 156 and provide that the following contributions should be made:

- a. affordable housing which reflects either: (i) development plan policies produced in accordance with paragraphs 67-68 of this Framework; or (ii) until such policies are in place, the policy set out in paragraph 157 below;
- b. necessary improvements to local or national infrastructure; and
- c. the provision of new, or improvements to existing, green spaces that are accessible to the public. New residents should be able to access good quality green spaces within a short walk of their home, whether through onsite provision or through access to offsite spaces.

55. As no policies have been produced in accordance with paragraphs 67-68 of the Framework, by default the Application has to provide 50% affordable housing to meet the golden rules. The proposal offers 50% affordable housing and that can be secured by section 106 agreement in the normal way.

56. In terms of necessary improvements to local or national infrastructure, officers have pointed to works to localised highway works. I understand these to be works to Whomsoever Lane and provision of tactile paving on Wren Close and Goldcrest Way crossing points, pedestrian drop kerbs and tactile crossing point on Merry Hil Road. Although these are only very localised infrastructure improvements it has not been suggested to me that there are any ‘necessary improvements’ that the scheme is not providing. Furthermore the scheme will also be liable for a CIL contribution which can be used towards infrastructure requirements.

57. Finally in relation to the provision of new or improvements to existing green spaces, the landscape strategy includes a central green, an orchard and woodland edge space. There are also links into the adjoining Hill Mead Nature Park. In the circumstances officers are plainly entitled to conclude that new

residents would be able to access good quality green space within a short walk of their home.

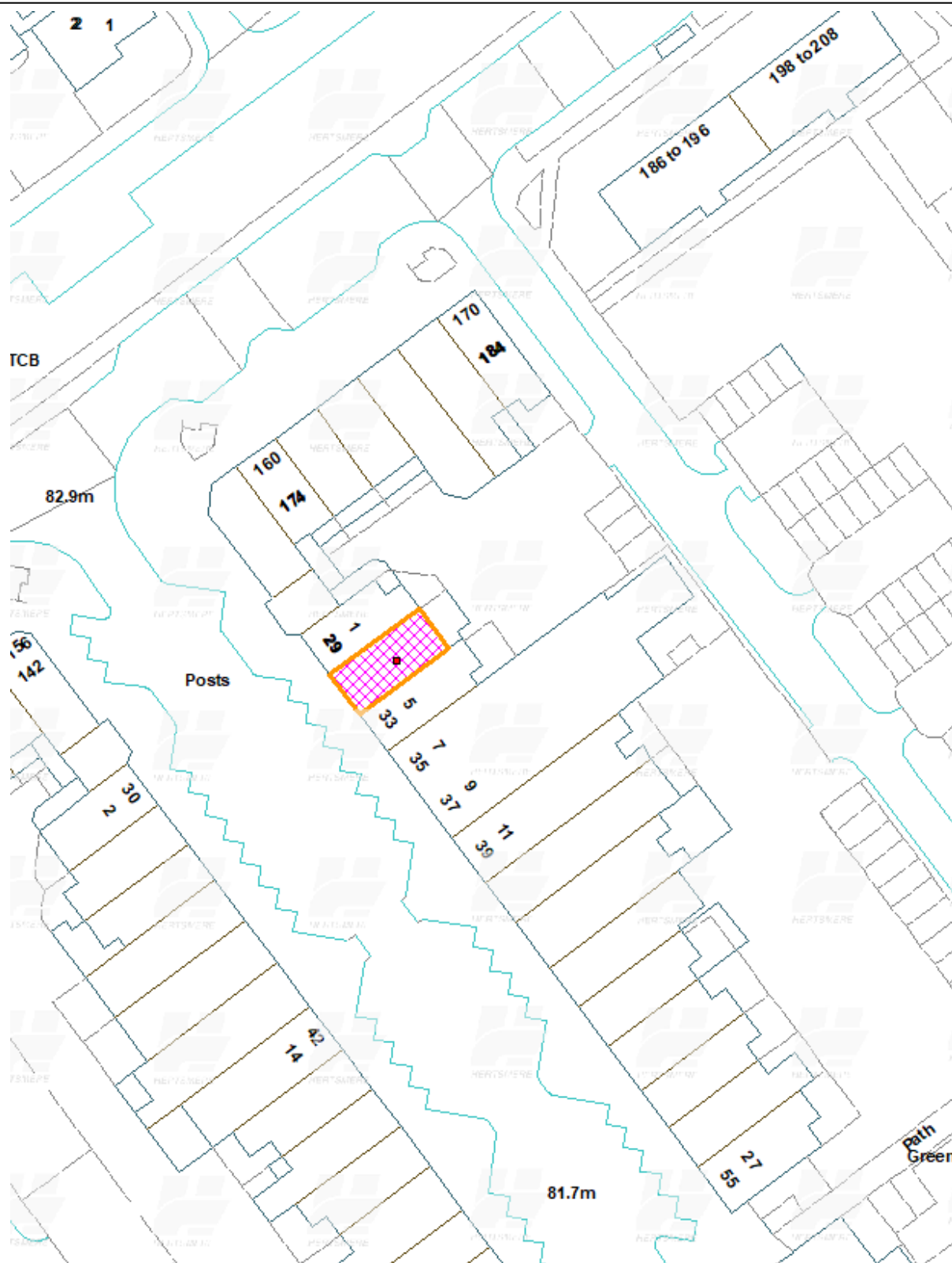
58. In the circumstances officers were plainly entitled to conclude that the criteria in paragraph 155 are met and again I consider on the evidence that I have seen that it would be difficult to run a sustainable argument to the contrary.

CONCLUSION

59. I have set out my conclusions above and do not repeat them here.

60. If I can be of any further assistance please do not hesitate to contact me.

CLARE PARRY
Cornerstone Barristers
19 June 2026



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	N  Scale 1:1250	3 Leeming Road, Borehamwood, Hertfordshire 26/0542/ADV	 HERTSMERE
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Committee Report

Date of Meeting: 16 July 2026

Case Officer Details

Brian Kam – Planning Officer

APPLICATION NO: 26/0542/ADV

DATE OF APPLICATION: 22 April 2026

STATUTORY START DATE: 22 April 2026

SITE LOCATION

3 Leeming Road, Borehamwood, Hertfordshire, WD6 4EB

DEVELOPMENT

Installation of 1x non-illuminated fascia sign, and interior window stickers
(Application for advertisement consent).

AGENT

Leith Kerr
19 Blunden Court
Farm Lane
Fulham
London
SW6 1PA

APPLICANT

Uyen Truong

119A Shenley Road
Borehamwood
London
WD6 1AG

WARD: Borehamwood Cowley Hill

GREEN BELT: No

CONSERVATION AREA: No

LISTED BUILDING : No

TREE PRES. ORDER: No

REASON FOR COMMITTEE CONSIDERATION

This application site is a Hertsmere Borough Council owned property.

1.0 EXECUTIVE SUMMARY & SUMMARY OF RECOMMENDATION

1.1 RECOMMENDATION

Grant Advertisement Consent subject to conditions

1.2 EXECUTIVE SUMMARY

1.2.1 Advertisement consent is sought for the installation of 1x non-illuminated fascia sign, and interior window stickers, to facilitate the use of the shop as a

Nail & Beauty Salon. For advertisement consents, the relevant considerations are amenity and public safety. The proposed fascia sign and window stickers would be similar to existing signs and stickers on the street and does not raise concerns in terms of amenity and public safety. Therefore, advertisement consent is recommended to be granted.

2.0 APPLICATION SITE AND SURROUNDINGS

- 2.1** The application site is a ground floor commercial unit currently vacant. Prior to vacancy, the shop was occupied by Jojoba Cosmetics, a Class E(a) retail shop for the sale of hair and beauty products. The shopfront features large window frames with blue stallriser on the ground and a matching blue door at the centre.
- 2.2** The shop is located on Leeming Road, which is designated as a 'local centre' by SADM45 of the Site Allocations and Development Management Policies Plan 2016. The street features a variety of retail / restaurant / service uses, with residential use on upper floors.

3.0 THE PROPOSAL

- 3.1** Installation of 1x non-illuminated fascia sign, and interior window stickers (Application for advertisement consent).
- 3.2** The proposed installations are to facilitate the use of the application site as a Nail & Beauty Salon. A concurrent application for a Lawful Development Certificate has been made to seek confirmation for the lawfulness of the use of the site as a Nail & Beauty Salon.
- 3.3** This application only concerns the proposed advertisements, and the only considerations are amenity and public safety. The use of the property is not considered within this application.

4.0 RELEVANT PLANNING HISTORY:

Reference number	Description	Date and outcome
26/0541/CLP	Use as a Nail & Beauty Salon (Class E). Certificate of lawful development (Proposed).	Concurrent application under consideration
TP/78/0920	NEW SHOP FRONT	Approval 25 Jan 1979
TP/78/0329	CHANGE OF USE FROM RETAIL SHOP TO CAR SALES SHOWROOM	Approval 07 Aug 1978
TP/76/0016	DOUBLE SIDED ILLUMINATED PROJECTING SIGN	Approval 19 Jun 1976
TP/75/5115	PROJECTING ILLUMINATED DOUBLE SIDED ADVERTISEMENT SIGN 28' X 18'	Approval 03 Nov 1975
TP/72/4199	SHOP FRONT	Approval 09 Nov 1972

5.0 CONSULTATION & RESPONSES

5.1 Notices

No Site Notice Required.

No Press Notice Required.

5.2 Summary of consultation responses

Consulted:

Consultee	Date Consulted
Elstree & Borehamwood Town Council	30 April 2026
Elstree & Borehamwood Residents Association	30 April 2026
Highways	30 April 2026

Responses:

Consultee	Response
Highways	No objection. Recommended informatives. <i>Officer's comment: recommended informatives have been included</i>

5.3 Neighbour responses

In Support	Against	Comments	Neighbours Notified	Contributors Received
0	0	0	12	0

6.0 PLANNING POLICY CONTEXT

Legislation

- The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended)
- The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO)

National Policy/Guidance

- National Planning Policy Framework 2024
- National Planning Practice Guidance
- National Design Guide
- Outdoor Advertisement and Signs: A Guide for Advertisers (2007)

The Development Plan

Adopted Hertsmere Local Plan:

Development Plan Document Core Strategy 2013

- SP1 Creating sustainable development
- CS22 Securing a high quality and accessible environment

Site Allocations and Development Management Policies Plan 2016

- SADM30 - Design Principles
- SADM40 - Highway and Access Criteria for New Development

Supplementary Planning Guidance / Documents

- Planning and Design Guide Part F: Shop Fronts (2011)

Other Considerations

- Equality Act 2010 (as amended)

7.0 ASSESSMENT AND REASONED JUSTIFICATION

7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that 'If regard is to be had to the development plan for the purposes of any determination to be made under the Planning Acts, the determination must be made in accordance with the development plan unless material considerations indicate otherwise'.

7.2 NPPF paragraph 141 states that "The quality and character of places can suffer when advertisements are poorly sited and designed. A separate consent process within the planning system controls the display of advertisements, which should be operated in a way which is simple, efficient and effective. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts."

7.3 Policy SADM30 of the Site Allocations and Development Management Policies Plan states that advertisement proposals will not be permitted unless they:

- i. are sensitively located within the street scene;
- ii. are well designed and relate carefully to the scale, design and architectural features of any building on which they are placed;
- iii. include only illumination which is well designed and appropriate to the character, scale and design of the building on which it is placed and the area in which it is situated; and
- iv. will not have a detrimental impact on public safety

7.4 Therefore, the development raises the following issues:

- Character and appearance
- Residential amenities
- Highways and public safety

- Equalities and diversity

7.5 Character and appearance

- 7.5.1 The NPPF, Policy CS22 of the Core Strategy 2013 and Policy SADM30 of the Site Allocations and Development Management Policies Plan 2016 emphasise the importance of new development maintaining or enhancing the character of its surroundings. The Planning and Design Guide Part F 2011 provides further guidance on shopfront designs.
- 7.5.2 The application proposal consists of a fascia shop sign and window stickers. While not included in the development description, the drawings also show that it is proposed for the stallrisers to be painted in white.
- 7.5.3 The painting of stallriser in white is permitted development as per Schedule 2, Part 1, Class C of the GPDO (exterior painting). The application is not a listed building and is not subject to other provisions restricting permitted development rights relating to exterior painting. The painting does not fall within the definition of advertisement and does not require planning permission.
- 7.5.4 The painting of stallrisers is considered coherent with the proposed advertisements and coherent with the character of the area, as white stallrisers are common in the surroundings. Therefore, the inclusion of white stallrisers in the drawings is not considered to raise any issues for this application.
- 7.5.5 The proposed fascia sign would feature white background and black 3D text. The 3D text is proposed to be 0.05m in depth, illuminated by yellow static LED lights.
- 7.5.6 Officers consider the proposed fascia sign to be in keeping with the character of other fascia signs in close proximity. The commercial street features shop fascia signs with varying colours and design. Subject to included conditions controlling the level of illumination, the fascia sign would not appear out of character.
- 7.5.7 The proposed window stickers are also in keeping with the character of the surroundings, considering this is a common way for surrounding shops to advertise their products and services.
- 7.5.8 Therefore, the proposal is considered acceptable in terms of character and appearance.

7.6 Residential amenities

- 7.6.1 Policy SADM30 of the Site Allocations and Development Management Policies Plan 2016 requires new development to not adversely impact the residential amenity of the neighbouring properties.
- 7.6.2 Leeming Road has upper floor residential units in close proximity to the application site.

- 7.6.3 The Planning and Design Guide SPD Part F advises that the luminance of illuminated signs should not exceed the level specified in The Institution of Lighting Engineers Technical Report 'Brightness of Illuminated Advertisements' (TR05). Conditions have been included to ensure the proposed signage would be in line with these standards.
- 7.6.4 Considering the area is as existing illuminated by street lighting, and that the fascia sign is subject to conditions controlling its luminance, it is considered to be acceptable in terms of impacts from lighting.
- 7.6.5 The proposed advertisements are minimally protruding and therefore do not create concerns relating to light and outlook impacts.
- 7.6.6 Therefore, the proposal is considered acceptable in terms of residential amenities.

7.7 Highways and public safety

- 7.7.1 The NPPF 2024, SADM40 of the Site Allocations and Development Management Policies 2016 and Policy CS25 of the Core Strategy 2013 seek to ensure a safe highway network for both pedestrians and motorists.
- 7.7.2 HCC Highways were consulted on the application and raised no objection. The proposal does not affect the access of the application site and the signs are subject to conditions controlling the level of illumination to ensure it would not endanger highways safety and public safety.
- 7.7.3 Conditions are included to ensure the fascia sign is maintained in a condition that does not endanger public safety. Considering the minor scale of the proposal and the modest size of the installation, no public safety concern is raised.
- 7.7.4 Therefore, the proposal is acceptable in terms of highways and public safety.

7.8 Equalities and diversity

- 7.8.1 The Equality Act 2010 came into force in April 2011. Section 149 of the Act introduced the public sector equality duty, which requires public authorities to have 'due regard' to the need to eliminate discrimination on the grounds of the relevant protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion and belief, sex and sexual orientation, and to advance equality of opportunity. In relation to this specific application due regard has been made to the protected characteristics and it is considered that there would be no adverse impact caused following this development.

8.0 CONCLUSION

- 8.1 The proposed advertisements are acceptable in terms of character and appearance, residential amenity, and highways and public safety. The proposal would comply with the NPPF 2024, the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended),

Policies SP1, CS22 and CS24 of the Core Strategy 2013, Policies SADM30, SADM40 and SADM49 of the Site Allocations Development Management Policies Plan 2016 and Part F of the Planning and Design Guide.

9.0 RECOMMENDATION

9.1 Grant Advertisement Consent subject to conditions

10.0 CONDITIONS/REASONS

1. Any advertisements displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair visual amenity, cause danger, nuisance or hazard to the public of immediate environs of the site.

Reason: To comply with the provisions of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended).

2. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.

Reason: To comply with the provisions of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended).

3. Where an advertisement is required under these Regulations to be removed, the site shall be left in a safe condition that does not cause danger, nuisance or hazard to the public or impair visual amenity.

