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Robin Brooks BA (Hons) MRTPI  
Inspector for Three Rivers District Council's  
Development Management Policies LDD  
Examination  
c/o Ian Kemp, Programme Officer

**My Ref :** DCES/RM/CM  
**Your Ref :**  
**Date :** 24 January 2013  
**Contact :** Claire May  
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**Department :** Development Plans

Dear Mr Brooks

**Three Rivers District Council Development Management Policies LDD  
Response to Letter regarding Policy Concerns**

Further to your letter dated 15 January 2013 containing a list of concerns. The responses to the various points are as follows:

**Policy DM2 Green Belt**

**Para (a) New Buildings**

It is indeed the role of the Site Allocations LDD to allocate sites for development. The final paragraph was inserted to clarify that sites in the Green Belt were to be allocated through the Site Allocations LDD. In light of your comments, we accept that this final sentence is potentially misleading and therefore propose that it be removed from the policy wording.

However, there may be occasions where the Council grant planning permission in 'very special circumstances' and we consider the use of this term in the first sentence is appropriate. As paragraphs 4.2 and 4.3 of the supporting text and the NPPF sets out the balance which may lead to a judgement that very special circumstances exist we do not think it necessary to repeat this in the policy itself.

It is not the intention to imply that agricultural 'dwellings' are appropriate in the Green Belt. As stated above, there may be occasions where the Council grant planning permission in 'very special circumstances'. As a rural authority we have received applications for occupational dwellings in the Green Belt (there are no countryside locations outside the Green Belt in Three Rivers) and have previously followed the advice in Annex A of PPS7 in assessing the need for such dwellings.

With the revocation of PPS7 we have reproduced this advice in Appendix 3 and wording in Paragraph (a) was intended to link Appendix 3 to the policy as Three Rivers has no countryside locations outside of the Green Belt. In light of your concerns we are proposing the following changes to Paragraph (a) and Appendix 3, paragraph 3: (NB Includes other proposed changes already put forward). We propose no changes to paragraph 16 as, stated earlier, there are no countryside locations outside the Green Belt in Three Rivers).

#### a) New Buildings

Within the Green Belt, except in very special circumstances, approval will not be given for new buildings other than those ~~detailed~~ **specified** in national **policy** and other relevant guidance. ~~With regards to new dwellings for agricultural and/or forestry use applicants must demonstrate compliance to the tests detailed in Appendix 3. Further guidance on the factors that will be considered in assessing applications for agricultural or forestry buildings in the Green Belt is contained in Appendix 3. Where sites are allocated for development in the Site Allocations LDD, this may represent very special circumstances.~~

#### Appendix 3

#### APPENDIX 3: AGRICULTURAL AND FORESTRY DWELLINGS BUILDINGS

3. It is essential that all applications for planning permission for new dwellings in the Green Belt are scrutinised thoroughly with the aim of detecting attempts to abuse (e.g. through speculative proposals) ~~the concession that~~ the planning system ~~makes for such dwellings~~. In particular, it will be important to establish whether the stated intentions to engage in farming, forestry or any other rural-based enterprise, are genuine, are reasonably likely to materialise and are capable of being sustained for a reasonable period of time. It will also be important to establish that the needs of the intended enterprise require one or more of the people engaged in it to live nearby.

#### Guidance for Plan Users

The Green Belt SPG (adopted 2003) (SD35), which is listed in the Further Guidance table, sets out detailed guidance for the plan user. It is intended that this guidance continues to be used until it is incorporated into the forthcoming Design SPD.

This document provides details of what would constitute ‘disproportionate’ and ‘the original building’ in paragraph b), ‘materially exceed’ and the derivation of the figure 110sqm in paragraph c).

For clarity purposes we propose the following additional modification to paragraph 4.7:

Further guidance relating to floorspace and other factors that the Council will take into account in the consideration of householder developments in particular is provided in the **adopted Green Belt SPG. This guidance** will be **incorporated** ~~provided in~~ **into** the forthcoming Design SPD.

