

PLANNING COMMITTEE – 22 MAY 2025

24/1401/FUL – Demolition of existing front boundary wall and erection of replacement wall and railings including vehicle and pedestrian gates; fencing and associated alterations to parking layout at CHRIST CHURCH C OF E SCHOOL, RICKMANSWORTH ROAD, CHORLEYWOOD, RICKMANSWORTH, HERTFORDSHIRE, WD3 5SG.

Parish: Chorleywood Parish Council
Expiry of Statutory Period: 13.11.2024
Extension of Time: 21.04.2025

Ward: Chorleywood North & Sarratt
Case Officer: Tom Norris

Recommendation: That Planning Permission be granted.

Reason for consideration by the Committee: Called to Committee by three members unless Officers are minded to refuse. Members cited heritage impact and that the site was adjacent to a public open space.

To view all documents forming part of this application please go to the following website:
<https://www3.threerivers.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=SJ81ZZQFL2Y00>

The application was deferred by the Planning Committee in April 2025 for officers' to seek further information. This is discussed at 7.1 below.

1 Relevant Planning History

- 1.1 24/0449/FUL - Christ Church C Of E School, Rickmansworth Road, Chorleywood, Rickmansworth, Hertfordshire, WD3 5SG - 16.05.2024 – Permitted.
- 1.2 23/1518/FUL – Construction of single storey front extension - 03.11.2023 – Permitted
- 1.3 19/1258/FUL – Installation of a single storey timber outbuilding to be used as additional classroom space – 12.09.2019 – Permitted.
- 1.4 18/1679/FUL - Replacement rooflights - 10.10.2018 – Permitted.
- 1.5 13/2313/FUL - Replacement windows, external doors, rooflights, fascias and soffits - 28.02.2014 – Permitted.
- 1.6 13/0847/FUL - Infill of existing courtyard and new main entrance with glazed porch - 25.06.2013 – Permitted.
- 1.7 03/0743/FUL - Erection of a detached store building
- 1.8 02/00303/FUL - Covered way to side
- 1.9 99/1689/CAC - Demolition of part and alterations to wall and gates
- 1.10 98/0508 - Single storey extension
- 1.11 97/0400 - Extension to nursery block and relocation of playground
- 1.12 8/140/93 - Single storey classroom and covered link
- 1.13 8/70/93 - New classroom extension
- 1.14 8/39/90 - Retention of mobile classroom

- 1.15 8/224/89 - Construction of car park with timber bollards
- 1.16 8/355/86 - Mobile classroom
- 1.17 8/545/81 - Erection of storage building, Christ Church vicarage
- 1.18 8/102/81 – Garage
- 1.19 8/567/80 - Temporary classroom unit
- 1.20 8/684/76 - Alterations to window to form door
- 1.21 8/204/76 - Covered play area Juniors
- 1.22 8/203/76 - Covered play area Infants

2 Description of Application Site

- 2.1 The application site consists of school buildings and land located approximately 60m to the south of Rickmansworth Road.
- 2.2 The application site is located within the Chorleywood Common Conservation Area and the Metropolitan Green Belt. To the north of the site is a church building, Christ Church which is Grade II* Listed. To the west of the application site is Chorleywood Cricket Ground and woodland beyond which forms part of Chorleywood Common.
- 2.3 The school buildings within the application site consist of a two-storey Victorian building, sited in the northwestern side of the site, and a more contemporary single storey building with flat roofs of varying height, sited further to the south-east. To the south of the buildings is a hardstanding parking/playground area with paved footpaths leading around the buildings and providing access.
- 2.4 The site is enclosed to its western boundary by a low wall (approximately 1.2m in height). The wall is made up of sections of flint wall, and red brick piers and is subject to this application.

3 Description of Proposed Development

- 3.1 Planning permission is sought for the demolition of the existing front boundary wall and the erection of a replacement wall and railings including vehicle and pedestrian gates, and fencing.
- 3.2 It is proposed that a 58m stretch of wall, which encloses the western boundary of the school and fronts the gravel car park and cricket pitch to the west, is demolished. As noted above, this wall is approximately 1.2m in height and is made up of sections of flint wall, and red brick piers.
- 3.3 It is proposed that a new wall is constructed in its place. The new wall would be positioned in the exact same location. The proposed wall would consist of 0.4m by 0.4m brick piers of 2.0m in height (2.1m including pier cap). The wall would consist of 3.0m long and 0.9m high walls between the piers. These would be predominantly flint, with two courses of facing brick at the base, and one course of brick and a half round coping brick cap at the top. Above the walls, the piers would be enclosed by black powder coated railings which would have a height of 1.1m, making the total height of the wall and railing sections up to 2.0m.
- 3.4 Within the new wall there would be two pedestrian gates and a vehicle gate, which would match the railings. The pedestrian gates would have a width of 1.4m and 2.0m, and the vehicle gate would have a width of 3.5m. The gates would have an overall height of 2.0m to match the rest of the wall and railings height.