Reason: To comply with the provisions of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended).

4. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

Reason: To comply with the provisions of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended).

5. The development hereby permitted shall be carried out in complete accordance with the approved plans and drawings listed in this decision notice, other than where those details are altered pursuant to the conditions of this planning permission:

- Application Form (Received 22 April 2026)
- 03 Rev D: Proposed Plans and Elevations (Received 22 April 2026)

Reason: For the avoidance of doubt and in the interests of proper planning.

6. This consent is granted for a period of five years commencing on the date of this notice.

Reason: To comply with the provisions of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended).

7. In the hours of darkness, the advertisement display luminance shall be no greater than 300 cd/m².

Reason: In the interest of amenity and highways and public safety in line with the guidance set out in The Institution of Lighting Engineers Technical Report 'Brightness of Illuminated Advertisements' (TR05). To comply with Policy CS22 of the Core Strategy 2013 and Policy SADM40 of the Site Allocations and Development Management Policies Plan 2016.

8. In daylight hours, the advertisement display luminance shall not be greater than the luminance values specified in Table 10.5 of The Institution of Lighting Engineers Technical Report 'Brightness of Illuminated Advertisements' (TR05).

Reason: In the interest of amenity and highways and public safety in line with the guidance set out in The Institution of Lighting Engineers Technical Report 'Brightness of Illuminated Advertisements' (TR05). To comply with Policy CS22 of the Core Strategy 2013 and Policy SADM40 of the Site Allocations and Development Management Policies Plan 2016.

11.0 GENERAL REASON(S) FOR THE DECISION

1. The proposed advertisements are acceptable in terms of character and appearance, residential amenity, and highways and public safety. The proposal would comply with the NPPF 2024, the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended), Policies SP1, CS22 and CS24 of the Core Strategy 2013, Policies SADM30, SADM40 and SADM49 of the Site Allocations Development Management Policies Plan 2016 and Part F of the Planning and Design Guide.

12.0 BACKGROUND PAPERS

1. The application (26/0542/ADV) comprising application forms, certificate, drawings and supporting documents from the agent.
2. Replies from Statutory consultees and correspondence from third parties.
3. Any other individual document specifically referred to in the agenda report.
4. Published policies / guidance

13.0 INFORMATIVES

1. Advertisement consent has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted pro-actively in line with the requirements of the National Planning Policy Framework (paragraph 39) and in accordance with The Town and Country Planning (Development Management Procedure) (England) Order 2015.

2. Building Regulations

To obtain advice regarding current Building Regulations please contact Hertfordshire Building Control Ltd. by emailing us at buildingcontrol@hertfordshirebc.co.uk or phoning us on 01438 879990.

To make a building regulations application please apply through our website portal at <https://www.hertfordshirebc.co.uk/contact-us/> payment can be made online or by phoning the above number after the application has been uploaded. Please phone us for fees guidance on 01438 879990.

We can also be contacted by post at Hertfordshire Building control Ltd., 4th Floor, Campus West, Welwyn Garden City, Hertfordshire, AL8 6BX.

Once a building regulations application has been deposited with relevant drawings and fee building work may commence. You will be advised in our acknowledgement letter of the work stages we need to inspect but in most instances these are usually:

- Excavation for foundations
- Damp proof course
- Concrete oversite
- Insulation
- Drains (when laid or tested)
- Floor and Roof construction
- Work relating to fire safety
- Work affecting access and facilities for disabled people
- Completion

Please phone 01438 879990 before 10.00am to ensure a same day inspection (Mon - Fri).

Party Wall etc. Act 1996

Any work that affects a party wall, including foundations dug within 3.0m of a neighbouring building, may be controllable under the Act and may require approval from the adjoining owner(s). Party Wall Act matters are always civil matters and it is neither Hertsmeire Borough Council's nor

Hertfordshire Building Control Ltd's remit to control or enforce Party Wall act matters. Please refer to the Government's explanatory booklet The Party Wall etc. Act 1996, a copy of which is available online at <https://www.gov.uk/government/publications/the-party-wall-etc-act-1996-revised-explanatory-booklet>

3. AN1) Projecting signs: Notwithstanding any consent issued under the Town and Country Planning Act, a licence issued under the provisions of Section 177 of the Highways Act 1980 is required prior to the erection of any part of the projection or overhang into or over the public highway. Further information is available via the County Council's website: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/oversail-licence-to-overhang-a-structure-on-a-public-road.aspx> or telephoning 0300 1234047

AN2) Extent of highway: Information on obtaining the extent of public highway around the site can be acquired from the County Council's website at: www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-your-road/extent-of-highways.aspx

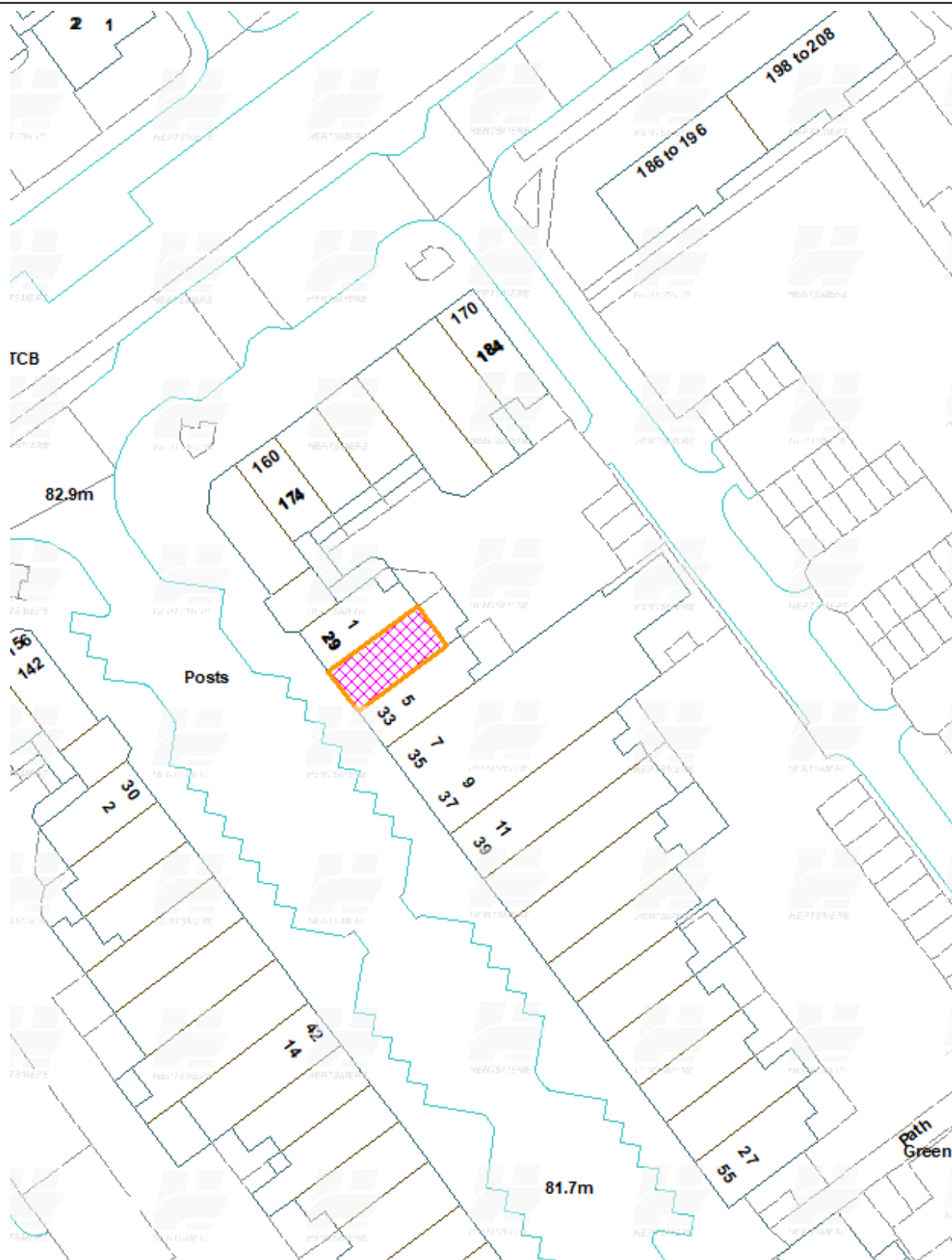
AN3) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

AN4) Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

Case Officer Details

Brian Kam

Email address: brian.kam@hertsmere.gov.uk



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Committee Report

Date of Meeting: 16 July 2026

Case Officer Details

Brian Kam – Planning Officer

APPLICATION NO: 26/0541/CLP

DATE OF APPLICATION: 22 April 2026

STATUTORY START DATE: 22 April 2026

SITE LOCATION

3 Leeming Road, Borehamwood, Hertfordshire, WD6 4EB

DEVELOPMENT

Use as a Nail & Beauty Salon (Class E). Certificate of lawful development (Proposed).

AGENT

Leith Kerr
19 Blunden Court
Farm Lane
Fulham
London
SW6 1PA

APPLICANT

Uyen Truong

119A Shenley Road
Borehamwood
London
WD6 1AG

WARD: Borehamwood Cowley Hill

GREEN BELT: No

CONSERVATION AREA: No

LISTED BUILDING : No

TREE PRES. ORDER: No

REASON FOR COMMITTEE CONSIDERATION

This application site is a Hertsmere Borough Council owned property.

1.0 EXECUTIVE SUMMARY & SUMMARY OF RECOMMENDATION

1.1 RECOMMENDATION

Grant Lawful Certificate (Proposed)

1.2 EXECUTIVE SUMMARY

1.2.1 A Certificate of Lawful Development is sought for the proposed use of the property as a Nail & Beauty Salon (Class E). This is to obtain formal confirmation that such a use is lawful and would not require planning permission. Officers consider that the proposed use falls under Class E,

which is the same use class as the existing use. As the proposed use falls under the same use class and no past planning conditions restrict the proposed use, planning permission would not be required. Therefore, officers recommend the Certificate of Lawful Development to be granted.

2.0 APPLICATION SITE AND SURROUNDINGS

- 2.1** The application site is a ground floor commercial unit currently vacant. Prior to vacancy, the shop was occupied by Jojoba Cosmetics, a Class E(a) retail shop for the sale of hair and beauty products. The shopfront features large window frames with blue stallriser on the ground and a matching blue door at the centre.
- 2.2** The shop is located on Leeming Road, which is designated as a 'local centre' by SADM45 of the Site Allocations and Development Management Policies Plan 2016. The street features a variety of retail / restaurant / service uses, with residential use on upper floors.

3.0 THE PROPOSAL

- 3.1** Use as a Nail & Beauty Salon (Class E). Certificate of lawful development (Proposed).

4.0 RELEVANT PLANNING HISTORY:

Reference number	Description	Date and outcome
26/0542/ADV	Installation of 1x non-illuminated fascia sign, and interior window stickers (Application for advertisement consent).	Concurrent application under consideration
TP/78/0920	NEW SHOP FRONT	Approval 25 Jan 1979
TP/78/0329	CHANGE OF USE FROM RETAIL SHOP TO CAR SALES SHOWROOM	Approval 07 Aug 1978
TP/76/0016	DOUBLE SIDED ILLUMINATED PROJECTING SIGN	Approval 19 Jun 1976
TP/75/5115	PROJECTING ILLUMINATED DOUBLE SIDED ADVERTISEMENT SIGN 28' X 18'	Approval 03 Nov 1975
TP/72/4199	SHOP FRONT	Approval 09 Nov 1972

5.0 CONSULTATION & RESPONSES

- 5.1** No consultation is required for applications for Certificate of Lawful Development (proposed development)

6.0 PLANNING POLICY CONTEXT

Legislations

- Town and Country Planning Act 1990 (The Act)

- The Town and Country Planning (Use Classes) Order 1987 (as amended)

National Policy/Guidance

- National Planning Practice Guidance

7.0 ASSESSMENT AND REASONED JUSTIFICATION

7.1 The development raises the following key issues:

- The current use class classification of the application site (7.3)
- Whether the proposed use falls within the same use class (7.4)
- Whether the proposed use would contravene any planning conditions applicable to the application site (7.5)

7.2 The current use class classification of the application site

7.2.1 The applicant submits that the application site has had an established use as a Class E shop, including the following which can be seen from historic Google Street Views:

- August 2008 to September 2009, LPA Plumbing & Heating
- March 2011 to June 2017, Herts Plumbing & Heating Supplies
- March 2018, appears unoccupied with blank signage.
- May 2019, Rated Financial (Mortgages and Insurance)
- September 2020 to August 2024, Salon Supplies

7.2.2 The applicant submits that the most recent use of the shop before it was vacant was for the retail sale of salon supplies by Jojoba Cosmetics, which would fall under Class E. The fascia sign of Jojoba Cosmetics can still be seen on the application site. Officers note that Jojoba Cosmetics would fall under Class E(a): *for the display or retail sale of goods, other than hot food, principally to visiting members of the public,*

7.2.3 The applicant has also submitted an estates agent brochure, which show the currently vacant application site advertised as a lock-up shop.

7.2.4 Having reviewed the planning history of the site and Google Street View historic photos, officers find no evidence that would contradict the applicant's accounts.

7.2.5 It is acknowledged that TP/78/0329 granted permission for change of use to a car showroom. However, there is no clear evidence that the permission was implemented. Even if implemented, the series of Class E uses since August 2008 would have meant that the past use as a car showroom would have been overwritten through the passage of time. Officers also note that a car showroom would likely fall within the definition of Class E(a) as well.

7.2.6 Therefore, on the balance of probability, the current use class of the application site would be considered Use Class E(a).

7.3 Whether the proposed use falls within the same use class

7.3.1 The applicant has provided indicative floor plans for the application site and provided a list of services proposed to be provided, including:

Basic Nail Care, Cutting and shaping nails, Cuticle care, Regular nail polish, Gel polish / Shellac, Hand and nail treatments, Artificial Nails, Acrylic nails, Builder gel / BIAB, Nail extensions with tips, Ombre nails, French tips Manicure & Pedicure, Spa manicure and pedicure, Hand and foot massage, Exfoliation treatments, Foot soaking and care

7.3.2 Officers consider that the above proposed services would fall within the definition of Class E(c)(ii) and Class E(c)(iii):

Class E (c)

(c) for the provision of the following kinds of services principally to visiting members of the public—

*(ii) professional services (other than health or medical services),
or*

(iii) any other services which it is appropriate to provide in a commercial, business or service locality,

7.3.3 The proposed cosmetic and relaxation services which require a level of expertise to perform can be considered professional services, but would not amount to health or medical services. Less specialist services such as basic nail care and foot soaking can be considered 'any other services'. These would be appropriate to provide in a commercial, business or service locality considering these services would not generate noise, pollution or other harmful social impacts associated with sui generis uses.

7.3.4 As the proposed uses fall within the definition of Class E(c)(ii) and Class E(c)(iii), they would be within same use class as the existing Class E(a). Therefore, no change in use class would result from these proposed uses.

7.4 Whether the proposed use would contravene any planning conditions applicable to the application site

7.4.1 A planning history search has been conducted for the application site. No relevant planning conditions to the proposed uses have been found. Therefore, on the balance of probability, the proposed uses would not contravene past planning conditions and would not require a planning permission.

8.0 CONCLUSION

- 8.1** The proposed use (Class E(c)) is within the same use class as the current use of the application site (Class E(a)), as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended). The proposed uses would not contravene any existing planning conditions applicable to the application site. Therefore, the proposed uses would not require planning permission on the balance of probability. Accordingly, a Certificate of Lawful Development (proposed) should be granted.

9.0 RECOMMENDATION

- 9.1** Grant Lawful Certificate (Proposed dev)

10.0 GENERAL REASON(S) FOR THE DECISION

1. The proposed use (Class E(c)) is within the same use class as the current use of the application site (Class E(a)), as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended). The proposed uses would not contravene any existing planning conditions applicable to the application site. Therefore, the proposed uses would not require planning permission on the balance of probability. Accordingly, a Certificate of Lawful Development (proposed) should be granted.

