

PLANNING COMMITTEE – 25 MAY 2023

PART I - DELEGATED

8. 23/0387/FUL - Change of use of woodland land into residential garden with timber fencing for the three properties (15, 17 & 19 Woodland Chase) at LAND ADJACENT TO 15, 17 AND 19 WOODLAND CHASE, CROXLEY GREEN, RICKMANSWORTH, HERTFORDSHIRE, WD3 3FN

Parish: Croxley Green Parish Council Ward: Dickinsons
Expiry of Statutory Period: 10.05.2023 Case Officer: Tom Norris
(Extension of time agree to 31.05.2023)

Recommendation: That Planning Permission be REFUSED.

Reason for consideration by the Committee: Called to Committee with the support of three Members irrespective of Officer recommendation. The reason for the call-in related to the incursion into the woodland and the change of character by incorporating into private garden curtilage.

1 Relevant Planning History

- 1.1 09/0701/FUL - Demolition of existing buildings and erection of 44 dwellings and 7 flats, alterations to existing vehicular access, associated open space landscaping and car parking - 17.08.2009 – Permitted & Implemented

2 Description of Application Site

- 2.1 The application site consists of a section of woodland which adjoins the housing development known as Woodland Chase. The site measures some 30.0m in width and 10.0m in depth and spans the width of three rear amenity gardens of no.15, no.17 and no.19 Woodland Chase. The site follows the irregular shape of the rear boundary of no.19.
- 2.2 The application site is currently separated from the existing rear amenity gardens to these dwellings by close boarded fencing. The character of the site is woodland.
- 2.3 The application site and surrounding woodland is covered by a woodland Tree Preservation Order (Long Valley Wood – TPO 685) therefore all tree species named on the order are protected, including any which grow up in the future.
- 2.4 In terms of policy designations, the application site is within the Metropolitan Green Belt including the existing housing estate and entire surrounding woodland. It is also directly adjacent to a Local Wildlife Site designation and an Open Space designation (OS(h) known as Long Valley Wood and Buddleia Walk which covers the majority of the surrounding woodland and appears to follow the historic boundary of the previous use prior to the residential development of the site.

3 Description of Proposed Development

- 3.1 Planning permission is sought for the change of the use of the land edged in red on the Location Plan to residential gardens. The land would be subdivided to follow the line of the existing flank boundaries of the gardens serving the three dwellings. The application form states that 1.8m high fencing would be erected to the proposed new site boundaries. The trees within the section of land would be retained within the amenity gardens of the dwellings.

4 Consultation

4.1 Statutory Consultation

4.1.1 Croxley Green Parish Council:

Croxley Green Parish Council, as the landowner, does not feel it is appropriate to comment on the merits of the application at this stage. We note that there is a blanket TPO for the whole woodland.

4.1.2 Landscape Officer: [No response received]

4.1.3 Hertfordshire Ecology: [No response received]

4.1.4 Environmental Protection: [Information required]

Our records indicate that nos. 15, 17, 19, 31, 33 and 35 Woodland Chase were built on a site that has had a previous potentially contaminative use. The site is recorded as having had the following uses:

Mining & quarrying general;

Unknown filled ground (pit, quarry etc.).

Online historical mapping indicates that the area was subject to gravel extraction, a pit or quarry is depicted in close proximity to where the properties were built on the map published in 1868, an Old Gravel Pit is shown on the map published in 1898, Gravel Pits are shown throughout Croxleyhall Wood on the map published in 1914, a large building and two smaller buildings are shown in approximately the location where the properties were built on the map published in 1947, the buildings are labelled Works on the map published in 1962.

Following gravel extraction, it is possible that the resulting voids could have been infilled with waste materials. There is an area of historic landfill to the south of the site (the landfill received inert wastes from the early 1950s).

The planning records on the TRDC website show that the works identified above were operated by the Imperial Machine Company, Harvey Road, Croxley Green (IMC was a manufacturer of food processing equipment). The Harvey Road site was redeveloped under planning permission reference 09/0701/FUL (Demolition of existing buildings and erection of 44 dwellings and 7 flats, alterations to existing vehicular access, associated open space landscaping and car parking).

Condition 18 relates to requirements for the investigation and remediation of the site. This is likely to have been recommended by Environmental Health. There are some other conditions that relate to contamination; however, these look like conditions that the Environment Agency would have recommended. A number of reports were submitted in support of the application. I have not had the opportunity to read through the reports. I do not know whether the above mentioned conditions were discharged.