- 3.5 To the northern site boundary, between the start of the proposed wall and the corner point of the new church building, it is proposed that a 9.0m length of 2.0m high “v-mesh” black powder coated fencing is erected.
- 3.6 A 6.5m length of 2.0m high “bow-top” black powder coated fencing is proposed to be erected between the wall and school building to the northern section of the site. Approximately half-way along the length of proposed wall, a 14.0m length of 2.0m high “bow-top” black powder coated fencing is proposed to be erected, adjoining the wall and school building. A 26.0m length of 2.0m high “bow-top” black powder coated fencing is proposed to be erected along the southern site boundary. There would be pedestrian gates within the fencing inside the school.
- 3.7 Amended plans were received during the application which proposed a flint wall design, as opposed to a primarily brick structure with some flint detailing. The scale and proportions of the wall remained as originally proposed and described above.

4 Consultation

4.1 Statutory Consultation

- 4.1.1 The application was subject to consultation upon original submission on 24.09.2024, and on amended plans on 05.03.2025. Comments from consultees who responded to both consultations are set out below.

- 4.1.2 Conservation Officer: [Objection – low level of less than substantial harm]

Comments on original scheme

The application site is located within Chorleywood Common Conservation Area and is identified within Character Zone A of the Conservation Area, along Rickmansworth Road/Chenies Road. Christ Church itself is a Grade II listed building and an important feature within the Conservation Area, with knapped flint exterior referred to in the conservation area guidance and Historic England listing description. The school is not nationally or locally listed, but more recent buildings on site have used a knapped flint finished and high gables in reference to the existing character.*

The flint wall that would be demolished as part of the application is highlighted in the Chorleywood Common Conservation Area Appraisal, in the guidance to Character Zone A and in its current form, the wall enhances the character of the Conservation Area and Grade II listed Christ Church.*

NPPF paragraph 200 requires an applicant to describe the significance of any heritage assets affected including the contribution made by their setting. This has not been provided with the submission and while historic plans show a perimeter wall in this location, the age and significance of the wall has not been described in the submission, which would be required to fully inform an assessment of the proposal.

Nevertheless, it has been possible to assess the proposal. While the significance of the existing wall has not been established, as an attractive feature finished in flint, it is considered to positively contribute to the character and appearance of the Conservation Area and the setting of the Grade II listed Christ Church.*

The loss of the wall and its replacement with a primarily brick structure would fail to preserve or enhance the character and appearance of designated heritage assets and would result in less than substantial harm as per paragraph 208 of the NPPF. The use of railings in combination with the existing wall may be acceptable, subject to a heritage assessment.

Overall, the proposal would result in less than substantial harm to designated heritage assets which has not been justified. As such, the proposal is contrary to Section 66(1) and 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990.

Comments on amended scheme

This application is for: Demolition of existing front boundary wall and erection of replacement wall and railings including vehicle and pedestrian gates.

The application site is located within Chorleywood Common Conservation Area and is identified within Character Zone A of the Conservation Area, along Rickmansworth Road/Chenies Road. Christ Church itself is a Grade II listed building and an important feature within the Conservation Area, with knapped flint exterior referred to in the conservation area guidance and Historic England listing description. The school is not nationally or locally listed, but more recent buildings on site have used a knapped flint finished and high gables in reference to the existing character.*

This is an updated consultation response in relation to revised plans registered on 26th February 2025.

In the first iteration of plans, the existing flint wall would be demolished. The loss of this wall and its replacement with a primarily brick structure was found to be harmful to the designated heritage assets and was not supported in heritage terms.

The update has provided updated documents to show that the wall is in a damaged condition and that there is a need for a taller and more robust boundary treatment for school security. In addition, the proposed plans and elevations now show a wall that is finished in both brick and stone on the side facing the public car park, with half round coping brick and on the school side it would be wholly brick. It would have brick piers, railings and a large vehicle gate all to a height of approx. 2m.

The new proposal is an improvement on the previous proposal due to the use of flint on one side. However, due to the tall brick piers, railings and gates, it will not enhance this part of the Conservation Area or the setting of the listed church which have a more open and semi-rural character.

While it is noted that there are signs of deterioration to the existing wall, one of the concerns in the initial Conservation Officer response was that the historic significance of the existing wall has not been described and while it clearly has some modern elements, it is not clear if this is limited to certain sections or the entire wall. The option to repair and rebuild only damaged sections has not been clearly explored and a rebuilding of the existing wall with a fence to the rear would be a preferred option in heritage terms.

If the scheme were recommended for approval, existing stonework and any other historic materials should be salvaged as much as possible, and a method statement related to this should be secured via planning condition and all other materials secured via condition as well.

Overall, while the proposal is an improvement on the previous, it would still result in less than substantial harm to designated heritage assets, contrary to Sections 66(1) and 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990.

The National Planning Policy Framework para 212 states that great weight should be given to the asset's conservation. Particularly relevant here is para 215 which states that this harm should be weighed against the public benefits of the proposal including where appropriate, securing its optimum viable use. In this instance this would relate to safety concerns over

the existing wall and the safety and security benefits to the school and wider community, which should be taken into consideration in assessing the proposal.

Officer comment: The Conservation Officer clarified that the level of less than substantial harm identified was graded as low.

4.1.3 Chorleywood Parish Council: [Initial objection overcome following receipt of amendments]

Comments on original scheme: [Objection]

The Committee had Objections to this application on the following grounds and wish to CALL IN, unless the Officers are minded to refuse.

' The front boundary wall is located in the Common Conservation Area and is a key part of the setting of the Grade II Listed Christ Church. It is also a prominent feature from Chorleywood Common. The current wall is faced by flint which is consistent with the listed church and the school as well as being a traditional form of Chiltern design. The proposed replacement material is mainly brick which is not in keeping with the surrounding buildings. It should be noted that the school wall is an extension of the churchyard wall which will remain with the traditional flint facing and, as such, the proposed materials would be starkly inconsistent with this.