11.0 BACKGROUND PAPERS

1. The application (26/0541/CLP) comprising application forms, certificate, drawings and supporting documents from the agent.
2. Any other individual document specifically referred to in the agenda report.
3. Published policies / guidance

12.0 INFORMATIVES

1. This determination refers to the following documents:
 - Application form (Received 22 Apr 2026)
 - Location Plan (Received 22 Apr 2026)
 - Drawings 01-04 (Received 22 Apr 2026)
 - Supporting document: Estate Agent Brochure (Received 22 Apr 2026)
 - Correspondence confirming proposed uses (1 June 2026)
2. You are reminded that this certificate is issued on the basis of the physical circumstances prevailing at the property when the application was made. If any other extension is undertaken before the construction of the extension hereby approved, then this certificate would no longer be applicable and planning permission may be required for the development presently proposed.
3. Building Regulations

To obtain advice regarding current Building Regulations please contact Hertfordshire Building Control Ltd. by emailing us at buildingcontrol@hertfordshirebc.co.uk or phoning us on 01438 879990. To make a building regulations application please apply through our website portal at <https://www.hertfordshirebc.co.uk/contact-us/> payment can be made online or by phoning the above number after the application has been uploaded. Please phone us for fees guidance on 01438 879990. We can also be contacted by post at Hertfordshire Building control Ltd., 4th Floor, Campus West, Welwyn Garden City, Hertfordshire, AL8 6BX. Once a building regulations application has been deposited with relevant drawings and fee building work may commence. You will be advised in our acknowledgement letter of the work stages we need to inspect but in most instances these are usually:

- Excavation for foundations
- Damp proof course
- Concrete oversite
- Insulation
- Drains (when laid or tested)
- Floor and Roof construction
- Work relating to fire safety
- Work affecting access and facilities for disabled people
- Completion

Please phone 01438 879990 before 10.00am to ensure a same day inspection (Mon - Fri).

Party Wall etc. Act 1996

Any work that affects a party wall, including foundations dug within 3.0m of a neighbouring building, may be controllable under the Act and may require approval from the adjoining owner(s). Party Wall Act matters are always civil matters and it is neither Hertsmere Borough Council's nor Hertfordshire Building Control Ltd's remit to control or enforce Party Wall act matters. Please refer to the Government's explanatory booklet The Party Wall etc. Act 1996, a copy of which is available online at

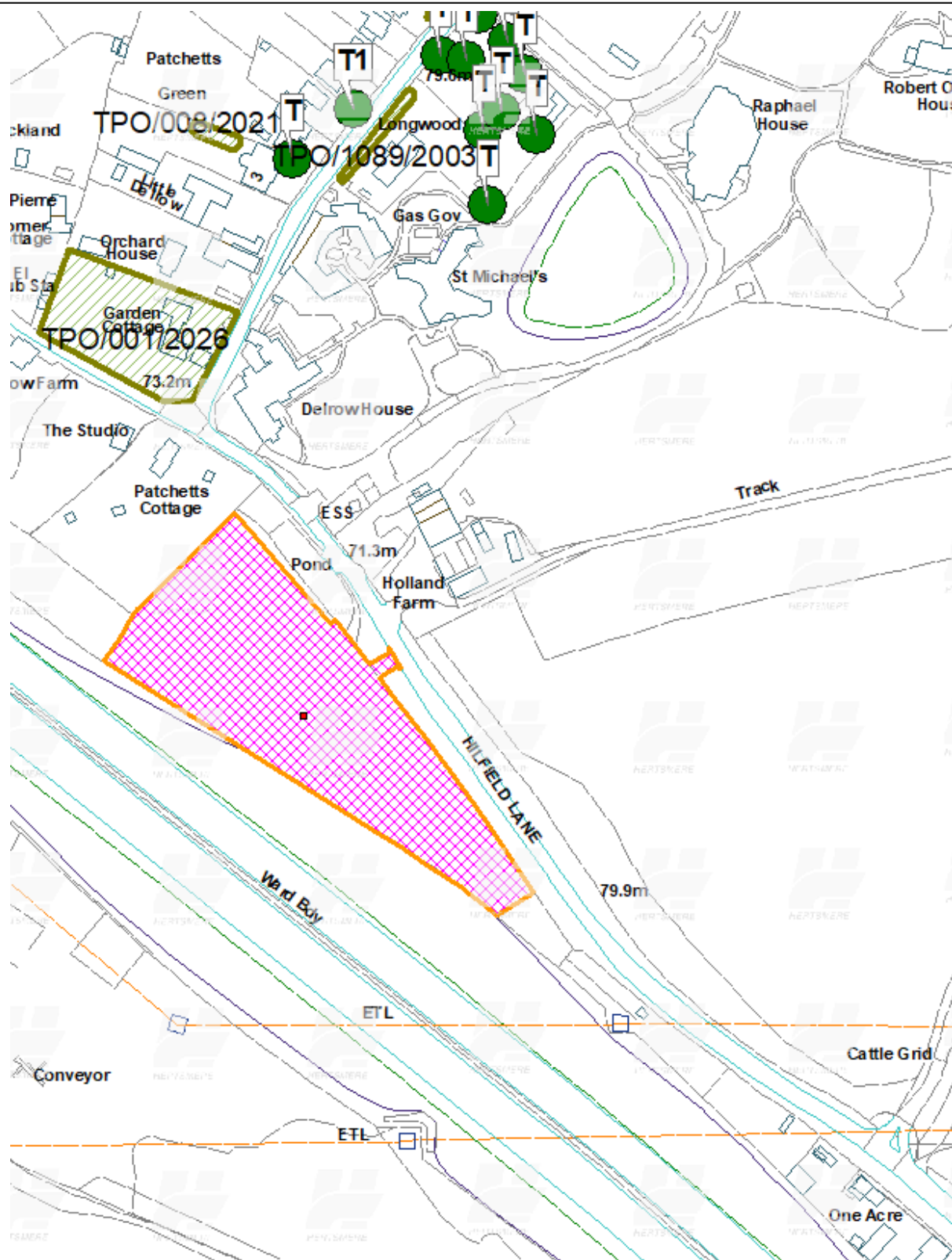
<https://www.gov.uk/government/publications/the-party-wall-etc-act-1996-revised-explanatory-booklet>

Case Officer Details

Brian Kam

Email address: brian.kam@hertsmere.gov.uk

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	N  Scale 1:1250	Land Adjoining Patchetts Cottage, Hilfield Lane, Aldenham 25/1842/FUL	
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Date of Meeting: 16 July 2026

Case Officer: Caitlin Ellis

APPLICATION NO: 25/1842/FUL

DATE OF APPLICATION: 23 December 2025

STATUTORY START DATE: 15 January 2026

SITE LOCATION

Land Adjoining Patchetts Cottage, Hilfield Lane, Aldenham, Hertfordshire

DEVELOPMENT

Erection of building for a Stroke Rehabilitation Day Centre Clinic (Brian's House), together with detached stable building, detached store building (hay store and tractor store with manure bay), and external equestrian arena. Associated access arrangements, parking provision, covered bicycle store, landscaping, and biodiversity improvements.

AGENT

Mr Barry Kitcherside
Suite 21 High Cedars
20 Wray Park Road
Reigate
Surrey
RH2 0DD

APPLICANT

Mr Denis Nolan
25 Cecil Road
Wealdstone
Middlesex
HA3 5QY

WARD: Aldenham West

GREEN BELT: Yes

CONSERVATION AREA: Patchetts Green & Delrow

LISTED BUILDING: No, however Grade II listed building adjacent (Patchetts Cottage)

TREE PRES. ORDER: No (but trees protected by Conservation Area designation)

REASONS FOR COMMITTEE CONSIDERATION

This is a major development exceeding the threshold of delegated authority in the constitution.

1.0 EXECUTIVE SUMMARY

- 1.1 The application site is within the Green Belt and Patchetts Green & Delrow Conservation Area and is adjacent to the Grade II listed Patchetts Cottage.
- 1.2 The proposed development comprises the erection of a building for a Stroke Rehabilitation Day Centre Clinic (Brian's House), together with a detached stable

building, detached store building (hay store and tractor store with manure bay), and external equestrian arena.

- 1.3 The proposed development does not meet any of the exceptions to inappropriate development in the Green Belt set out in paragraph 154 of the NPPF 2024. However, the application site is considered to meet the definition of grey belt and the proposal satisfies all of the criteria in paragraph 155 of the NPPF.
- 1.4 Therefore, the proposed development is not considered to constitute inappropriate development within the Green Belt.
- 1.5 The Heritage Officer advised that the proposed development would result in a low level of 'less than substantial harm' to the significance of the Conservation Area and the impact on the significance of Patchetts Cottage and other relevant listed buildings would also fall at the lower end of this scale.
- 1.6 HCC Highways raised no objection subject to conditions and a Section 106 agreement to secure a pedestrian path to allow for active travel and comply with their policies.
- 1.7 All remaining consultees raised no objection with some recommended conditions and there were no comments received from neighbouring properties.
- 1.8 The harm to the Heritage Assets are weighed up in the planning balance against the benefits of the scheme.
- 1.9 A Section 106 agreement is required to secure a Travel Plan, the monitoring costs of the Travel Plan (incl. minibus service), HCC Ecology BNG monitoring fees and a pedestrian path ensuring the route is maintained (as a permissive path, and retained and unobstructed for users of the development, for the life of the development).
- 1.10 Overall, the planning balance concludes that public benefits presented would clearly outweigh the harm to the identified heritage harm. The application is therefore recommended for approval, subject to the recommended conditions and completion of a suitably worded s106 Planning Agreement.

2.0 SUMMARY OF RECOMMENDATION

- 2.1 Delegate to the Head of Planning & Economic Development to approve subject to the following conditions and following the completion of a suitably worded s106 Planning Agreement covering the following heads of terms.

3.0 APPLICATION SITE AND SURROUNDINGS

- 3.1 The application site is located adjacent to the Grade II listed building Patchetts Cottage on the western side of Hilfield Lane. The site comprises a largely triangular, greenfield site located within the Metropolitan Green Belt in the Patchetts Green & Delrow Conservation Area.
- 3.2 The surrounding area is characterised by architectural variety, although it comprises largely detached properties. The site is bounded by the M1 to the south, Holland Farm (ISKCON) to the north, a Traveller site to the east and residential properties to the west.
- 3.3 A variety of uses exist around the site including the Camphill Village Trust operating as a learning disability charity and adult care provider.

4.0 THE PROPOSAL

- 4.1 The proposed development is for the erection of a Stroke Rehabilitation Day Centre Clinic building with a basement car park and associated landscaping and biodiversity improvements.
- 4.2 The proposed Stroke Rehabilitation Clinic would consist of a one and a half-storey building with a basement car park and clinical and communal spaces across the ground and first floor.
- 4.3 The proposed facility would include 3 consulting rooms, 2 occupational therapy rooms, 3 medical assessment rooms, a gym, hydrotherapy pool, yoga/meditation studio, changing rooms, staff and family facilities.
- 4.4 The clinic would operate Monday to Friday, likely between 09:00 and 17:00 or 10:00 and 18:00. Where required, it may also open on Saturdays and Sundays during the same hours.
- 4.5 A detached stable and store building is proposed to accommodate hay, manure and tractor associated with the external equestrian arena.

5.0 RELEVANT PLANNING HISTORY: None

6.0 CONSULTATION & RESPONSES

6.1 Notices

Site Notice (Generic) 9th April 2026 Expiry Date: 30th April 2026

Herts Advertiser 29th January 2026 Expiry Date: 19th February 2026

6.2 Summary of consultation responses

Consulted:

Consultee	Date Consulted
Senior Flood Risk And SuDS Officer	20 January 2026
National Highways	20 January 2026
CIL	20 January 2026
Arboriculture- Place Services- Essex County Council	20 January 2026
Policy & Transport - Majors Only	20 January 2026
Climate Change	20 January 2026
Transport For London	20 January 2026
Policy & Transport - Majors Only (GP)	20 January 2026
Affinity Water Limited	20 January 2026
Hertfordshire Fire & Rescue Service - Hydrants Only Catherin	20 January 2026
HCC Growth & Infrastructure	20 January 2026
Economic Development Officer - Lesley Crisp	20 January 2026
S106	20 January 2026
Urban Design Officer	20 January 2026
HCC Growth & Infrastructure - (S106)	20 January 2026
Patchetts Green Residents Association	20 January 2026
Landscape Consultant-Place Services-Essex County Council	20 January 2026
Environmental Health & Licensing	20 January 2026
Waste Management Services	20 January 2026
Highways	20 January 2026
Cadent Gas Limited (Prev National Grid Company Plc)	20 January 2026
Uk Power Networks	20 January 2026
Thames Water Development Planning	20 January 2026
Aldenham Parish Council	20 January 2026
Radlett Society & Green Belt Association	20 January 2026
Ecology	20 January 2026
HCC Archaeology	20 January 2026
NHS 1	20 January 2026
Natural England Consultation Service	20 January 2026
Elstree Aerodrome	20 January 2026
Conservation Advice-Place Services-Essex County Council	20 January 2026
Met Office	20 January 2026
HCC Minerals And Waste Planning Team	20 January 2026

6.3 **Responses:** A summary of consultee responses is provided below. Full comments are available on the planning application webpage.

Consultee	Comment
Senior Flood Risk And SuDS Officer	No objection subject to conditions Conditions relate to infiltration, drainage, maintenance and management of sustainable drainage scheme, method statement for interim and temporary drainage measures during works and survey and verification report.

Consultee	Comment
Thames Water Development Planning	No objection subject to informative Informative related to 'A Groundwater Risk Management Permit'
National Highways	No objection subject to conditions Conditions relate to a boundary treatment plan and a detailed drainage strategy.
Highways	No objection subject to s.106, conditions and informatives. s.106 to secure a pedestrian path. Conditions relate to visibility splays and Construction Management Plan.
Arboriculture- Place Services- Essex County Council	No objection
Landscape Consultant-Place Services-Essex County Council	No objection subject to conditions Conditions relate to hard and soft landscaping schemes and a landscape management plan.
Transport For London	No objection
Affinity Water Limited	No objection The proposed development is located within groundwater Source Protection Zone corresponding to our Pumping Station (Bushey Hall and Hilfield Park). Potentially water mains running through or near to part of site. Informatives to be attached.
Hertfordshire Fire & Rescue Service - Hydrants Only Catherin	No objection Hertfordshire Fire and Rescue service (hydrants only) will require a condition for the provision and installation of fire hydrants, at no cost to the county council, or fire and rescue service.
Environmental Health & Licensing	No objection subject to conditions Recommended conditions relate to noise from plant and equipment, lighting and unexpected contamination.

Consultee	Comment
Uk Power Networks	No objection Highlighting that there are overhead lines residing in close proximity to the site.
Aldenham Parish Council	No objection Requested that if a lifetime covenant is entered into to ensure this remains as a medical facility. <i>Officer comment: This is not a material planning consideration but a legal mechanism that lies outside of planning control.</i>
Radlett Society & Green Belt Association	Support application Believe stroke rehabilitation centre constitutes 'Very Special Circumstances' to permit development in Green Belt. It is a good use of a relatively marginal plot and a development that will retain a good amount of greenery and fairly open. The works must not interfere with Patchetts Cottage and must preserve its setting. Want to ensure that there is full restoration and remodelling of the verges and general approach along Hilfield Lane. The equine centre should be used purely for patients (or private use) and not opened for public use to avoid generating extra traffic.
Ecology	No objection Recommended condition relates to statutory BNG conditions and HMMP. Recommended informatives relates to external lighting and protected species precautionary approach.
HCC Archaeology	No comments Unlikely to have a significant impact on heritage assets of archaeological interest.
Conservation Advice-Place Services-Essex County Council	Balanced judgement required, low level of 'less than substantial harm'. Low-level of 'less than substantial harm' to the significance of the Conservation Area.

Consultee	Comment
	The impact on the significance of Patchetts Cottage and other relevant listed buildings would fall at the lower end of this scale. In accordance with paragraphs 213 and 215 of the National Planning Policy Framework (NPPF), the Local Planning Authority should therefore undertake a balanced judgement, weighing the identified harm against the justification for and public benefits of the scheme.
Met Office	No objection

6.4 Neighbour responses

In Support	Against	Comments	Neighbours Notified	Contributors Received
0	0	0	103	0

No comments received.