However, the intrusive investigation and any subsequent remediation works would have been carried out within the boundary of the development site. The area outside the development site (that was subject to gravel extraction), will not have been investigated and will not have been subject of the remediation scheme.

I would suggest that an assessment of the potential risks associated with the proposed development site(s) be required.

4.1.5 National Grid: [No response received]

4.2 Public/Neighbour Consultation

- 4.2.1 Neighbours consulted: 4
- 4.2.2 Site Notice posted: 25.03.2023, expiry date: 17.04.2023
- 4.2.3 Press notice not required.
- 4.2.4 Responses received: 0

5 Reason for Delay

- 5.1 No delay. Extension of time agreed.

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 The Localism Act received Royal Assent on 15 November 2011. The Growth and Infrastructure Act achieved Royal Assent on 25 April 2013.
- 6.1.3 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.

6.2 Policy & Guidance

National Planning Policy Framework and National Planning Practice Guidance

- 6.2.1 In July 2021 the revised NPPF was published, to be read alongside the online National Planning Practice Guidance. The 2021 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, DM6, DM7 and DM9.

6.2.6 The Croxley Green Neighbourhood Plan was approved at a residential referendum on 6 December 2018 and now forms part of the Development Plan for Three Rivers District. Relevant policies include Policy CA1.

6.3 Other

6.3.1 The Community Infrastructure Levy (CIL) Charging Schedule (adopted February 2015).

7 **Planning Analysis**

7.1 Impact on the Metropolitan Green Belt

7.1.1 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.

7.1.2 Paragraph 138 of 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

7.1.3 Paragraph 147 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

7.1.4 Paragraph 148 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. '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.

7.1.5 Paragraph 150 of the NPPF states that certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These are:

- a) mineral extraction;
- b) engineering operations;
- c) local transport infrastructure which can demonstrate a requirement for a Green Belt location;
- d) the re-use of buildings provided that the buildings are of permanent and substantial construction;
- e) **material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds);** and
- f) development, including buildings, brought forward under a Community Right to Build Order or Neighbourhood Development Order.

7.1.6 Policy CP11 of the Core Strategy relates to Green Belts and is largely reflective of National Policy. It is however silent on change of uses.

7.1.7 Policy DM2 of the Development Management Policies LDD provides further guidance on development within the Green Belt. In respect of extensions to residential curtilages, this policy states that the Council will safeguard the countryside from encroachment, therefore

proposals which include the extension of the curtilage of a residential property within the Green Belt which involves an incursion into the countryside will not be supported. It is acknowledged that this policy does not directly reflect the NPPF, which makes provision for material changes of use provided that they preserve openness and do not conflict with the purposes of including land within the Green Belt. Policy DM2 therefore can only be given some weight and the proposal is assessed against this policy and the NPPF in the below analysis.

- 7.1.8 The proposed development would constitute a material change of use of part of the existing woodland to residential amenity gardens. It is considered that the proposed change of use would represent an incursion into the countryside, failing to safeguard the countryside from encroachment, which would directly contravene the provisions of Policy DM2, set out above.
- 7.1.9 Having regard to the NPPF, the proposed development would directly conflict with one of the five purposes of including land within the Green Belt, which would be safeguarding the countryside from encroachment. As such, the proposed development would constitute an inappropriate form of development which, by definition, is harmful to the Metropolitan Green Belt.
- 7.1.10 The section of woodland proposed to be incorporated into residential amenity garden forms part of a wider section of woodland known as the Long Valley Wood which provides a relatively thick buffer between the Woodland Chase estate and surrounding roads such as Frankland Road and Harvey Road.
- 7.1.11 The existing land is not enclosed at present and is spatially open and appears visually open. Areas of woodland and scrub land are common features of the Green Belts and form part of the open countryside, contributing significantly to the character of these rural areas.
- 7.1.12 The change of use to residential amenity garden would result in the spread of urbanising development. It is reasonably expected that the new use of the land as amenity garden would give rise to domestic paraphernalia associated with such a use including seating, play equipment and lighting. It is considered that this would be harmful to the openness and rural character of the Green Belt.
- 7.1.13 In addition, the use of this area as amenity garden would give rise to greater maintenance and manicured nature of the land, including the reduction of the existing undergrowth, which would materially alter the character of the land to the detriment of the Green Belt. The proposed residential use would also inevitably give rise to a greater degree of additional noise and disturbance which would also harm the Green Belt.
- 7.1.14 The proposed boundary treatment would be sited some 10m deeper into the existing woodland relative to its current location. It is acknowledged that the existing boundary treatment provides a solid buffer between residential land and the woodland. The extended fence line would still create an additional sense of enclosure which would be indicative of a more intense domestic use.
- 7.1.15 It is acknowledged that the proposed development would consume a small portion of the woodland and would not eradicate it in its entirety. It is also noted that the fence line would align with the properties to the south-west. It is not considered that this would provide justification for the proposal to be acceptable.
- 7.1.16 In summary, the proposed development would fail to comply with the provisions of Policy DM2 of the Development Management Policies DPD. The development would result in an urbanising encroachment into the countryside, detracting from the open character of the Metropolitan Green Belt. The proposed development would directly conflict with one of the key purposes of the inclusion of land within the Green Belt, set out at paragraph 138 of the NPPF, including assisting in safeguarding the countryside from encroachment.