' The Committee felt that, if safety measures are required, the wall should be kept and railings placed on top or behind the current wall. If the wall has to be replaced then it is requested that the materials used are like for like with the existing wall.

' There is concern over the increase in proposed parking within the school grounds which is both unnecessary, as the school is immediately adjacent to a sizeable car park and will increase hazard for the school's children.

Should the plans or supporting information be amended by the Applicant, please advise the Parish Council so the comments can be updated to reflect the amended.

Comments on amended scheme: [No objection]

The Committee wishes to withdraw the original Call In for the application following the submission of amended plans for the wall. Whilst this still results in harm to the Conservation Area and the setting of the Listed Building, the Committee felt that the harm had been reduced such that, on balance, the public benefits probably now outweighed the harm. The Committee still had concerns with the increased parking within the school grounds.

Should the plans or supporting information be amended by the Applicant, please advise the Parish Council so the comments can be updated to reflect the amended.

4.1.4 Hertfordshire County Council Highway Authority: No objection.

Recommendation

Notice is given under article 22 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission.

Comments/Analysis

Description of Proposal

Demolition of existing front boundary wall and erection of replacement wall and railings including vehicle and pedestrian gates

Site and Surroundings

Rickmansworth Road is a classified A main distributor route subject to a 30mph speed limit which is highway maintainable at public expense. As per Hertfordshire County Council's new Place and Movement Planning Design Guide (PMPDG), Rickmansworth Road is classified as a P1/M2. However, the location of the school access and proposed wall and gates is along a private service road which is not highway maintainable which means that comments can only be made in an advisory capacity as HCC cannot implement policies or maintenance at this location.

Access and Parking

The application does not propose to alter the access from the highway onto the private service road, nor the access into the school site itself. The proposed sliding vehicular gate replaces the existing swing vehicle gate; the proposed replacement vehicular gate is to be automatic according to drawing number 0778-PL-102. Automated gates would be an appropriate replacement to the existing manual gates to reduce the waiting time of vehicles entering the site, alleviating the risk of congestion reaching back to the public highway. As the gate is not fronting the public highway, the gate is setback a suitable distance from the highway as per the PMPDG. Although the gate and fencing is above 0.6m in height, the width of the gate opening, 4.4m as shown on drawing 0778-PL-102, ensures the required pedestrian visibility splays are clear.

Ultimately the LPA will have to be satisfied with the parking provision, but HCC would like to comment that six parking spaces are shown within the site although the layout on the drawing is noted as being only indicative. Any parking spaces that are provided within the site should be of 2.5m x 5m dimensions according to the PMPDG; although no changes to the parking provision are proposed according to the Application Form.

Conclusion

HCC as Highway Authority has considered the application and are satisfied that the proposal would not have an unreasonable impact on the safety and operation of the nearby highway and therefore, has no objections on highway grounds to this application. Again, it is to be noted that as the proposed site is located off a private service route/driveway, HCC cannot implement policies or maintenance in this location and comments are therefore made in an advisory capacity.

4.1.5 Hertfordshire Crime Prevention Officer: No objection – support proposal.

I did visit this school in November 2021 with my colleague crime prevention officer Colin Mann to review the security and safeguarding. From a crime prevention and security perspective I would support this application for a replacement perimeter wall and fencing, please find my comments which I made at the time detailed below:

Comments

I do have major concerns regarding the security of the site, taking into consideration the crimes that have been reported. These include burglary (laptops stolen), trespassing on school land and lack of surveillance at the rear of the school field, where it is possible to drive a vehicle up to the boundary.

Perimeter Security – to replace the low fencing at the rear and side of the school with 1.8m Weldmesh fencing. LPS 1175

CCTV – to undertake a CCTV system / requirement review to ensure all images captured are sufficient.

4.1.6 HCC Footpath Section: [No response received]

4.1.7 National Grid: [No response received]

4.2 Public/Neighbour Consultation

4.2.1 Neighbours consulted: 5.

4.2.2 Responses received: 2 (Objection)

4.2.3 Summary of responses:

- Adverse impact on the Conservation Area.
- The wall forms an important part of the church and area.
- Proposed replacement wall not in keeping with the area.

4.2.4 Site notice posted 01.10.2024, expired 22.10.2024.

4.2.5 Press notice published . 04.10.2024, expired 25.10.2024.

5 Reason for Delay

5.1 Seeking views from consultees.

6 Relevant Planning Policy, Guidance and Legislation

6.1 Legislation

6.1.1 Planning applications are required to be determined in accordance with the statutory development plan unless material considerations indicate otherwise as set out within S38(6) Planning and Compulsory Purchase Act 2004 and S70 of Town and Country Planning Act 1990).

6.1.2 S66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires LPAs to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses when considering whether to grant planning permission..

6.1.3 S72 of Planning (Listed Buildings and Conservation Areas) Act 1990 requires LPAs to have special regard to the desirability of preserving or enhancing the character or appearance of conservation areas.

6.1.4 The Localism Act received Royal Assent on 15 November 2011. The Growth and Infrastructure Act achieved Royal Assent on 25 April 2013.