7.0 PLANNING POLICY CONTEXT

7.1 National Policy/Guidance

- National Planning Policy Framework 2024
- Planning Practice Guidance
- National Design Guide 2021

7.2 The Development Plan

Adopted Hertsmere Local Plan: Development Plan Document Core Strategy 2013

- SP1 Creating sustainable development
- SP2 Presumption in Favour of Sustainable Development
- CS12 The Enhancement of the Natural Environment
- CS13 The Green Belt
- CS14 Protection or enhancement of heritage assets
- CS16 Environmental impact of new development
- CS17 Energy and CO2 reductions
- CS18 Access to services
- CS19 Key Community Facilities
- CS21 Standard charges and other planning obligations
- CS22 Securing a high quality and accessible environment
- CS24 Development and accessibility to services and employment

- CS25 Accessibility and parking
- CS26 Promoting Alternatives to the Car

7.3 Site Allocations and Development Management Policies Plan 2016

- SAMD10 – Biodiversity and Habitats
- SADM11 – Landscape Character
- SADM12 – Trees, Landscaping and Development
- SADM13 – The Water Environment
- SADM14 – Flood Risk
- SADM15 – Sustainable Drainage Systems
- SADM17 – Water Supply and Waste Water
- SADM19 – Waste Storage in New Development
- SADM20 – Environmental Pollution and Development
- SADM26 – Development Standards in the Green Belt
- SADM29 – Heritage Assets
- SADM30 – Design Principles
- SADM32 - Key Community Facilities
- SADM38 – The Road Hierarchy
- SADM40 – Highway and Access Criteria for New Development

7.4 Supplementary Planning Guidance / Documents

- Part D: Guidelines for High Quality Sustainable Development (draft 2016)
- Hertsmere Local Plan Parking Standards SPD (2014)
- Parking Standards Draft Supplementary Planning Document (2022)
- Biodiversity Net Gain Supplementary Planning Document (2024)
- Draft Carbon Offset Fund Supplementary Planning Document (2022)
- Biodiversity, Trees and Landscape SPD (2010)

7.5 Other Material Considerations

- Community Infrastructure Levy Regulations
- Equality Act 2010
- Planning (Listed Buildings and Conservation Areas) Act 1990

8.0 ASSESSMENT AND REASONED JUSTIFICATION

- 8.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that 'If regard is to be had to the development plan for the purposes of any determination to be made under the Planning Acts, the determination must be made in accordance with the development plan unless material consideration indicates otherwise'.**

8.2 Key Issues

- Application History
- Principle of Development
- Green Belt
- Impact on Character and Appearance of the Conservation Area and Heritage Assets
- Impact on Residential Amenity
- Transport, Parking and Highways Safety
- Landscape, Trees and Ecology
- Flood Risk and Drainage
- Refuse Storage and Collection
- Climate Change and Sustainability
- Planning Balance
- S106 / Planning Obligations Heads of Terms
- Community Infrastructure Levy
- Equalities and Diversity

Application History

- 8.3 The proposed development has been through a pre-application where the scheme had gone through various iterations amending design and the proposal as a whole to address design, heritage and Green Belt concerns.

Principle of Development

- 8.4 A main principle of the National Planning Policy Framework (NPPF) is to support and achieve sustainable development. Chapter 11 states that planning decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.
- 8.5 Policy SP1 focuses on the creation of sustainable development. It advises that priority will be given to developing brownfield land and delivering development opportunities in Borehamwood but also expects all existing built-up areas within urban settlements to accommodate opportunities for meeting local housing, jobs growth and other development needs.
- 8.6 Policy CS19 of the Core Strategy notes that proposals for the provision of key community facilities will be supported subject to any environmental constraints or other relevant policies. Furthermore, it notes that the loss, reduction or displacement of facilities and sites will not be permitted unless it can be demonstrated that they are surplus to the needs of the local community or are no longer fit for purpose.

- 8.7 Policy CS18 states that the Council will require new development to contribute to the Community Strategy aim of achieving fair access to key community facilities and the wider goal of creating a safer and more sustainable environment. New proposals will be assessed against their impact on existing local infrastructure, services and resources and where necessary, new provision of required key community facilities should be made as part of the development in consultation with the local community and local service providers and in order to meet or fund any infrastructure impact.
- 8.8 The stroke clinic will be fully and solely funded by the applicant and will be at no cost to the NHS and will also be free at the point of need and aligned to the NHS Plan and the NHS Long Term Plan Stroke (2021) with the key objectives being:
- To provide a self-funded support and rehabilitation day centre for stroke survivors seeking long-term rehabilitation with each person's NHS person-centred Individualized rehabilitation plan;
 - To provide an essential much needed hydrotherapy pool;
 - To provide a special place for those in recovery and beyond to meet and network with other like-minded people and make new friends and lead full and meaningful lives;
 - 4500 hours of therapy per annum, offering a combination of hydrotherapy, physiotherapy and complimentary therapies;
 - Clients to receive two-hour managed therapy sessions;
 - Provided by a team of 6-8 permanent specialist staff including specialist physiotherapists, SLTs, psychologists, occupational therapists, neuropsychologists, and vocational rehabilitation specialists.
- 8.9 Evidence shows that there are limited NHS facilities available at present that provide long-term care and support for stroke survivors. The gap in provision is largely filled by charities or by private paid-for providers, making essential treatment unattainable and unaffordable for many stroke survivors.
- 8.10 The stroke clinic will also provide a much-needed hydrotherapy pool, in an area where there are currently no NHS treatment pool facilities available.
- 8.11 There are letters of support for the proposal from both the UK Stroke Association and the NHS South and West Herts Health and Care Partnership. These highlight how both the Stroke Association and the NHS Partnership are keen to work in

partnership with the applicant to help deliver the project and implement the services.

- 8.12 The UK Stroke Association set out the need for improving post care support for people impacted by stroke in the UK, which is currently considered to be significantly deficient in the UK. The focus on post care support for stroke patients will be the key operation features of the current proposal.
- 8.13 The NHS 'Long Term Plan' published in 2019 states that with regards to stroke care that implementation and further development of higher intensity care models for stroke rehabilitation are expected to show significant savings that can be reinvested in improved patient care. This includes reductions in hospital admissions and ongoing healthcare provision.
- 8.14 Out of hospital, more integrated and higher intensity rehabilitation for people recovering from stroke, delivered in partnership with voluntary organisations including the Stroke Association, will support improved outcomes to six months and beyond.
- 8.15 Based on the references provided above it is considered that there is a need for this type of facilities across the country, and it would provide an important provision locally.
- 8.16 Whilst it is recognised that there is a need for this type of facility, it is noted that the location of the proposed development is not in a particularly sustainable location.
- 8.17 Due to the nature of facility and the condition of the clients, it is unlikely that the clients will be travelling to and from the facility by non-car modes.
- 8.18 Notwithstanding this, to improve the accessibility of the clinic, the applicant will provide a minibus service for patients (to be secured through a Section 106 agreement) for travel to and from the clinic. The service would be accessed via a booking and scheduling system. The bus would follow a fixed route with designated pick-up points focused on residential areas and, where possible, stops may be coordinated near railway stations or major bus interchanges to support connectivity for those travelling from outside the immediate area.
- 8.19 Subject to securing this minibus service through the s.106 agreement, together with the proposed pedestrian link (as discussed in the highways section of the report), the accessibility limitations of the location would be partially mitigated. The sustainability of the site is considered further below.

Green Belt

- 8.20 The application site is located wholly within the metropolitan Green Belt. Development proposals within the Green Belt are assessed against the guidance set out in Section 13 of the NPPF in addition to the Council's own Green Belt policies. The NPPF states that the fundamental aim of the Green Belt is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. There is a strong emphasis on the presumption against inappropriate development in the Green Belt, which is by definition harmful. Any identified harm will be given substantial weight.
- 8.21 Policy CS13 of the Core Strategy (2013) reiterates that any development in the Green Belt will be assessed in relation to the NPPF. In addition, SADM26 of the Site Allocations and Development Management Policies Plan (2016) states that development in the Green Belt should comply with a set of principles. When judging scale, the Council will make a comparison between existing and proposed development having regard to: changes in floor space, volume, site coverage of building and hardstanding, changes in height and orientation, and change and intensity of use.
- 8.22 Paragraph 154 of the NPPF sets out exceptions to inappropriate development in the Green Belt, however officers are of the view that the proposal would not comply with any of those exceptions. Paragraph 155 states that the development of homes, commercial and other development in the Green Belt should also not be regarded as inappropriate where all of the following apply:
- a) The development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan;*
 - b) There is a demonstrable unmet need for the type of development proposed⁵⁶;*
 - c) The development would be in a sustainable location, with particular reference to [paragraphs 110 and 115 of this Framework] ⁵⁷; and*
 - d) Where applicable the development proposed meets the 'Golden Rules' requirements set out in paragraphs 156-157 below.*

Grey belt assessment

- 8.23 First, it must be established whether the site comprises grey belt. Grey belt land is defined by the NPPF as:

"Land in the Green Belt comprising previously development land and/or any other land that, in either case, does not strongly (our emphasis) contribute to any of purposes (a), (b), or (d) in paragraph 143. 'Grey belt' excludes land where the

application of the policies relating to the areas or assets in footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development.”

8.24 For clarity, the five purposes of the Green Belt set out in paragraph 143 of the NPPF are the following:

- (a) to check the unrestricted sprawl of large built-up areas;
- (b) to prevent neighbouring towns merging into one another;
- (c) to assist in safeguarding the countryside from encroachment;
- (d) to preserve the setting and special character of historic towns; and
- (e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

8.25 The latest update to the Planning Practice Guidance, included clarification stating that villages should not be considered when reviewing the contribution of Green Belt sites towards the purposes, and providing tables for the assessment of a site's contribution to a, b and d of the Green Belt's purposes.

8.26 It is noted that as the site is located at the edge of a village it would not strongly contribute to any of the three purposes identified and as such it would be considered a grey belt site subject to the assessment against areas or assets set out in Footnote 7.

Compliance with paragraph 155

8.27 Paragraph 155 of the NPPF notes that development should not be regarded as inappropriate where it meets all of the criteria set out within paragraphs 155(a)-(d).

8.28 For requirement (a) above, all five purposes (considered in their totality) of the Green Belt are relevant, and in relation to the impact upon remaining Green Belt and not just the application site. Having regard to paragraph 155 (a), officers consider that the development would not fundamentally undermine the purposes of the remaining Green Belt land across the area of the plan as a whole and would therefore comply with the requirements of 155(a).

8.29 Turning to requirements (b) and (c) of paragraph 155, officers have accepted the evidence presented, including the support given by the UK Stroke Association and local NHS integrated care board, that there is a demonstrable unmet need for stroke facilities that would meet the identified aims of the NHS. Officers consider that this is further supported by evidence in terms of current provision in the surrounding area.

8.30 Paragraph 110 and 115 of the NPPF state:

110. The planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.

115. In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

(a) sustainable transport modes are prioritised taking account of the vision for the site, the type of development and its location;

(b) safe and suitable access to the site can be achieved for all users;

(c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code 48 ; and

(d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree through a vision-led approach.

8.31 Whilst the application site as it currently stands is not considered a sustainable location due to the lack of nearby active modes of travel, the test in para 110 of the NPPF advises that significant development can also be located in areas that can be made sustainable.

8.32 The closest train stations are Radlett and Bushey which are a minimum of 4 km away and the closest bus stops are Hilfield Lane on Hartspring Lane that serve bus routes 397, 398 and 602. There is also currently a lack of pedestrian paths towards the site. HCC Highways reviewed the application and did not raise any concern regarding the development having any significant impacts on the highway. They advised that the development would be accessible for all persons (notably staff, either from local community or accessing the site by those bus services accessible from the nearby settlement). As per paragraph 110, the application site has been made sustainable through the introduction of a shuttle bus, Travel Plan, new footpath and cycle parking provision which will be secured by Section 106 agreement.

8.33 Whilst this site may not have been considered sustainable for a residential use, due to the intended use of a stroke rehabilitation day clinic, it is highly likely that

the majority of the trips made to the site by the clients/patients will be made by car rather than sustainable transport modes. Therefore, the provision of a shuttle bus, which may include stops at train stations and a new pedestrian footpath connection to the site for staff and/or clients is considered sufficient in improving the sustainability of the site. Consequently, the site has been made sustainable for the type of development proposed. The use of the site as a stroke rehabilitation clinic with its ancillary uses will be conditioned and restricted as such. Accordingly, 155 (c) is achieved.

8.34 Requirement (d) of paragraph 155 is not applicable in this case.

8.35 Based on the above, the proposed development would comply with paragraph 155 and would not, therefore, be considered inappropriate development in the Green Belt. Accordingly, no harm to the Green Belt would occur.

Green Belt conclusion

8.36 Overall, the proposed development is not considered to constitute inappropriate development within the Green Belt as it constitutes Grey Belt and complies with the remaining criteria set out in Paragraph 155 of the NPPF and with Policies CS13 and SADM26.

Impact on Character and Appearance of the Conservation Area and on Heritage Assets

8.37 The NPPF places great importance on design quality, noting that good design is a key aspect of sustainable development. Policy CS22 of the Core Strategy 2013 also requires that all development should be of a high-quality design which ensures the creation of attractive and useable spaces. Policy SADM30 states that development will be permitted provided it recognises and complements the particular local character of the area and results in a high-quality design. In order for a development to be of high-quality design it must respect, enhance and improve the visual amenity of the area by virtue of its scale, mass, bulk, height and urban form.

8.38 Policies relating to landscape character are also relevant. Policy CS12 requires development to conserve and enhance the natural environment of the borough, including landscape character. Policy SADM11 states that development will be managed to help conserve, enhance, and/or restore the character of the wider landscape across the borough. Individual proposals will be assessed for their impact on landscape features to ensure that they conserve or improve the prevailing landscape quality, character, and condition.

8.39 The specific historic environment policies within the NPPF (2024) are contained within paragraphs 202-221. Paragraph 207 of the NPPF states that in determining planning applications, Local Planning Authorities should take

account of the desirability of sustaining and enhancing the significance of heritage assets. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

- 8.40 In similar regard, Policy CS14 of the Core Strategy (2013) and Policy SADM29 of the Site Allocations and Development Management Policies Plan (2016) required development to conserve or enhance the historic environment. Proposals should be sensitively designed to a high quality and not cause harm to identified, protected sites, building or locations of heritage.
- 8.41 The proposed development comprises a one-and-a-half-storey traditional building form with clay tiled pitched roofs and walls comprising a mix of dark timber boarding and brick.
- 8.42 The Urban Design Officer advised that the building form helps to break down the overall scale of the building which would otherwise read as overly dominant in this setting.
- 8.43 The final window specifications will be conditioned ensuring that they are heritage-style timber windows and it is recommended that a 'multi' brick is specified in a traditional tone and laid in Flemish bond.
- 8.44 The Urban Design Officer advised that the retaining wall adjacent to the proposed stables is shown to be concrete which would likely form an inappropriate edge in this location. As such they recommended extending the gabion wall or adopting a vegetated retaining wall. In response to these comments, a gabion wall cladding is now proposed, to soften this section of the retaining wall.
- 8.45 Full specifications of the railings atop the retaining structures are also recommended to be secured by condition.
- 8.46 The basement car park allows for the development footprint to be minimised to allow for the amount of open space and landscaped areas to be preserved and maximised.
- 8.47 The application site is within the Patchetts Green and Delrow Conservation Area and lies within the setting of the Grade II listed building Patchetts Cottage and wider setting of Delrow House, Garden Cottage and the Barn at Orchard House.
- 8.48 The Heritage Officer was consulted and advised that the site contributes to the rural character of the area and its undeveloped open character allows for the appreciation of the rural settlement and the setting of Patchetts Cottage, Delrow House and other listed buildings. Therefore, the proposed development would

have an adverse impact on the rural character and appearance of the conservation area and setting of the adjacent listed buildings.