7.1.17 The NPPF is clear at paragraph 147 that “Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances”. Paragraph 148 sets out that “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”.

7.1.18 The following sections of this report will assess whether there would be any other harm or very special circumstances associated with the development along with its inappropriateness and impact on openness of the Green Belt.

7.2 Impact on Character & Appearance

7.2.1 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.

7.2.2 Policy CA1 of the Croxley Green Neighbourhood Plan states that new development should seek to conserve and, wherever possible, enhance the key elements of the character and appearance of the Character Areas described in Appendix B through careful design and massing of new buildings and the protection and enhancement of private gardens and open space without inhibiting innovative design.

7.2.3 The Croxley Green Neighbourhood Plan sets out a number of “High Level Aspirations” which includes “to protect and maintain the open spaces and woodland within the parish boundary.”

7.2.4 The proposed development would constitute a material change of use of the existing woodland to residential amenity gardens. As set out in the above Green Belt section of this report, there is deemed to be spatial and visual harm in this regard from the proposed development. It is considered that the commentary set out above would apply to considerations relating to the character and appearance of the area.

7.2.5 It is considered that the proposed development would materially alter the existing character of the land. The existing open and natural appearance of the land forming the application site would be lost to a more intense and maintained use in the form of residential garden. In addition, the wider extent of woodland would be visibly eroded as a result of being incorporated into residential gardens.

7.2.6 The new fencing, enclosing the new site boundary, would also fundamentally alter the existing character of the woodland. The fencing would protrude a significantly greater depth into the woodland relative to the existing situation. This element of the proposed development would be highly visible from within the woodland to the rear from both short and long-distance views. It is considered therefore that there is identifiable harm to the character of the area as a result of the proposed development.

7.2.7 In summary, the proposed development, including the proposed change of use and associated fencing, would harmfully alter the existing character of the woodland which would be detrimental to the visual amenities of the character of the area. This would be contrary to Policies CP1 and CP12 of the Core Strategy (adopted October 2011).

7.3 Impact on amenity of neighbours

7.3.1 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’.

7.3.2 Given the nature of the proposed development, it is not considered that the proposal would have an adverse impact on the amenity of any neighbour in terms of a loss of light, overbearing impact or overlooking.

7.3.3 The proposed development would therefore be acceptable in this regard in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011).

7.4 Trees & Landscape

7.4.1 Policy CP12 of the Core Strategy expects development proposals to 'have regard to the character, amenities and quality of an area', to 'conserve and enhance natural and heritage assets' and to 'ensure the development is adequately landscaped and is designed to retain, enhance or improve important existing natural features.'

7.4.2 Policy DM6 of the Development Management Policies LDD states the following in respect of trees, woodlands and landscaping:

ii) Development proposals on sites which contain existing trees and hedgerows will be expected to retain as many trees and hedgerows as possible, particularly those of local amenity or nature conservation value or hedgerows considered to meet the criteria of the Hedgerow Regulations 1997.

iii) Development proposals should demonstrate that existing trees, hedgerows and woodlands will be safeguarded and managed during and after development in accordance with the relevant British Standards.

iv) Development should be designed in such a way as to allow trees and hedgerows to grow to maturity without causing undue problems of visibility, shading or damage. Development likely to result in future requests for significant topping, lopping or felling will be refused.

v) Planning permission will be refused for any development resulting in the loss or deterioration to protected woodland (including ancient woodland), protected trees (including aged or veteran trees) and hedgerows, unless conditions can be imposed to secure their protection.

7.4.3 Policy DM7 of the Development Management Policies LDD relates to landscape character states that, in all landscape regions, the Council will require proposals to make a positive contribution to the surrounding landscape. Proposals that would unacceptably harm the character of the landscape in terms of siting, scale, design or external appearance will be refused planning permission.