6.1.5 The Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010, the Natural Environment and Rural Communities Act 2006 and the Habitat Regulations 1994 may also be relevant.

6.1.6 The Environment Act 2021.

6.2 Policy & Guidance

National Planning Policy Framework and National Planning Practice Guidance

- 6.2.1 In December 2024 the revised NPPF was published, to be read alongside the online National Planning Practice Guidance. The NPPF is clear that “existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework”.
- 6.2.2 The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits unless there is a clear reason for refusing the development (harm to a protected area).

The Three Rivers Local Development Plan

- 6.2.3 The application has been considered against the policies of the Local Plan, including the Core Strategy (adopted October 2011), the Development Management Policies Local Development Document (adopted July 2013) and the Site Allocations Local Development Document (adopted November 2014) as well as government guidance. The policies of Three Rivers District Council reflect the content of the NPPF.
- 6.2.4 The Core Strategy was adopted on 17 October 2011 having been through a full public participation process and Examination in Public. Relevant policies include Policies CP1, CP9, CP10, CP11 and CP12.
- 6.2.5 The Development Management Policies Local Development Document (DMLDD) was adopted on 26 July 2013 after the Inspector concluded that it was sound following Examination in Public which took place in March 2013. Relevant policies include DM2, DM3, DM6, DM7, DM8, DM9, DM11, DM13 and Appendix 5.
- 6.2.6 The Chorleywood Neighbourhood Plan (adopted 2021).

6.3 Other

- 6.3.1 Chorleywood Common Conservation Area Appraisal (adopted 2010).
- 6.3.2 The Community Infrastructure Levy (CIL) Charging Schedule (adopted February 2015).

7 Planning Analysis

7.1 Committee Update

- 7.1.1 The application was deferred at April 2025 Planning Committee for Officers to seek further information from the applicant. The further information sought by planning committee members included the following:

- 1) Noting that the Conservation Officer refers to exploring repair and re-build, members would like clarification on whether this has been explored. If not, why not? If yes, why is it not feasible?
- 2) Is there a specific safety requirement for this height / design?
- 3) Is it feasible to reduce the height of the railings? or is there an alternative design?

- 7.1.2 In respect of the first point, regarding repair and rebuild, the applicant stated the following:

The school has previously paid for repair works to the boundary wall in an effort to maintain the structure. Unfortunately, these repairs have failed over time, and the wall has continued to deteriorate. The most recent Condition Survey undertaken by Academy Estate Consultants confirmed the wall is now beyond viable repair, with a grading of D – Life Expired. Key issues include extensive mortar loss, missing flint, visible cavities, and structural instability. Given the safety risk and safeguarding responsibilities, a full rebuild is the only sustainable option.

- 7.1.3 In respect of the second point, regarding height and design, the applicant stated the following:

The proposed design aims to respect the character of the school, the adjacent listed church, and the Conservation Area through the use of a traditional flint and brick wall. The inclusion of black powder-coated metal railings and secure gates has been carefully considered to provide effective perimeter protection while remaining visually appropriate.

The height is based on guidance from the DfE School Output Specification (Technical Annex 2B: External Spaces), which states that:

"Boundary fencing shall be designed to meet the security requirements in the SSB. Boundary fencing shall: a) be a minimum of 2.4m in height."

In addition, the proposal reflects emerging responsibilities under Martyn's Law (Protect Duty), which emphasises the importance of proportionate security measures at publicly accessible venues—including schools. While not yet law, Martyn's Law encourages settings to strengthen site security and assess vulnerabilities to help protect against intentional security breaches. This proposal is a proactive step toward compliance with that framework.

The boundary upgrade is intended to:

- *Prevent unauthorised access and climbing,*
- *Maintain clear sightlines for natural surveillance,*
- *Align with best practice in safeguarding and site security.*

- 7.1.4 In respect of the third point, regarding the railing height and design alternatives, the applicant stated the following:

We acknowledge Members' concerns regarding the visual impact of the railings. The proposed railing height had already been reduced from 2.4m to 2m to balance aesthetic sensitivity with necessary security performance.

Reducing the height any further would conflict with safeguarding guidance and significantly reduce the effectiveness of the design. The proposed scheme maintains a sensitive aesthetic through:

- *Traditional brick and flint wall construction,*
- *Black powder-coated railings to reduce visual bulk,*
- *Stone pier caps and coping to reflect the local context.*

We believe the current proposal achieves an appropriate and carefully balanced response to both heritage preservation and pupil safety. While the development may result in a less than substantial impact on the Conservation Area, this is considered to be outweighed by the significant public benefits of enhanced safeguarding and essential structural safety, consistent with Paragraph 214 of the National Planning Policy Framework (NPPF, 2024).

7.2 Impact upon the Metropolitan Green Belt

- 7.2.1 The National Planning Policy Framework (NPPF) sets out that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and that the essential characteristics of Green Belt are their openness and their permanence. One of the purposes of including land within Green Belt is to safeguard the countryside from encroachment.