8.49 Nonetheless, the Heritage Officer stated that the traditional form and low massing of the main building, combined with the equestrian character of the outbuildings, would assist in mitigating the extent of this impact. Additionally, the retention of the existing trees along Hilfield Lane, supplemented by additional planting would soften views of the principal building. The proposed design approach and material palette are also considered sympathetic to the rural village character of the area.

8.50 Therefore, the proposed development would result in a low level of less than substantial harm to the significance of the Conservation Area. The impact on the significance of Patchetts Cottage and other relevant listed buildings would also fall at the lower end of this scale. In accordance with paragraphs 213 and 215 of the NPPF, this harm must be weighed against the public benefits of the proposal. This assessment is undertaken in the Planning Balance section of the report.

Impact on Residential Amenity

8.51 The NPPF outlines the importance of planning in securing high standards of amenity for existing and future occupiers of land and buildings. Policy SADM30 of the Site Allocations and Development Management Policies Plan states that development must have limited impact on the amenity of occupiers of the site, its neighbours, and its surroundings in terms of outlook, privacy, light, nuisance and pollution.

8.52 The proposed development is not considered to raise concerns regarding impact on residential amenity for any existing residents. There are substantial separation distances between the nearest buildings outside of the application which are shown below.



Environmental Health considerations

- 8.53 Environmental Health were consulted and raised no objections subject to conditions relating to lighting, noise of plant and equipment and unexpected land contamination to ensure that the amenity of existing residents in the locality is protected.
- 8.54 Environmental Health Officers advised that the external animal related activities are not expected to be of the nature that would have a detrimental impact on the amenity of nearby properties.
- 8.55 An Air Quality Assessment has been provided with the application which concludes that the site is within an area where air quality is not a concern and that the proposed development would not have an unacceptable impact on local air quality.

Transport, Parking and Highways Safety

- 8.56 The NPPF, SADM40 of the Site Allocations and Development Management policies 2016, Policy CS25 of the Core Strategy 2013 and the draft Parking Standards 2022 seek to ensure that new development provides a suitable access, and car and cycle parking provision. Policy CS26 states that the Council will support a wide range of measures to provide safer and more reliable alternatives to the car for accessing new and existing development. This includes improved public transport facilities, additional public transport routes and stops, enhanced and new non-motorised links which increase walking, cycling, or riding

opportunities. Measures to promote alternatives to the car will need to be provided as part of a proposed scheme.

Access

- 8.57 The existing access from Hilfield Lane would be utilised and improved to serve the clinic. The improvement works to the access would be subject to a s278 agreement with the local highway authority.

Parking Provision

- 8.58 The 2014 Parking Standards and the draft 2021 Sustainable Transport and Parking Standards SPD note that day centres would require the following car parking provision:

- 1 space per 9 m² or
- 1 space per 4 visitors plus
- 1 space per FTE staff

- 8.59 There would be up to 12 staff present on-site at any one time and it is anticipated that, on a typical day, the facility may serve up to 16 clients, with generally up to 4 clients present on-site simultaneously. Group events are expected to involve circa 7 to 10 people. The highest number of staff and clients at the site at any one time would therefore likely be 22 people. The proposed parking provision assessment shall be based on the number of FTE staff and the expected number of visitors per day in this case.

- 8.60 Therefore, based on the SPD requirements, the clinic should provide a minimum of 16 car parking spaces.

- 8.61 A total of 22 parking spaces is proposed. The proposed basement car park would provide 19 car parking spaces including 2 with EV charging points and 1 light goods vehicles/public carrier. There would also be 3 disabled parking bays at ground floor level near the entrance. Therefore, the proposed car parking provision exceeds the standards set out in the Parking Standards SPD 2014 and the Draft Sustainable Transport and Parking Standards SPD 2021.

- 8.62 Due to the nature of the clinic, some clients will likely travel by taxi or be dropped-off and picked-up by a family member or friend. Furthermore, a minibus service will be provided and funded by the applicant.

- 8.63 Both SPDs note that day centres would require the following cycle parking provision:

- 1 s/t space per 200m²
- 1 l/t space per 10 staff

8.64 Based on this, the clinic with a floorspace of 1,794sqm would require 11 cycle parking spaces.

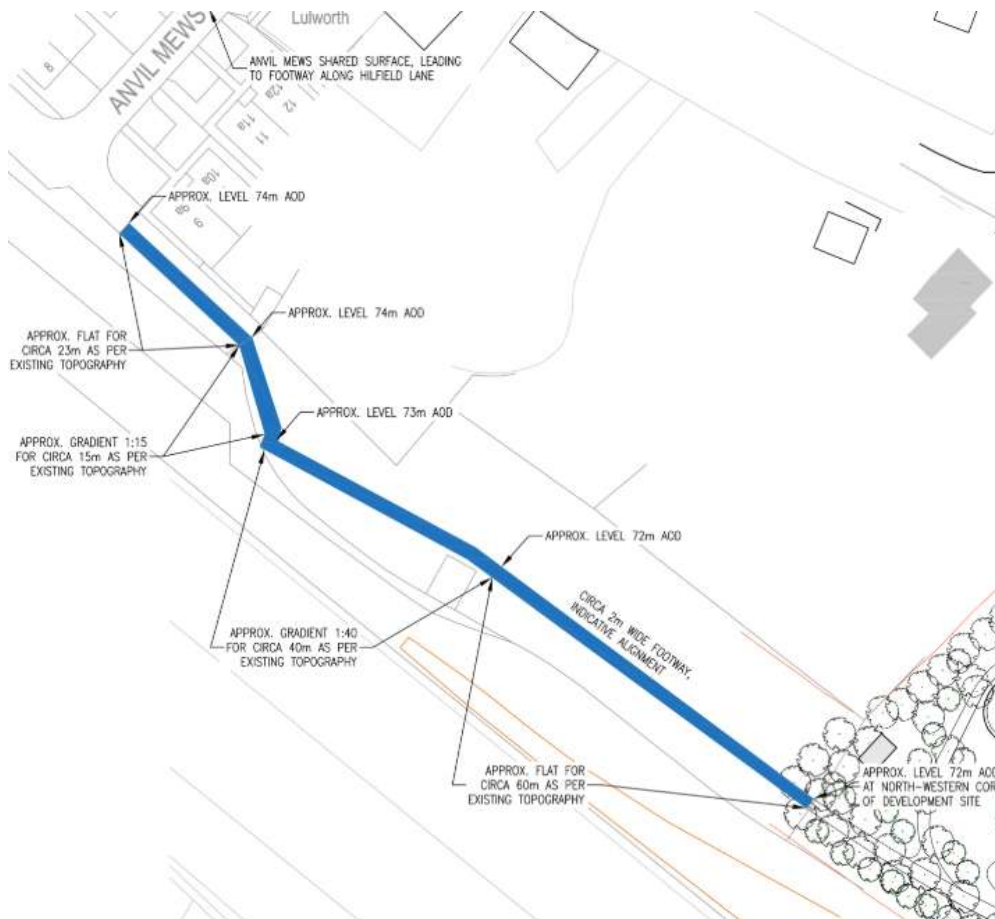
8.65 A total of 16 covered cycle parking spaces is proposed for the clinic which are situated adjacent to the entrance to the clinic, which exceeds the minimum requirement as set out in the Parking Standards SPD 2014.

8.66 Overall, the proposed parking provision is considered to be sufficient to meet the parking needs of the proposed development.

HCC Highways

8.67 HCC Highways were consulted and initially objected on the basis that the development proposals are not connected with the wider network in respect of Active Travel modes. They advised that the absence of a footway connection removes the ability for all persons to safely travel to/from the site contrary to NPPF paragraph 115 and 117 and contrary to Hertfordshire County Council's Local Transport Plan (2018) Policies 1 and 5.

8.68 In response to these comments, a pedestrian access is now proposed from the north-western corner of the site through to the southern end of Anvil Mews as shown on the indicative footway route plan. The footway link would comprise a 2-metre-wide bound surface. The proposed pedestrian access would be crossing third party land and therefore to ensure this pedestrian access is retained in perpetuity this needs to be secured by S106 agreement.



8.69 Highways recommended that a Travel Plan is secured by s.106 planning obligation which will ensure the commitment to the provision of the minibus services for a minimum of 5 years. In addition to the Travel Plan, HCC Highways are seeking to secure a financial obligation amounting to £1200 per annum for 5 years (subject to indexation to RPI from May 2014) towards the cost of monitoring and support to the Travel Plan by this Authority.

8.70 The Highways Officer also confirmed that the likely trip rates associated with the development would not have a severe impact on local highway conditions.

8.71 Noting the construction impacts of the proposed development, particularly the excavation of the basement car parking HCC Highways have recommended a pre-commencement condition for a Construction Management Plan. A condition related to visibility splays has also been recommended.

8.72 HCC Highways were re-consulted and in their final comments advised that subject to imposition of conditions and securing the footway link between the site and Anvil Mews, they remove their objection and support the proposals.

8.73 All Highway Works (within highway limits) shall be subject to a s278 agreement.

- 8.74 National Highways and TfL were consulted and raised no objections subject to conditions.

Fire and Rescue Services

- 8.75 Hertfordshire Fire and Rescue services were consulted and requested a condition to be attached requiring the provision and installation of fire hydrants at no cost to the county council, or fire and rescue service to ensure there are adequate water supplies available for use in an emergency, at all times.

Landscape, Trees and Ecology

- 8.76 Chapter 15 of the NPPF relates to the conservation and enhancement of the natural environment. Development should protect and enhance sites of biodiversity value and soils, in a manner commensurate with their statutory status or identified quality in the development plan. Impacts on biodiversity should be minimised, and net gains should be provided. Development should, wherever possible, help to improve local environmental conditions.
- 8.77 Policy SADM12 of the Site Allocations and Development Management Policies Plan sets out the Council's requirements for trees and landscaping. Planning permission will be refused for development that would result in the loss or likely loss of healthy, high-quality trees subject to a Tree Preservation Order (TPO); or otherwise any healthy, high-quality trees and/or hedgerows that make a valuable contribution to the visual amenity or environment of their location. If any such loss would occur through approved development, replacement planting would be required.
- 8.78 Additionally, Policy CS12 of the Hertsmere Local Plan Core Strategy states that all development proposals must conserve or enhance the natural environment of the Borough, including biodiversity, habitats, protected trees, landscape character, and sites of ecological and geological value. Paragraph 187 of the NPPF is clear that development should achieve net gains for biodiversity. The Biodiversity Net Gain SPD was adopted in January 2024 and requires major developments to achieve a biodiversity net-gain of 10%, in line with the mandatory requirements of the Environment Act 2021.
- 8.79 There are trees and vegetation present within the site. Whilst there are no TPO protected trees on site, the site is within a Conservation Area and the trees are therefore afforded protection.
- 8.80 The proposed development would not result in the pruning or removal of any existing trees. Notwithstanding this, the development would include the planting of a significant number of new trees towards its western edge in order to reinforce the existing tree line. There are also trees proposed at the eastern end of the site to the rear of the stabling/welfare facilities.

- 8.81 The Arboricultural Officer was consulted and raised no objections.
- 8.82 Following the submission of additional information and further clarifications, the Landscape Consultant was satisfied the planning application now provides adequate landscape and levels information in support of the proposed development. They raised no objection subject to conditions relating to a soft landscaping and hard landscaping schemes and a landscape management plan.
- 8.83 The Landscape Consultant concluded that the proposed development retains the existing vegetation on Hilfield Lane and the proposed development is screened from the road, the lane's verdant character is preserved which minimises external landscape impacts.
- 8.84 Ecology was consulted and raised no objections subject to conditions and informatives being attached. They advised that the Preliminary Ecological Appraisal report found no evidence of protected species on-site and concluded that on-site habitats were of negligible value to protected animal species in overall terms. Ecology recommended that informatives are attached advising the applicant to undertake a precautionary approach during the proposed works with regards to protected species of reptile, mammals and amphibians including great crested newts.
- 8.85 In relation to Biodiversity Net Gain (BNG), Ecology advised that an overall net gain of 11.43%, exceeding the statutory minimum of 10%, has been shown to be deliverable on-site. As the on-site enhancements are considered significant enhancements, they should be secured by s.106 for at least 30 years after the development is complete. The statutory BNG condition applies to this development and is imposed automatically and since there would be significant on-site enhancements a condition securing a Habitat Management and Monitoring Plan (HMMP) is recommended.
- 8.86 Overall, no concerns are raised in relation to trees, landscape or ecology, and the proposal is considered to comply with the relevant policies mentioned above.

Flood Risk and Drainage

- 8.87 Paragraphs 170-182 of the NPPF contains the relevant information under "Planning and Flood Risk", while Policy CS16 of the Core Strategy 2013, and Policies SADM13 and SADM14 of the Site Allocations and Development Management Policies Plan 2016 also set out the requirements and constraints for development within Flood Zones.

- 8.88 Environment Agency mapping shows to the northern quarter of the site low-high risk of surface water flooding and the site is partially within a reservoir flood extent. The entirety of the site falls in Flood Zone 1. A Flood Risk Assessment and Surface Water Drainage Strategy were submitted with the application, and HCC as Lead Local Flood Authority (LLFA) were consulted.
- 8.89 Following receipt of the first set of comments from the LLFA, a further response was submitted and reviewed by the LLFA, which subsequently removed its initial objection subject to conditions.
- 8.90 Affinity Water and Thames Water were also consulted and raised no objections with informatives recommended.
- 8.91 Overall, no concerns are raised in relation to flood risk or drainage, and the proposal is considered to comply with the policies mentioned above.

Refuse Storage and Collection

- 8.92 Policy SADM19 requires adequate provision for the storage of waste for new developments. Policy SADM20 states that development should not result in any adverse impact to public health or wellbeing, or significantly add to contamination or pollution, taking into account the situation following any mitigation and remediation measures.
- 8.93 The refuse store would be located within the basement level.
- 8.94 Refuse collection is proposed to be carried out by a private contractor, given the need to manage clinical waste, which is usual practice for this type of use.
- 8.95 A refuse strategy has been submitted and identifies the refuse collection point. Swept path analysis adequately demonstrates that the site can be suitably served by refuse vehicles, pumping appliances and delivery vans entering and exiting in forward gear.
- 8.96 Overall, no concerns are raised in relation to refuse storage and collection, and the proposal is considered to comply with the relevant policies.

Climate Change and Sustainability

- 8.97 The NPPF's overarching objectives (paragraph 8) that development should seek to mitigate and adapt to climate change, including moving to a low carbon economy. The Interim Planning Policy Position Statement on Climate Change and Sustainability was published in November 2020, in order to update the existing policies in line with the declaration of the Climate Emergency. The position statement is a material planning consideration until the publication of a new local plan.

- 8.98 Furthermore, in accordance with Section 14 of the NPPF and Policy CS17 of the Core Strategy (2013), development proposals should support the transition to a low carbon future in a changing climate and achieve CO₂ emission reductions.
- 8.99 Policy CS16 further requires proposals to incorporate sustainable development measures including, amongst others, efficient use of resources, sustainable drainage, remediation, use of energy efficiency design and use of renewable energy sources.
- 8.100 The Climate Change and Energy Statement advised that the development shall be constructed to be energy efficient by reducing energy consumption and CO₂ emissions by using energy hierarchy measures. Passive design strategies, including building orientation, natural ventilation and solar control glazing shall be incorporated into the building design to ensure long-term thermal comfort. PV panels shall be installed and air source heat pump system shall provide renewable heating and improve efficiency of cooling delivery.
- 8.101 The Climate Change and Energy Statement was submitted and reviewed by the Council's Climate Change officer who requested for further information which has been conditioned as per their recommendation.

Planning Balance

- 8.102 Paragraph 11 d) of the NPPF advises that:

Where there are no relevant development plan policies, or the policies where are most important for determining the application are out-of-date⁸, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance⁷ provides a strong reason for refusing the development proposed; or

ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination⁹.

- 8.103 Footnote 7 refers to assets of particular importance as including Green Belt and designated heritage assets which are applicable in this case.
- 8.104 It was concluded that the proposed development would not constitute inappropriate development within the Green Belt.
- 8.105 Paragraph 213 and 215 of the NPPF advises that:

Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including where appropriate, securing its optimum viable use.