7.4.4 The application site consists of land which is currently woodland and forms part of Long Valley Wood. The woodland is covered by a woodland Tree Preservation Order. The Landscape Officer confirmed that all tree and shrub species named on order are protected, including any which grow up in the future. The woodland forms a buffer around the housing estate which includes Woodland Chase and the Grand Union Canal to the south-east. The woodland also plays an important role in providing a verdant backdrop to the estate.

7.4.5 There are some large, mature trees within the woodland which would be incorporated into the rear amenity gardens of the dwellings as a result of the proposed development

7.4.6 The Landscape Officer verbally confirmed that it would be expected that tree report would be submitted with an application of this nature. Notwithstanding it would unlikely have in principle support even if such information were submitted.

7.4.7 It is considered that the fragmentation of the existing woodland would have a significant adverse impact on its integrity and importance as a landscape feature and buffer. The introduction of fencing would be intrusive, giving rise to the feeling of containment, rather

than the more open, undisturbed landscape envisaged for the woodland when the boundaries were established.

- 7.4.8 It is likely that each garden owner would impose different treatments to their pieces of woodland such as areas of manicured lawn and other forms of planting. The woodland TPO designation would restrict what residents could do in terms of fully turning the area into domestic gardens given that all existing and future tree and shrub species named on the order would be protected from removal. Notwithstanding, the fragmentation of ownership between neighbouring properties would still risk parts of it being used as domestic garden. Even with the order in place, it would be difficult for the Local Planning Authority to control and prevent the degradation of the woodland over the longer term.
- 7.4.9 It is also considered that the proposed development would lead to future pressure to significantly lop or fell trees which would be incorporated within the amenity gardens. Irrespective of whether this is the intention or not of the current owners, it is reasonably considered that pressure would inevitably be brought about for residents to manage their areas of woodland and to enable them to utilise these areas for private enjoyment.
- 7.4.10 It is therefore considered that the proposed development would result in significant harm to the woodland. The proposed development would be directly contrary to the provisions of Policy DM6 of the Development Management Policies LDD. It is considered that the protection of the woodland and the landscape would be best achieved by maintaining the woods, unfenced, and in single ownership.
- 7.4.11 In summary, the proposed development is contrary to Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policies DM6 and DM7 of the Development Management Policies LDD (adopted July 2013).

7.5 Rear Garden Amenity Space

- 7.5.1 Policy CP12 of the Core Strategy states that development should take into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space. Appendix 2 of the Development Management Policies LDD sets out standards for the provision of amenity space.
- 7.5.2 As a result of the proposed development, the private rear amenity space to the dwellings would be substantially increased. It is noted that the rear amenity gardens currently meet the adopted amenity space standards.

7.6 Contamination

- 7.6.1 The Council's Environmental Protection Officer was consulted on the proposed development and confirmed that Council records indicate that the estate was built on a site that has had a previous potentially contaminative use. The site is recorded as having had historic "mining & quarrying general" and "unknown filled ground (pit, quarry etc.)" uses.
- 7.6.2 The site was redeveloped under planning permission reference 09/0701/FUL (Demolition of existing buildings and erection of 44 dwellings and 7 flats, alterations to existing vehicular access, associated open space landscaping and car parking).
- 7.6.3 The Environmental Protection Officer notes that Condition 18 relates to requirements for the investigation and remediation of the site which was likely to have been recommended by Environmental Health. It is noted that a number of reports were submitted in support of the application. The Environmental Protection Officer notes that the intrusive investigation and any subsequent remediation works would have been carried out within the boundary of the development site and the area outside the development site (that was subject to gravel extraction), will not have been investigated and will not have been subject of the remediation scheme.

7.6.4 The Environmental Protection Officer therefore considers that it would be appropriate to require an assessment of the potential risks associated with the proposed development. In the event that planning permission is granted, a condition can be attached to any permission securing this assessment.

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 Policy DM6 of the Development Management Policies LDD also advises that;

a) Development that would affect a Site of Special Scientific Interest, Local Nature Reserve, Local Wildlife Site or protected species under UK or European law, or identified as being in need of conservation by the UK Biodiversity Action Plan or the Hertfordshire Biodiversity Action Plan, will not be permitted where there is an adverse impact on the ecological, geological or biodiversity interests of the site, unless it can be demonstrated that:

- i) The need for the development would outweigh the need to safeguard the biodiversity of the site, and where alternative wildlife habitat provision can be made in order to maintain local biodiversity; and
- ii) Adverse effects can be satisfactorily minimised through mitigation and compensation measures to maintain the level of biodiversity in the area.

d) Development must conserve, enhance and, where appropriate, restore biodiversity through:

- i) Protecting habitats and species identified for retention
- ii) Providing compensation for the loss of any habitats
- iii) Providing for the management of habitats and species
- iv) Maintaining the integrity of important networks of natural habitats, and
- v) Enhancing existing habitats and networks of habitats and providing roosting, nesting and feeding opportunities for rare and protected species.