- 7.2.2 The NPPF identifies the five purposes of including land in Green Belts as:

- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns from merging into one another;

- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land

7.2.3 Paragraph 153 of the NPPF states 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 and should not be approved except in very special circumstances. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

7.2.4 Paragraph 154 of the NPPF states that Development in the Green Belt is inappropriate unless one of the following exceptions applies:

- a) buildings for agriculture and forestry;
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use), including buildings, for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
- c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- e) limited infilling in villages;
- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
- g) limited infilling or the partial or complete redevelopment of previously developed land (including a material change of use to residential or mixed use including residential), whether redundant or in continuing use (excluding temporary buildings), which would not cause substantial harm to the openness of the Green Belt.
- h) Other forms of development provided they preserve its openness and do not conflict with the purposes of including land within it. These are:
 - i. mineral extraction;
 - ii. engineering operations;
 - iii. local transport infrastructure which can demonstrate a requirement for a Green Belt location;
 - iv. the re-use of buildings provided that the buildings are of permanent and substantial construction;
 - v. material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and
 - vi. development, including buildings, brought forward under a Community Right to Build Order or Neighbourhood Development Order.

7.2.5 Policy CP11 of the Core Strategy (adopted October 2011) sets out that there is a general presumption against inappropriate development that would not preserve the openness of the Green Belt, or which would conflict with the purposes of including land within it. Policy DM2 of the Development Management Policies sets out that the construction of new buildings in the Green Belt is inappropriate with certain exceptions, some of which are set out in the policy.

7.2.6 Section 336 of the Town and Country Planning Act 1990 states that a building "includes any structure or erection, and any part of a building, as so defined, but does not include plant or machinery comprised in a building". The proposed development, including the proposed wall and fencing, is considered to be a building.

- 7.2.7 It is considered that the proposed development would not meet any of the exception criteria set out under Paragraph 154 of the NPPF. In respect of c), the proposed development would not consist of an alteration but the complete rebuilding of the existing wall to approximately double its existing height. To this point it also cannot be considered that the size increase is proportionate above the original size. Similarly, therefore in respect of d), the new wall would be materially larger. It is proposed that new fencing where none currently exists within the school site is also erected. It is not considered that this part of the development fits into any exception criteria.
- 7.2.8 In terms of whether the proposed development would preserve the openness of the Green Belt, there is a spatial and visual dimension to consider. The proposed new wall would occupy the place of an existing wall therefore the land is not open as existing and there would be no impact to spatial openness in this regard. The new fencing would have a limited impact to spatial openness. In terms of visual openness, the new wall would be a more prominent structure. The new wall would be a relatively obvious feature, with the more sizeable components including 2.0m high brick piers. The stretches of enclosing wall would be relatively low (0.9m) and the metal railings, although these would enclose the space between the piers, would allow views through and would also be painted black which would somewhat soften their prominence. While these factors are considered, and the described characteristics may limit the overall impact, the proposed development would still be noticeable in the landscape. The proposed development also consists of the installation of 2.0m high fencing within the school grounds. This would be thin profile and mesh style fencing which would allow views through. This fencing would also be painted black and somewhat read against the backdrop of the school buildings and existing enclosed boundaries.
- 7.2.9 Overall, the proposed development does not meet any exception criteria under Paragraph 154, and it would impact the openness of the Green Belt. While the development does possess some open characteristics, it would be an obvious and noticeable feature in the landscape. The degree of harm to openness is medium to low. The NPPF states that 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 and should not be approved except in very special circumstances.
- 7.2.10 It is also necessary to consider the development against paragraph 155 of the NPPF which relates to 'grey belt' and includes 'other development'. Paragraph 155 is subject to a criteria approach. Whilst the development is likely to meet part a), in so far as it would be grey belt land. In respect of part b) there is no evidence to suggest there is an unmet need for the development. With regards to part c), the site is located within the Chorleywood settlement boundary however in a more remote part of it regarding access to shops and services and part d) is not applicable. Nevertheless, when viewed collectively, the development is not considered to meet each part of paragraph 155 of the NPPF and thus would be inappropriate development.
- 7.2.11 The following sections of this report will consider whether any other harm results from the proposal, and whether very special circumstances exist to outweigh the harm.

7.3 Impact upon Character and Heritage Assets

- 7.3.1 Policy CP1 of the Core Strategy (adopted October 2011) seeks to promote buildings of a high enduring design quality that respect local distinctiveness and Policy CP12 of the Core Strategy relates to design and states that in seeking a high standard of design, the Council will expect development proposals to have regard to the local context and conserve or enhance the character, amenities, and quality of an area.
- 7.3.2 Policy DM3 of the Development Management Policies document sets out that applications will only be supported where they sustain, conserve and where appropriate enhance the

significance, character and setting of the asset itself and the surrounding historic environment.