8.106 As discussed above, the Heritage Consultant concluded that the proposed development would result in a low level of less than substantial harm. This harm arises from the loss of the site's open, undeveloped rural character and the formalisation of the existing access, which is unavoidable. However, the Heritage Officer noted that significant efforts have been made through the design, landscaping and material palette to assist in mitigating this harm. Officers therefore attribute moderate weight to this harm.

8.107 The harms and benefits of the scheme are summarised in the tables below and the benefits are discussed in more detail thereafter.

Benefit	Officer weight
Provision of a medical facility/stroke clinic for the specialised rehabilitation of stroke patients at no cost to NHS	Very significant
Improved landscaping / Significant on-site BNG	Moderate
Economic benefits	Moderate

Harm	Officer weight
Heritage Assets	Moderate

8.108 The provision of a stroke rehabilitation clinic for the specialised rehabilitation of stroke patients that is accessible for use by the wider community at no cost to the National Health Service ('NHS') that has been demonstrated to be in high demand. It would help reduce the impact on the NHS, its staff and local hospital infrastructure. It would also include the boroughs only hydrotherapy treatment pool. The development of this stroke facility would hugely support stroke recovery and benefit the health of people.

8.109 The proposed development would not result in any loss of trees and would include further tree planting and landscaping to improve screening, together with the planting of an orchard, wildflower meadows, native and ornamental shrub planting, a wetland pond and gabion baskets introduced as retaining walls to assist in biodiversity creation. There would be an 11.43% uplift in biodiversity provided on-site.

8.110 The economic benefits include job creation during the construction phase, a team of up to 12 staff present on-site on any given day, including 6-8 permanent specialist staff, potential savings to the NHS and other medical services, and additional spending in the local economy.

8.111 As demonstrated above, the benefits of the proposed scheme are considered to be numerous and substantial. Officers are content that the benefits taken cumulatively would clearly outweigh the harms.

S.106 Heads of Terms

8.112 If this application were to be approved it would be necessary to secure a Section 106 planning obligation before the permission is issued. The Heads of Terms relate to Planning Obligations requested by the relevant consultees as well as requirements to satisfy the Local Planning Authority.

8.113 The Section 106 agreement would secure the following:

- Travel Plan, including monitoring and review arrangements.
- Provision and operation of the minibus service for a minimum of five years, including booking/scheduling arrangements and reporting through the Travel Plan.
- Travel Plan monitoring contribution of £1,200 per annum for five years, subject to indexation to RPI from May 2014, towards the cost of monitoring and support by the Highway Authority.
- Securing, maintaining and keeping unobstructed the pedestrian route, as a permissive path for users of the development for the lifetime of the development, between the north-western boundary of the site and the turning head spur at the south-eastern end of Anvil Mews, including details of the path and associated infrastructure (e.g. lighting).
- Securing significant on-site BNG enhancements for at least 30 years following completion of the development.
- BNG monitoring costs.

Other Matters

Community Infrastructure Levy

8.114 The Council implemented the Community Infrastructure Levy (CIL) on 1 December 2014. This development would not be CIL liable.

Equality Act 2010

8.115 The Equality Act 2010 came into force in April 2011. Section 149 of the Act introduced the public sector equality duty, which requires public authorities to have 'due regard' to the need to eliminate discrimination on the grounds of the relevant protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion and belief, sex and sexual orientation, and to advance equality of opportunity. In relation to this specific application due regard has been made to the protected characteristics and it is considered that there would be no adverse impact caused following this development.

9.0 CONCLUSION

9.1 Whilst harm is identified to the Heritage assets, the public benefits arising from the development would be substantial such that they clearly and demonstrably outweigh the harms. The proposed development would constitute grey belt and would comply with the criteria set out in paragraph 155 of the NPPF, therefore the development would not be inappropriate in the Green Belt. Consequently, the proposal would therefore comply with the requirements of the NPPF 2024, the Core Strategy 2013, Site Allocations and Development Management Policies Plan 2016, and the relevant supplementary planning documents.

10.0 CONDITIONS/REASONS

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

2. The development hereby permitted shall be carried out in complete accordance with the approved plans and drawings listed in this decision notice, other than where those details are altered pursuant to the conditions of this planning permission.
 - Proposed Plans and Elevations (Animal Shelter) - A23-060-PL026
 - Proposed Plans and Elevations (Ancillary Building) - A23-060-PL027
 - Surrounding Character Study (Combined) - A23-060-PL049
 - Patchetts Influence Zone - A23-060-PL050
 - Proposed Site Sections - A23-060-PL115-C
 - Proposed Site Sections - A23-060-PL120-C
 - Proposed Refuse Strategy - A23-060-PL140-A

- Proposed Parking Strategy - A23-060-PL143-A
- Location Plan - A23-060-SLP010
- 2025.12.16 - Heritage Statement 0842
- 2025.12.17 Travel Plan Revision B
- 20251217-E - Flood Risk Assessment Part 1 of 2
- 20251217 - Flood Risk Assessment Part 2 of 2
- AQ1666 Air Quality Assessment Dec 2025
- Archaeological Desk Based Assessment Ver 1.2 (1)_Part 1
- Archaeological Desk Based Assessment Ver 1.2 (1)_Part 2
- BNG Assessment
AEL1619_PATCHETTSCOTTAGEBNG_V2.0_20251217
- Brians House Community Engagement Letter
- Brians House Cover Letter - Application Schedule and Application Form
- CHBS-AV-25007-1 - Climate Change and Energy Statement
- HCP Letter of Support for Stroke Unit April 2025 (5)
- Noise Impact Assessment 25009-R01C-BT
- Preliminary Ecological Appraisal
AEL1619_PATCHETTSCOTTAGEPEA_V7.0_20251217
- Statutory BNG Metric
AEL1619_STATMETRIC_NOMACROS_V2.0_20251216
- Stroke Association Letter of Support (2)

Received: 23/12/2025

- Proposed Arena Fencing Elevation - A23-060-PL117
- Ark Cycle Shelter Details

Received: 15/01/2026

- Arboricultural Impact Assessment 210413-TMA-XX-RP-AP-2700-P01

Received: 10/02/2026

- Foul Drainage Strategy
- QD880 - Landscape Design Statement 2026-03-19
- Response to LLFA
- Revised Design and Access Statement
- Revised Transport Statement
- Acoustic Barrier Note - 25009-L02-BT
- Retainment Across the Site - 2026-03-20 - QD880-101-REV B

Received: 25/03/2026

- Amended Planning Statement 26.03.2026
- Topographical Plan - A23-060-TP001
- Proposed Basement Floor Plan (Clinic) - A23-060-PL100-F

- Proposed Ground Floor Plan (Clinic) - A23-060-PL101-G
- Proposed First Floor Plan (Clinic) - A23-060-PL102-F
- Proposed Roof Plan (Clinic) - A23-060-PL103-B
- Proposed Front Elevation (Clinic) - A23-060-PL110-C
- Proposed Side Elevation (Clinic) - A23-060-PL111-C
- Proposed Side Elevation (Clinic) - A23-060-PL112-C
- Proposed Rear Elevation (Clinic) - A23-060-PL113-B
- Sections Through Pool & Ramp - A23-060-PL116-A
- Sections Through Pool & Ramp - A23-060-PL116-A
- Section Through Clinic and Animal Shelter - A23-060-PL117-A
- Proposed Section M1 - Hillfield Road - A23-060-PL118-A

Received: 27/03/2026

- Landscape Comments Response
- Proposed Site Sections - A23-060-PL115-F
- Proposed Site Sections - A23-060-PL120-F

Received: 30/04/2026

- Gabion Cladding Details and Section

Received: 09/06/2026

- Proposed Site Plan - A23-060-PL025-E
- Landscape General Arrangement - QD880-100-REV M

Received: 11/06/2026

- Response to Highways Comments

Received: 12/06/2026

Reason: For the avoidance of doubt and in the interests of proper planning.

3. NO DEVELOPMENT SHALL TAKE PLACE UNTIL details of the materials to be used in the construction of the external surfaces including the proposed railings atop the retaining structures of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To protect the visual amenities of the area. To comply with Policies SADM29 and SADM30 of the Site Allocations and Development Management Policies Plan 2016 and Policy CS14, CS22 of the Hertsmere Core Strategy 2013.

- 4.

Prior to the commencement of development, the following shall be submitted to and agreed in writing by the local planning authority:

- o Infiltration testing (BRE365 or equivalent) at the proposed locations and depths of infiltration features to the south of the menage (to include infiltration calculations and subsequent design),
- o Construction drawings of the surface water drainage network for the drainage strategy with an infiltration attenuation basin OR geocellular tank (as per drainage design 5626-SK10-REV E, EAS, 16/03/2026),
- o associated sustainable drainage components, source control measures, and flow control mechanisms,
- o and a construction method statement

The scheme shall then be constructed as per the agreed drawings, method statement, FRA & Drainage Strategy (Response to LLFA ref 2020171. Letter to Denis Nolan from EAS dated 16 March 2026 and accompanying Appendices and Flood Risk Assessment and Surface Water Drainage Strategy. 'Brian's House' Stroke Clinic and Residential Development, Hillfield Lane, Patchetts Green, EAS, Ref 5626/2025 Revision E, 17.12.2025) and remaining in perpetuity for the lifetime of the development unless agreed in writing by the Local Planning Authority. No alteration to the agreed drainage scheme shall occur without prior written approval from the Local Authority.

Reason: To ensure that the development achieves a high standard of sustainability and to comply with NPPF Policies Note 1: The impact of the infiltration at the top of the site should be investigated to ensure there is 1m of unsaturated ground and that a new spring line will not appear in the development. Note 2. For sloping sites where permeable paving might be considered, we recommend referring to section 20.5 Hydraulic Design of The CIRIA SuDS Manual 2015, in particular Figure 20.21 'Control of water on sloping sites' and the associated text. This advises that on slopes of below 20% the potential impact of surface slope on infiltration rates into the pavement surface should not be a significant issue.

5. No development (including earthworks and site clearance) shall commence until details and a method statement for interim and temporary drainage measures during the demolition and construction phases have been submitted to and approved in writing by the Local Planning Authority. This information shall provide full details of who will be responsible for maintaining such temporary systems and demonstrate how the site will be drained to ensure there is no increase in the off-site flows, nor any pollution, debris and sediment to any receiving watercourse or sewer system. The site works and construction phase shall thereafter be carried out in accordance with approved method statement, unless alternative measures have been subsequently approved by the Planning Authority.

Reason: To prevent flooding and pollution offsite in accordance with the NPPF.

6. Prior to the commencement of the development, a boundary treatment plan shall be submitted to and approved in writing by the Local Planning Authority (in consultation with National Highways). The plan shall include as a minimum:
- a) a drawing demonstrating compliance that a minimum 1 metre strip shall be provided between the site and National Highways boundary.
 - b) details of the fencing/screening location, type, construction method and maintenance;
 - c) details for management of new or existing boundary planting with a Method Statement for any works required to address the removal, retention and management of planting along this boundary.

All works shall be undertaken in accordance with the agreed plan prior to commencement of development and maintained in perpetuity as such thereafter.

Reason: For reasons of safety, liability, and maintenance in accordance with paragraph 57 of DfT Circular 01/2022.

7. Prior to the commencement of development, a detailed drainage strategy shall be submitted to and approved in writing by the Local Planning Authority (in consultation with National Highways). Thereafter, all drainage in respect of the development shall be undertaken in full accordance with such approved details, unless otherwise approved in writing by the Local Planning Authority in consultation with National Highways. No surface water shall be permitted to run off from the development hereby permitted on to the Strategic Road Network or into any drainage system connected to the Strategic Road Network. No drainage connections from any part of the development hereby permitted may be made to any Strategic Road Network drainage systems.

Reason: In the interest of the safe and efficient operation of the Strategic Road Network, and to protect the integrity of the Trunk Road drainage asset in accordance with DfT Circular 01/2022.

8. No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan: The Construction Management Plan shall include details of:
- a. Construction vehicle numbers, type, routing;
 - b. Access arrangements to the site;
 - c. Traffic management requirements
 - d. Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);
 - e. Siting and details of wheel washing facilities;
 - f. Cleaning of site entrances, site tracks and the adjacent public highway;
 - g. Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times;

h. Provision of sufficient on-site parking prior to commencement of construction activities;.

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policies 5, 12, 17 and 22 of Hertfordshire's Local Transport Plan (adopted 2018).

9. The development shall not commence until a Habitat Management and Monitoring Plan (HMMP) aligning with the HMMP template produced by DEFRA and prepared in accordance with the approved Biodiversity Gain Plan, has been submitted to, and approved in writing by, the Local Planning Authority.

The plan shall include:

1. a non-technical summary;
2. the roles and responsibilities of the people or organisation(s) delivering the HMMP;
3. the planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan;
4. the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development; and
5. the monitoring methodology and frequency in respect of the created or enhanced habitat to be submitted to the local planning authority.

Thereafter, the approved plan will be implemented in accordance with the approved details for the duration of 30 years.

Reason: To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990.

10. Soft landscaping

No development shall take place until a scheme of soft landscaping for the site drawn to a scale of not less than 1:200 has been submitted to and approved in writing by the Local Planning Authority. The soft landscaping details shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants noting species, plant sizes and proposed numbers and densities. The approved scheme of soft landscaping works shall be implemented not later than the first planting season following commencement of the development (or within such extended period as may first be agreed in writing with the Local Planning Authority). Any planting removed, dying or becoming seriously damaged or diseased within five years of planting shall be replaced within the first available planting season thereafter with planting of similar size and

species unless the Local Planning Authority gives written consent for any variation.

Reason: To assimilate the development into its surroundings and protect the character and appearance of the area. To comply with Policies SADM11, SADM12 and SADM30 of the Site Allocations and Development Management Policies Plan 2016 and Policy CS12, CS22 of the Hertsmere Core Strategy 2013.

11. Hard landscaping

No development shall take place until details of a hard landscaping scheme for the site have been submitted to and approved in writing by the Local Planning Authority. These details shall include proposed finished levels and contours showing earthworks and mounding; surfacing materials; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulations areas; hard surfacing materials; minor artefacts and structures (for example furniture, play equipment, refuse and/or other storage units, signs, lighting and similar features); proposed and existing functional services above and below ground (for example drainage, power, communications cables and pipelines, indicating lines, manholes, supports and other technical features); retained historic landscape features and proposals for restoration where relevant. The scheme shall be implemented prior to the occupation of any part of the development (or within such extended period as may first be agreed in writing with the Local Planning Authority).

Reason: To assimilate the development into its surroundings and protect the character and appearance of the area. To comply with Policies SADM11, SADM12 and SADM30 of the Site Allocations and Development Management Policies Plan 2016 and Policy CS12, CS22 of the Hertsmere Core Strategy 2013.

12. Landscape Management Plan

No development shall take place until a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules and periods for all soft landscape areas (other than small privately owned domestic gardens) together with a timetable for the implementation of the landscape management plan, has been submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall be carried out in accordance with the approved details and timetable.

Reason: To ensure the longevity of the landscaping scheme and protect the visual amenity and character of the area. To comply with Policies SADM11, SADM12 and SADM30 of the Site Allocations and Development Management Policies Plan 2016 and Policy CS12, CS22 of the Hertsmere Core Strategy 2013.

13. NO DEVELOPMENT ABOVE DAMP PROOF COURSE SHALL TAKE PLACE UNTIL a Climate Change and Sustainability Statement has been submitted to, and approved in writing by, the Local Planning Authority. As a minimum the statement shall include the following information:
- o How the scheme has been designed taking into account the generic principles of Policies CS16 and CS17 (eliminate, reduce, substitute and offset) taking a structured approach seeking to reduce carbon emissions;
 - o How materials will be selected having regards to carbon reduction objectives;
 - o Any other relevant information which has been taken into account to minimise carbon emissions resulting from the scheme, such as the principles of fabric first, energy efficiencies, emitted or embodied carbon.
 - o Measures taken to reduce water usage during occupation of the development.
- The sustainability measures set out within the statement shall thereafter be implemented in full prior to the first occupation of the building.

