

RULE 6 (6) STATEMENT OF CASE

By

THE COMBINED OBJECTORS GROUP

Appeal Reference APP/C1950/W/22/3307844

LPA Reference 6/22/1097/OUTLINE

Land North of Bradmore Way, Brookmans Park, Hertfordshire

1. INTRODUCTION

- 1.1 This Statement of Case is submitted by the Combined Objectors Group (COG). The Group has been formed to make a joint case to a public inquiry into the above-mentioned planning appeal. It consists of the North Mymms District Green Belt Society (“the Society”), in partnership with the Brookmans Park Action Group (“BPAG”), and CPRE Hertfordshire – the Countryside Charity (“CPREH”).
- 1.2 The Group’s statement has been compiled in respect of the appeal by Aurora Properties Limited (“the appellant”) against the refusal by Welwyn Hatfield Borough Council (“WHBC”) to grant permission for an outline planning application (LPA Reference 6/2022/1097/OUTLINE) for up to 125 new dwellings, including 45 affordable homes, 10 self-build homes, a C2 care home for up to 60 bedrooms with associated facilities, together with a scout hut and all ancillary works on Land to the North of Bradmore Way, Brookmans Park, Hertfordshire.
- 1.3 In response to the original planning application, detailed objections were submitted to WHBC on a number of planning grounds. Copies of the individual letters of objection from members of COG are appended to this statement.

1.4 The application was refused on 5th August 2022. The reasons for refusal were as follows:

1. The proposal would represent inappropriate development in the Green Belt, result in a considerable loss of Green Belt openness and represent a significant encroachment on the countryside. No very special circumstances exist to clearly outweigh this harm. Consequently, the proposal conflicts with Policies D1, D2 and RA10 of the Welwyn Hatfield District Plan 2005, Policy SADM34 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed submission 2016 and the National Planning Policy Framework.

2. The proposed development would severely detract from the character of the site and area, in conflict with policies D1, D2 and RA10 of the Welwyn Hatfield District Plan 2005; Supplementary Design Guidance 2005; Policy SP9 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016; and the National Planning Policy Framework.

3. The application has failed to demonstrate that there would not be an unacceptable impact on highway safety and that the impact on the road network would not be severe. Furthermore, the application has failed to demonstrate that priority first would be given to pedestrian movements in the area and that the needs of people with disabilities and reduced mobility would be addressed. Consequently, the proposal conflicts with Policy M5 of the Welwyn Hatfield District Plan 2005, Policy SADM12 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016 and the NPPF.

4. The Application has failed to demonstrate that it would contribute positively to the biodiversity of the site. Without such assurances, the proposal conflicts with Policy R11 of the Welwyn Hatfield District _Plan 2005, Policy SADM16 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed submission 2016 and the NPPF.

5. The application fails to demonstrate that the proposed development will not increase flood risk to the site and elsewhere. Furthermore, the sustainable drainage system is unacceptable. Consequently, the proposal conflicts with Policy SADM14 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016 and the NPPF.

6. The applicant has failed to satisfy the sustainability aims of the plan and to secure the proper planning of the area by failing to ensure that the development proposed would provide a sustainable form of development in mitigating the impact on local infrastructure and services which directly relate to the proposal and which is necessary for the grant of planning permission. The applicant has failed to provide a planning obligation under Section 106 of the Town and Country Planning Act 1990 (as amended). The local planning authority considers that it would be inappropriate to secure the required financial contributions and provisions by any method other than a legal agreement. The proposal is therefore contrary to Policies IM2, ME, M4, and H2 of the Welwyn Hatfield District Plan 2005; Policies SP13 and SADM1 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed submission August 2016; and the National Planning Policy Framework

1.5 At the Inquiry, COG intends to bring evidence to elaborate the points of objection made by the members of the Group, and to support the Council in its reasons for refusal. The focus of the case, as described below, will be on Reasons for Refusal 1, 2, 3, and 6. At the same time, COG reserves the right to contribute to the inquiry on any of the other matters which may be raised, as appropriate, and guided by the Inspector.

2. GREEN BELT

2.1 COG agrees with the Council that the proposal is inappropriate development in the Green Belt. Evidence will be produced to show the considerable degree of harm to the openness of the Green Belt to the north of the village of Brookmans Park. The development would also be contrary to the purposes of the Green Belt, in particular its encroachment into the countryside. The extent of this encroachment will be demonstrated with photographs and diagrams. No very special circumstances exist sufficient to outweigh the harm which would be caused to the Green Belt, the loss of agricultural land, and the damage to the business of a working farm.

2.2 Evidence will also be produced with regard to the appropriate provisions of the NPPF relating to the Green Belt and technical in respect to the protection of designated areas. Matters relating to the calculation of housing needs and targets for Local Plans and the evolving government position will also be relevant in this area.

3. LANDSCAPE CHARACTER

3.1 In its elevated position, the application site forms an important part of the character of the rural area which envelops the village. In its submissions, COG will demonstrate the particular role of the site in maintaining the strategic gap between Brookmans Park and Welham Green. In the LVIA produced for the appellants, it is argued that the development would be contained by woodland features and the settlement edge of Brookmans Park. COG will provide contrary evidence to show how the role of the gap is not only visual but also environmental in that it provides space for wildlife and countryside recreation. Reference will be made to the Borough Council's Green Gaps Assessment, which was prepared for the Local Plan Examination (EX160).

4. TRANSPORT

4.1 As shown by the appended letters, a considerable number of objections to the application were made on highways grounds. Unusually, the highways authority objected to the scheme because of the impact on highway safety and the severe effect on the local road network. Members of COG were in full agreement with the assessment of the highways authority, which was appended to the case officer's report to the WHBC Development Management Committee.

4.2 COG has noted the appellant's statement of case, which states that further traffic counts would be undertaken during the autumn period in order to address the concerns of the highways authority. The results of this survey, the third which has been carried out by the appellants, are now available. Having studied the results, COG's case is that none of the three surveys provide sufficient evidence to counter the Council's third reason for refusal and the very real concerns about highway safety and the effects on the local road network. COG will provide the results of local traffic observations conducted by local residents, together with photographic material, to illustrate the existing problems which occur on a daily basis. COG's case remains unchanged - that there would be a severe impact on the surrounding area, which includes the village primary school and the shopping centre.

4.3 Further concerns have been raised by residents about the effects of construction traffic which would be generated during the development of the site. No details have been included in the application and its supporting documents. During the autumn period, COG members have been made aware of works carried out on Bell Lane, to the north east of the site, which involve the removal of a length of hedgerow and some trees. Photographic evidence will be provided to the Inquiry. These works give rise to the concern that the appellant may be intending to construct a temporary service road from Bell Lane to the appeal site. A possible route was shown on a plan submitted to the Council at the “call for sites” stage of the Local Plan. Construction of such a route would have severe effects on the residential area of Bell Lane, which is a narrow thoroughfare and unsuited to heavy traffic. The plan will be produced at the Inquiry.

5. CONDITIONS

5.1 COG has noted the suggested list of conditions in the Statement of Common Ground but has no comments at this stage. Without prejudice, COG reserves the right to be involved with the discussion of conditions during the Public Inquiry.

6. LIST OF DOCUMENTS

6.1 The following documents will be referred to in evidence at the Public Inquiry:

- Green Belt Review Stage 3 (2018), prepared by Land Use Consultants for WHBC
- Green Gaps Assessment WHBC 2020 (Examination Document EX160)

6.2 COG will also refer to the NPPF, the submitted Welwyn Hatfield Local Plan 2017, and other documents which are listed in the Borough Council Rule 6(6) Statement of Case.

30th November 2022