- 7.3.3 Paragraph 212 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 215 of the NPPF states that 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.
- 7.3.4 The application site is located within Chorleywood Common Conservation Area. Christ Church, which is some 15m from the application site, is a Grade II* listed building. A modern extension to the church has been built, infilling the space between it and the school buildings. The LPA acknowledge the comments of the Conservation Officer who identifies a low-level of less than substantial harm from the proposal.
- 7.3.5 The Conservation Officer notes that, in the first iteration of the plans, the loss of the existing wall and its replacement with a primarily brick structure was found to be harmful to the designated heritage assets and was not supported. Officers agreed with this assessment and sought amendments to the scheme over a more suitable replacement (i.e. a replacement wall with a principally flint character and appearance).
- 7.3.6 The Conservation Officer notes that the amended proposal represents an improvement on the previous proposal due to the wall design having a predominantly flint appearance. The Conservation Officer notes however that the retention of the brick piers, railings and gates, means that it would still not preserve nor enhance the character and appearance of the Conservation Area or the setting of the church.
- 7.3.7 The amended plans included a document which seeks to demonstrate the condition of the existing wall. The Conservation Officer notes that, while there are signs of deterioration to the existing wall, one of the concerns in their initial response was that the historic significance of the existing wall has not been described.
- 7.3.8 Officers have physically observed the condition of the wall which corroborates with the condition report submitted by the applicant. The stretch of wall from the northernmost point of the site, to approximately halfway towards the southernmost point is in a reasonably good condition. It is noted that the gate entrance near the northernmost point includes newer stock brick piers. Within this section there is a clear stretch of flint wall infill between two piers approximately 1.0m apart. This appears to have been an historic entrance point. This section of wall also contains obvious sections where the flint has been repaired and repointed with a more yellow, sandy mortar mix. The remainder of the wall from approximately halfway to the southernmost point is in a greater state of disrepair. This includes more widespread examples of flint repairs with a more yellow mortar. There are also sections where the flint has fallen from the wall. Finally, the vehicle entrance at the southern end of the wall also contains newer red brick piers from when this entrance was created.
- 7.3.9 To summarise the above observations, Officers consider that, although the wall likely has some historic significance through its association with the church, its collective state of repair is fair to poor. The Conservation Officer commented that they did not consider that the option to properly repair and rebuild only damaged sections had been clearly explored. However, as set out at 7.1.2 the School have explained that the wall has been repaired previously but that full rebuild is now the only sustainable option.
- 7.3.10 In summary, Officers consider that the existing wall is in a fair to poor condition. There is therefore an opportunity for enhancement through its repair or reconstruction to a similar

scale as existing. Given the greater height and therefore greater prominence of the proposed replacement wall, Officers acknowledge that, by virtue of its scale it is unlikely to preserve or enhance the character and appearance of the Conservation Area or the setting of the Grade II* listed church. Officers therefore do not have reason to reach an alternative conclusion to the Conservation Officer, that the proposal would result in less than substantial harm to a designated heritage asset. The level of less than substantial harm is low-level.

- 7.3.11 As set out above in paragraph 7.2.3, the NPPF states that great weight should be given to the asset's conservation and the test is whether any public benefits from a proposal would outweigh the harm caused. In this case, while there is adjudged to be less than substantial harm, the level of harm is low. The applicant submitted a statement of need with the application, setting out the requirement for more enhanced security measures to the school. The statement sets out the following

"Perimeter Security & Site Boundaries:

The existing perimeter security is poor, allowing unrestricted access into and around the school. The boundary walls are low and easily climbed over, while the wooden gates lack access control, making them ineffective in preventing unauthorised entry. Given the school's remote setting, with no natural surveillance from nearby housing or businesses, security enhancements are critical to reducing potential risks.

Security Fencing & Gates:

Although some sections of the school have good fencing, these do not prevent easy access to playgrounds and key areas of the school site. The existing gates are low and lack the necessary security features, such as controlled access. The rear gates, leading to Year 1 and the breakfast and afterschool club area, present a significant security concern as they allow unrestricted access to the back of the school. Additionally, the main entrance is shared with the church cottage, complicating access control and increasing security vulnerabilities.

Entrances & Drop-Off/Collection Points:

The school lacks designated collection and drop-off points, leading to unregulated movement of vehicles and pedestrians. While most cars park outside the school boundary, private vehicles have access to the front area of the school, creating potential safety hazards. A secure and structured entrance system is needed to improve both security and efficiency during busy drop-off and pick-up times.

Signage & Access Control:

There is a lack of clear signage throughout the school site, which can be confusing for visitors and does not contribute to security awareness. Furthermore, access control within the school is minimal. The reception area, though equipped with a foyer, can be easily compromised. The school building itself consists of both older and modern structures, with low-level windows that can be climbed into, further exacerbating security concerns.

Internal Layout & Surveillance Challenges:

The school's layout, with the Church cottage positioned at the centre, creates multiple hidden areas and small corridors that hinder effective surveillance."

- 7.3.12 Overall, there is considered to be a tangible public benefit to the proposal. In this case, there would be a significant upgrade to the actual and perceived security of the school perimeter, a view that is supported by the Crime Prevention Design Officer at Hertfordshire Constabulary. This would provide greater peace of mind to parents, staff, and students that the entire school site is secure throughout the day. In addition, clear and physically defined

pedestrian and vehicle entrances would improve the safety during pick-up and drop-off times.

- 7.3.13 In summary, the LPA consider that the proposal would result in less than substantial harm to a designated heritage asset. The level of less than substantial harm is low. The proposed development would have public benefits. The planning judgement in this instance is that the public benefits of the proposal would outweigh the low level of harm caused.
- 7.3.14 The Conservation Officer stated that, if the scheme were to be recommended for approval, existing stonework and any other historic materials should be salvaged as much as possible, and a method statement related to this should be secured via planning condition and all other materials secured via condition as well. It is therefore considered appropriate for a condition to be included on any permission for final details of proposed materials. The condition may be worded as such to include provision of salvaged materials such as flint.
- 7.3.15 The proposed development is therefore acceptable in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011), Policies DM1, DM3 and Appendix 2 of the Development Management Policies LDD (adopted July 2013) and the NPPF (2024).