Reason: To accord with the climate change and sustainability requirements of the NPPF 2024, policies SP1, CS16 and CS17 of the Core Strategy (2013) and policy SADM17 of the Site Allocations and Development Management Policies Plan 2016.

14. Prior to the first occupation of the development details of the maintenance and management of the sustainable drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall be implemented prior to the first occupation of the development hereby approved and thereafter managed and maintained in accordance with the approved details in perpetuity. The Local Planning Authority shall be granted access to inspect the sustainable drainage scheme for the lifetime of the development. The details of the scheme to be submitted for approval shall include:
- I. a timetable for its implementation.
 - II. details of SuDS feature and connecting drainage structures and maintenance requirement for each aspect including a drawing showing where they are located.
 - III. a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime. This will include the name and contact details of any appointed management company.

Reason: To ensure that the development achieves a high standard of sustainability and ensure the flood risk is adequately addressed for each new dwelling and not increased in accordance with NPPF and Policies of Hertsmere Borough Council.

15. Water Supplies and Fire Hydrants

Prior to first occupation of the development, a scheme and strategy of

implementation for the provision of adequate water supplies and fire hydrants, necessary for firefighting purposes shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented in accordance with the approved details. The measures shall be implemented in accordance with the approved strategy for implementation and retained in perpetuity.

Reason: To ensure adequate water infrastructure provision is made on site for the local fire service to discharge its statutory firefighting duties, as required by Policy SP1 of the Core Strategy 2013.

16. Prior to the first use of the development and upon completion of the surface water drainage system, including any SuDS features; a survey and verification report from an independent surveyor shall be submitted to and approved in writing by the Local Planning Authority. The survey and report shall demonstrate that the surface water drainage system has been constructed in accordance with the details approved pursuant to condition 4 and 14. Where necessary, details of corrective works to be carried out along with a timetable for their completion, shall be included for approval in writing by the Local Planning Authority. Any corrective works required shall be carried out in accordance with the approved timetable and subsequently re-surveyed with the findings submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the flood risk is adequately addressed, not increased and users remain safe for the lifetime of the development in accordance with NPPF and Policies of Hertsmere Borough Council.

17. Prior to the first use of the development hereby permitted a visibility splay shall be provided in full accordance with the details indicated on the approved drawing number SK02 Rev D. The splay shall thereafter be retained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway.

Reason: To ensure that the level of visibility for pedestrians, cyclists and vehicles is satisfactory in the interests of highway safety in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

18. Lighting

Prior to installation of external lighting the applicant shall submit to, for approval in writing by the Local Planning Authority, details relating to the external lighting scheme (including vertical lux diagrams which show potential light trespass into windows of nearby residential properties). This scheme must meet the requirements within the Institution of Lighting Professionals guidance notes for the reduction of obtrusive lighting.

Reason: To protect the amenity of existing residential properties in the near vicinity to the development. To comply with Policies SADM3 and

SADM30 of the Site Allocations and Development Management Policies Plan 2016 and Policy CS22 of the Hertsmere Core Strategy 2013.

19. Prior to the occupation of the development hereby approved, the bicycle, refuse and recycling storage facilities shall be implemented in full accordance with the details submitted on the approved plans, and shall be retained for the lifetime of the development.

Reason: To ensure a choice of sustainable transport options are provided, to ensure that the future occupiers have a practical means of waste disposal and recycling, and in the interests of the character and appearance of the area, in accordance with Policies SP1, CS16, CS22, CS25, CS26 of the Hertsmere Local Plan Core Strategy (2013), Policies SADM19, SADM30 and SADM40 of the Site Allocations and Development Management Policies Plan (2016) and the National Planning Policy Framework (2024).

20. A 3 metre-wide buffer shall be maintained on the applicant site along the boundary of the M1 motorway land where no planting of trees or shrubs shall be undertaken.

Reason: To allow for access to any boundary fencing or structure and to prevent any additional overhanging of branches or vegetation into National Highway's operational network land adjacent to the high-speed motorway carriageway, enabling the safe and efficient operation of the SRN, complying with the requirements of DfT Circular 01/2022.

21. Noise from plant and equipment

Noise from plant and equipment associated with the development shall be 10dB (LAeq) below the background noise level (LA90) at the nearest residential properties (5dB below the background noise level if evidence is provided which shows that no tonality is present).

Reason: To protect the amenity of existing residential properties in the near vicinity to the development. To comply with Policies SADM30 of the Site Allocations and Development Management Policies Plan 2016 and Policy CS22 of the Hertsmere Core Strategy 2013.

22. Unexpected contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing within 7 days to the Local Planning Authority and once the Local Planning Authority has identified the part of the site affected by the unexpected contamination, development must be halted on that part of the site. Before development recommences on the part of the site where contamination is present a scheme outlining appropriate measures to prevent the pollution of the water environment, to safeguard the health of intended site users, and to ensure that the site will not qualify as

contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation and approved conclusions shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall not be implemented otherwise than in accordance with the approved remediation scheme.

Reason: To ensure that the potential contamination of this site is properly investigated and its implication for the development approved fully taken into account. To comply with Policies SADM20 of the Site Allocations and Development Management Policies Plan 2016 and Policy CS16 of the Hertsmere Core Strategy 2013.

23. The use of the site hereby approved shall be restricted to that of a Stroke Rehabilitation Day Clinic (Land Use Class Sui Generis) and uses ancillary to this use.

Reason: To satisfactorily protect the character and appearance of the area and the residential amenities of nearby occupiers. To comply with Policies SADM30 of the Site Allocations and Development Management Policies Plan 2016 and Policy CS22 of the Hertsmere Core Strategy 2013.

11.0 GENERAL REASON(S) FOR GRANTING PERMISSION

1. Subject to a suitably worded S.106 agreement and conditions, the proposal is considered acceptable because the public benefits arising from the development would be substantial such that they clearly and demonstrably outweigh the harm to the heritage assets. The proposed development would not be inappropriate development in the Green Belt and would have no detrimental impact in terms of visual, residential amenities, car parking or highways safety, trees, landscaping, biodiversity, flood risk or drainage. As such would comply with National Planning Policy Framework 2024; National Design Guide, Planning Practice Guidance (PPG); Community Infrastructure Levy; Policies SP1, SP2, CS12, CS13, CS14, CS16, CS17, CS18, CS19, CS21, CS22, CS24, CS25 and CS26 of the Hertsmere Core Strategy 2013; Policies SADM10, SADM11, SADM12, SADM13, SADM14, SADM15, SADM17, SADM19, SADM20, SADM26, SADM29, SADM30, SADM32, SADM38 & SADM40 of the Site Allocations and Development Management Policies Plan 2016; Part D draft 2016 of the Planning and Design Guide SPD; Parking Standards SPD 2014, Sustainable Transport and Parking Standards Draft SPD 2022, Biodiversity Net Gain Supplementary Planning Document 2024, Draft Carbon Offset Fund Supplementary Planning Document 2022 and Biodiversity, Trees and Landscape SPD 2010.

12.0 BACKGROUND PAPERS

1. The Planning application (25/1842/FUL) comprising application forms, certificate, drawings and any letters from the applicant in support of the application.

2. Replies from Statutory consultees and correspondence from third parties.
3. Any other individual document specifically referred to in the agenda report.
4. Published policies / guidance

13.0 INFORMATIVES

1. In accordance with Section 93G of the Town and Country Planning Act 1990 (as amended). Notification must be given of commencement of the development hereby approved. Before the development is begun, the person proposing to carry out the development must give a notice to the Local Planning Authority specifying the date on which the person expects the development to be begun. Further details can be found online. Town and Country Planning Act 1990 (legislation.gov.uk)
Notifications should be sent to planning@hertsmere.gov.uk
2. Planning permission has been granted for this proposal. The Council acted pro-actively through pre-application and engagement with the applicant during the application which led to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the National Planning Policy Framework (paragraph 39) and in accordance with The Town and Country Planning (Development Management Procedure) (England) Order 2015.

3. Building Regulations

To obtain advice regarding current Building Regulations please contact Hertfordshire Building Control Ltd. by emailing us at buildingcontrol@hertfordshirebc.co.uk or phoning us on 01438 879990.

To make a building regulations application please apply through our website portal at <https://www.hertfordshirebc.co.uk/contact-us/> payment can be made online or by phoning the above number after the application has been uploaded. Please phone us for fees guidance on 01438 879990.

We can also be contacted by post at Hertfordshire Building control Ltd., 4th Floor, Campus West, Welwyn Garden City, Hertfordshire, AL8 6BX.

Once a building regulations application has been deposited with relevant drawings and fee building work may commence. You will be advised in our acknowledgement letter of the work stages we need to inspect but in most instances these are usually:

- Excavation for foundations
- Damp proof course
- Concrete oversite
- Insulation
- Drains (when laid or tested)
- Floor and Roof construction

Work relating to fire safety
Work affecting access and facilities for disabled people
Completion

Please phone 01438 879990 before 10.00am to ensure a same day inspection (Mon - Fri).

Party Wall etc. Act 1996

Any work that affects a party wall, including foundations dug within 3.0m of a neighbouring building, may be controllable under the Act and may require approval from the adjoining owner(s). Party Wall Act matters are always civil matters and it is neither Hertsmere Borough Council's nor Hertfordshire Building Control Ltd's remit to control or enforce Party Wall act matters. Please refer to the Government's explanatory booklet The Party Wall etc. Act 1996, a copy of which is available online at <https://www.gov.uk/government/publications/the-party-wall-etc-act-1996-revised-explanatory-booklet>

4. A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing trade.effluent@thameswater.co.uk . Application forms should be completed on line via www.thameswater.co.uk. Please refer to the Wholesale; Business customers; Groundwater discharges section.
5. The applicant is advised that their development boundary falls within a Source Protection Zone for groundwater abstraction. These zones may be at particular risk from polluting activities on or below the land surface. To prevent pollution, the Environment Agency and Thames Water (or other local water undertaker) will use a tiered, risk-based approach to regulate activities that may impact groundwater resources. The applicant is encouraged to read the Environment Agency's approach to groundwater protection (available at <https://www.gov.uk/government/publications/groundwater-protection-position-statements>) and may wish to discuss the implication for their development with a suitably qualified environmental consultant.
6. AN) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the County Council website at:

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

7. AN) Obstruction of highway: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.
8. AN) Debris and deposits on the highway: It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made up carriageway, or any or other debris on a highway to the interruption of any highway user. Section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development and use thereafter are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available by telephoning 0300 1234047.
9. AN) Works within the highway (section 278): The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx> or by telephoning 0300 1234047.
10. AN) Roads to remain private: The applicant is advised that all new roads* / the access routes marked on the submitted plans * / the access routes [describe*] [*delete as appropriate] associated with this development will remain unadopted (and shall not be maintained at public expense by the highway authority). At the entrance of the new estate the road name plate

should indicate that it is a private road and the developer should put in place permanent arrangements for long-term maintenance.

11. AN) Construction Management Plan (CMP): The purpose of the CMP is to help developers minimise construction impacts and relates to all construction activity both on and off site that impacts on the wider environment. It is intended to be a live document whereby different stages will be completed and submitted for application as the development progresses. A completed and signed CMP must address the way in which any impacts associated with the proposed works, and any cumulative impacts of other nearby construction sites will be mitigated and managed. The level of detail required in a CMP will depend on the scale and nature of development. The CMP would need to include elements of the Construction Logistics and Community Safety (CLOCS) standards as set out in our Construction Management template, a copy of which is available on the County Council's website at:
<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>

12. There are overhead lines residing in close proximity to the site. Should any diversion works be necessary as a result of the development then enquiries should be made to our Customer Connections department. The address is UK Power Networks, Metropolitan house, Darkes Lane, Potters Bar, Herts, EN6 1AG.
You can also find support and application forms on our website Moving electricity supplies or equipment.

13. Biodiversity Net Gain

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition)" that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Hertsmere Borough Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed below.

Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before

development is begun because none of the statutory exemptions or transitional arrangements listed below are considered to apply.

The permission which has been granted has the effect of requiring or permitting the development to proceed in phases. The modifications in respect of the biodiversity gain condition which are set out in Part 2 of the Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations 2024 apply.

In summary: Biodiversity gain plans are required to be submitted to, and approved by, the planning authority before development may be begun (the overall plan), and before each phase of development may be begun (phase plans).]

Statutory exemptions and transitional arrangements in respect of the biodiversity gain condition.

1. The application for planning permission was made before 12 February 2024.

2. The planning permission relates to development to which section 73A of the Town and Country Planning Act 1990 (planning permission for development already carried out) applies.

3. The planning permission was granted on an application made under section 73 of the Town and Country Planning Act 1990 and
(i) the original planning permission to which the section 73 planning permission relates* was granted before 12 February 2024; or
(ii) the application for the original planning permission* to which the section 73 planning permission relates was made before 12 February 2024.

4. The permission which has been granted is for development which is exempt being:

4.1 Development which is not 'major development' (within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015) where:

- i) the application for planning permission was made before 2 April 2024;
- ii) planning permission is granted which has effect before 2 April 2024; or
- iii) planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 where the original permission to which the section 73 permission relates* was exempt by virtue of (i) or (ii).

4.2 Development below the de minimis threshold, meaning development which:

- i) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and
- ii) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).

4.3 Development which is subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. A "householder application" means an application for planning permission for development for an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse which is not an application for change of use or an application to change the number of dwellings in a building.

4.4 Development of a biodiversity gain site, meaning development which is undertaken solely or mainly for the purpose of fulfilling, in whole or in part, the Biodiversity Gain Planning condition which applies in relation to another development, (no account is to be taken of any facility for the public to access or to use the site for educational or recreational purposes, if that access or use is permitted without the payment of a fee).

4.5 Self and Custom Build Development, meaning development which:

- i) consists of no more than 9 dwellings;
- ii) is carried out on a site which has an area no larger than 0.5 hectares; and
- iii) consists exclusively of dwellings which are self-build or custom housebuilding (as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015).

4.6 Development forming part of, or ancillary to, the high speed railway transport network (High Speed 2) comprising connections between all or any of the places or parts of the transport network specified in section 1(2) of the High Speed Rail (Preparation) Act 2013.

* "original planning permission means the permission to which the section 73 planning permission relates" means a planning permission which is the first in a sequence of two or more planning permissions, where the second and any subsequent planning permissions are section 73 planning permissions.

Irreplaceable habitat

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.

The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

The effect of section 73D of the Town and Country Planning Act 1990

If planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 (application to develop land without compliance with conditions previously attached) and a Biodiversity Gain Plan was approved in relation to the previous planning permission ("the earlier Biodiversity Gain Plan") there are circumstances when the earlier Biodiversity Gain Plan is regarded as approved for the purpose of discharging the biodiversity gain condition subject to which the section 73 planning permission is granted.

Those circumstances are that the conditions subject to which the section 73 permission is granted:

- i) do not affect the post-development value of the onsite habitat as specified in the earlier Biodiversity Gain Plan, and
- ii) in the case of planning permission for a development where all or any part of the onsite habitat is irreplaceable habitat the conditions do not change the effect of the development on the biodiversity of that onsite habitat (including any arrangements made to compensate for any such effect) as specified in the earlier Biodiversity Gain Plan.

- 14. Any external lighting should follow guidance from the Bat Conservation Trust and Institution of Lighting Professionals (2023), and be designed to minimise light spill, in particular directing light away from boundary vegetation to ensure that dark corridors remain for use by wildlife as well as directing lighting away from potential roost/nesting sites (e.g. the farmhouse).
- 15. If European Protected Species (EPS), including bats and great crested newts, or evidence for them, are discovered during the course of works, work must stop immediately, and advice sought on how to proceed lawfully from an appropriately qualified and experienced Ecologist or Natural England to avoid an offence being committed. To avoid the killing or injuring of wildlife during development, best practice should keep any areas of grass as short as possible and any longer, ruderal vegetation should be cleared by hand. To avoid creating refugia that may be utilised by wildlife, materials should be carefully stored on-site on raised pallets

and away from the boundary habitats. Any trenches on site should be covered at night or have ramps to ensure that any animals that enter can safely escape, and this is particularly important if excavations fill with water. Any open pipework with an outside diameter greater than 120mm must be covered at the end of each working day to prevent animals entering / becoming trapped.