7.7.4 It is noted that Conditions 12-14 of planning permission 09/0701/FUL to redevelop the site relate to Badger, Reptile and Bat mitigation measures.

7.7.5 The application is directly adjacent, with an open boundary, to a Local Wildlife Site designation. The proposed development would result in a material change of use of the land and would therefore have the capacity to result in a loss of biodiversity through the introduction of new fencing, landscaping and/or lighting. The application is not accompanied by an ecological report which describes the site or note its connection or proximity to the Local Wildlife Site. It is considered that an ecological survey of the application site should be undertaken which considers the Local Wildlife Site and clearly evaluates the impact of the proposed change of use. Further supporting information would likely need to include a management plan to demonstrate how the existing interest can be maintained by homeowners.

7.7.6 In summary, in the absence of an ecological report, it has not been demonstrated that the proposed development would not have an impact on the Local Wildlife Site and that existing biodiversity and wildlife interest would not be adversely affected. As such, the proposal is considered to be contrary to Policy CP9 of the Core Strategy and Policy DM6 of the Development Management Policies LDD.

7.8 Any Other Harm and Very Special Circumstances

7.8.1 The above assessment has concluded that there would be harm by virtue of inappropriateness of the development in the Green Belt, actual harm to the openness of the Metropolitan Green Belt and would contravene the purposes of the Green Belts. Further harm to the character and appearance of the area, landscape features and biodiversity interests has been identified.

7.8.2 The NPPF is clear at paragraph 143 that “Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances”. Paragraph 144 sets out that “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”.

7.8.3 No very special circumstances have been demonstrated to outweigh the harm to the Green Belt and any other harm identified. The onus is placed on the applicant to put forward a case for very special circumstances. It is noted that a covering letter was submitted with the application setting out the reasons for the application. It is acknowledged that the intention of the applicants is not to alter the character of the land with the exception of erecting a new fence. It is not considered that this would constitute the very special circumstances required to justify the harm to the Green Belt and other harm identified. As such the proposal is contrary to Policy CP11 of the Core Strategy (adopted October 2011), Policy DM2 of the Development Management Policies LDD (adopted July 2013) and the NPPF (2021).

8 **Recommendation**

8.1 That PLANNING PERMISSION BE REFUSED for the following reasons:

R1 The proposed development, including the change of use from woodland to garden amenity land and the erection of fencing, would represent an inappropriate form of development resulting in the spread of urbanising development into the Metropolitan Green Belt. The proposed development would directly conflict with the key purposes of the inclusion of land within the Green Belt. The proposal is therefore contrary to Policy CP11 of the Core Strategy (adopted October 2011), Policy DM2 of the Development Management Policies LDD (adopted July 2013) and the NPPF (2021).

R2 The proposed development, including the change of use from woodland to garden amenity land and the erection of fencing, would harmfully alter the existing rural character of the woodland which would be detrimental to the visual amenities of the character of the area. The proposal is therefore contrary to Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and the NPPF (2021).

R3 The proposed development, including the change of use from woodland to garden amenity land and the erection of fencing, would have a detrimental impact on the existing protected woodland. The proposal is therefore contrary to Policies CP1 and CP12 of the Core Strategy (adopted October 2011), Policies DM6 and DM7 of the Development Management Policies LDD (adopted July 2013) and the NPPF (2021).

R4 In the absence of an ecological report, it has not been demonstrated that the proposed development would not have an impact on the adjacent Local Wildlife Site and that existing biodiversity and wildlife interests would not be adversely affected. The proposal is therefore contrary to Policy CP9 of the Core Strategy (adopted October

2011), Policy DM6 of the Development Management Policies LDD (adopted July 2013) and the NPPF (2021).

Informatives

- I1 The Local Planning Authority has been positive and proactive in considering 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 Local Planning Authority encourages applicants to have pre-application discussions as advocated in the NPPF. The applicant and/or their agent did not have formal pre-application discussions with the Local Planning Authority and the proposed development fails to comply with the requirements of the Development Plan and does not maintain/improve the economic, social and environmental conditions of the District.