7.4 Impact on amenity of neighbours

- 7.4.1 Policy CP12 of the Core Strategy states that development should 'protect residential amenities by taking into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space'.
- 7.4.2 The proposed development would be in a location that would not result in any harm to the residential amenities of any surrounding neighbouring properties. The proposed development would also not result in any noise and disturbance of the closest neighbouring properties.
- 7.4.3 In summary, the proposed development would not result in any impact on the residential amenity of any neighbouring dwelling and the development would therefore be acceptable in accordance with Policies CP1 and CP12 of the Core Strategy.

7.5 Highways & Parking

- 7.5.1 Core Strategy Policy CP10 requires development to provide a safe and adequate means of access and to make adequate provision for all users, including car parking. Policy DM13 and Appendix 5 of the Development Management Policies document set out parking standards.
- 7.5.2 The proposed development would not impact the parking provision of the site. The plans show a reconfigured parking layout however this area is currently laid as hardstanding and used for parking therefore no use change is proposed. The application does not propose to alter the access from the highway onto the private service road, nor the access into the school site itself. The proposed sliding vehicular gate replaces the existing swing vehicle gate; the proposed replacement vehicular gate is to be automatic according to drawing number 0778-PL-102. Hertfordshire County Council Highway Authority commented on the application, stating that they raise no concerns or objection in an advisory capacity, given the private status of the access. It is considered appropriate for an informative to be added to any permission, advising that all materials and machinery are stored within the school site and not outside the site on the adjacent car park.
- 7.5.3 The proposed development is therefore acceptable in accordance with Policy CP10 of the Core Strategy (adopted October 2011) and Policy DM13 and Appendix 5 of the Development Management Policies document (adopted July 2013).

7.6 Trees & Landscape

7.6.1 Policy DM6 of the Development Management Policies LDD sets out that development proposals should seek to retain trees and other landscape and nature conservation features, and that proposals should demonstrate that trees will be safeguarded and managed during and after development in accordance with the relevant British Standards.

7.6.2 There are no protected trees within the site or close to the proposed works. Given the nature of the proposed development, which principally includes the reconstruction of a wall on its existing footings, the proposed development would not have a direct impact on trees. As above, it is considered appropriate for an informative to be added to any permission, advising that all materials and machinery are stored on existing hardstanding within the school site.

7.7 Biodiversity

7.7.1 Section 40 of the Natural Environment and Rural Communities Act 2006 requires Local Planning Authorities to have regard to the purpose of conserving biodiversity. This is further emphasised by regulation 3(4) of the Habitat Regulations 1994 which state that Councils must have regard to the strict protection for certain species required by the EC Habitats Directive. The Habitats Directive places a legal duty on all public bodies to have regard to the habitats directive when carrying out their functions.

7.7.2 The protection of biodiversity and protected species is a material planning consideration in the assessment of this application in accordance with Policy CP9 of the Core Strategy and Policy DM6 of the Development Management Policies document. National Planning Policy requires Local Authorities to ensure that a protected species survey is undertaken for applications where biodiversity may be affected prior to the determination of a planning application.

7.7.3 The application is accompanied by an Ecological Appraisal. The appraisal concludes that no evidence of protected species was found on or adjacent to the site and no protected species are to be affected by proposals. The report recommends that a construction environmental management plan is produced to set out avoidance and mitigation measures during construction. It is considered that this can satisfactorily be secured by condition.

7.8 Mandatory Biodiversity Net Gain

7.8.1 Paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 sets out that every planning permission granted for the development of land in England shall be deemed to have been granted subject to the 'biodiversity gain condition' requiring development to achieve a net gain of 10% of biodiversity value.

7.8.2 The applicant has confirmed on the application form that if permission is granted for the development to which this application relates the biodiversity gain condition would not apply because the application relates to development below the threshold. The LPA are satisfied in this instance that the development impacts less than 25sqm of on-site habitat.

7.9 Any other harm and Very Special Circumstances

7.9.1 As set out within the Green Belt section of this report, the proposed development is inappropriate development and would not preserve the openness of the Green Belt. The level of harm to the Green Belt, for the reasons given in the previous section of this report, is assessed as medium to low.

7.9.2 In terms of any other harm, the proposed development is considered to result in a low level of less than substantial harm however this harm is judged to be outweighed by public benefits, and as such meeting the Heritage tests of the NPPF.

7.9.3 The NPPF is clear at Paragraph 153 that "Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special

circumstances". When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations".

- 7.9.4 As remarked upon in the previous sections of this report, the proposed development is considered to result in public benefits. In this case, there would be a significant upgrade to the actual and perceived security of the school perimeter which, as existing, is open but for a low wall, particularly the playground area. This would provide greater peace of mind to parents, staff, and students that the entire school site is secure throughout the day. In addition, clear and physically defined pedestrian and vehicle entrances would improve the safety during pick-up and drop-off times. It is considered that these factors are material considerations which collectively would constitute very special circumstances which would outweigh the inappropriateness of the development and the harm to openness of the Green Belt.
- 7.9.5 As such the proposal is acceptable in accordance with Policy CP11 of the Core Strategy (adopted October 2011), Policy DM2 of the Development Management Policies LDD (adopted July 2013) and the NPPF (2024).

8 Recommendation

- 8.1 That **PLANNING PERMISSION BE GRANTED** subject to the following conditions:

- C1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In pursuance of Section 91(1) of the Town and Country Planning Act 1990 and as amended by the Planning and Compulsory Purchase Act 2004.