#### Maintaining openness of the Green Belt and the use of the term ‘prominent in the landscape’.

Policy DM2 is principally concerned with protecting the openness of the Green Belt. The term ‘not be prominent in the landscape’ is a term that is used in the current Local Plan (1996 – 2011) to describe how development should not affect the openness of the Green Belt. This terminology was replicated in Policy DM2 for consistency and it is intended to refer to the prominence of development in relation to the setting of the building, not to detailed design or landscape considerations. It is Policy CP11: *Green Belt* of the adopted Core Strategy, referred to in the Policy Link table that states:

‘There will be a general presumption against inappropriate development that would not preserve the openness of the Green Belt, or which would conflict with the purpose of including land within it.’

In addition, paragraph 4.7 of the supporting text also states that development should be ‘of a scale and design that do not impact on the openness and rural character of the Green Belt.’

Policy DM2 builds on the Core Strategy Policy and, together with the Green Belt SPG provides guidance on the following development to ensure that development and design of development is not prominent in the landscape and therefore preserves the openness of the Green Belt:

- New Buildings
- Extensions to Buildings
- Replacement Dwellings
- Ancillary Buildings
- Extensions to Residential Curtilages and
- Re-use and Conversions of Buildings in the Green Belt.

We are of the opinion that Policy CP11 of the Core Strategy, Policy DM2 and the Green Belt SPG provide detailed guidance for the plan user and will be effective in preserving the openness of the Green Belt. This will be enhanced further by the forthcoming Design SPD. However, in order to address your concerns we propose the following reference to Policy CP11 in paragraph 4.6 of the supporting text and changes to paragraph b) and d) of Policy DM2:

#### Paragraph 4.6

Green Belt covers 77% of the area of Three Rivers and this contributes to the character of the District as a whole and its desirability as a place to live and work. Protecting its openness is set out in policy CP11 of the ~~as Strategic Objective 1 in the Council's Core Strategy~~ .

#### Paragraph b) Extensions to Buildings

Extensions to buildings in the Green Belt that are disproportionate in size (individually or cumulatively) to the original building will not be permitted. The building's proximity and relationship to other buildings and whether it is already, or would become, prominent in the setting and whether it preserves the openness of the Green Belt will be taken into account.

#### Paragraph d) Ancillary Buildings

i) be of a scale and design clearly subordinate to the dwelling and of a height and bulk such that the building would not adversely affect the openness of the Green Belt ~~, be prominent in the landscape~~

#### Paragraph d) iii)

The aim of this section of policy is to ensure that ancillary buildings appear to be subordinate to a dwelling and to ensure that they do not appear to be a dwelling. The policy is therefore intended to support development that avoids features that are associated with dwellings, such as 'dormer windows'.

We accept that the current wording is unclear and suggest the following proposed change to Paragraph d):

- iii) avoid features normally associated with the use of a building as a dwelling such as dormer windows.

#### Paragraph e)

The aim of this section of policy is to make it clear that proposals to extend the curtilage/garden of a residential property into the greenbelt will not be permitted. The policy seems sufficient to address this issue although we would welcome any suggestions.

We have proposed the following changes to address your concern that the phrasing is tentative:

e) Extensions to Residential Curtilages

The Council will ~~seek to~~ 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 ~~is unlikely to~~ **will not** be supported.

Paragraph f) i) ii) and iii) and iv)

This section of the policy has been carried forward from the existing Local Plan. We acknowledge that in some circumstances change of use of buildings in the Green Belt may be appropriate. The acceptability of a change of use of a building in the Green Belt will be dependant upon the building's nature, appearance and whether it has a detrimental impact on the openness of the Green Belt as well as the impact of the proposed use on the Green Belt.

Further guidance for plan users on the re-use and conversions of buildings in the Green Belt will be provided in the forthcoming Design SPD.

In relation to section iii) we consider it is appropriate to include issues such as noise, smell and heavy traffic as these may have an urbanising, detrimental effect on the Green Belt.