16. Noise control

1. All works and ancillary operations which are audible at the site boundary, or at such other place as may be agreed with the Council, shall be carried out only between the hours of : 8.00am and 6.00pm on Mondays to Fridays 8.00am and 1.00pm Saturdays and at no time on Sundays and Bank Holidays
2. The best practicable means, as defined in section 72 of the Control of Pollution Act 1974, to reduce noise to a minimum shall be employed at all times
3. All plant and machinery in use shall be properly silenced and maintained in accordance with the manufacturers instructions
4. All compressors shall be sound reduced models, fitted with properly lined and sealed acoustic covers, which shall be kept closed whenever the machines are in use. All ancillary pneumatic percussive tools shall be fitted with mufflers or silencers of the type recommended by the manufactures.
5. All machines in intermittent use shall be shut down during intervening periods between work, or throttled down to a minimum. Noise emitting equipment, which is required to operate continuously, shall be housed in suitable acoustic enclosures.
6. Items of plant and equipment shall be maintained in good condition so that extraneous noise from mechanical vibration, squeaking or creaking is reduced to a minimum.
7. All pile driving shall be carried out by a recognised noise reducing system.
8. Where practical, rotary drills and bursters, actuated by hydraulic or electric power shall be used for excavating hard material
9. In general, equipment for breaking concrete and the like, shall be hydraulically actuated.
10. BS 5228 Noise Control on Construction Sites should be referred to for guidance in respect of all work carried out by the developer, their main contractor and any sub-contractors.
11. Any emergency deviation from these conditions shall be notified to the Council without delay
12. Any planned deviations from these conditions for special technical reasons, shall be negotiated with Council at least 14 days prior to the commencement of the specific work.
13. Permissible noise levels are not specified at this stage.

17. Dust control

1. All efforts shall be made to reduce dust generation to a minimum.
2. Stock piles of materials for use on the site or disposal, that are likely to generate dust, shall be sited so as to minimise any nuisance to residents

or neighbouring businesses. Materials for disposal shall be moved off site as quickly as possible.

3. Water sprays shall be used, as and when necessary, to reduce dust from particularly "dusty" activities or stock piles

Case Officer Details

Caitlin Ellis - email address caitlin.ellis@hertsmere.gov.uk

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Planning Committee
Committee Date 16 July 2026
Current Planning Appeals

Application Number	Appeal Start date	Site Location	Applicant	Proposal	Appeal Procedure	Progress
22/0110/UCU	08/11/24	Land At Chapel Hall Farm Summerswood Lane Borehamwood Hertfordshire	Mr D Magwood	Without planning permission, the raising of land levels including installation of hardstanding, vehicular cross over and installation of a gate taller than 1 metre adjacent to a highway used by vehicular traffic.	Written representations	Await Decision
23/0109/UAW	06/03/25	24 Burghley Avenue Borehamwood Hertfordshire	Mr Jetmir Cufa	Without planning permission, the erection of an outbuilding with raised platform.	Written Representations	Await Decision
23/0373/UAW	10/04/25	1 Heath Drive Potters Bar Hertfordshire	Mrs Flavia Rizzo	Without planning permission, the erection of a structure forward of the principal elevation of the property and the replacement of the windows on the property (the unauthorised developments)	Written Representations	Await Decision
22/0373/UAW	27/05/25 (Revised date from 19/05/25 due to amended procedure)	6 Ark Avenue Borehamwood Hertfordshire	Mr Syed Zain Quli Rizvi	Without planning permission, erection of boundary fencing adjacent to the highway exceeding one (1) metre in height (the breach)	Written Representations	Await Decision
22/0174/UAW	28/05/25	2 Ark Avenue, Borehamwood, WD6 1GH	Mr Jan Majkowski, Mrs Anna Majkowska	Without planning permission, erection of boundary fencing adjacent to the highway exceeding one (1) metre in height ("the breach")	Written Representations	Await Decision
22/0372/UAW	03/06/25	12 Ark Avenue, Borehamwood, Hertfordshire	Mrs Sian Kaye Mr Paul Kaye	Without planning permission, erection of boundary fencing adjacent to the highway exceeding one (1) metre in height (the breach)	Written Representations	Await Decision
23/0139/UCU	30/06/25	42 Rutherford Close Borehamwood Hertfordshire	Mr Michael Firestone	Without planning permission, the change of use from a residential dwelling (Use Class C3) to a commercial short-term let operation (Sui generis)	Written Representations	Await Decision

				("the material change of use of the premises")		
25/0977/CLP	15/09/25	31 Tempest Avenue Potters Bar Hertfordshire	Sonnenschein	Demolition of existing single storey outbuilding to facilitate construction of single storey side and rear extension. Conversion of loft to habitable space to include rear dormer Certificate of Lawful Development (Proposed).	Written Representations	Await Decision
24/0176/UAW	30/09/25	15 Oddesey Road Borehamwood Hertfordshire	Hunslow Estates Ltd	Without planning permission; the change of use of the property from a single family dwelling to mixed use as one (1) self-contained flat and seven (7) bedroom House in Multiple Occupation (HMO) (Use Class Sui Generis)	Written Representations	Await Decision
25/0074/UAW	24/11/25	10 Ark Avenue Borehamwood Hertfordshire	Mr Marc Goldberg & Mrs Gali Goldberg	Without planning permission, the erection of boundary fencing adjacent to the highway exceeding one (1) metre in height	Written Representations	Await Decision
24/0024/UAW	12/01/26	6 Oakroyd Close, POTTERS BAR, EN6 2EW	Mr Iacovos Demetriou	Without planning permission, installation of hard surface forward of the principal elevation of dwelling house ("the breach")	Written Representations	Await Decision
25/0999/CLP	20/01/26	23 Albemarle Avenue Potters Bar Hertfordshire	Mr Gutwirth	Conversion of loft to habitable space with associated roof alterations to include rear dormer. (Certificate of Lawful Development.)	Written Representations	Await Decision
25/1572/HSE	10/02/26	21 Gills Hill Lane Radlett Hertfordshire	Jonathan and Elana Garfield-Olsen	Demolition of existing car port, conservatory and single storey rear extension to facilitate construction of part single, part two storey side and rear extension. Alterations to fenestration and front porch. Conversion of loft to habitable space to include increased ridge height, hip to gable roof alterations and rear dormer.	Written Representations	Await Decision
24/0273/UAW	13/02/26	59 Wroxham Gardens	MR ONUR	Without planning permission, the erection of a two storey outbuilding in the rear garden ("the	Written Representations	Await Decision

		Potters Bar Hertfordshire EN6 3DJ	KARAMAN	breach”).		
24/1101/OUTEI MAJOR	16/02/26	Land To The West Of Barnet Road, And East Of Baker Street, Potters Bar	Bloor Homes	Outline application (with all matters reserved except for means of access) for a new neighbourhood comprising up to 900 dwellings (Use Class C3) (including affordable housing), a neighbourhood centre and community facilities (Use Class E (a), Class E (e) and F2 (b), a primary school (Use Class F1 (a)), land for an up to 80-bed care home (Use Class C2), strategic and informal open space, landscaping, parking, associated infrastructure and works, with vehicle and pedestrian accesses from Baker Street and Barnet Road.	Inquiry – 19-21 May, 2-4 June, 16-18 June, 30 Jun – 2 Jul, 7 July 2026	Await Decision
25/1558/FUL	04/03/26	Surgery Rutherford Way Bushey Heath Bushey Hertfordshire	Rejakulendran	Demolition of existing building and erection of two storey building with office space at ground floor and self-contained 2x bed flat at first floor.	Written Representations	Await Decision
24/0121/WLB	04/03/26	Little Gable Cottage 25 High Street Elstree Borehamwood Hertfordshire	Mr Altin Ahmeti	Without planning permission, the rendering of external walls of the dwelling house and installation of windows and front door	Written Representations	Await Decision
25/1660/CLP	11/03/26	225 Darkes Lane Potters Bar Hertfordshire	Mr David Gutwirth	Part single, part two storey rear extension, single storey side extension, conversion of loft to habitable space to include rear dormer and insertion of 3x front roof lights, conversion of garage to habitable space to include replacement of garage door with window. Certificate of Lawful Development (Proposed) (Amended description to include additional flat)	Written Representations	Await Decision
25/0325/FUL	09/04/26	Land Rear Of 5 To 23 Cobden Hill Radlett Hertfordshire	Mrs Juliet Bichard	Construction of 4x 4 bed dwellings and 2x 3 bed dwellings with new vehicular and pedestrian access adjacent No 5 Cobden Hill; layout of additional parking, landscaping and all ancillary works.	Written Representations	Await Decision

25/1070/FUL MAJOR	16/04/26	Land Opposite Junction With Butterfly Lane And East Of Watling Street Radlett Hertfordshire	Greenfield Energy Developments Limited	The construction and operation of a Battery Energy Storage System (BESS) and associated infrastructure including battery container units, medium voltage stations, 132 kV substation, 33kV customer switchgear, DNO control room, storage and welfare containers, CCTV cameras, fencing including acoustic fence, access tracks, water storage tank and landscaping.	Written Representations	Await Decision Costs Application received 24/06/26
25/1719/FUL	30/04/26	Stables West Of Green Street Shenley Hertfordshire	Sue Harrington	Redevelopment of the site including demolition of existing stable block, hardstanding, mobile home, shed, and other associated structures and erection of a single storey 2x bed dwelling.	Written Representations	Await Decision
25/0949/LBC	30/04/26	1 Baytree Cottages Crossoaks Lane Ridge Potters Bar Hertfordshire	Matthew & Nazik Wortman	Replacement of glass roof with roof tiles (Retrospective application).	Written Representations	Await Decision
26/0051/HSE	07/05/26	16 Melrose Avenue Potters Bar Hertfordshire	Mr Simon Haynes	Front porch, two storey side and single storey rear extension.	Fast Track	Await Decision
25/1833/HSE	08/05/26	14 Tilehouse Close Borehamwood Hertfordshire	Collyer	First floor side extension.	Fast Track	Await Decision
26/0121/VOC	20/05/26	1 Loom Lane Radlett Hertfordshire	Graham Temple	Variation of condition 19 (plans) to allow for alterations to plot 1 and 2 including roof alterations, fenestration changes and projection to increase floor space in plot 1 following grant of planning permission 25/1032/VOC (as amended by plans received on 13.03.2026).	Written Representations	Questionnaire 28/05/26 Statement 25/06/26 Final comments 09/07/26
24/0990/FUL	26/05/26	Land Adjacent To 51 Harcourt Road Bushey Hertfordshire	Knightspur Homes Ltd	Erection of 3x bed two storey detached dwelling with associated works and landscaping. (AMENDED PLANS RECEIVED: 19/11/2024 - roof height lowered, set in from the side boundary with the open space (between 0.8m-1.5m due to the angle of the boundary) and material details). (ADDITIONAL INFORMATION RECEIVED: 16/12/2024, 20/06/2025, 28/01/2026 & 17/02/2026) - Flood Risk Assessment and mitigation measures on proposed site plan, drainage strategy & BNG metric/report).	Written Representations	Questionnaire 02/06/26 Statement 30/06/26 Final comments 14/07/26

25/1788/FUL	02/06/26	11 Finch Lane, Bushey, Hertfordshire	Mr Edward Hiller	Demolition of Non-Designated Heritage Asset (NDHA) detached dwelling and construction of replacement two storey detached dwelling with rooflights, air source heat pump, solar panels and alterations to boundary treatments, hard and soft landscaping.	Written Representations	Questionnaire 09/06/26 Statement 07/07/26 Final comments 21/07/26
24/1522/OUT MAJOR	08/09/26	Land East Of Little Bushey Lane And North Of The Squirrels Little Bushey Lane Bushey	Redrow Homes Ltd	Application for residential development (up to 280 dwellings) with access from Little Bushey Lane, a mobility / community hub (Class E), along with car parking, drainage and earthworks, open space and all ancillary and enabling works (Outline Application with Appearance, Internal Access, Landscaping, Layout and Scale Reserved for subsequent approval).	Inquiry 15 – 17 Sept, 23 – 25 Sept, 29 & 30 Sept	CMC 14/07/26 Questionnaire 16/06/26 Statement 13/07/26 Final Comments 18/08/26
26/0198/CLP	09/06/26	67 Cotton Road Potters Bar Hertfordshire	Blachman	Change of use from 6 person HMO (Class C4) to 7 person HMO (Sui-Generis). Certificate of Lawful Development (Proposed).	Written Representations	Questionnaire 23/06/26 Statement 21/07/26 Final comments 11/08/26
26/0067/HSE	16/06/26	19 Cardinal Avenue Borehamwood Hertfordshire	Richard Selby	Construction of part single, part two storey front extension.	Fast Track	Questionnaire 23/06/26
26/0536/HSE	24/06/26	188 Mutton Lane Potters Bar Hertfordshire	RICHARD JAMES ROLAND STRATTON	Demolition of existing conservatory and single storey rear extension to facilitate construction of single storey rear extension. Conversion of garage to habitable space to include replacement garage door with window and conversion of loft to habitable space to include rear dormer.	Fast Track	Questionnaire 01/07/26 Costs Application made

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Planning Committee 16 July 2026
Planning Appeals Decisions
Report ran from 01/04/2026 to 30/06/2026

Application Number	Appeal Start date	Site Location	Applicant	Proposal	Appeal Procedure	Decision	Officer Recommendation/ Committee overturn Decision	Appeal costs i.e. External (legal) and Cost Awards from PINS
25/1514/HSE	19/01/26	69 Deacons Hill Road Elstree Borehamwood Hertfordshire	Mr Tom Merritt	Construction of two storey front, side and rear extensions, conversion of garage and loft to habitable space with associated roof alterations to include front and rear dormers and insertion of 4x rooflights to each side, and alterations to fenestration.	Written Representations	Allowed 20/04/26	Officer Recommendation	None
25/1704/HSE	17/02/26	33 The Shrublands Potters Bar Hertfordshire EN6 2BN	Peter Lucas	Retention of existing ground floor front extension with associated roof alterations (Part retrospective).	Fast Track	Dismissed 14/05/26	Officer Recommendation	None
24/0196/TRE	21/05/25	Potters Bar Golf Club Darkes Lane Potters Bar Hertfordshire	Sarah Denise Dawes	The felling of thirty eight (38) trees of species- <i>Populus nigra 'Italica'</i> protected by Tree Preservation Order TPO/001/2020	Fast Track	Dismissed 19/05/26	Enforcement Notice	None
24/0046/UAW	03/03/25	1 Gables Avenue Borehamwood Hertfordshire	Ms Chehreh Dashti	Without Planning Permission, the erection part single, part two storey side and rear extension, dormer roof extension and erection of front boundary treatment adjacent to the highway exceeding one (1) metre in	Written Representations	Part Allowed/Part upheld	Enforcement Notice	None

				height.;				
24/0170/CLE	09/09/24	92 Hartforde Road Borehamwood Hertfordshire	Mrs Alexandra Teaca	Construction of outbuilding in rear garden to facilitate open bicycle port and BBQ, storage and play area. Certificate of Lawful Development (Existing).	Written representations	Dismissed 12/06/26	Officer Recommendation	None
25/0766/FUL MAJOR	17/06/26	8 - 9 Station Close Potters Bar Hertfordshire	Serap Akmal (Oakside International Ltd)	Change of use from existing warehouse (Use Class B8) to provision of medical or health services (Use Class E(e)) and erection of cycle store.	Written representations	Allowed 17/06/26	Officer Recommendation	None
24/0819/CLP	13/01/25	11 Finch Lane Bushey Hertfordshire	Hiller and Khalid	Construction of single storey side extensions. Partial demolition of rear extension to facilitate construction of two storey rear extension to include associated roof works. Alterations to fenestration. Certificate of Lawful Development (Proposed).	Written representations	Dismissed 29/06/26	Officer Recommendation	None