- C2 The development hereby permitted shall be carried out in accordance with the following approved plans: 0778-PL-100, 0778-PL-101, 0778-PL-102, 0778-PL-103 B

Reason: For the avoidance of doubt and in the proper interests of planning and in the interests of the visual amenities of the locality, area and Heritage Assets, the residential amenity of neighbouring occupiers, and the openness of the Metropolitan Green Belt in accordance with Policies CP1, CP9, CP10, CP11 and CP12 of the Core Strategy (adopted October 2011), Policies DM1, DM2, DM3, DM6, DM8, DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013), the Chorleywood Neighbourhood Plan (adopted 2021), the Chorleywood Common Conservation Area Appraisal (adopted 2010), and the NPPF (2024).

- C3 Any salvageable flint shall be repurposed in the development where possible. Details of which shall be submitted to and approved in writing by the Local Planning Authority under the provisions of Condition 4.

Reason: In the interests of the visual amenity of the area in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011), Policy DM3 of the Development Management Policies LDD (adopted July 2013), and the NPPF (2024).

- C4 Prior to the commencement of works above ground level, samples and details of the proposed materials and finishes, including details of brick, flint, mortar, railings, gates, and fencing shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be completed only in accordance with the details approved by this condition.

Reason: In the interests of the visual amenity of the area in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011), Policy DM3 of the Development Management Policies LDD (adopted July 2013), and the NPPF (2024).

Informatives

- 11 With regard to implementing this permission, the applicant is advised as follows:

All relevant planning conditions must be discharged prior to the commencement of work. Requests to discharge conditions must be made by formal application and include a fee.

There may be a requirement for the approved development to comply with the Building Regulations. Please contact Hertfordshire Building Control (HBC) on 01438 879990 or at buildingcontrol@hertfordshirebc.co.uk who will be happy to advise you on building control matters and will protect your interests throughout your build project by leading the compliance process. Further information is available at www.hertfordshirebc.co.uk.

Community Infrastructure Levy (CIL) - Your development may be liable for CIL payments and you are advised to contact the CIL Officer for clarification with regard to this. If your development is CIL liable, even if you have been granted exemption from the levy, please be advised that before commencement of any works it is a requirement under Regulation 67 of The Community Infrastructure Levy Regulations 2010 (As Amended) that CIL form 6 (Commencement Notice) must be completed, returned and acknowledged by Three Rivers District Council before building works start. Failure to do so will mean you lose the right to payment by instalments (where applicable), and a surcharge will be imposed. However, please note that a Commencement Notice is not required for residential extensions IF relief has been granted.

Following the grant of planning permission by the Local Planning Authority it is accepted that new issues may arise post determination, which require modification of the approved plans. Please note that regardless of the reason for these changes, where these modifications are fundamental or substantial, a new planning application will need to be submitted. Where less substantial changes are proposed, the following options are available to applicants:

- (a) Making a Non-Material Amendment
- (b) Amending the conditions attached to the planning permission, including seeking to make minor material amendments (otherwise known as a section 73 application).

It is important that any modifications to a planning permission are formalised before works commence otherwise your planning permission may be unlawful and therefore could be subject to enforcement action. In addition, please be aware that changes to a development previously granted by the LPA may affect any previous Community Infrastructure Levy (CIL) owed or exemption granted by the Council. If you are in any doubt whether the new/amended development is now liable for CIL you are advised to contact the Community Infrastructure Levy Officer (01923 776611) for clarification. Information regarding CIL can be found on the Three Rivers website (<https://www.threerivers.gov.uk/services/planning/community-infrastructure-levy>).

Care should be taken during the building works hereby approved to ensure no damage occurs to the verge or footpaths during construction. Vehicles delivering materials to this development shall not override or cause damage to the public footway. Any damage will require to be made good to the satisfaction of the Council and at the applicant's expense.

Where possible, energy saving and water harvesting measures should be incorporated. Any external changes to the building which may be subsequently required should be discussed with the Council's Development Management Section prior to the commencement of work. Further information on how to incorporate changes to reduce your energy and water use is available at:

<https://www.threerivers.gov.uk/services/environment-climate-emergency/home-energy-efficiency-sustainable-living#Greening%20your%20home>.

- 12 The applicant is reminded that the Control of Pollution Act 1974 allows local authorities to restrict construction activity (where work is audible at the site boundary). In Three Rivers such work audible at the site boundary, including deliveries to the site and running of equipment such as generators, should be restricted to 0800 to 1800 Monday to Friday, 0900 to 1300 on Saturdays and not at all on Sundays and Bank Holidays.
- 13 The Local Planning Authority has been positive and proactive in its consideration of this planning application, in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The development maintains/improves the economic, social and environmental conditions of the district.
- 14 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 Three Rivers District Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not apply.

Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because the following statutory exemption or transitional arrangement is considered to apply.

Development below the de minimis threshold, meaning development which:

- a) 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
- b) 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).

Where the local planning authority considers that the permission falls within paragraph 19 of Schedule 7A to the Town and Country Planning Act 1990, 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.

Biodiversity gain plans are required to be submitted to, and approved by, the planning authority before development may be begun, and, if subject to phased development, before each phase of development may be begun.

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.

More information can be found in the Planning Practice Guidance online at <https://www.gov.uk/guidance/biodiversity-net-gain>.