In order to address your concerns about guidance and the preservation of the openness of the Green Belt we suggest the following proposed changes:

Paragraph f) Re-use and Conversion of Buildings in the Green Belt

The Council will only support applications for the re-use/conversion of buildings in the Green Belt where:

- i) the form, bulk and general design of the building is in keeping with the surroundings
- ii) any proposal by way of alterations/extensions, parking/turning areas, modifications to access or landscaping does not have a significant adverse effect on the ~~appearance~~ **openness** of the ~~landscape~~ **Green Belt** and does not appear excessively prominent.
- iii) the scale of the proposed use is not likely to have a detrimental effect on the locality (e.g. by noise, smell or bringing heavy traffic into narrow lanes or involving uses not appropriate to the Green Belt or areas of open land)

Phrasing of Policies

In response to your concerns about the phrasing of some of the policies, we suggest the following proposed changes:

DM1 Residential Design and Layout

a) New Residential Development

The Council will ~~seek to~~ protect the character and residential amenity of existing areas of housing from forms of "backland", "infill" or other forms of new residential development which are inappropriate for the area.

DM3 The Historic Built Environment

b) Listed Buildings

The Council will ~~seek to ensure the preservation of~~ preserve the District's Listed Buildings and will only support applications where:

#### DM7 Landscape Character

##### a) Chiltern's Area of Outstanding Natural Beauty

In considering proposals for development within or near the Chilterns Area of Outstanding Natural Beauty, the Council will ~~seek to~~ support development unless the proposal would:

#### DM8 Water Resources

##### d) Water resources

The Council will ~~seek to~~ support development where:

#### DM9 Contamination and Pollution Control

##### a) Amenity and Pollution

The Council will ~~seek to~~ refuse planning permission for development, including changes of use, which would or could give rise to polluting emissions to land, air and/or water by reason of disturbance, noise, light, smell, fumes, vibration, liquids, solids or other (including smoke, soot, ash, dust and grit) unless appropriate mitigation measures can be put in place and be permanently maintained.

##### d) Noise Pollution

The Council will ~~seek to~~ ensure that noise from proposed commercial, industrial, recreational or transport use does not cause any significant increase in the background noise level of nearby existing noise-sensitive property such as dwellings, hospitals, residential institutions, nursing homes, hotels, guesthouses, schools and other educational establishments.

#### DM10 Waste Management

a) The Council will ~~seek to~~ ensure that there is adequate provision for the storage and recycling of waste and that these facilities are fully integrated into design proposals. New development will only be supported where:

#### DM13 Parking

b) The Council will ~~seek to~~ encourage the delivery of infrastructure to support the use of low carbon transport.

#### Other Matters

We have already made additional modifications in relation to your suggestions to make the plan clearer and these are in the Schedule of Changes, available on the Council's website, under the following references:

- PC2a
- PC2b
- PC2c

#### Supplementary Planning Documents

We are satisfied that the intended content of the Supplementary Planning Documents referred to in the Development Management Policies LDD reflect what is permissible in the 2012 Local Plans Regulations.

The Local Development Scheme (SD27) sets out the timetable for the production of these documents and they are summarised in the table below for your information:

<b>Proposed SPDs</b>	<b>DM Policy</b>	<b>Intended Content</b>	<b>Public Participation Date</b>
Carbon Off Setting	DM4	To provide details of where contributions to a Carbon Off Setting fund will be spent. Contributions are anticipated to be made under the Governments 'Allowable Solutions' initiative. The Allowable Solution approach will be used where sufficient reductions in carbon emissions cannot be delivered on site.	Anticipated in August-September 2013.
Design	DM1 DM2 DM7 DM13	To provide design guidance relating to a number of subjects including extensions, layout of parking areas, development in the Green Belt, conservation issues and sustainability. Will provide guidance and good practice on improving the design of all new development within the District covering residential and commercial development.	January-February 2014
Parking Standards	DM13	Will provide revised parking standards for new development. Also updating of zonal map of District relating to accessibility.	January-February 2014
Green Infrastructure and Landscape	DM6 DM7	Will assess requirements and provision of Green Infrastructure to cover networks of protected sites, nature reserves, green spaces, waterways and green linkages. Also provide an updated landscape strategy for district in conjunction with regional designations and typologies.	March-April 2014

I hope the above addresses your concerns and issues raised, but if there is any further information required to clarify the Councils intentions, please let me know.

Yours sincerely,



Claire May MSc MRTPI  
Principal Planning Officer